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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

Forty-third session

Baku, Republic of Azerbaijan

30 June – 10 July 2019

Item 5 of the Provisional Agenda: Reports of the World Heritage Centre and the Advisory Bodies

5E. Report on strengthening of dialogue between the Advisory Bodies and States Parties

SUMMARY

By Decision **42COM 5B**, the Committee has requested an item on the issue of dialogue between the Advisory Bodies and States Parties to be included in the agenda of its 43rd session. This document contains a brief overview in order to provide an understanding of the context within which “dialogue” has been raised in the recent past, and presents several options for a way forward.

Draft Decision: 43 COM 5E, see Point III.

I. BACKGROUND

1. By Decision **42COM 5B**, the Committee has requested that a Report on strengthening of dialogue between the Advisory Bodies and States Parties be included in the agenda of its 43rd session.
2. The issue of strengthening and improving dialogue between the Advisory Bodies and the States Parties has been raised repeatedly in Committee decisions, especially since 2011, to allow for the States Parties to be better informed during the processes of evaluating nominations and Reactive Monitoring. In response to the request for better dialogue, a variety of measures have been put in place regarding these processes. For nominations, the measures include preparing for nominating States Parties an interim report to indicate the status of the evaluation after the first Panel meeting of the Advisory Bodies, and also conducting bilateral and/or in-person or video-conference meetings with the concerned State/s Party/ies' delegations during the evaluation process. For Reactive Monitoring, meetings are held to discuss specific State of conservation issues on an "as needed"-basis throughout the year as well as on the side of the World Heritage Committee. The World Heritage Centre and the Advisory Bodies maintain an open invitation for any State Party to meet.
3. With the renewed request of the Committee to discuss this issue, and given that dialogue is a mean to an end, it is important to outline and agree the scope, objectives, modalities and timing of dialogue, so that there is mutual understanding and expectation as to what dialogue can accomplish and what it cannot. The Committee's decisions and deliberations focus on constructive dialogue, which implies open, transparent and two-way exchange. This report has been prepared in the spirit of dialogue itself, and should be considered an opening by the Advisory Bodies only to serve the purpose of exploring this issue more broadly and in depth within the Committee. The discussions occurring here may be reflected in the other procedural reforms happening within the *Convention*.

II. DEFINING THE SCOPE AND PURPOSE OF THE DIALOGUE

4. The need for better dialogue between the Advisory Bodies and States Parties has been brought up in numerous meeting conclusions and Committee decisions over the recent history of the *Convention*, among which the "Thinking Ahead" meetings in 2012 and 2015 initiated by the UNESCO Director-General. In Annex 1 attached, a non-exhaustive list of Committee decisions related to Dialogue or major meetings has been compiled, to provide the full context of what is meant by dialogue and what it aspires to achieve.
5. From the existing decision texts, the following can be defined for the scope and purpose of dialogue.
 - Dialogue is most needed between the Advisory Bodies and the concerned State(s) Parties, but also between all stakeholders of the *World Heritage Convention*.
 - Dialogue is needed in all processes of the *Convention* and is most effective if undertaken at the earliest possible stage.
 - The demand for dialogue is strongest during the course of evaluating nominations and during the Reactive Monitoring process.
 - Dialogue should be constructive for the purposes of increasing transparency and optimizing future decisionmaking by the World Heritage Committee, as well as for enhancing the credibility of the Convention and for achieving better conservation results..
6. As can be observed from the above, the purpose of having dialogue is to improve communication to optimize the decision-making procedure of the World Heritage Committee. The World Heritage Committee is an intergovernmental body, which takes

the decision on nominations, state of conservation, and all other matters in regard to the implementation of the *Convention*, taking into consideration the technical evaluations and advice of the Advisory Bodies to arrive at a sound decision consistent with the *Operational Guidelines*. Therefore, the decision-making process must be accompanied by a robust, independent technical advisory process with the Committee members who, according to the *Convention*, should be 'qualified in the field on the cultural or natural heritage' (Article 9.3), then take their decisions respectively.

7. The following are principles that should be mutually respected by all involved parties in the process. Dialogue is likely to be most effective if there is clear communication and mutual respect between participants. It is also important to note that in the context of the working methods of the *Convention*, dialogue is not meant to deliver negotiated outcomes but rather as a means of ensuring direct exchange of information and clarification concerning technical recommendations.
8. Dialogue on the technical advisory process can be narrowed down to two aspects. One aspect is to discuss the generic modalities of the evaluation or monitoring procedure as a whole, and the other is to discuss substantive issues relating to a specific site, that may be raised during the evaluation or monitoring procedure.
9. In order to maintain the credibility of the World Heritage List and of the decisions adopted in the framework of the *Convention*, it is important that the technical evaluation of nominations and the monitoring of properties be based on facts and consistent procedures. For example, with regard to evaluations, this is currently done by applying a systematic and consistent assessment methodology to all properties within a fixed timeframe. The validity of the analysis and evaluation is verified through an independent, peer review process including multiple desk reviews, a mission to the property, additional research, external analyses and panel meetings. The resulting recommendation to the Committee is not the opinion of one individual from the Advisory Bodies, but is a "corporate" or 'institutional' recommendation made by the Advisory Body concerned based on documented and transparent working methods. Maintaining such technical credibility in evaluating one property, whilst also ensuring that consistency is maintained between different properties, and over a span of multiple evaluation and monitoring cycles is an important factor. Therefore there needs to be careful considerations to what extent dialogue can affect the technical aspects within this established system. Dialogue may not resolve fundamental differences of scientific opinion.
10. Dialogue, however, can and should play an important role in the various *Convention* processes as a means of allowing States Parties to better understand how and why certain recommendations are being made, and to provide additional information that may not have been considered previously, within the established statutory processes and timelines.
11. Currently, there are multiple occasions where dialogue between the Advisory Bodies and the States Parties can take place about issues pertaining to a specific property. The basic principle of having the Upstream Process as a mechanism is to enable the Advisory Bodies and the Secretariat to provide support directly to States Parties, throughout the whole process from considering Tentative Lists leading up to a possible World Heritage nomination, which is done through the means of sustained dialogue with one or more States Parties. Dialogue can happen at various stages of the procedure, and even during the nomination procedure itself, as information is constantly exchanged between the State Party/ies and the Advisory Bodies even before, during and after the technical evaluation and World Heritage Panel. Transparency, inclusivity, credibility are values that the Advisory Bodies seek to uphold throughout the process, and are continuously striving to improve and achieve higher standards within their procedures.
12. Even before the Reactive Monitoring process is initiated, the World Heritage Centre and the Advisory Bodies are continuously open to engaging in dialogue with States Parties

for any prospective issues that may have an impact on the OUV of a property. Paragraphs 171, 172 and 174 of the *Operational Guidelines* lay out the foundation for early communication and dialogue to ensure a timely response and seeking appropriate solutions for diverse issues.

13. In both nominations and Reactive Monitoring, it is advisable that dialogue take place as early as possible. Proactive measures from the States Parties to initiate dialogue during the process of formulating the Tentative List, and when intending to propose developments, would serve as an important chance to strengthen the quality of the recommendations put forward by the Advisory Bodies. Although in recent years many different mechanisms to ensure dialogue have been introduced, these remain largely ad hoc. As there are separate agenda items that are currently reviewing the working procedures of the *Convention* in depth, the discussion taken under this report should be cross-referenced to those items. This would enable the Committee to propose an integrated set of costed and operationalized reforms that would improve the working methods and strengthen the credibility of the *Convention*. For example, in the recently completed Evaluation of the Reactive Monitoring process (see Document WHC/19/43.COM/7, Section II.A), there are a number of recommendations regarding improving dialogue with States Parties, such as Recommendation 2: *“Noting the need for better dialogue regarding Reactive Monitoring, it is recommended that: World Heritage States Parties, the World Heritage Centre and Advisory Bodies should ensure effective dialogue occurs at all stages of the Reactive Monitoring process. This should be guided by a clear communication plan, developed at the outset of the Reactive Monitoring process for World Heritage properties, which identifies key stakeholders and outlines how they should be engaged (...)”* or Recommendation 10: *“Noting the important roles of the World Heritage Centre and the Advisory Bodies in Reactive Monitoring, it is recommended that: Measures to improve dialogue on Reactive Monitoring between key stakeholders should be undertaken, particularly at national and regional levels, including between UNESCO Regional Offices and relevant States Parties, and also between the respective Regional Offices of IUCN and relevant National Committees of ICOMOS.”*

III. THE WAY FORWARD

14. As technical evaluations and monitoring activities are conducted within a statutory cycle, it is crucial that the procedures are kept to a standard that applies to all properties to ensure equal and consistent treatment. It is also important to recognize the factor of time needed for conducting meaningful dialogue, and to ensure sound follow-up measures. For this reason, additional dialogue processes may require a re-examination of the timelines for the nomination process and the Reactive Monitoring process. There are also operational and cost implications to these emerging reforms or adjustments. Considerations should be made to ensure an appropriate timeframe to implement follow-up action that would allow for both States Parties and Advisory Bodies to fulfil the objectives set out at the time that the dialogue is entered into.
15. The World Heritage Centre and the Advisory Bodies share the view that the most crucial time for conducting meaningful dialogue should happen at earlier stages of a nomination process such as the Tentative List stage or of a project with a potential impact of the OUV of a property. Therefore, more consistent modalities of engaging in dialogue at the stage of compiling or revising Tentative Lists, as well as in ways of initiating dialogue on prospective changes to the conservation of a property should be considered.
16. It is also relevant to highlight the importance of creating more opportunities for capacity building, to address those specific issues identified during the dialogue. Capacity building courses and workshops regarding nominations and overall conservation and management of properties are regularly provided through various activities of the Advisory Bodies, primarily through ICCROM and the Category 2 Centres (see

documents WHC/19/43.COM/ **5B** and **6**). Active participation from States Parties to these capacity-building activities is highly encouraged. It could also be envisioned that specific World Heritage Capacity Building modules related to the nomination and management planning processes be created by ICCROM in collaboration with ICOMOS, IUCN, and the World Heritage Centre. Such modules could then be implemented by the ABs and/or Category 2 Centres, especially the courses benefitting States Parties in UNESCO's priority areas (such as Africa and SIDS countries), and under-represented regions of the world for courses specifically related to the nomination process.

17. The World Heritage Centre and the Advisory Bodies are working together to increase the dialogue and interaction with all States Parties and all stakeholders involved, on issues spanning individual properties to improving the working methods and processes of the *Convention*. The Committee as a whole has been more open to having dialogue with civil society, NGOs, Indigenous peoples, youth and also with the different entities responsible for site management through hosting the Site Managers Forum. Such opportunities should be increased to ensure an ever-wider awareness of the *Convention*, its objectives, and its processes.
18. As both the nomination and Reactive Monitoring processes are currently being reviewed and discussed in detail, the World Heritage Centre and Advisory Bodies are open to ways of increasing dialogue and adopting new methods that would uphold the credibility of the *Convention* in the future. For example, the Ad-Hoc Working Group is currently discussing the possibility of a two-phase process for the evaluation of nominations to increase dialogue. Such innovative ideas should continue to be explored and the most effective at promoting dialogue should be implemented on a trial basis to ensure their efficiency and the absence of any negative unintended consequences.

IV. DRAFT DECISION

The World Heritage Committee,

1. Having examined Document WHC/19/43.COM/5E;
2. Recalling Decisions 39 COM 5C and 13A (Bonn 2015), 40 COM 5B (Istanbul, 2016), 41 COM 5B and 7 and 11 (Krakow, 2017), 42 COM 5B and 9A (Manama, 2018),
3. Also recalling paragraphs 71, 72, and 73 of the Operational Guidelines, encouraging States Parties to seek early advice from the Advisory Bodies for the preparation and update of their Tentative Lists and paragraph 74 highlighting the importance of capacity building for the Tentative List preparation,
4. Recognizing that the question of dialogue has long been a matter of reflexion between the stakeholders involved in the implementation of the World Heritage Convention, and further recalling in this regard the "Thinking Ahead" initiative (2012-2015) to improve dialogue, communication and transparency among States Parties and Advisory Bodies notably, with the objective of enhancing the credibility of the Convention,
5. Calls upon States Parties preparing to revise their Tentative Lists and undertaking Tentative List harmonization processes to engage in dialogue with the Advisory Bodies at the earliest possible stage of the process;
6. Also calls upon States Parties to comply with Paragraph 172 of the Operational Guidelines, and inform the Committee at the earliest stage possible, and before any irreversible decisions are made, of their intention to undertake or to authorize major

restorations or new constructions which may affect the Outstanding Universal Value of a property, to ensure that dialogue may take place at the appropriate time;

7. *Requests the Advisory Bodies to prepare specific capacity building modules on the nomination and management planning processes, pending the availability of sufficient funds, and also requests interested States Parties to contribute financial resources towards the creation and implementation of such modules by the Advisory Bodies, the World Heritage Centre and Category 2 Centres;*
8. *Further requests the World Heritage Centre, the Advisory Bodies and the States Parties to continue to develop innovative ideas to promote and strengthen dialogue which can be implemented on a trial basis to ensure their effectiveness and absence of unintended negative consequences and recommends that these be taken into account in the framework of the Reactive Monitoring process, as well as in the framework of the reform of the nomination process.*

Annex 1. Non-exhaustive list of Committee decisions related to Dialogue, excluding decisions pertaining to individual sites

Document (Year)	Content
35 COM 12B (2011)	<p>Working methods of statutory organs of the Convention</p> <p>21. <u>Requests</u> the World Heritage Centre and Advisory Bodies to continue the reflection on the best way for the States Parties to engage in a constructive dialogue with the Advisory Bodies during the assessment of the nominations processes, and with the Advisory Bodies and the Secretariat during the reactive monitoring process;</p> <p>23. <u>Requests</u> the World Heritage Centre to transmit Advisory Body evaluation reports to the relevant States Parties as soon as they are finalised, to allow time for proper dialogue and to make working documents public, at the time of their distribution to the States Parties.</p>
35 COM 12E (2011)	<p>Global state of conservation challenges of World Heritage properties</p> <p>9. <u>Requests</u> the World Heritage Centre and the Advisory Bodies to develop options to strengthen and improve the state of conservation reporting process, in particular to increase dialogue with States Parties about World Heritage properties facing challenges;</p>
35 COM 17 (2011)	<p>Other business</p> <p>4. <u>Strongly encourages</u> the Advisory Bodies to give consideration to identifying means of strengthening the dialogue with States Parties, under their mandates and within available resources and timelines;</p>
1-2 Oct 2012	<p>Summary of the meeting "The World Heritage Convention: Thinking Ahead" between the Director-General of UNESCO, States Parties to the World Heritage Convention and the Advisory Bodies to the World Heritage Committee</p>
	<p><u>Nominations</u></p> <ul style="list-style-type: none"> • There is need to reconsider the time-lines for submission and evaluation of nominations and their consideration by the World Heritage Committee, which are currently too short to allow adequate dialogue, including also the possibility of slowing down the submission of nominations. • An effective dialogue should be maintained between the Advisory Bodies and relevant authorities and experts in the States Parties during the entire process of evaluation of nominations. • Better communication, dialogue and transparency between the Advisory Bodies, the Secretariat and the States Parties can help resolve issues before the results of evaluation of nominations are presented to the World Heritage Committee. <p><u>Conservation of properties</u></p> <ul style="list-style-type: none"> • Transparency, dialogue and consultation in Convention processes by all parties are also a critical part of better enabling communities to participate as partners in the Convention, and secure benefits associated with listing of sites on the World Heritage List.

	<ul style="list-style-type: none"> Open dialogue, transparency and ongoing communication between the Advisory Bodies, the Secretariat and the States Parties are essential in all processes relating to monitoring the state of conservation of World Heritage properties.
37 COM 5C (2013)	Summary and Follow-up of the Director General’s meeting on “The World Heritage Convention: Thinking Ahead” (UNESCO HQs, 2-3 October 2012)
	5. <u>Encourages</u> all parties concerned to further enhance and improve dialogue and communication within the framework of the implementation of the Convention’s mechanisms and <u>requests</u> the World Heritage Centre to present a plan and a report on the actions taken and progress achieved at the 38th session of the World Heritage Committee in 2014.
37 COM 9 (2013)	Progress report on the upstream processes
	3. <u>Requests</u> the World Heritage Centre and the Advisory Bodies to take into account the rich debate held at its 37th session, in particular on capacity-building, methodology and processes for Tentative Lists and upstream nomination projects, in order to enhance dialogue and communication among all relevant parties including the World Heritage Centre, UNESCO field offices, IUCN regional offices, ICOMOS national committees, international scientific committees and ICCROM capacity-building programmes, as well as UNESCO Category 2 Centres related to world heritage and universities;
19 GA 11 (2013)	Summary and Follow-up of the Director-General’s meeting on “The World Heritage Convention: Thinking Ahead” (UNESCO HQs, 2-3 October 2012)
	7. <u>Encourages</u> all parties concerned to further enhance and facilitate dialogue, communication, transparency and accountability in all processes of the <i>Convention</i> ;
38 COM 5C (2014)	Follow-Up to the Director-General’s Meeting on “The World Heritage Convention: Thinking Ahead” (UNESCO HQ, 2-3 October 2012)
	3. <u>Takes note</u> of the positive impact of the actions already undertaken, as well as of plans for further actions, and invites all stakeholders to pursue efforts to enhance and facilitate dialogue, communication and transparency in all processes of the Convention and in the framework of the Director General’s meeting on “The World Heritage Convention: Thinking Ahead” (UNESCO HQ, 2-3 October 2012) as well as to address funding implications, within their respective mandates and competence, as appropriate;
38 COM 13 (2014)	Other business
	8. <u>Calls upon</u> the Advisory Bodies to consult and have a dialogue with all concerned States Parties during the course of the evaluation of nominations, in order to enhance overall transparency and to optimise future decision-making by the World Heritage Committee;
39 COM 5C (2015)	Follow-up to the Director-General’s Initiative on “The World Heritage Convention: Thinking Ahead”
	5. <u>Encourages</u> all stakeholders to continue to pursue efforts to enhance and facilitate dialogue, communication and transparency in all processes of the Convention and in the framework of the Director-General’s initiative, “The

	World Heritage Convention: Thinking Ahead”, as well as to address funding implications, within their respective mandates and competence, as appropriate.
39 COM 7 (2015)	<p>State of Conservation of World Heritage properties</p> <p>13. <u>Appreciates</u> the constructive dialogue, which has taken place between the International Olympic Committee (IOC), the World Heritage Centre and IUCN, and also requests that this dialogue be extended to the other Advisory Bodies to ensure that cultural aspects are also taken into account in the future;</p>
39 COM 13A (2015)	<p>Working methods of the evaluation and decision-making process of nomination: Report of the ad-hoc working group</p> <p>2. <u>Reaffirming</u> Decision 38 COM 13 which called on the Advisory Bodies to consult and have a dialogue with all concerned States Parties during the course of the evaluation of nominations in order to enhance overall transparency and to optimize future decision-making by the World Heritage Committee;</p> <p>6. <u>Conveys</u> its appreciation to ICOMOS for introducing new evaluation procedures, especially for enhancing the consultation and dialogue with the States Parties as requested in Decision 38 COM 13, and welcomes the responsiveness of ICOMOS and IUCN to further strengthen dialogue and consultation with nominating States Parties while respecting the independence of the Advisory Bodies;</p>
40 COM 5B (2016)	<p>Reports of the Advisory Bodies</p> <p>5. <u>Calls upon</u> ICOMOS and IUCN to continue to engage in appropriate dialogue and consultation with States Parties to further enhance overall transparency and optimize decision-making of the Committee.</p>
41 COM 5B (2017)	<p>Reports of the Advisory Bodies</p> <p>5. <u>Requests</u> ICOMOS and IUCN to continue to engage in appropriate dialogue and consultation with States Parties to further enhance overall transparency and decision-making in the Committee.</p>
41 COM 7 (2017)	<p>State of Conservation of the Properties Inscribed on the World Heritage List</p> <p>18. <u>Requests</u> the States Parties involved in reconstruction projects to maintain dialogue and close consultation and cooperation with the World Heritage Centre and the Advisory Bodies;</p> <p>40. <u>Takes note</u> with appreciation of the Chairperson of the 41st session of the World Heritage Committee’s initiative on structured dialogue with civil society and <u>encourages</u> States Parties and civil society organizations to continue exploring possibilities how civil society can further contribute to enhanced conservation of heritage on the site and national level and provide relevant input to the heritage related debate at the global level;</p>
41 COM 11 (2017)	<p>Revision of the Operational Guidelines</p> <p>6. <u>Emphasizes</u> the need to further promote harmonization of Tentative Lists at the regional level and underlines its importance as a tool in enhancing dialogue between States Parties;</p>

	<p>8. <u>Invites</u> States Parties to engage in a dialogue with all stakeholders as part of the national process to include a site on the Tentative List;</p> <p>9. <u>Encourages</u> States Parties to refrain from including on their Tentative Lists sites that may potentially raise issues, before these are solved through a dialogue with concerned States Parties;</p> <p>10. <u>Also encourages</u> States Parties to address concerns of other States Parties, as much as feasible, through constructive dialogue, before the submission of relevant nominations to the World Heritage List;</p>
42 COM 5B (2018)	<p>Reports of the Advisory Bodies</p> <p>5. <u>Affirms</u> the value of strengthening and improving dialogue between the Advisory Bodies and the States Parties and proposes that a point be added to the agenda on this issue at the next session of the World Heritage Committee.</p>

Annex 2. Recommendations on dialogue in the Reactive Monitoring Review Report

Recommendation 2: Effective dialogue must occur at all stages of the Reactive Monitoring process. This must involve State Parties, particularly at the Site level, as the principal actors but should also include dialogue with civil society and non-traditional sectors such as the infrastructure development, banking and insurance sectors, where such dialogue is relevant to the protection of World Heritage values. It would be appropriate to develop a communication plan with stakeholders identified, immediately after a property enters into the Reactive Monitoring process.

Recommendation 8: That World Heritage Site Manager Forums should continue to be held as part of each World Heritage Committee Meeting and options for better utilizing Site Managers expertise in Reactive Monitoring discussions and issues at these meetings should be proactively explored. Site Managers Forum should be used as a forum for continuous capacity building.

Recommendation 9: State Parties should be encouraged to identify focal points for Reactive Monitoring activities who can coordinate and communicate among all actors within the States Parties. In particular, the States Parties should ensure that World Heritage Site Managers are always closely involved in all aspects of Reactive Monitoring for sites they are responsible for.

Recommendation 10: Measures to improve dialogue on Reactive Monitoring between key actors should be undertaken, particularly between actors at national and regional levels, including between UNESCO Regional Offices and relevant States Parties, and also between the respective Regional Offices of IUCN and UNESCO, and also relevant National Committees of ICOMOS.

