



unesco

World Heritage Convention

18 EXT.COM

WHC/23/18.EXT.COM/4

Paris, 11 January 2023

Original: English

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

**INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION
OF THE WORLD CULTURAL AND NATURAL HERITAGE**

**Eighteenth Extraordinary Session
Paris, UNESCO Headquarters
24 January 2023, 10 am – 6 pm**

Item 4 of the Provisional Agenda: Outcomes of the Open-ended Working Group on sites of memory associated with recent conflicts

Summary

This document presents the background, operations and recommendation of the Open-ended Working Group of States Parties to the *Convention* on sites of memory associated with recent conflicts established by the World Heritage Committee by Decision **44 COM 8** (Fuzhou/online, 2021).

Draft Decision: 18 EXT.COM 4, see Point II

I. REFLECTION ON SITES OF MEMORY ASSOCIATED WITH RECENT CONFLICTS

1. Following reflections initiated in 2018, the World Heritage Committee decided in 2021 (Decision **44 COM 8**) to establish an Open-ended Working Group of States Parties to the *Convention*, in order to broaden the scope of the reflections on sites of memories of recent conflicts, accommodating other views not reflected in the reports it examined, and to consider whether and how “sites associated with recent conflicts” relate to the purpose and scope of the *World Heritage Convention*. By the same Decision, the World Heritage Committee requested this working group to integrate the outcomes of all the previous reflections in its final report, for consideration by the 45th session of the World Heritage Committee, and to inform the General Assembly.
2. At its first meeting (November 2021), the Open-ended Working Group elected Ms. Vera Lacoeyuilhe, Deputy Permanent Delegate of Saint Lucia, as Chairperson. Ms. Hellen Gichuhi, Deputy Permanent Delegate, Delegation of Kenya, was designed as Rapporteur of the Group and member of the Bureau along with Austria, Japan and South Africa.
3. Eight meetings of the Open-ended Working Group on sites of memory associated with recent conflicts were held between January and June 2022. From March onwards, the meetings of the Open-ended Working Group had an average attendance of 85 to 90 States Parties and an average of 200 participants at each meeting (this figure does not include connections via the webcast).
4. During the first meetings, States Parties expressed their views and ideas on how to move forward on this topic. Starting from March, the Open-ended Working Group debated on technical issues such as Outstanding Universal Value, authenticity and the application of criterion (vi) to sites of memory of recent conflicts and possible ways of dealing with potential tensions among States Parties. Consensus was reached on lifting the blanket ban on the evaluation of sites of memory associated with recent conflicts and on the need to avoid any unfairness towards nominations already submitted.
5. At the fifth meeting of the Open-ended Working Group, a first draft of a text including Guiding Principles for the preparation of nominations of sites of memory associated with recent conflicts was introduced for discussion. The document also included the proposed definitions of the terms “recent”, “conflict” and “sites of memory”. In addition, the text of the Draft Decision the Open-ended Working Group recommends to the Committee to also adopt a “Contestation Mechanism” for Tentative List entries and nominations submitted for sites of memory associated with recent conflicts. These items were debated and amended through the following four meetings and the text of the Draft Decision (see Draft Decision **18 EXT.COM 4**) was finally adopted by consensus at the last meeting on 24 June 2022.
6. The report of the Open-ended Working Group is presented in Document WHC/23/18.EXT.COM/INF.4. The Forms for the submission of contestations and related replies concerning a Tentative List entry or a submitted nomination are presented as Annexes I and II to this document.

Open-ended Working Group Recommendation

7. Recalling Decisions **42 COM 8B.24** and **44 COM 8** adopted at its 42nd (Manama, 2018) and the extended 44th (Fuzhou/online, 2021) sessions respectively, and considering the fruitful debates held during the meetings of the Open-ended Working Group established at its extended 44th session (Fuzhou/online, 2021) to broaden the scope of the reflection on sites of memory associated with recent conflicts, the Open-ended Working Group recommends to the World Heritage Committee to adopt Draft Decision **18 EXT.COM 4** Parts I and II.

II. DRAFT DECISION

Draft Decision: 18 EXT.COM 4

The World Heritage Committee,

1. Having examined Documents WHC/23/18.EXT.COM/4 and WHC/23/18.EXT.COM/INF.4,

Part I - Guiding Principles

2. Recalling Decisions **42 COM 8B.24** and **44 COM 8** adopted at its 42nd (Manama, 2018) and the extended 44th (Fuzhou/online, 2021) sessions respectively,
3. Considering the fruitful debates held during the meetings of the Open-ended Working Group established at its extended 44th session (Fuzhou/online, 2021) to broaden the scope of the reflection on sites of memory associated with recent conflicts,
4. Also recalling that the World Heritage List is intended to ensure the protection of only a select list of the most outstanding sites from a comparative and a universal viewpoint,
5. Recognizing that not all sites of memory associated with recent conflicts could satisfy the threshold of the Outstanding Universal Value, as with all other sites,
6. Also recognizing that the inscription of sites of memory associated with recent conflicts should serve the peace building mission of UNESCO, and emphasizing the importance of an agreement through dialogue among the concerned State(s) Party(ies) upon all nominations in this regard,
7. Encourages States Parties and Advisory Bodies in collaboration with the World Heritage Centre to seek to address their skill gaps and to strengthen their competencies, as well as those of managers, communities and local communities in order to address the particular challenges of sites of memory associated with recent conflicts, including the preparation of nominations and the future interpretation of these sites;
8. Decides to lift the moratorium on the evaluation of sites of memory associated with recent conflicts and also decides that the nominations of such sites for inscription on the World Heritage List may be evaluated on a case-by-case basis;
9. Further decides that nominations of sites of memory associated with recent conflicts, submitted by 1 February 2022 and considered complete¹, will be processed under the procedures and criteria applicable at the time of their submission;
10. Decides furthermore to suspend the application of Paragraphs 61 and 122 of the Operational Guidelines for the nominations of sites of memory associated with recent conflicts, submitted by 1 February 2022 and considered complete¹;
11. Notes that the Guiding Principles proposed by the Open-ended Working Group were elaborated with the understanding that:
 - i. The term “**conflict**” is considered to cover events such as wars, battles, massacres, genocide, torture, military occupations, movements of self-determination, resistance

¹ Notably: Funerary and memorial sites of the First World War (Western Front), **Belgium** and **France** / The Landing Beaches, Normandy, 1944, **France** / Brâncuși Monumental Ensemble of Târgu Jiu, **Romania** / Genocide memorial sites: Nyamata, Murambi, Gisozi and Bisesero, **Rwanda** / Human Rights, Liberation and Reconciliation: Nelson Mandela Legacy Sites, **South Africa** / ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination, **Argentina**.

movements, liberation movements from colonization, apartheid and occupation, exile, deportation and mass violations of human rights and events or actions that could potentially impact the territorial integrity of States.

- ii. The term "**recent**" generally relates to events having occurred from the turn of the twentieth century, it being understood that the sensitive nature of memories resulting from conflict can endure for centuries beyond that temporal framework.
 - iii. **Sites of memory** are places where an event happened that a nation and its people (or at least some of them) or communities want to remember. Sites associated with recent conflicts are specific sites with material evidence, in conformity with Articles 1 and 2 of the Convention, or landscape features which can be linked to their memorial aspect and that commemorate the victims of these conflicts. These sites, accessible, or made accessible, to the public, represent a place of reconciliation, remembrance, peaceful reflection, and must play an educational role in order to promote a culture of peace and dialogue.
12. Adopts the following **Guiding Principles** applicable to sites of memory associated with recent conflicts that are nominated under criterion (vi), preferably in conjunction with other criteria, as defined in paragraph 77 of the Operational Guidelines, having in mind that the Guiding Principles are consistent with the UNESCO Constitution, the World Heritage Convention, and the Operational Guidelines;

Guiding Principles:

- a) The nomination text will include the assessment of the **use of criterion (vi) carried out in three distinct phases**. First, the outstanding universal significance of the association must be demonstrated; secondly, the nature of the direct or tangible link between the association and the site must be described; thirdly, a comparative analysis to other sites with similar associations and their links to the site needs to be carried out.
- b) The nomination text will include the assessment of the authenticity of the physical site and of the link to the associated memories. Bearing in mind potential differing views, factual accuracy must be demonstrated to avoid distortion of memories. In addition, it has to be shown that efforts were made to address and minimize any dissonance that may occur at the local, national, regional, and international levels.
- c) The nomination text shall include documentation that serious efforts have been made to ensure inclusive and effective participation of all potentially affected stakeholders in the process of preparation of the nomination and their agreement on the meaning, values and interpretation of the nominated property. The nominating State(s) Party(ies) is/are responsible for identifying all potentially affected stakeholders that need to be involved throughout the development of the nomination and in the ensuing process. Potentially affected stakeholders include, inter alia, other concerned States Parties, local communities where sites are located, communities of interest, local governments, right-holders and others.
- d) The nomination text will include a dedicated sub-section titled "**Interpretation strategy**". Bearing in mind potential differing views and narratives, the interpretation strategy shall be multi-dimensional to present accurately the full meaning of the site and to support an understanding of its full history. The physical location at the place where conflict has taken place and means of interpretation will be part of the interpretation strategy. The interpretation strategy shall embrace the place's historical past and its present-day meanings, in a dialogue and peace-building perspective. It needs to discuss how the stakeholders concerned with the site intend

to take into account the debates on issues of current concern that connect to the themes of the site. The strategy should describe efforts made so that stakeholders who have an interest in the site will be engaged in the development of interpretation for the site.

- e) *The nomination text, under a dedicated sub-section titled “**Education and information programmes**”, will include evidence of educational and information programmes meeting the same high ethical and scholarly standards of the UNESCO Global Citizenship Education programme, such as the inclusion of multiple narratives based on sound research and comparative analysis using documentary and archival sources, testimonies and material evidence. Sites of memory associated with recent conflicts have the potential to teach preventive lessons and promote reconciliation and peace. On the other hand, sites where the values are still contested may unduly favour one narrative over others, leading to exclusion and injustice and fostering divisiveness, not peace.*
 - f) *The nomination text shall document the **reconciliation process** and demonstrate that the nomination of the site is not interrupting the process of dialogue and reconciliation. Bearing in mind that for sites of memory associated with recent conflicts, reconciliation can be a slow and painful process, the values proposed as potential Outstanding Universal Value in these nominations should encourage the ongoing process of dialogue and reconciliation in relation to the concerned conflict.*
13. *Also encourages State(s) Party(ies) responsible for nominations processed under existing procedures and criteria¹, to do their utmost to implement the Guiding Principles identified in relation to interpretation, education and information and reconciliation;*

Part II - Mechanism to notify a contestation

14. *Considering that nomination files are produced by the concerned States Parties, the sole responsibility for the content of each nomination file lies with the State Party concerned; the receipt, processing and publication of the nomination file does not imply the expression of any opinion whatsoever of the World Heritage Committee or of the Secretariat of UNESCO concerning the history or legal status of any country, territory, city or area or of its boundaries,*
15. *Keeping in mind that “the purpose of UNESCO is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations” (Article I, UNESCO Constitution),*
16. *Also adopts the following contestation mechanism for Tentative List entries and submitted nominations, applicable to sites of memory associated with recent conflicts that are nominated under criterion (vi), preferably in conjunction with other criteria, as defined in paragraph 77 of the Operational Guidelines:*

a) Contestation concerning a Tentative List entry

A State Party may contest an existing or newly submitted Tentative List entry, formally, in writing, using the form available on the World Heritage Centre’s website. The World Heritage Centre will confirm the receipt of the notification of contestation and transmit a copy to the submitting State(s) Party(ies), and to the relevant Advisory Body(ies). The notification of contestation will be provided to the World Heritage Committee as an information document for noting under Item 8A Tentative List at the following World

Heritage Committee meeting. The World Heritage Centre will facilitate dialogue among the concerned States Parties.

b) Contestation concerning a newly submitted nomination

*On **31 March (year 1)**, newly submitted nominations that are considered complete are uploaded on the World Heritage Centre's website and made available for all States Parties.*

*State(s) Party(ies) may submit a contestation **up to 30 June (year 1)** at the latest. The contesting State(s) Party(ies) shall express formally, in writing, its contestation to the World Heritage Centre using the established form available on the World Heritage Centre's website. The World Heritage Centre will transmit the submitted contestation to the nominating State(s) Party(ies).*

*The nominating State(s) Party(ies) may respond to the contestation formally, in writing, to the World Heritage Centre using the established form available on the World Heritage Centre's website **by 30 September (year 1)** at the latest. The World Heritage Centre will transmit the response to the contestation to the contesting State(s) Party(ies).*

The World Heritage Centre will facilitate dialogue among the concerned States Parties. The notification of contestation and any response to the notice of contestation from the nominating State(s) Party(ies) will be provided to the World Heritage Committee as an information document under Item 8B Nominations to the World Heritage List, therefore, no further notifications could be integrated in the formal contestation beyond the limit of six weeks prior to the World Heritage Committee's session.

*In case the concerned States Parties reach an agreement, the nominating State(s) Party(ies) will submit evidence documenting their agreement on contested matters to the Committee as additional information to its own nomination **by 28 February (year 2)**.*

Where no agreement has been reached, with due regard to the Committee's prerogatives, and unless otherwise decided by the Committee, it should request the concerned States Parties to continue their dialogue.

Whatever the outcome of the continued dialogue, the nomination file will be re-examined at the following session of the World Heritage Committee.

17. Decides moreover to amend the relevant parts of paragraphs 140 and 168 (1 February – 1 March Year 1) of the Operational Guidelines as follows:

The Secretariat will also make available the electronic format of the text of the nomination dossiers ~~to the Members of the Committee~~ on the World Heritage Centre's website.



**FORM FOR THE SUBMISSION OF CONTESTATIONS
CONCERNING A TENTATIVE LIST ENTRY OR A
SUBMITTED NOMINATION**



RECEIVED ON (to be filled in by the World Heritage Centre): __/__/__

CONTESTED OBJECT

STATE(S) PARTY(IES):

TENTATIVE LIST ENTRY or NOMINATION:

CONTESTATION SUBMITTED BY

STATE(S) PARTY(IES):

DETAILS OF THE CONTESTATION

CONTESTING STATE(S) PARTY(IES) (Please indicate the reasons of the contestation and, where possible, please indicate precisely what is contested in the submission, including page, column, line and the reason why it is contested.)



**FORM FOR THE SUBMISSION OF RESPONSE TO
CONTESTATIONS CONCERNING A TENTATIVE LIST
ENTRY OR A SUBMITTED NOMINATION**



RECEIVED ON (to be filled in by the World Heritage Centre): ___/___/___

RESPONSE CONCERNING THE CONTESTED OBJECT

STATE(S) PARTY(IES):

TENTATIVE LIST ENTRY or NOMINATION:

CONTESTATION SUBMITTED BY

STATE(S) PARTY(IES):

RESPONSE TO THE CONTESTATION SUBMITTED BY

STATE(S) PARTY(IES):

RESPONSE TO THE CONTESTATION

**STATE(S) PARTY(IES) WHICH SUBMITTED THE CONTESTED TENTATIVE LIST ENTRY or
NOMINATION** (Please provide a concise response to the contestation.)