**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Fortieth session

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

<u>**Item 12 of the Provisional Agenda**</u>**: Progress report on the Policy Guidelines Document**

SUMMARY

Further to previous decisions that Policy Guidelines should be developed and that a scoping study in this regard should be prepared by ICCROM, the World Heritage Committee, at its 39th session (Bonn, 2015), requested that the scoping study on Policy Guidelines be submitted for examination by the World Heritage Committee at its 40th session in 2016 (Decision **39 COM 12**).

This document presents the scoping study and a proposal for the way forward regarding the elaboration of the policy document.

Draft Decision: 40 COM 12*, see Point IV.*

I. BACKGROUND

1. 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**).

2. At its 37th session, the World Heritage Committee requested ICCROM to prepare, in collaboration with the World Heritage Centre, ICOMOS and IUCN, a scoping document outlining the framework, scope and content of the Policy Guidelines (Decision **37 COM 13**). At this time, the Centre highlighted that due to financial constraints, the preparation of a scoping study and the future Policy Guidelines would be subject to availability of extrabudgetary funds.

3. In 2015, financial support for the development of Policy Guidelines was received from the government of Australia which allowed to launch the implementation of Decision **37 COM 13**.

II. SCOPING STUDY

4. The scoping study was prepared by ICCROM, in consultation with the World Heritage Centre, ICOMOS and IUCN, and contains four parts.

5. The first part provides information on the background and the definition of a policy. The policy-making mechanism and policy inventories of other international legal instruments are reviewed in this part, more specifically the UNESCO cultural conventions, among which the 2001 Convention on the Protection of the Underwater Cultural Heritage, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as well as the 1993 Convention on Biological Diversity (CBD), of the 1994 United Nations Framework Convention on Climate Change (UNFCCC) and of the 1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar). Based on the review which shows that most of the above-mentioned legal instruments have no specific mechanism for policy decisions recording and that others have a very complex system, the study concludes that there is no common approach for the recording and communication of policy decisions, or an approach which could be taken as a model for the *World Heritage Convention*. The proposal is therefore that the methodology applied for the *World Heritage Convention* needs to take into account the needs of its audience, its history and available resources.

6. The second part of the scoping study contains a proposal for the elaboration of a compendium of existing policies relevant to the *World Heritage Convention* under the title "A Compendium of Policy of the *World Heritage Convention*", in short "Policy Compendium", rather than "Policy Guidelines", in order to avoid confusion between the "Operational" and "Policy" Guidelines.

7. The third part of the study contains a non-exhaustive selection of elements that could be considered policies and should find their place in the Policy Compendium. Some of these documents have been developed specifically as a policy (such as the "Policy Document on the Impacts of Climate Change on World Heritage Properties"), while others have been called differently, but contain policy elements. Among them are for example "strategy" (such as the "World Heritage Capacity Building Strategy"), or "declaration" (such as the "Budapest declaration"). The World Heritage Committee has also taken specific policy decisions on different subjects related to World Heritage. Thus, relevant case law should also be included in an appropriate manner in the Policy Compendium. Last but not least, a decision should also to be made as to whether some of the recommendations of expert meetings such as the Expert Meeting on the Decision-making Procedures of the Statutory Organs of the *World Heritage Convention* (Bahrain, 2010) or the Expert meeting on global state of conservation challenges of World Heritage properties (Senegal, 2011) should be included in the Policy Compendium.

8. In the last part of the scoping study, a methodology for the elaboration of the Policy Compendium is proposed in view of elaborating a user-friendly Policy Compendium for the use of the States Parties.

III. WAY FORWARD

9. The scoping study proposes further steps to be taken on the basis of a two-phased approach for an overall period of 24 months:

   a) First phase – Collection of existing policies:

   In the first phase, a collection of existing policies will be assembled by the Secretariat and further reviewed and finalized by a group of cultural and natural heritage experts nominated by the respective regional groups, with the participation of the World Heritage Centre and the Advisory Bodies (see also Document WHC-15/39.COM/12). The draft Policy Compendium will be submitted to the World Heritage Committee at its 41th session in 2017 for approval.

   b) Second phase – Consistency check of policies:

   In the second phase, the draft Policy Compendium will be further elaborated by the Secretariat, checking for consistency between individual policies and also with the *Operational Guidelines* and making suggestions for streamlining the texts of the policies. These proposals will be reviewed by the group of experts to ensure that changes improve consistency and usability but do not introduce alteration of substance. The Compendium will be then submitted for examination and approval to the World Heritage Committee at its 42nd session in 2018 and finally be sent to the General Assembly of States Parties for approval.

10. The Committee may wish to examine the scoping study, annexed to this document, and to adopt the following decision.

IV. DECISION

Draft Decision: 40 COM 12

The World Heritage Committee,

1. *Having examined Document WHC/16/40.COM/12,*

2. *Recalling Decisions **35 COM 12B**, **37 COM 13** and **39 COM 12** adopted at its 35th (UNESCO, 2011), 37th (Phnom Penh, 2013) and 39th (Bonn, 2015) sessions respectively,*

3. *Reiterates its gratitude to the Government of Australia for their commitment and financial contribution in view of the development of a Policy document for a better implementation of the* World Heritage Convention*;*

4. *Commends ICCROM for the preparation of the scoping study, in consultation with the World Heritage Centre, ICOMOS and IUCN;*

5. *Decides to apply the two-phased approach for the preparation of a Policy Compendium as described in document WHC/16/40.COM/12;*

6. *Requests the World Heritage Centre to assemble existing policies and to convene a geographically balanced working group of natural and cultural heritage experts to review the collection of policies;*

7. *Also requests the World Heritage Centre to submit the first draft Policy Compendium, reviewed by the working group, for examination to the World Heritage Committee at its 41st session in 2017.*

INTERNATIONAL CENTRE FOR THE
STUDY OF THE PRESERVATION AND
RESTORATION OF CULTURAL PROPERTY

CENTRE INTERNATIONAL D'ETUDES
POUR LA CONSERVATION ET LA
RESTAURATION DES BIENS CULTURELS

Scoping Study for
World Heritage Policy Guidelines

I.   PART ONE: BACKGROUND

In Decision **37 COM 13**, the World Heritage Committee asked ICCROM, "*in collaboration with the World Heritage Centre and the other Advisory Bodies,* to further develop the Policy Guidelines and present a scoping document so that stakeholders are made fully aware of policy decisions that have been taken by the World Heritage Committee or the General Assembly, subject to available funding." In 2015, funding was made available through a generous contribution of the Government of Australia, and through a contact with the World Heritage Centre, ICCROM undertook this scoping study in early 2016. In undertaking this scoping study, ICCROM utilized the services of Mr. Greg Terrill, a former member of the Australian delegation to the World Heritage Committee and the Chairperson of the Working Group on the Reflection on the Future of the *World Heritage Convention*.

THE NEED FOR A MORE STRUCTURED POLICY MAKING FRAMEWORK

The General Assembly and the Committee have on a number of occasions considered the need for developing Policy Guidelines for the *World Heritage Convention*. At an expert meeting on the decision-making procedures of the statutory organs of the *World Heritage Convention* that took place in Bahrain in December 2010 (WHC11/35COM/12B) the issue of policy making was considered in detail. The meeting report outlined some of the challenges and limitations. The meeting found that, "the current decision making procedures of the statutory organs of the Convention do not allow for systematic, cumulative policy and strategic discussion". Furthermore, it stated that policy discussions took place on the margins of Committee session and at expert meetings rather than having a specific place within the agenda of the Committee or General Assembly of States Parties. Participants also discussed the mushrooming of expert and consultative meetings out of session. These meetings are human and financial resource intensive and produce a single 'event'- based approach to policy development. As a result of these discussions, the expert meeting recommended a number of steps, one of which was the development of Policy Guidelines. In Decision **35 COM 12B**, the Committee decided "to develop 'Policy Guidelines' for the implementation of the *World Heritage Convention*, drawing in part on the results of expert meetings and consultative bodies."

Subsequent decisions by the Committee have discussed the development of a document, 'Policy Guidelines', but not to broader issues of policy making and governance. The World Heritage Centre presented a working document to the Committee in 2013 which outlined some of the key issues related to the development of policy guidelines and the possible process to be followed to

elaborate them. On the basis of this report, ICCROM was asked to develop the present scoping study.

The idea of creating a systematic policy making framework for the *World Heritage Convention* remains a valid goal, as one way of improving the decision making processes of the *World Heritage Convention*. As a start, the systematic recording of policy decisions and their diffusion to a wider audience will be a useful part of this process.

Policy applies to a class of circumstances, and enables consistency. The World Heritage Committee has agreed that similar issues should be treated according to the same approach (Decisions **30 COM 9**, paragraph 12). Even though each World Heritage Committee is sovereign, not formally bound by decisions taken by previous Committees, successive Committees have decided to follow agreed approaches and modify them over time if necessary.

Longer term consistency of policy direction is important. However, the Committee does not always make consistent decisions. One of the reasons for this is there is no single document which contains policy decisions that have been made by previous Committees.

Consistency is important not just within the World Heritage Committee, but also in the actions of other World Heritage actors including the Advisory Bodies, States Parties, local governments, and local communities. There is also a need to promote consistency between the *World Heritage Convention* and other parts of the United Nations, which promote a number of policies that are relevant to the safeguarding of World Heritage properties. The World Heritage system can benefit from ensuring it is aware of this repository of knowledge, not least to avoid having to expend effort to find solutions that already exist.

DEFINITION OF 'POLICY'

The *World Heritage Convention* contains no definition of 'policy', and no definition has been adopted since 1972. The Cambridge Dictionary defines policy as:

> "a set of <u>ideas</u> or a <u>plan</u> of what to do in <u>particular</u> <u>situations</u> that has been <u>agreed</u> to <u>officially</u> by a <u>group</u> of <u>people</u>, a <u>business</u> <u>organization</u>, a <u>government</u>, or a <u>political</u> <u>party</u>"

Conceptually, 'policy' and 'operation' are complimentary. As defined in the *Operational Guidelines*, 'operational' relates to procedures, that is, 'how to do things'. Policy instead should be concerned with why or what to do in particular circumstances. Policy and operational matters exist on a continuum, and can sometimes overlap with each other. This becomes evident looking at the policies that have been adopted by the Committee which bring together both policy level considerations and operational processes.

POLICY AND OTHER INTERNATIONAL CONVENTIONS

Other conventions provide some useful pointers in considering policy making issues, as the challenge of how to record policy is one that most multilateral conventions face. This section provides an overview of how the issue is approached in six other conventions. The selection of conventions is not meant to be exhaustive, but rather to provide an idea of how policy has been dealt with both within the framework of UNESCO Conventions and other related international instruments.

<u>UNESCO</u>

Three UNESCO Conventions are considered:

- Convention on the Protection of the Underwater Cultural Heritage, 2001
- Convention for the Safeguarding of the Intangible Cultural Heritage, 2003
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005

These three conventions were selected as the most recent three within the framework of UNESCO, thereby having the benefit of lessons learned from earlier conventions both in terms of

their drafting and implementation. Each of these conventions differs from the *World Heritage Convention* by directly linking to a wider policy and operational context. The text of each of the three Conventions makes explicit reference to other UNESCO and UN Conventions:

- 2001 Convention: Article 3 outlines that the Convention "shall be interpreted and applied in the context of and in a manner consistent with international law" including the United Nations Convention on the Law of the Sea. Other provisions refer to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 1972 and the United Nations Convention on the Law of the Sea
- 2003 Convention: refers in its preambular paragraphs to existing international human rights instruments, including the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, the International Covenant on Civil and Political Rights of 1966, as well as other UNESCO frameworks
- 2005 Convention: includes a section entitled "Relationship to other instruments"; also refers to the Universal Declaration of Human Rights "and other universally recognized instruments", the United Nations Millennium Declaration of 2000, the Universal Declaration on Cultural Diversity of 2001, and more.

These references highlight the broader policy context in which these Conventions, from their very foundation texts, operate. By contrast, the *World Heritage Convention*, because it was adopted so much earlier in 1972 and was not able to take advantage of the lessons learned over the past 40+ years, does not have these broader links in its text. The *World Heritage Convention* has however undertaken a major step with the adoption of the Sustainable Development Policy, which does make these broader links.

These three UNESCO Conventions have a range of approaches to guidelines:

- 2001 Convention: has Operational Guidelines which "aim to facilitate its implementation by giving practical guidance"
- 2003 Convention: has Operational Directives which "indicate the procedures to be followed" for the various actions mandated
- 2005 Convention: has Operational Guidelines which "include a set of texts elaborated by the Intergovernmental Committee and adopted by the Conference of Parties, providing general guidelines for the implementation and application of the provisions of the Convention. They are to be considered as a "roadmap" for understanding, interpretation and implementation of specific articles of the Convention."

These are a blend of procedure and policy, with sections on principles, measures, reporting and more. None of these conventions, however, have documentation explicitly directed at recording policy decisions.

THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD) – 1993

The CBD is a large and diverse convention with near universal membership. The CDB secretariat leads a biodiversity liaison group to promote synergies and implementation among the key international biodiversity-related conventions (including the *World Heritage Convention*). This initiative is a reflection of the dependence of the CBD upon other international instruments to achieve its aims.

The Convention establishes that its Conference of the Parties has responsibility for making policy under the Convention. The COP has adopted a strategic plan for 2011-2020 that sets out the policy framework for the Convention, reinforced by a set of 20 specific targets (the Aichi biodiversity targets). A separate strategic plan exists for the Cartagena Protocol on Biosafety. One is also to be developed for the Nagoya Protocol on Access and Benefit Sharing, which entered into force in 2014. Together, these documents provide the CBD with a clear and accessible policy framework.

The clearly defined nature of the policy framework has facilitated the development of detailed information for users. The website of the Convention organises information under themes that reflect key elements of the strategic plan – the ecosystem approach, climate change adaptation, incentive measures, scientific assessments, technology transfer, impact assessment, and dry and sub-humid land biodiversity.

There are three basic types of documentation:

- public-oriented documentation, which elaborates policy decisions and approaches, as well as scientific and other literature, relevant to the Convention framework of each convention;
- specialized scientific and other information;
- statutory documentation, which preserves policy and operational decisions in their original form.

Policy is embedded in this information, rather than being separately collected and recorded. In addition, policy is accessible through original decision documents.

THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) – 1994

The UNFCCC has almost universal membership, and hosts the largest regular UN meetings. The structure of the UNFCCC has some parallels to the CBD. The original convention is supplemented by a formal protocol, the Kyoto Protocol. A considerable volume of material which elaborates the key areas of emissions mitigation, adaptation, finance, technology, capacity building, economic instruments (notably international emissions trading and the clean development mechanism), transparency, and review have been developed. Each of these has in turn generated considerable scientific, economic, policy, and process documentation. As with the CBD, there are many thousands of documents on the UNFCCC website.

Even more than the CBD, all UNFCCC processes have documentation intended to suit a user with no exposure to the issues, as well as satisfy many specialised communities. For example, the Clean Development Mechanism (CDM), a process to realise economic value from projects in developing countries that reduce emissions, has explanatory materials which outline what it is for the novice user, as well as the detailed methodologies and processes for those wishing to be involved in projects, in buying or selling 'credits', or for civil society monitoring the progress of the mechanism. At a more specialised level, the CDM Executive Board issues its own methodological guidance materials, and produces an annual report. There is also a Compliance Committee that provides facilitation and enforcement, which also provides dedicated legally-oriented reports.

Perhaps because of the all-pervasive nature of the challenge it was adopted to address, the UNFCCC is more complex than any other convention considered in this report. The relevance of its subject matter makes it important to consider for World Heritage. However, its sheer size and complexity means that it does not enable a direct comparison. The key lesson it offers relates to its comprehensive efforts to interpret its activities – and in doing so embed policy within broader documentation – for users of all levels of awareness and sophistication.

THE CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT (RAMSAR) – 1971

The Ramsar Convention is smaller than either the CBD or UNFCCC. It is the oldest of the modern intergovernmental environment agreements. It has 169 members and lists 2,234 sites covering over 210 million hectares, the largest network of officially recognized internationally important areas in the world. As the title indicates, the Convention was initially focused upon water birds. Since then it has developed considerably and its mission now covers "the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world".

Ramsar has evolved a comprehensive set of materials to assist contracting parties. It first published a guide to the Convention in 1994, "an essential guide through the sometimes bewildering world of Ramsar resolutions, guidelines, and terminology". Since then a Manual has been developed, to provide "a comprehensive overview of the Convention". In 2000 a separate 9-volume Handbook was published "in order to make available all of the major guidance adopted by the COP". The current Handbook comprises 21 volumes. The purpose of the Handbooks is:

> "to organize guidance material from relevant decisions adopted by the Contracting Parties over the years, according to subject themes. This helps practitioners to implement the

internationally-agreed best practice in a way that is convenient to handle and more naturally matches their own everyday working environment.

The intended readership includes national and local staff of the government departments, ministries and agencies that act as Administrative Authorities for the Ramsar Convention in each country. Equally important users in many cases are managers of individual wetland areas, as some aspects of the guidance relate specifically to site management."

The handbooks are updated after each meeting of the Conference of the Parties, the policy-making organ of the Convention.

The Ramsar guidance framework has been adopted by member governments, but each individual element has not. The handbooks' contents are drawn mainly from Conference decisions, but also bring include materials from other sources. The views expressed in these additional materials do not necessarily reflect the views of the Ramsar Secretariat or the Contracting Parties.

Strategic direction in the Ramsar Convention is provided by the Strategic Plan, the latest version of which covers the period 2016-24 and includes goals and targets, including for monitoring and evaluation. All thematic implementation frameworks, including the handbooks, sit within the context of the goals and strategies of this plan and the priorities it highlights for the period covered.

The Ramsar approach offers some useful lessons for World Heritage. While a relatively small convention, it has over many years put considerable effort into developing documentation that is easy to use, comprehensive and authoritative.

CONSIDERATIONS ON THE ABOVE-MENTIONED CONVENTIONS

While each of the UNESCO Conventions has evolved approaches that are well suited to its requirements, none appears to offer a model of how the *World Heritage Convention* could approach the recording and communication of policy decisions.

Likewise, the three additional conventions surveyed do not offer a direct model of how to approach policy guidelines. The CDB and UNFCCC both have clear policy structures, in part through the adoption of protocols to the main conventions, and in the case of the CBD through the elaboration of strategic plans. In each case, this has assisted the elaboration of detailed documentation, in which science, policy, process and other approaches are embedded.

Ramsar may offer the most useful comparison point for World Heritage. The structure of the Ramsar Convention policy framework is analogous to that of World Heritage. There is no single guiding policy document, but rather policy has been made iteratively in a series of decisions taken over time by the governing body. Ramsar differs from World Heritage in that these policy decisions have been systematically included in user manuals and handbooks, to outline a comprehensive policy approach to the user. World Heritage has a number of subject-specific handbooks and manuals, but they have not been developed in the same unified manner.

Each of the six conventions considered has adopted a different approach, and consideration of further conventions would reveal further approaches. How a convention best records and makes available relevant information depends on the audiences and the subject matter. While consideration of other approaches can help provide inspiration, the World Heritage system needs to develop its own approach given its history, subject matter, and audiences – and must be mindful of available resources.

II. PART TWO: GENERAL CONSIDERATIONS FOR THE DEVELOPMENT OF A POLICY DOCUMENT

Work on documenting policy within the *World Heritage Convention* to date has focussed upon the development of a document, the 'Policy Guidelines', to provide ready access to World Heritage policy. A slightly alternative concept has been developed for this document, with a different title: "**A Compendium of Policy of the *World Heritage Convention***", in short, "**Policy Compendium**".

The reasons for the proposed change are twofold. The first reason is to better reflect the nature of the document which would be a compilation of existing World Heritage policy, as promulgated by the World Heritage Committee and the General Assembly of States Parties. The second reason is to avoid confusion with the *Operational Guidelines* which is a negotiated document that takes input from other sources, some already agreed by the Committee, and incorporates it into a single coherent format.

In addition, the term, 'guidelines' can be ambiguous. 'Guidelines' may be seen as discretionary, but not mandatory – something to guide, not something to bind. A title, using the word 'guidelines', does not clarify this ambiguity. This is true even in the case of the *Operational Guidelines*.

A POLICY COMPENDIUM

There are two basic options for a Policy Compendium to record existing World Heritage policy.

	Advantages	Disadvantages	Comments
Index: A simple annotated list of policies that have been developed by the World Heritage Committee or General Assembly of States Parties. This would include the title of the policy and a short paragraph outlining the key contents.	Very simple to develop Short	Minimal value to users	An initial draft annotated index is annexed to document WHC-13/37COM/13, which was prepared by the World Heritage Centre in 2013. This useful draft highlights that this approach offers minimal value to users (although it should be noted that it was not intended as a final product, itself.
Compendium: A collection of the texts of each of the policies that have been developed by the World Heritage Committee or the General Assembly of States Parties.	Relatively simple to develop Ready identification of the content of "case law" and other embedded policies that an Index would not clarify	Could be long and unwieldy to use	This scoping study recommends this approach. It would more readily enable an overview of the content of existing policy.

The Policy Compendium should include existing policies 'adopted' (in a broad sense) by the World Heritage Committee or the General Assembly of States Parties, and also policies established through a 'case law' approach found in decisions made by the Committee. In the case of the later, the Committee or General Assembly may wish at a certain point to elaborate new more explicit policies based on the 'case law', in order to establish a clearer and consistent policy.

The Policy Compendium should also reference other relevant key United Nations or UNESCO policies. These would not be policies adopted within the World Heritage system, but rather those specific policies from elsewhere that have a direct relevance to World Heritage. Inclusion of an annotated list of these policies, with internet links, would be useful in that it would give easy access for World Heritage stakeholders, and would help to ensure consistency within the broader United Nations context.

RELATIONSHIP TO *OPERATIONAL GUIDELINES*

The Policy Compendium would be separate from the *Operational Guidelines*. The *Operational Guidelines* do currently include some policy. This is partly because there is currently no other place to systematically assemble decisions that have been made. In addition, as previously stated, sometimes policy and operational matters can overlap. It is therefore recommended that at the present time, the Policy Compendium should refer to any policies included in the *Operational Guidelines*, but not repeat them.

This scoping study also recommends that the *Operational Guidelines* should not be modified as part of the development of a Policy Compendium. The *Operational Guidelines* are a negotiated document that has, to date, served the Convention well. Experience over the past 20 years in the negotiation of changes to the *Operational Guidelines* suggests that even relatively minor changes can take several years to reach consensus. Nevertheless, there is a need to ensure that there is a consistency between the *Operational Guidelines* and the Policy Compendium. This consistency check should be an ongoing task of the Secretariat to the *World Heritage Convention*.

STRUCTURE OF THE POLICY COMPENDIUM

Ideally, the structure of the Policy Compendium would be somewhat parallel to the *Operational Guidelines*

- Introduction
- Policies regarding Inscription
- Policies regarding State of Conservation
- Policies regarding Periodic Reporting
- Policies regarding Support for the *World Heritage Convention*
- Policies regarding the World Heritage Fund and International Assistance
- Policies regarding the World Heritage Emblem

Alternatively, the compendium could be organized around the Strategic Objectives of the *World Heritage Convention*. That is:

- Policies regarding the Credibility of the Convention
- Policies regarding Conservation
- Policies regarding Capacity Building
- Policies regarding Communication
- Policies regarding Community

A potential problem for both alternative organizing structures is that several of the already existing policies may touch on more than one of these areas. With this in mind, it may be necessary to wait until a final decision is made on what policies to include in the compendium before making a final decision on the structure itself. In this way, it may be possible to more clearly organize the structure of the document in a logical way. In any event, it is recommended that the structure follow as closely as possible the various convention processes in order for there to be as much clarity as possible for the end-user.

FORMAT WHEN DEVELOPING NEW POLICIES

As new policies are added to the compendium, it will be necessary to ensure flexibility in terms of the internal format. It would be useful, however, to ensure that each policy states its aim or purpose, and its scope of application, in addition to the actual policy statements being put forward. The policies need not be overly long or complicated. The clearer the reasons for a policy and the form it takes, the more likely it is that the policy will be understood and applied. As mentioned, however, this format will need to be flexible to take into account the specific contexts for each new policy.

III. PART THREE: CONSIDERATIONS ON EXISTING POLICIES

The following table illustrates, through a selective list, documents that could be considered to be policies adopted by the World Heritage Committee or General Assembly. There are several key considerations to make when looking at this possible list of policies.

<u>Status as a Policy</u>: Some of the documents on the below list have been developed specifically as 'policy', while others have been called by other names such as 'strategy', 'declaration', or 'recommendation'. No matter the name, however, all contain, at least some elements of policy in regard to the implementation of the *World Heritage Convention*. It will be necessary for a working group to determine which of these should be included in an eventual policy compendium.

<u>Adoption Status</u>: Some of the documents below have been 'adopted' by the Committee, while for others, the Committee has simply noted the results of an expert meeting. Other phrasing has also been used such as 'endorsed', 'agreed', 'approved', and 'decided'. It will be necessary to determine which of these should be included in an eventual policy compendium.

<u>Content</u>: Some of the documents below have a mixture of content which includes policy guidance, strategic guidance, operational guidance, action plans, etc. It will be necessary to determine which of these should be included in an eventual policy compendium.

<u>Case Law</u>: As regards Case Law, the Committee has made decisions on hundreds of issues over the course of the past 40+ years. Several possible areas of case law are presented below for possible inclusion in an eventual policy compendium, but these areas, and possibly others, will need to be examined to determine which are appropriate for inclusion.

Document/decision title	Adoption status	Comments
Recommendation Concerning the Protection, at National Level, of the Cultural and Natural Heritage	The General Conference of UNESCO 'adopted' this recommendation in 1972.	This often forgotten recommendation was adopted by the General Conference at the same time as the *World Heritage Convention*. It cannot be considered as a policy of the Committee, but it provides policy advice to Member States of UNESCO on the national level protection of the cultural and natural heritage.
Policy for the Integration of a Sustainable Development Perspective into the Processes of the *World Heritage Convention*	The World Heritage Committee 'endorsed' and 'decided to transmit' the policy to the General Assembly of States Parties for 'adoption'. (**39 COM 5D**). General Assembly of States Parties 'adopted' (**20 GA 13**).	This document represents an innovative and powerful approach, which more strongly than any other brings externally made policy into the *World Heritage Convention*. It provides only the briefest summary of policy from other parts of the UN, and yet brings the Convention into congruence with the UN Sustainable Development Goals. Furthermore, and very importantly, this policy touches on issues of human rights, gender equality, community involvement, and the involvement of indigenous peoples.
Vision and Action Plan	The General Assembly 'adopted' (**18 GA 11**).	The Vision and Strategic Action Plan updated the Budapest Declaration (as amended in 2007). They provide some preambular framing for more detailed elements of the Policy Document, but are in large part operational policy

		directed at the World Heritage Centre
Recommendation on Historic Urban Landscape	The General Conference of UNESCO 'adopted' in November 2011 (this recommendation was derived in part from the "Declaration on the Conservation of Historic Urban Landscapes" adopted by the General Assembly of States Parties in 2005 (**15 GA 7**).	Paragraphs 22-23 of this Recommendation in particular concern policy. Other paragraphs provide narrative context or concern operational matters
Policy Document on the Impacts of Climate Change on World Heritage Properties	The General Assembly of States Parties 'decided' (16 GA 10) based on previous decisions of the World Heritage Committee (**30 COM 7.1** and **31 COM 7.1**).	The Policy Document includes significant policy aspects, as well as narrative context.
Global Strategy for a Representative, Balanced and Credible World Heritage List	World Heritage Committee launched the Global Strategy at its 18th session in 1994. Subsequent decisions have added to it such as the Cairns and Cairns Suzhou decisions (and many more).	The Global Strategy is a mix of policy orientations regarding the diversity and expansion of the definitions of heritage, and operational orientations related to the nominations process. The key elements of the Global Strategy have been incorporated into the *Operational Guidelines.*
Budapest declaration	The World Heritage Committee 'adopted' (CONF 202 9).	The Budapest Declaration is characterized as 'policy orientations', essentially a taxonomy.
Policy Orientations: Defining the Relationship between World Heritage and Tourism	The World Heritage Committee 'adopted' (**34 COM 5F.2**).	Provides policy context and defines operational roles, with contextual narrative.
World Heritage Capacity Building Strategy	The World Heritage Committee 'adopted' (**35 COM 9B**).	This strategy contains some important policy elements (for example, defining capacity building and how it should be approached), but is largely operational in nature.
Strategy for Reducing Risks from Disasters at World Heritage properties	The World Heritage Committee 'endorses (**30 COM 7.2**).	This strategy includes a mix of policy and operational matters.
Recommendations of the Expert meeting on OUV (Kazan, Russian Federation, 2005)	World Heritage Committee 'noted' (**29 COM 9**).	The Kazan meeting recommendation comprises a mix of policy, operational matters, and guidance to States Parties and others.
Recommendations of the International Expert	The World Heritage Committee 'notes' and	The contents of the buffer zones report have in practice largely been adopted

Meeting on Buffer zone (Davos, Switzerland, 2008)	'encourages' States Parties, together with the World Heritage Centre and the Advisory Bodies, to take into account. (**35 COM 7.1**).	by the Committee and incorporated into the *Operational Guidelines*.
Conclusions and Recommendations of the International World Heritage Expert Meeting on serial nominations and properties (Ittingen, Switzerland, 2010)	The World Heritage Committee 'approves' (**34 COM 9B**).	The content is a mixture of policy and operational aspects related to serial properties. Some of the recommendations were incorporated into the *Operational Guidelines*.
Armed Conflict at World Heritage Properties	The World Heritage Committee 'adopted' the Bonn Declaration on issues related to conflict and intentional destruction of heritage. In addition, in Decision **38 COM 7**, the World Heritage Committee specifically 'adopted' a decision on conflict situations in the Arab States region.	Conflict situations at World Heritage properties have caused concern for the World Heritage Committee for many years (for example in the Democratic Republic of Congo). In recent years, however, conflicts in Mali, Iraq, and Syria led the Committee to adopt the Bonn Declaration which contains some policies and operational issues related to World Heritage in conflict zones.

In regard to rights based approaches to conservation, and in particular gender equality, indigenous people, and community involvement, it will be necessary to determine if there is a need for one or more separate, new policy (or policies), or if the existing sustainable development policy is sufficient to meet the policy needs of the World Heritage System in this area. Specifically, in the case of indigenous people, there was an International Expert Meeting on *World Heritage Convention* and Indigenous Peoples which was noted by the Committee (37 COM 12II), but it 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. This meeting and the associated Committee decision took place before the approval of the Sustainable Development Policy. Furthermore, Gender Equality is one of UNESCO's two global priorities and its work is guided by a *Priority Gender Equality Action Plan for 2014-2021*.

There have been many other international expert meetings over the years that produced recommendations for the World Heritage System. Thematic topics have included sustainable tourism, earthen architecture, science and technology, astronomy, wooden heritage, religious heritage, marine heritage, human evolution, modern heritage, integrity for cultural heritage, visual integrity, and criterion (vi) just to name a few. Several other expert meetings have been more on policy and procedural issues for the Convention as a whole, such as:

- Expert Meeting on the Decision-making Procedures of the Statutory Organs of the *World Heritage Convention* (Bahrain, 2010)
- Expert meeting on global state of conservation challenges of World Heritage properties (Senegal, 2011)

A decision will have to be made as to whether some of these recommendations could be included in an eventual policy compendium. It might also be useful to include the results of the Audit of the Global Strategy when considering the Policy Compendium.

Finally, in regard to Case Law established by Committee decisions, there are a number of areas where the Committee has expressed a policy within a decision or a series of decisions taken over

time. The problem with this case law is that the Committee has not always been consistent in its decisions. For this reason, there may be a need to develop more concrete policies in these areas. A small sample of these areas where case law has been developed include:

- Mining and extraction of natural resources within World Heritage properties and their buffer zones: Most decisions call for or reaffirm a no-go mining policy in World Heritage natural properties as per an agreement reached with the International Council on Mining and Metals (ICMM see https://www.icmm.com/page/78918/icmm-welcomes-new-independent-study-on-world-heritage-sites-and-extractive-industries). The situation for cultural properties is somewhat more ambiguous, however, and a more formal policy may be useful in this respect.
- Environmental / Heritage Impact Assessments: There is no current policy for EIA/HIA, although the practice of requesting them is based on following Paragraph 172 of the *Operational Guidelines*. Guidance notes have been provided by IUCN and ICOMOS for how to carry out these assessments.
- Adequate Management Plans and Management Systems: The Committee requires a management plan or the demonstration of other another management system to protect a property. There are guidance materials on this topic, and the Committee has taken specific decisions in regard to the need for these instruments, however there is no specific stated policy on the issue.
- Trans-boundary and International Cooperation: There are a series of decisions taken over time by the World Heritage Committee which would indicate a policy towards encouraging trans-boundary and international cooperation, in particular in relation to trans-boundary properties or properties that could be negatively affected by activities in another State Party. No formal policy exists, however.

Other topics for which policies might be developed based on case law include inscription on the World Heritage List in Danger (including direct inscription on the List in Danger at the same time as inscription on the World Heritage List), major and minor boundary modifications, threats from development projects, and requirements for legal protection, to name a few.

IV. PART FOUR: METHODOLOGY FOR ELABORATION OF THE POLICY COMPENDIUM

While a simple Policy Compendium would perform a vital task, it would be somewhat difficult to use, since it would bring together policies from disparate sources without any consideration of overlap of content or consistency. For example, policies related to OUV or aspects of management, may be referenced in several different source documents. Styles of writing may also be different, as will be the use of some terminology. Nevertheless, the first step would be to literally compile all the source documents, and reproduce them without change. That is, they would not be consolidated, nor checked for consistency.

To overcome these challenges, the Policy Compendium should, in a phased approach, be elaborated into a more user-friendly document for use by the Committee and the World Heritage community, and for publication on the World Heritage Centre website. There are several options for how this elaboration might be undertaken:

Option	Advantages	Disadvantages	Comments
Common Formatting: Existing World Heritage policies (both those that are explicit, as well as those that have emerged through 'case law') would have all of their policy elements extracted, and included without change, with links to the full original document. All of these	This would be the minimal, least costly means of moving forward. It would be relatively quick to implement.	The resulting document would still be unwieldy to use. There would not be a consistency check between the different policy documents which could lead to contradictions and	This option could be considered a valuable first step, but insufficient for those not familiar with the World Heritage system.

		confusions.	
policies would then be formatted in a similar manner for easier reading. This document would include an annotated index of other United Nations policies which are of relevance to the World Heritage system, with links to the original source. The annotation would include a summary of the policies and their implications for World Heritage. The document would be a mix of links and verbatim policy extracts (along the lines of the Sustainable Development policy)	It would bring all the policies together in one place for the first time. The consistent format would help users to better understand World Heritage policy.		
Streamlined Document: Building upon the 'Common Formatting' approach, this option would include undertaking some modest streamlining of the original policies to create a consistent narrative. Changes would be very limited, however, to ensuring consistency between the individual policies and with the *Operational Guidelines*. This streamlining would also avoid overlap where it would not hurt the overall meaning of the source text.	This approach would introduce a level of consistency which would be important to making the policies easier to understand and use. Modest streamlining would help reduce length and make it more user-friendly.	Needs more consultation with States Parties and the Committee because negotiated text may be somewhat modified. A process would need to be put into place to ensure that the modifications are acceptable. Where inconsistencies exist between individual policies or with the *Operational Guidelines*, these would have to be brought to the attention of the Committee for resolution. Would require additional time and resources to implement.	This approach would be the most effective way to balance a useful outcome with the necessary resources (both in terms of time and funds).
Rewrite the Policies into a Single Comprehensive Document: This option would entail taking all of the policies and rewriting them into a single comprehensive and consistent text. This	This approach would provide a parallel policy document to go along with the *Operational Guidelines*.	This approach would be the most comprehensive change to the existing policies. A complex, time consuming, and	This approach is not recommended at the present time given the elevated costs and time consuming nature of the work.

approach would effectively replace the original policy documents with the rewritten text. Authoritative policy would then reside in the Policy Compendium, itself, rather than original policy documents or Committee decisions. The document would appear in a common format and style, organised in a manner consistent with the *Operational Guidelines*, and it would be internally consistent.	Would ensure a consistent approach to all policy elements within the World Heritage system. The resulting document would be easier to use for all users (regardless of experience with the Convention).	consultative process would need to be put into place to ensure the necessary negotiations in regard to the text. This approach would require significant resource allocations and would take many years to complete.	The Committee may wish to reconsider this approach at a later time once the Compendium has been put together and is in operation for a few years. At that time, it would be possible to evaluate it and determine if further work or consolidation would be needed.

The first determination of what would be excerpted would be left to a working group (see below). When in doubt as to what is policy, the working group would be tasked to leave things in the document (that is, only removing those things that are clearly not policy).

For example, within the World Heritage Capacity Building Strategy, there are clearly policy related issues in the first part of the document. This is followed by an action plan with activities and possible implementation partners. This second part could be removed, while the policy aspects would remain. If in doubt, however, the working group would leave the action plan in the Policy Compendium.

The result of this work would be a Policy Compendium, refined into a format to assist readers, but with fidelity to the original policy decisions.

PROCESS FOR DEVELOPMENT OF THE POLICY COMPENDIUM

As a first consideration, ICCROM would propose that any work going forward be organized by the Secretariat to the Convention. They are the best placed to be able to lead this effort in the longer term. The work should be done in close collaboration with the Advisory Bodies, but the World Heritage Centre is best placed to move the process forward efficiently.

Phase One (12 months)

Phase One – Step One: A staff member of the World Heritage Centre or a consultant should be engaged to collect and assemble into one document, a first draft of all existing World Heritage policies. This first draft should be as inclusive as possible to allow for a working group to later make decisions about what to keep as policy and what to leave out as operational.

Phase One – Step Two: A working group would be formed including staff of the World Heritage Centre, the Advisory Bodies, and experts from different regions of the world (paying attention to balance amongst regions and expertise in cultural and natural heritage). The role of the working group would be to confirm that all relevant policies are included, and that none that are included should be deleted. The working group would need to meet once or twice.

Phase One – Step Three: The draft Policy Compendium document would be submitted to the Committee for approval, to ensure that it is a comprehensive and contains all the necessary policies. Approval would not be sought for the actual contents of each policy as they have already been endorsed by the Committee and/or General Assembly of States Parties.

Phase Two (12 months)

Phase Two – Step One: A staff member of the World Heritage Centre or a consultant should begin the process of checking for consistency between individual policies and also with the Operational Guidelines and making very modest suggestions for streamlining the texts into a more user-friendly document. All proposed alterations would be presented in a transparent manner.

Phase Two – Step Two: The working group would meet again to consider the proposals put forward by the Secretariat for streamlining of the text and ensuring consistency. The working group would be to ensure that changes to the format of any policy would be modest, and intended to improve consistency and usability but not to introduce alteration of substance. The working group would need to meet several times to consider evolving drafts.

Phase Two – Step Three: The revised draft Policy Compendium document would be submitted to the Committee for approval to ensure that any changes that have been made are consistent with the intent of the Committee.

Phase Two – Step Four: The finalized document would then be sent to the General Assembly of States Parties for a final approval.

PROCESS FOR CHANGE OR AMENDMENT OF THE POLICY COMPENDIUM

It should be noted that as the Compendium would be a living document, it should be able to be readily updated. Any amendments to the Policy Compendium or the addition of new policies would require judgements made about its contents. For this reason, a procedure must be developed to allow for the necessary negotiation and consensus building. As with the *Operational Guidelines,* the Policy Compendium could be amended or added to on a cycle to be determined by the Committee. The process should follow the one used for the approval of the new policy on Sustainable Development. An expert working group would be constituted to work on the content of the policy with direction from the Committee. The resulting draft would then be modified (if necessary) and approved by the Committee and then sent out for comment to the States Parties to the Convention for final comments. After final amendments are made to the text, it would be presented to the General Assembly of States Parties for final approval. As with the *Operational Guidelines,* the Policy Compendium would then be updated on a regular cycle.

It will also be important to ensure that any amendments or additions to the Policy Compendium remain consistent with the *Operational Guidelines*. The Secretariat should have the role of pointing out any inconsistencies when the documents are being drafted and revised.

The Policy Compendium would over time, become a more authoritative and comprehensive source of World Heritage policy. As it was progressively updated, there would be an option for the Policy Compendium to progressively take on the character of the *Operational Guidelines*, where the authoritative source for policy was the document itself, rather than original decisions. This may take place over a period of 10 or more years.

COSTS

The costs for the development of the Policy Compendium would vary depending on whether or not a consultant is used, and on how many members are included in the working group (and how many times it meets).

Costs for the first phase would include a policy consultant, a consultant for graphic layout, and the cost of one meeting of the working group for approximately 10 experts. Costs for the first year would be approximately US$ 60,000 – 70,000.

Costs for the second phase would include a policy consultant, a consultant for graphic layout, and the cost of two meetings of the working group. It should further be noted that the task of the consultant would be significantly larger in this second phase. Costs for the second phase would be approximately US$ 120,000 – 130,000.

The total cost for the project is therefore estimated to be between US$ 180,000 and US$ 200,000 over the 24-month period of the project. It is clear that any such work will require dedicated donor assistance to provide additional resources.