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World Heritage

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

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

WORLD HERITAGE COMMITTEE

Extended forty-fourth session

**Fuzhou (China) / Online meeting
16 - 31 July 2021**

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

11. Follow-up to Recommendations of Evaluations and Audits on Working Methods and outcomes of the ad-hoc working group

SUMMARY

By Decision **43 COM 12**, the World Heritage Committee at its 43rd session (Baku, 2019) extended the mandate of the Ad-hoc Working Group to be composed of members of the Committee and up to two non-members per Electoral Group, giving consideration to out-going members of the Committee in 2019. The group was requested to (a) review the outcomes of the work of the expert drafting group and (b) further elaborate upon the nomination reform process and Preliminary Assessment proposal based on Decision **43 COM 12**.

This document presents the report of the Ad-hoc Working Group, including a list of recommendations and a Draft Decision. It also comprises 3 annexes.

Draft Decision: 44 COM 11, see point V.

REPORT OF THE AD-HOC WORKING GROUP OF THE EXTENDED 44TH SESSION OF THE WORLD HERITAGE COMMITTEE

I. MANDATE

1. Through its Decision **43 COM 12**, the World Heritage Committee extended the mandate of the Ad-hoc Working Group to be composed of members of the Committee and up to two non-members per Electoral Group, considering the out-going members of the Committee in 2019, to:
 - a) review the outcomes of the work of the expert drafting group;
 - b) further elaborate upon the nomination reform process and Preliminary Assessment proposal based on the Decision **43 COM 12**.
2. Influenced by the COVID-19 pandemic, it was decided to hold the meetings of the Working Group online from 12:00 to 15:00 Paris Time.
3. The Ad-hoc Working Group (hereinafter: Working Group) commenced its work on 10 February 2021 under the Chair of Mr. JIAO Ying, First Secretary, Permanent Delegation of the People's Republic of China to UNESCO and agreed on its *modus operandi*.
4. Subsequent meetings took place on 10 February, 10 March, 22 April, 12 May, and 7 June. An open-ended meeting for all States Parties was held on 31 May 2021. Representatives of the World Heritage Centre, and the Advisory Bodies participated in the meetings. Summaries were distributed after each meeting. The composition of the Working Group is contained in Annex A to this document.
5. The Working Group decided that due to the challenges of online meetings, and the limited number of meetings, comments in writing should focus on concrete changes rather than comments. It was also agreed that the members of the Group proposing changes to the *Operational Guidelines* meet with representatives of the World Heritage Centre and the Advisory Bodies to progress the work of the Group more efficiently.

II. REVISION OF THE OUTCOMES OF THE WORK OF THE EXPERT DRAFTING GROUP

6. Decision **43 COM 12** requested that a small expert drafting group reflecting regional balance be convened to discuss and propose concrete changes to be introduced into the *Operational Guidelines*.
7. In this regard, a geographically and gender balanced small expert drafting group was convened and held two meetings *in presentia* (7-8 November 2019 and 13-15 January 2020) (Annex B). On 17 February 2020, an additional meeting was organized between the World Heritage Centre and the Advisory Bodies. In between and following these face-to-face meetings, the expert drafting group continued its work through frequent online exchanges throughout 2020 to further refine the reviews of the proposed concrete changes to the *Operational Guidelines*.
8. The report of the expert drafting group, 'Explanatory Notes for proposed changes to the *Operational Guidelines*' was presented to the Working Group at its first session on 10 February 2021.
9. The expert drafting group agreed that the overall objective of the review of the nomination process is to contribute towards maintaining the credibility of the *World Heritage Convention* and improving the establishment of a balanced, representative, and credible World Heritage List, with a streamlined process and more accessible, efficient and cost-effective

nominations (for States Parties and Advisory Bodies alike), without compromising the quality and scientific substantiation of the entirety of the process.

10. The expert drafting group identified that the objective of its work consisted in discussing and proposing concrete changes to be introduced into the *Operational Guidelines* in careful alignment with existing processes and ensuring consistency throughout the World Heritage processes. These changes do not affect the status and sovereignty of the World Heritage Committee as a decision-making body regarding the establishment of Outstanding Universal Value as prescribed in paragraph 51 of the *Operational Guidelines*.
11. The expert drafting group considered it risky to recommend amendments in isolation without taking into consideration the full package of the integrated reform, as different processes and related provisions are interlinked.
12. The expert drafting group undertook a thorough analysis of the *Operational Guidelines* based on the examination of the outcomes of the previous steps of the reform.
13. The expert drafting group also agreed that, when introducing the Preliminary Assessment process, a transition phase is needed. The specification of the transition phase needs to be included in the related decision that the Committee will take following examination of the proposed changes.
14. The proposed changes span over different sections and annexes of the *Operational Guidelines* and could not be just limited to the revision of the few paragraphs of Section III on the "Process for the inscription of properties on the World Heritage List", including the change to the order to some of the paragraphs, rephrasing, and rewording of certain ambiguous sections.
15. The broad work of introducing the Preliminary Assessment provided the opportunity to review, improve and clarify provisions that are not directly linked to the integration of the Preliminary Assessment, but related to the nomination process.
16. The proposed changes could be divided into two broad categories:
 - a) **substantial changes**: those significantly affecting the content of the provisions;
 - b) **formal changes**: various sub-types of systematic changes that do not affect the provision but contribute to improving the transparency of the *Operational Guidelines* in different ways.
17. The Working Group agreed to base its work on the substantial changes proposed by the expert drafting group. These changes were subdivided in nine typologies: 1) alignment to other processes (Upstream Process), 2) Alignment to new process (Preliminary Assessment), 3) Consistency, 4) Simplification, 5) Additional guidance / Cross references, 6) Corrections, 7) Further accuracy, 8) Language clarifications, 9) Technical additions. The Working Group agreed to focus the work on significant changes to the *Operational Guidelines*, in particular the revised Paragraphs 120-122.
18. The Working Group took note of, and accepted, the proposed changes to Paragraph 47 concerning Cultural Landscapes and the corresponding removal of the existing Annex 3. The new Annex 3 contains the request format for a Preliminary Assessment, divided in nine sections with questions conceived to obtain the necessary basic information for this procedure. Subsequently, there are also adjustments in Annex 5 and Annex 6 to accommodate the Preliminary Assessment procedure. This includes a significant innovative procedure, namely a joint Preliminary Assessment by ICOMOS and IUCN.
19. The Working Group took note of the new Paragraph 60 echoing the provisions and priority system for nominations and introducing a priority for nominations whose Preliminary Assessment would be about to expire.
20. The Working Group took note of the more thorough description of the referral mechanism in the revised Paragraph 159 and considered it relevant in order to better separate it from the

deferral mechanism and avoid a tendency where the referral mechanism has been used to (re)introduce a substantially revised nomination dossier without the necessary Advisory Body evaluation.

21. The Working Group agreed to retain the referral procedure and implement the Preliminary Assessment but noted that the successful implementation of the Preliminary Assessment may mean the referral procedure would potentially not be useful in the future.
22. The Working Group discussed the timeframe of the Preliminary Assessment and recalled that the Committee decided in 2019 that the Preliminary Assessment (phase 1 of the nomination cycle) should be finished at least one year before phase 2 of the nomination cycle. It also noted that the preparation of the full nomination dossier took a significant amount of time to develop.
23. The Working Group discussed the order in which the information at Paragraphs 120-122 were presented, and being mindful of the existing text in the *Operational Guidelines* relating to the overall nomination process, agreed to keep separate the paragraphs relating to the Upstream Process, as distinct from the paragraphs relating to the Preliminary Assessment.
24. The Preliminary Assessment builds the capacity of States Parties to develop high quality nominations for sites which have a strong potential to succeed, through enhanced dialogue with the Advisory Bodies. The Working Group agreed that where the site may have potential to justify Outstanding Universal Value, the Preliminary Assessment should provide States Parties with specific guidance and advice, in the form of recommendations, to aid in the preparation of the nomination dossier. Specific changes are suggested to the *Operational Guidelines* to reflect these conclusions.
25. The Working Group also noted that the amendments to the *Operational Guidelines* relating to the Preliminary Assessment must reflect that the Committee is the decision-making body with regards to the determination of Outstanding Universal Value as per Paragraph 51 of the *Operational Guidelines*.
26. The Working Group considered that the Preliminary Assessment is a mandatory process leading to a nomination and that it is important to strictly uphold the spirit of the *World Heritage Convention* at this stage.
27. The Working Group noted the emerging tendency of disputes among the State Parties over nominations, and agreed that the submitting States Parties are encouraged to avoid, through constructive dialogue as much as feasible, potential issues which may concern other States Parties before the submission of nominations.
28. The Working Group requested and considered two notes providing legal advice related to this matter. The Working Group recognized the right of the States Parties to have their nominations considered by the Committee for possible inclusion in the World Heritage List.
29. The Working Group noted that the operational procedures for Article 11.3 of the *Convention* are not embedded in the *Convention* or the *Operational Guidelines*.

III. FURTHER ELABORATION OF THE NOMINATION REFORM PROCESS AND PRELIMINARY ASSESSMENT PROPOSAL BASED ON THE DECISION 43 COM 12

30. Decision **43 COM 12** endorsed the report and recommendations prepared by the Working Group on the reforms to the nomination process, including the two-phase nomination process, and agreed that the next phase focus on operationalization of the reforms.
31. Decision **43 COM 12** requested the Working Group to review the outcomes of the work of the expert drafting group and further elaborate upon the nomination reform process and Preliminary Assessment proposal based on Decision **43 COM 12**.

32. As the most significant reform was the introduction of the Preliminary Assessment process into the *Operational Guidelines*, this was a focus of the Working Group's discussions. The Working Group further considered the transition period for the implementation of the Preliminary Assessment as the first stage of the two-stage nomination process and took note of a presentation by the Secretariat concerning the financial impact of the Preliminary Assessment.

Implementation of the Preliminary Assessment

33. The Working Group discussed two options for the transition period for the implementation of the Preliminary Assessment as the first stage of the two-stage nomination process (Annex C). The first option was the fastest to enter into force, with the first deadline for a Preliminary Assessment request in September 2022. This option was difficult to implement as the budget for that period was already agreed.
34. The Working Group endorsed option 2 as the recommended option for implementing the Preliminary Assessment. According to this option the first deadline for submitting a Preliminary Assessment request would be 15 September 2023. In the transition period (Annex C) a State Party can submit either a Nomination dossier or a request for Preliminary Assessment per year. Nominations with and without a Preliminary Assessment would be considered by the Committee until mid-2027, after which time only nominations with a Preliminary Assessment will be reviewed by the Committee.

Financial impact of the Preliminary Assessment

35. The Working Group considered information provided by the Secretariat, noting that once the Preliminary Assessment was introduced, it would become a mandatory process and should be funded through the World Heritage Fund.
36. It was estimated that the cost of one nomination dossier going through the Preliminary Assessment would be USD 15,732 (including desk reviews, dialogue with States Parties, review by the panel and reporting), and represents about 50% of the overall cost per nomination evaluation. It was estimated that in the case of reaching the annual limit of 35 nomination dossiers as defined in Paragraph 61b) of the *Operational Guidelines*, the estimated cost over the biennium (70 nomination dossiers) would be USD 1,101,240.
37. The World Heritage Fund is reliant on stable income for its sustainability. The increase of expenditure in the line of Advisory services would require reducing other budget lines. Different approaches to manage these costs were presented, including settlement of arrears, unrestricted voluntary contributions, voluntary contributions to the evaluations' sub-account.
38. The Working Group noted that the introduction of the Preliminary Assessment would have a financial impact on the World Heritage Fund, particularly in the short-term. It noted that the World Heritage Fund includes compulsory contributions by States Parties to the *World Heritage Convention* (refer Article 16.1 and 16.2 of the *Convention*) and supplementary voluntary contributions by States Parties to the *Convention*.
39. The Working Group further noted the options for allocating unrestricted supplementary voluntary contributions to the World Heritage Fund by States Parties in order to improve the sustainability of the World Heritage Fund (refer Resolution **19 GA 8**).
40. The Working Group noted the necessity to consider the opportunities and benefits brought by the Preliminary Assessment in terms of strengthened and improved dialogue between States Parties, the World Heritage Centre and the Advisory Bodies, strengthening of capacities in the States Parties, improved quality of nominations leading to reduced pressure to the system through fewer nominations going through evaluation experiencing significant challenges and/or little or no chance of success, fewer properties being inscribed with challenges that may lead to issues related to State of Conservation shortly after

inscription etc. In sum, this could lead to significant savings at both national and international levels.

41. The Working Group noted that there would be up to one Preliminary Assessment per State Party per year, in line with Paragraph 61a) of the *Operational Guidelines*.
42. The Working Group discussed the possibility to improve the quality of the transnational serial nominations. Through the new wording in Paragraph 139 the States Parties concerned are encouraged to prepare an agreed nomination strategy before the official submission. This strategy should be discussed at the Preliminary Assessment stage. Later potential modifications to the agreed strategy could be accommodated according to the overall theme of the serial nomination.
43. The Working Group agreed that the withdrawal of one nominating State Party of a transnational/transboundary nomination during the nomination process is considered a substantial change, potentially making the nomination irrelevant on the basis of the agreed nomination strategy. If a nomination is withdrawn and modified on this basis, it will require a new Cycle of Preliminary Assessment and Evaluation.
44. The Working Group agreed that the outcome of the Preliminary Assessment does not guarantee inscription of the property on the World Heritage List.
45. The Working Group made some minor changes in the order of paragraphs of the revised *Operational Guidelines* for the sake of coherence and the readability of the text.

IV. RECOMMENDATIONS

The following recommendations in regards to the two items within the mandate of the Working Group are submitted to the Committee:

1. Recalling Decision **43 COM 12**, reiterates that the Preliminary Assessment (phase 1 of the nomination cycle) should be finished at least one year before phase 2 of the nomination cycle.
2. Recalling Decision **43 COM 12**, recognizes that the Tentative List represents an important planning tool at the national and international levels, and reaffirms that a site should remain on a State Party's Tentative List for a minimum of one year.
3. Recommends to encourage States Parties to avoid, through constructive dialogue as much as feasible, potential issues which may concern other States Parties before the submission of nominations.
4. Recommends that the World Heritage Centre, in cooperation with the Advisory Bodies, develop guidance and related training courses for the States Parties at the regional level to present the changes to the nomination process, and to ensure the constructive dialogue and support for States Parties in the implementation of the reform.
5. Recommends that the World Heritage Centre and the Advisory Bodies update the Resource Manual for Preparing World Heritage Nominations and encourages States Parties to contribute to this end.
6. Recommends that the transition period for introducing the Preliminary Assessment commences with the first deadline for receipt of voluntary Preliminary Assessment requests by 15 September 2023, followed by a period when nominations with Preliminary Assessments, and those without, may be reviewed by the Committee. By 2027 the transition period will end and the Preliminary Assessment will be mandatory, meaning that only nominations with a Preliminary Assessment will be examined by the World Heritage Committee from 2027 onwards.
7. Recommends to continue dialogue regarding feasible procedures related to Article 11.3 of

the *Convention* through a further discussion in the framework of the next Ad-hoc Working Group to be established for 2021-22.

8. Recommends to retain the referral procedure and implement the Preliminary Assessment, noting that the successful implementation of the Preliminary Assessment may mean the referral procedure would potentially not be useful in the future.
9. Recommends to adopt the proposed revision of the *Operational Guidelines*.

V. DRAFT DECISION

Draft Decision: 44 COM 11

The World Heritage Committee,

1. Having examined Document WHC/21/44.COM/11,
2. Expresses appreciation to the Ad-hoc Working Group for its work and recommendations;
3. Takes note that the implementation of the reform of the nomination process implies budgetary consequences;
4. Decides ... [this decision has to be examined jointly with Draft Decision **44 COM 14**];
5. Also decides to extend the mandate of the Ad-hoc Working Group, to be composed of members of the Committee and up to two non-members per Electoral Group, including the Committee members outgoing in 2021, to...
6. Further decides that the Ad-hoc Working Group shall work in consultation with the World Heritage Centre, Advisory Bodies and, as appropriate, relevant stakeholders, and submit its report and recommendations to the 45th session of the Committee.

AD HOC WORKING GROUP 2021

January 2021 – June 2021

**Organized by the Host Country of
the extended 44th Session of the World Heritage Committee
The People's Republic of China**

Mandate

The mandate of the Ad Hoc Working Group is defined as following by the decision 43 COM 12 of the 43rd session of the World Heritage Committee:

- a) review the outcomes of the work of the expert drafting group;
- b) further elaborate upon the nomination reform process and Preliminary Assessment proposal based on the decision 43 COM 12.

METHODOLOGY

Referring to the decision **43 COM 12**, the composition of the working group has been defined as the committee member states and up to two non-member states per electoral group. As per the decision, the Chairperson of the World Heritage Committee H.E. TIAN Xuejun communicated with the chairpersons of six electoral groups and asked them to present up to two non-committee members per group. The composition of the Group is presented below.

Affected by the COVID-19 pandemic, it was decided to hold the meetings of the Working Group online from 12:00 to 15:00. The proposed time schedule of the meetings is presented below.

The Working Group was chaired by the Mr. JIAO Ying, First Secretary of the Permanent Delegation of the People's Republic of China to UNESCO.

WORKING GROUP MEMBERS

Committee Members

AUSTRALIA dl.australia@unesco-delegations.org	BAHRAIN dl.bahrein@unesco-delegations.org
BOSNIA AND HERZEGOVINA dl.bosnie-herzegovine@unesco-delegations.org	BRAZIL dl.brazil@unesco-delegations.org
CHINA dl.china@unesco-delegations.org	EGYPT dl.egypt@unesco-delegations.org
ETHIOPIA dl.ethiopia@unesco-delegations.org	GUATEMALA dl.guatemala@unesco-delegations.org
HUNGARY dl.hungary@unesco-delegations.org	KYRGYZSTAN dl.kyrgyzstan@unesco-delegations.org
MALI dl.mali@unesco-delegations.org	NIGERIA dl.nigeria@unesco-delegations.org
NORWAY dl.norway@unesco-delegations.org	OMAN dl.oman@unesco-delegations.org
RUSSIAN FEDERATION dl.russia@unesco-delegations.org	SAINT KITTS AND NEVIS dl.st-kitts&nevis@unesco-delegations.org
SAUDI ARABIA dl.saudi-arabia@unesco-delegations.org	SOUTH AFRICA dl.south-africa@unesco-delegations.org
SPAIN dl.spain@unesco-delegations.org	THAILAND dl.thailand@unesco-delegations.org
UGANDA dl.uganda@unesco-delegations.org	

Non Committee Member States as per the Electoral Groups

Electoral Group I	
GERMANY dl.germany@unesco-delegations.org	ITALY dl.italy@unesco-delegations.org
Electoral Group II	
ARMENIA dl.armenia@unesco-delegations.org	AZERBAIJAN dl.azerbaijan@unesco-delegations.org
Electoral Group III	
MEXICO dl.mexico@unesco-delegations.org	SAINT-LUCIA dl.st-lucia@unesco-delegations.org
Electoral Group IV	
JAPAN dl.japan@unesco-delegations.org	REPUBLIC OF KOREA dl.coree-rep@unesco-delegations.org
Electoral Group Va	
UNITED REPUBLIC OF TANZANIA dl.tanzanie@unesco-delegations.org	no second member designated
Electoral Group Vb	
ALGERIA dl.algeria@unesco-delegations.org	KUWAIT dl.kuwait@unesco-delegations.org

PROPOSED TIME-SCHEDULE

<u>DATES</u>	MEETINGS
<u>13 January 2021</u>	Inception meeting of the Ad hoc working group
<u>10 February 2021</u>	1 st meeting of the Ad hoc working group
<u>10 March 2021</u>	2 nd meeting of the Ad hoc working group
<u>22 April 2021</u>	3 rd meeting of the Ad hoc working group
<u>12 May 2021</u>	4 th meeting of the Ad hoc working group
<u>31 May 2021</u>	Open-ended meeting of the Ad hoc working group
<u>7 June 2021</u>	5 th meeting of the Ad hoc working group

COMPOSITION OF THE SMALL EXPERT DRAFTING GROUP

EXPERTS

Christopher Young

Heritage Consultant
United Kingdom

Spela Spanzel

Secretary of the Cultural Heritage Directorate
Ministry of Culture
Slovenia

Samantha Burt (until September 2020)

A/g Director
International Heritage Section
Reef, Heritage and Marine Division
Department of the Environment and Energy
Australia

Susan McErlain (from September 2020)

Assistant Director
International Heritage | Heritage, Reef and Wildlife Trade
Department of Agriculture, Water and the Environment
Australia

Debra Kay Palmer

Director, World Heritage and Cultural Conventions
Ministry of Culture, Gender, Entertainment and Sport
Jamaica

Pascall Taruvinga

Chief Heritage Officer
Robben Island Museum, South Africa
Zimbabwe

Mohamed Ziane Bouziane

Arab Regional Centre for World Heritage (ARC-WH)
Manama
Bahrain

ADVISORY BODIES

Gwenaëlle Bourdin

Director
Evaluation Unit
ICOMOS International

Timothy Badman

Director
IUCN World Heritage Programme
International Union for Conservation of Nature (IUCN)

Valerie Magar

Manager, Programmes Unit
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WORLD HERITAGE CENTRE

Mechtild Rössler

Director

Alessandro Balsamo

Head of the Nominations Unit

Luba Janikova

Nominations Unit

Tiago Faccioli-Lopes

Nominations Unit

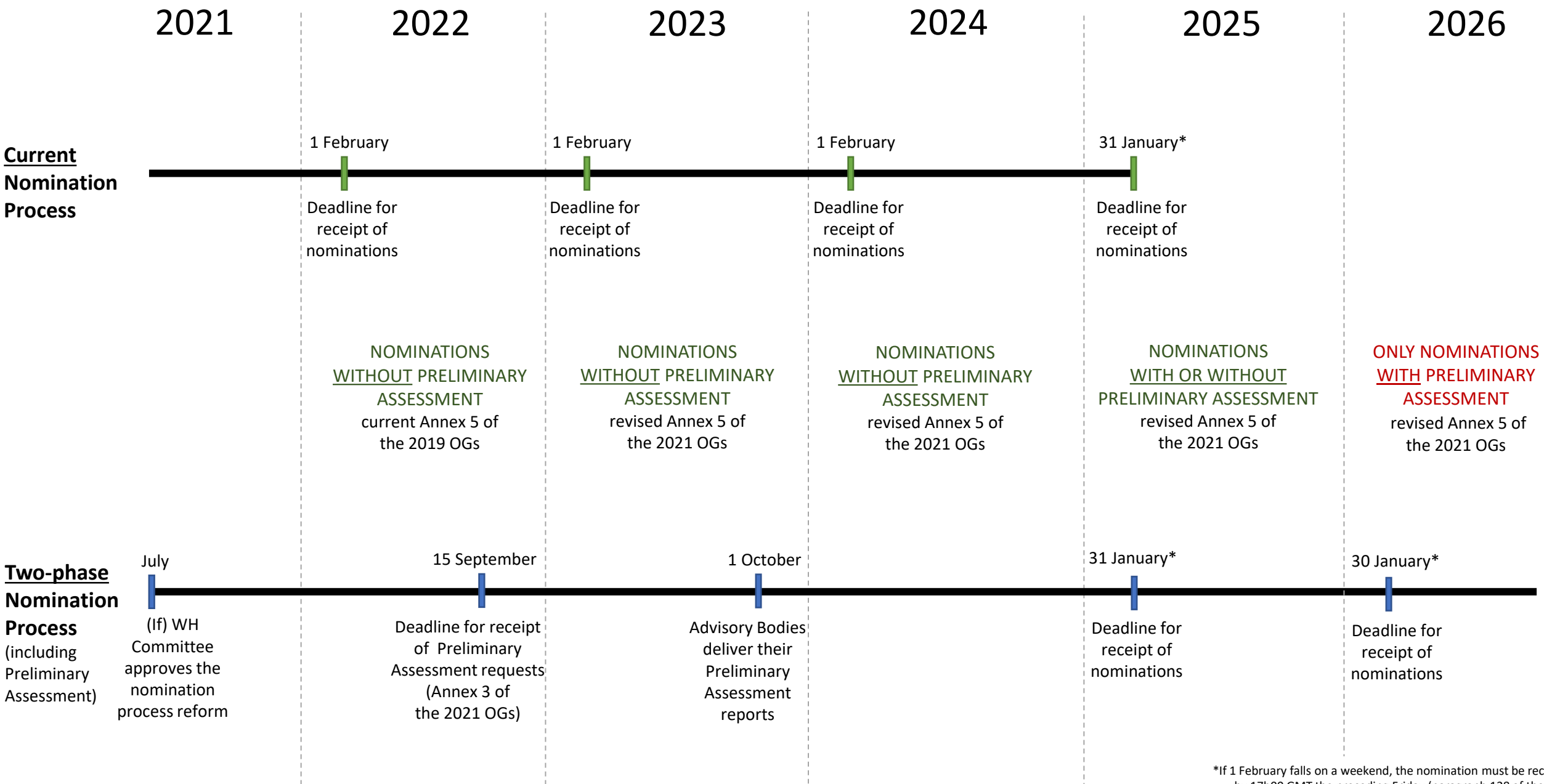
Lise Sellem

Nominations Unit

Beryl Brou

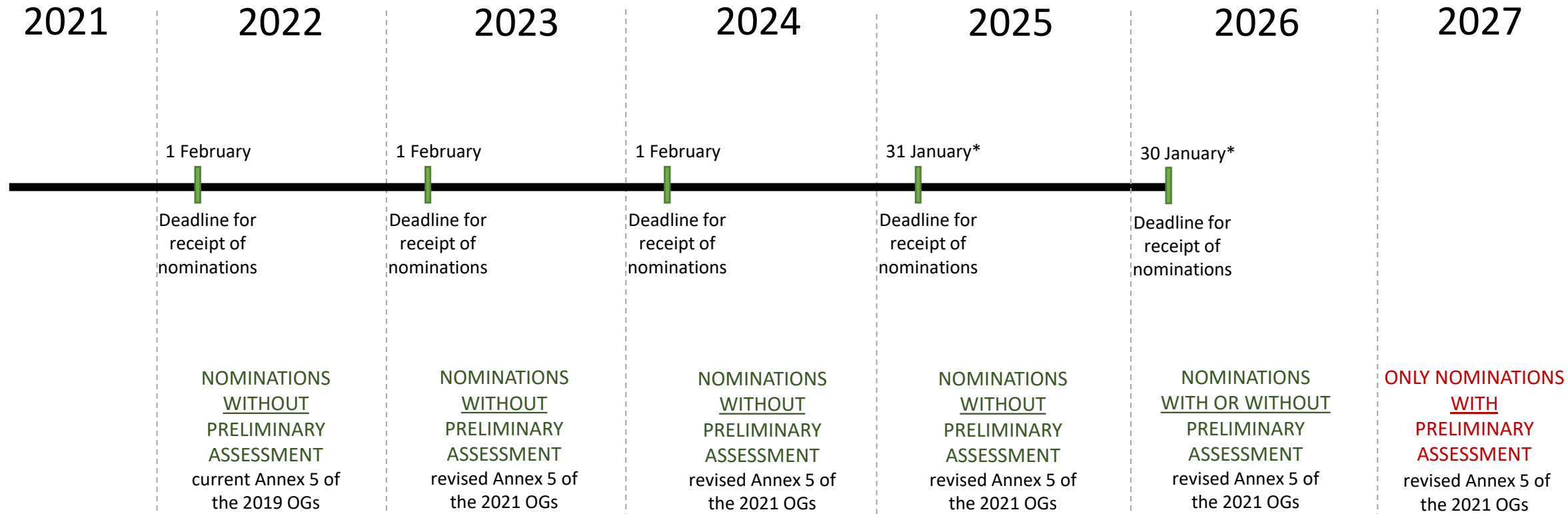
Nominations Unit

First deadline for receipt of Preliminary Assessment requests in **September 2022**



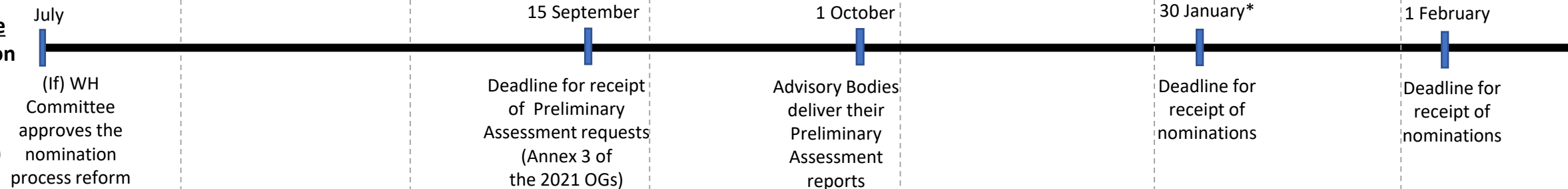
First deadline for receipt of Preliminary Assessment requests in **September 2023**

Current Nomination Process



Two-phase Nomination Process

(including Preliminary Assessment)



*If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday (paragraph 128 of the OGs)