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**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

INF.4: Report of the Open-ended Working Group on sites of memory associated with recent conflicts

Summary

This document presents the Report of the Open-ended Working Group on sites of memory associated with recent conflicts, which held nine meetings between November 2021 and June 2022.

This Information Document should be read in conjunction with Document WHC/23/18.EXT.COM/4.

I. BACKGROUND AND MANDATE

The extended 44th session of the World Heritage Committee (Fuzhou/online, 2021) by Decision **44 COM 8** decided to establish an Open-ended Working Group of States Parties to the Convention, in order to broaden the scope of the reflection on sites associated with memories of recent conflicts, accommodating other views not currently reflected in the existing reports, and to consider whether and how the “sites associated with recent conflicts” relate to the purpose and scope of the World Heritage Convention. The Committee also requested this Open-ended Working Group to incorporate the outcomes of all the reflections in their final report, to be presented for its consideration at its 45th session, and to keep the General Assembly of the States Parties informed.

During its inception meeting on 5 November 2021, Ms. Vera Lacoeylthe, the Permanent Delegate of Saint Lucia to UNESCO was unanimously elected as Chairperson of the working group, with Austria, Japan and South Africa as Vice-Chairpersons and Ms. Hellen Gichuhi/Kenya as Rapporteur.

II. SUMMARY OF THE WORK OF THE OPEN-ENDED WORKING GROUP OF STATES PARTIES TO THE CONVENTION

1. The Open-ended Working Group held nine meetings with simultaneous participation in Room XI and Online. To tackle its work as outlined by the Committee in Decision **44 COM 8**, the first meeting was dedicated to the constitution of the Bureau, with a preliminary discussion on the method of work, for which the Bureau was mandated to determine the way forward.
2. The second meeting afforded States Parties as well as the Advisory Bodies, an opportunity to extensively share their views, experiences and perspectives on whether and how the “sites associated with recent conflicts” relate to the purpose and scope of the World Heritage Convention.
3. The Working Group reaffirmed the right of States Parties to submit nominations in line with the World Heritage Convention and Operational Guidelines, and expressed its interest in a case-by-case evaluation of the nominations in accordance with the Convention and its Operational Guidelines; with an evaluation of each dossier on its own merits.
4. States Parties shared on experiences concerning the use of criterion (vi), the evolutive understanding of World Heritage, and the crucial role of dialogue, peace and reconciliation in World Heritage sites, so as to uphold UNESCO’s peace-building mission and the credibility of the Convention.
5. States Parties underscored the delicate exercise, when considering any cultural property, of ensuring an objective appraisal of nominated properties while mitigating as much as possible the presence of subjective elements. The meeting reiterated the need for consensus and an agreed solution on how to deal with sites of memory associated with recent conflicts, and any potential political tensions and conflicts that may arise.
6. The Working Group further underscored that the time had come to clarify or develop the tools and guidelines to facilitate the deliberations of the Committee on nominations of sites of memory associated with recent conflicts, for a way forward.
7. At its third, fourth and fifth meetings, the Working Group discussed the technical aspects entailed in the preparation of nominations, the evaluation, and the inscriptions of sites

of memory associated with recent conflicts to the World Heritage List, as well as solutions to any risk of political tensions or conflict related to some nominations.

8. The Working Group actively debated on the Outstanding Universal Value (OUV) for sites of memory associated with recent conflicts, and the authenticity and integrity among other technical aspects. Questions concerned how to address OUV as a fixed value system to support ongoing reconciliation processes, and how to ensure proper consideration of the interrelationship between material and immaterial values, as conservation is at the core of the Convention.
9. During the debates on resolving potential political tension related to the inscription of sites of memory associated with recent conflicts, the Working Group underscored the importance of enhancing an understanding of sites of memories of recent conflicts, as well the application and use of criterion (vi) in assessments/evaluations. Discussions concerned, *inter alia*, the opportunities for dialogue among States Parties and relevant stakeholders at the various stages of the nomination process, how to ensure the World Heritage Committee does not take up the role of an international tribunal, and the contribution of sites of memory associated with recent conflicts to reconciliation and educative processes. Capacity-building for States Parties, the Advisory Bodies, managers, communities and local communities was also underscored, 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.
10. Following the fruitful discussions, the Bureau of the Working Group proposed draft “Guiding Principles for the Preparation of Nominations Concerning Sites of Memory Associated with Recent Conflicts” as a basis for an outcome document of the Working Group.

Part I – Guiding Principles

11. The Guiding Principles, compiled from various reports and already existing texts, were extensively debated and elaborated in four consecutive meetings, to aptly reflect and incorporate views and perspectives expressed. The outcome consists of a Draft Decision divided in two distinct segments: **Part I – Guiding Principles; and a Part II – Mechanism to Notify a Contestation**, consisting of two subsets **(a) Contestation concerning a Tentative List entry; and (b) Contestation concerning a newly submitted nomination**.
12. The Guiding Principles are 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.
13. The Guiding Principles recommend the lifting of the moratorium on the evaluation of sites of memory associated with recent conflicts; proposes that the nominations of sites of memory associated with recent conflicts for inscription on the World Heritage List may be evaluated on a case-by-case basis; and further presents definitions for “conflict”, “recent” and “sites of memory”, elaborated as follows:
 - i. The term “**conflict**” is considered to cover events such as wars, battles, massacres, genocide, torture, military occupations, movements of self-determination, resistance 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.
14. As requested by a State Party, the present report reflects that the definition of **Sites of memory** concerns sites restricted to locations where the events occurred *in situ* and yet some memorial sites exist for events that occurred elsewhere.
 15. The Guiding Principles cover notable elements such as the Nomination text, where the nomination text is to include an assessment of the use of criterion (vi) carried out in three distinct phases. First, demonstrating the outstanding universal significance of the association; secondly, describing the nature of the direct or tangible link between the association and the site; and thirdly, carrying out a comparative analysis to other sites with similar associations and their links to the site in question. The Nomination text is also to include a sub-section on **Interpretation Strategy**, as well as a sub-section on **Education and Information** programmes. The text is also to document the **reconciliation process**, demonstrating that the nomination of the site is not interrupting the process of dialogue and reconciliation.
 16. A State Party also wished for the report to note that the reference in the Guiding Principles requesting for "The nomination text to 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", is to include the mention "if possible" should the Guiding Principles become binding text. The State Party emphasised that such nominations are specific cases, a special category, and therefore it sometimes is impossible to include all stakeholders.
 17. The Working Group therefore discussed that the submitting State(s) Party(ies) is to document efforts to involve all stakeholders; and should it not be possible to involve all the stakeholders, this difficulty should also be documented.
 18. On the reference to reconciliation, a State Party wished for the report to reflect that the reference to reconciliation is understood in the Guiding Principles to mean 'reconciliation among communities' for healing, and not as a process to force individual victims to reconcile with their perpetrators, nor is it meant as forgiveness for perpetrators.
 19. Bearing in mind that for sites associated with memory of recent conflicts, reconciliation can be a slow and painful process, the values proposed as potential OUV in the mentioned nominations should indicate efforts made to initiate reconciliation processes and encourage the ongoing process of dialogue and reconciliation in relation to the concerned conflict.
 20. The Guiding Principles state that nominations of sites of memory associated with recent conflicts submitted by 1 February 2022 and considered complete, will be processed under the procedures and criteria existing at the time of their submission. Furthermore,

the States Parties having submitted the six nominations concerned, if they wish so, will also be able to update and then resubmit the nominations for the same sites to incorporate the Guiding Principles. For the mentioned nominations, is also recommended the suspension of Paragraphs 61 and 122 of the Operational Guidelines relating to the number of submitted files per cycle and the preliminary assessment respectively.

21. A State Party underscored the importance of Paragraph 61 as a tool to reach the goals of the Global Strategy, and the risk that suspending the Paragraph 61 might impede achieving the goals of the Global Strategy exhorting to therefore try to avoid any such possible precedents.
22. The Working Group subsequently discussed referring to only relevant segments of Paragraph 61, for the suspension to enable the examination of the nomination files submitted by 1 February 2022 and considered complete. However, in light of a precedence of the Paragraph 61 being suspended to allow for the re-submission of updated nomination files in past Periodic Reporting cycles, the Working Group settled for a reference to Paragraph 61 in its entirety, with the explanation provided in this report.

Part II – Mechanism to Notify a Contestation

23. To introduce the **mechanism by which to notify a contestation**, the Working Group considered that the nomination files produced by the concerned States Parties, are the sole responsibility of the States Parties, for which 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.
24. The **contestations concerning a Tentative List entry** concerns the contestation by a State Party of an existing or newly submitted Tentative List entry, formally, in writing, using a newly developed form available on the World Heritage Centre's website. Contestation arguments and the replies from the State Party whose Tentative List entry is contested are to be presented on separate forms.
25. On the **contestations concerning a newly submitted nomination**, the Working Group introduced new elements whereby 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) then have until 30 June (year 1) to submit any contestations using a dedicated form. The nominating State(s) Party(ies) may respond to the contestation by 30 September (year 1). In case the concerned States Parties reach an agreement, the evidence will be made available to the Committee by 28 February (year 2) on the World Heritage Centre's website.
26. The Working Group also recommended that where no agreement has been reached, with due regard to the Committee's prerogatives, and unless otherwise decided by the World Heritage Committee, the Committee 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.
27. A brief amendment is also proposed to the Operational Guidelines, Paragraphs 140 and 168 in accordance with the proposed new timelines for newly submitted nominations and their contestations to be made accessible to all States Parties to the Convention ahead of the Committee session.

28. The Working Group noted the recommendatory and non-binding character of the Guiding Principles, in the Group's understanding of its mandate to provide general guidelines, upon which the Committee is to decide on its adoption and implementation. Options considered by the Working Group included the use of the Guiding Principles as a stand-alone reference, as an inclusion into the resource manual, or a more binding form. The Committee is therefore to identify the best way possible to implement the Guiding Principles, whilst fully respecting the World Heritage Convention.
29. A State Party also communicated their opinion to be included in the report, stating that: the general principles incorporated into the Guiding Principles should not be interpreted exclusively as ones applied only to specific nominations related to sites of memory associated with recent conflicts. As long as we intend the Guiding Principles to be compatible with the World Heritage Convention and the Operational Guidelines, believe that the Guiding Principles are fully applicable to other nomination files when its application is deemed necessary for the implementation of the World Heritage Convention. This understanding, the statement continues, is critical to avoid unintended consequences which can happen by applying Guiding Principles only to certain nomination files, because selective application of certain principles can potentially create unfairness and inequality among nomination files and furthermore risk undermining the integrity and legality of the World Heritage Convention.
30. The Working Group successfully concluded its work on 24 June 2022.