

# The Potsdam Papers

A Reform Agenda for the World Heritage Convention  
on Occasion of its 50th Anniversary  
Submitted by the World Heritage Watch Global Network







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**Submitted by the World Heritage Watch Global Network**

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# Contents

|   |     |
|---|-----|
| Introduction  | 3   |
| Executive Summary   | 6   |
| How to Read the Potsdam Papers  | 15  |
| The Potsdam Papers  |     |
| 01 Curb the Politicization of the World Heritage Convention                                     | 16  |
| 02 Prevent the Devaluation of the World Heritage List   | 27  |
| 03 Codify the Role and Rights of Civil Society  | 34  |
| 04 Reform the Guidelines on Nomination, Management and Monitoring                               | 44  |
| 05 Strengthen Relations between the World Heritage Convention and<br>Other Relevant Conventions | 53  |
| 06 Secure Sustainable Support Finance for World Heritage  | 59  |
| 07 Ensure and Support a Practice of Sustainable Development at World<br>Heritage Sites          | 64  |
| 08 Strengthen the Role of World Heritage Sites in Tackling the Climate Crisis                   | 67  |
| 09 Regulate Tourism at World Heritage Sites   | 83  |
| 10 Protect Freshwater Ecosystems from the Impact of Hydroelectric Dams                          | 91  |
| 11 Develop Guidelines for the Nomination and Management of Cultural<br>Landscapes               | 100 |
| 12 Make the Establishment of Buffer Zones a Binding Requirement                                 | 106 |

# Introduction

The celebration of the 50th Anniversary of the UNESCO World Heritage Convention is a welcome occasion to honor the commitment of the many people around the globe who are active in World Heritage matters, to look back on their successes, but also to define future tasks in a rapidly changing world.

The UNESCO World Heritage Sites face growing and ever new challenges. At the same time, the World Heritage Convention has to assert itself as a binding set of rules in a complex fabric of international developments.

ARGUS Potsdam e. V. as a local organization, and World Heritage Watch with its worldwide civil society network, have been championing the preservation of the UNESCO World Heritage and the active participation of civil society for many years. In 2019, the UNESCO World Heritage Centre asked us to contribute our experience to the further evolvement of the World Heritage Convention. To this end, the WHW network has now prepared position papers on priority policy issues with an intention to contribute to a renewed commitment and future-oriented strategies for the preservation and safeguarding of the World Heritage.

After having discussed drafts with pioneers of the World Heritage Convention – former senior officials in UNESCO, ICOMOS and IUCN – in 2021 and receiving a positive feedback, we have further discussed them in our global network of civil society actors. The result of this process is presented to you in this publication.

## Background and Rationale

The implementation of the World Heritage Convention is facing increasing challenges. The Preamble to the 1972 Convention stated already "that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction".

The popularity of World Heritage itself has led to competition among States Parties for more and more sites on the World Heritage List which increases by around 20-25 sites every year. While the state of conservation of many inscribed sites deteriorates, the capacities of the UNESCO World Heritage Centre do not increase to the required extent, and the funds available for the preservation of the sites stagnate or even decrease. This development is exacerbated by the increasing pressure on natural resources in protected areas and on the forms of land use of historically evolved cultural landscapes, by tourism, the advance of technical infrastructure, investor projects, and increasingly by climate change.

When the Convention was adopted, it was assumed that all countries would equally endeavor to preserve their natural and cultural heritage. Although the Operational Guidelines for the World Heritage Convention have been revised from time to time, the impression is growing that, contrary to recommendations by ICOMOS, IUCN and ICCROM, an increasing number of decisions of the World Heritage Committee compromise the preservation of the sites. When

making decisions, some of the 21 State Party members of the World Heritage Committee appear to give a high priority to national and geopolitical interests compared to technical aspects and concerns for preservation. One of the concerns of the Potsdam Consultation was therefore to discuss how the weight of technical considerations can be strengthened again.

## **The Role of Civil Society**

The 50th anniversary of the World Heritage Convention offers an opportunity for initiatives to align its regulatory framework to today's requirements, and to find practical solutions for many urgent challenges to the long-term preservation of the World Heritage. Civil society is becoming increasingly important in this context since local watchdog groups are constantly present at the sites and are cognizant of the strengths and weaknesses, opportunities and risks of the World Heritage system.

In 2008, ARGUS Potsdam e.V. organized the conference "World Heritage and Civic Commitment - Citizens' Participation Between World Heritage and Planning of Construction and Transport" in Potsdam. We wanted to demonstrate the great importance of the world heritage for public awareness, for the community and for economic development. The Potsdam Consultation built on this - in line with the occasion, it has now been expanded to the international level.

World Heritage Watch (WHW) went public for the first time in 2015 with a conference on "UNESCO World Heritage and the Role of Civil Society" in Bonn. At this conference, over 100 representatives of NGOs and indigenous peoples – among them ARGUS Potsdam - demonstrated their significant contributions to the protection and safeguarding of World Heritage sites. The conference, which has since then been followed every year by an International Forum of Civil Society and a documenting report - marked the appearance of international civil society as an independent factor in the implementation processes of the World Heritage Convention. To this day, WHW is the leading global network that deals exclusively with the World Heritage.

Since 2015, civil society has played an increasingly important role in the implementation of the Convention. New groups are constantly introduced to the work of the convention, and for a number of years a growing number of representatives involved in the WHW network have been taking part in the sessions of the World Heritage Committee and contributing to its deliberations with well-founded interventions. This grassroots information is consistently recognized as substantial and valuable by those involved in the decision-making processes. In addition to the World Heritage Committee and its technical Advisory Bodies IUCN, ICOMOS and ICCROM, the global WHW network has established itself as an expert partner among the group of implementers of the World Heritage Convention.

## **Actionable Proposals Ready for Adoption**

The Potsdam Papers are a strong call for the action urgently required in order to prepare the World Heritage Convention for its next 50 years and beyond. Their aim is to initiate a discussion leading to joint efforts by both the Statutory Bodies of the Convention, donors and civil society, and eventually encouraging the World Heritage Committee to include the amendments suggested in the Potsdam Papers in their agenda for discussion and adoption.

While an uncounted number of declarations and recommendations for the improvement of the works of the World Heritage Convention have been produced over many years by an equally large number of academic and political bodies, the Potsdam Papers stand out among them by for the first time not only making recommendations but also translating them into the legal language of amendments to the statutory documents of the convention – they are actionable. Most of them can be tabled on a session of the World Heritage Committee immediately. To convince one or more member states of the Committee to make that move might prove to be a much more difficult challenge than drafting the Potsdam Papers themselves. Some may find this to be totally unrealistic. We can respond to them that while major social and political change usually takes many years to happen, most of it has been initiated by civil society, or with the famous words of Nelson Mandela: "It always seems impossible until it's done."

## Executive Summary

On 16 November 2022, the UNESCO World Heritage Convention will celebrate its 50th anniversary. Ratified by virtually the entire international community, it is an incomparable success story. A large number of nature reserves and cultural monuments would probably not have been preserved without having being inscribed on the World Heritage List, monitored by UNESCO and supported by the international community.

In the meantime, the number of world heritage sites has grown to 1,154 sites worldwide. The enormous popularity of this award, however, threatens to become its greatest threat. Based on the experience gathered by its network of over 200 civil society actors around the globe, World Heritage Watch has therefore comprehensively analyzed the situation of the world heritage and identified the urgent need for reform in 12 subject areas in order to protect the sites for the next 50 years and to uphold the credibility of the world heritage list.

We urgently call on the member states of the World Heritage Convention, the World Heritage Committee, its secretariat and Advisory Bodies ICOMOS (International Monument Council), IUCN (World Conservation Union) and ICCROM (International Council for the Conservation and Restoration of Monuments) to act in order to address concerns in the following areas:

### **Reform of the working modalities of the World Heritage Convention**

#### **• Protect professional decisions against non-professional interests**

The World Heritage Committee is increasingly taking decisions against the recommendations of its Advisory Bodies and, in response to pressure from individual members, overrules draft decisions of its own secretariat. This increasing politicization of decision-making processes must be countered and the expertise of specialists must be given more weight in order to stop the visible erosion of the credibility of the World Heritage List.

#### Recommended action

1. The General Assembly of State Parties and the World Heritage Committee should adopt a Code of Ethics.
2. The State Party delegations should be composed exclusively of experts, and one of them be determined to be the voting member.
3. The countries of each of UNESCO's five global regions should form Regional Committees where they coordinate the voting conduct with the countries representing the region in the WH Committee.
4. The documents of the WH Committee Sessions shall be made public prior to the sessions.
5. A track record of all amendments proposed to the draft decisions shall be established.
6. Objective indicators according to transparent standards shall be established for the level of protection and management of WH Sites, in order to base decisions to inscribe sites on the List of World Heritage in Danger on objective, traceable criteria.

- **Prevent loss of value due to inflation of the list**

An inflation of the World Heritage List through further unlimited growth (by two dozen additional sites annually) and qualitatively questionable selection processes must be prevented. In the medium term, the question of limiting the list must be raised, while at the same time achieving the goal of greater regional balance. Those countries in Europe that already have many sites on the World Heritage List are therefore called upon to consider a temporary nomination moratorium. In view of the increasing threats to the World Heritage sites from a variety of new types of dangers, the protection, preservation and development of the already designated World Heritage sites must be given priority over the registration of new sites.

Recommended action

1. State parties agree to submit only one more, and final, tentative list. Then the WH List will be closed (with certain exceptions).
2. The WH Committee decreases the number of nominations examined every year by three, until arriving at five per year.
3. Nominations to the WH List will not be examined from States Parties who
  - have a property inscribed on the List of World Heritage in Danger;
  - have repeatedly failed to inform the WH Centre in accordance with §172 of the Operational Guidelines until they have demonstrated full compliance over a period of time;
  - have repeatedly failed to fully implement Committee decisions within a reasonable amount of time.
  - have drafted a nomination under violation of human rights or the rights of indigenous peoples, or whose nomination may lead to the violation of such rights.
4. The technical requirements for nominations will be raised.

- **Codify the rights of civil society**

Civil society is becoming increasingly important in the protection and preservation of World Heritage sites. With hundreds of millions of euros annually, non-governmental organizations contribute significantly to the preservation of the sites. Their commitment to their respective World Heritage sites can significantly strengthen and guarantee their preservation. The decision that civil society should be involved in all World Heritage processes - onwards from nomination - must be implemented by all states. Educational offers must increase the population's understanding and appreciation of World Heritage sites.

As in many other conventions, the role and rights of non-governmental organizations need to be codified in the statutes of the convention. They should have access to all documents, their requests and reports should be kept on file and incorporated transparently into the decisions of the committee. As part of the annual session of the World Heritage Committee, information and speaking rights before resolutions are adopted should be guaranteed, as well as the inclusion of a regular agenda item with reports from civil society.

Recommended action

1. An Intersessional Committee is to be established, composed of representatives of the WH Committee and Secretariat, Advisory Bodies, and Major Groups of civil society, which will discuss strategic issues to be discussed and items to be included in the agenda of the



sessions. Major Groups are established of 1. non-governmental organizations, 2. indigenous peoples, 3. professional associations, and 4. local communities. Major Groups have rights similar to those of the Advisory Bodies.

2. State Parties shall include representatives of civil society in their National Commissions for UNESCO, and engage them in regular communication and exchange.
3. The WH Centre and Advisory Bodies shall appoint Liaison Officers for civil society, and engage in regular and coordinated exchange with civil society.
4. Major Groups are given access to nomination dossiers and the restricted part of the WH Centre's website.
5. The Committee establishes a unit in its secretariat advising it on potential violations of human rights and/or rights of indigenous peoples in the context of the implementation of the WH Convention.

- **Reform the guidelines for nominations, management and monitoring**

In the nomination dossiers of World Heritage sites, there is often a lack of crucial information on the basis of which a subsequent monitoring of their state of conservation can take place, for example lists of the objects that embody the outstanding universal value of the site, or specifications for the human, material and financial resources of the sites. Monitoring missions often cannot achieve their goals because they are delayed, too short, or understaffed, or because their mandate does not cover important areas such as the violation of human rights. By increasing the requirements for protection, management, and financing of the World Heritage Sites prior to inscription, many later problems can be avoided.

#### Recommended action

1. The WH Committee must clearly define participation to mean full participation.
2. State Parties must involve all stakeholders in the establishment of tentative lists from the start.
3. Nominations which do not sufficiently assure the adequate protection, management and financing of the property must not be inscribed.
4. To the Statement of Outstanding Universal Value must be annexed a complete and detailed list of all its individual attributes, including all their relevant features, for easy tracking and monitoring, and for a clear understanding of the Outstanding Universal Value by all stakeholders.
5. The State Party must submit, as part of the nomination, a 10-year Integrated Protection and Sustainable Development Plan for both the nominated property and its buffer zone, including a detailed investment plan, and with the objective of embedding the property and buffer zone in a wider context of sustainable development.
6. When nominating a property, State Parties must demonstrate sufficient human and material resources, as well as an effective mechanism of civil society participation, for the management of the property.
7. Ensuring fair benefits of the population living in or adjacent to the property from income generated through it must be one of the management objectives of a WH property.
8. Site management must include a conflict resolution mechanism through a Steering Committee.
9. UNESCO / Advisory Body Field missions must take place under conditions which give the best possible chances of their success, such as

- Missions must be long enough.
  - TORs of missions must always include meetings with NGOs and local communities.
  - State Parties must ensure that missions take place at a time of the year that allows access to all affected local communities.
  - Missions must be accompanied by independent interpreters, including those who speak the language of minority populations and/or indigenous peoples.
  - Evaluation missions must be long enough to be able to visit all parts of a nominated property, especially in the case of serial nominations.
  - Missions must meet different sectors and social groups of local communities, such as women and youth.
  - Every mission must include an expert familiar with the legal-administrative framework of the State Party and property under consideration, and must include a meeting with management staff.
  - Meetings with civil society and local staff must be held in the absence of state officials.
  - Mission reports must be allowed to include matters which were not foreseen in the TORs but were observed to be important during the course of the mission.
10. The WH Committee must invite State of Conservation Reports from civil society, to be registered documents published on its website.
  11. For projects planned and reported according to §172 OG, the financing sources must be reported.
  12. Periodic Reports must be written in cooperation with civil society.

- **Strengthen cooperation with other conventions**

The goals of the World Heritage Convention partly coincide with those of international environmental conventions, and they also affect human rights in particular: the nomination and protection of World Heritage sites must, under all circumstances, respect human rights, especially those of indigenous peoples and cultural minorities.

Recommended action

1. Regulations of the World Heritage Convention must be fully coordinated with universally accepted human rights law, especially:
  - a) The Human Rights Conventions and the Indigenous and Tribal Peoples Convention must be added to the list of Conventions relevant to the protection of cultural and natural heritage.
  - b) The Universal Declaration of Human Rights and the United Nations Declaration of the Rights of Indigenous peoples are non-binding but equally relevant documents to guide the coordination between Human Rights and World Heritage.
2. Formal relationships and working procedures, such as a mutual reporting obligation, must be established between the World Heritage Committee and the intergovernmental bodies of other Conventions.
3. Information provided by sources other than State Parties and Advisory Bodies must be treated confidential upon request of the source.

- **Secure sustainable support financing of the world heritage**

Overall, the UNESCO World Heritage system is severely underfunded at the international, national and local levels. Funds have not increased in step with the increasing demands of the

growing list of World Heritage Sites. In order to make World Heritage sites fit for the future, their preservation and the realization of their development potential must be included as a separate topic in the programs of international donors. With inscription on the World Heritage List, a site becomes the “common heritage of humanity”. This means that the international community has a responsibility that must be reflected in development policy funding guidelines and the allocation of funds.

#### Recommended action

1. In general, the focus of funding for World Heritage should shift from supporting new nominations to the protection and safeguarding of inscribed properties.
2. UNESCO’s Participation Programme should be greatly expanded, and access to it by civil society must be improved.
3. Where possible, UNESCO assistance should focus on support which is catalytic, in terms of encouraging funding and support from other donors and partners.
4. UNESCO, multilateral and bilateral donors, development banks, private foundations and other public and private programs should recognize the World Heritage explicitly as a subject of the global development agenda (as suggested already by the inclusion of the World Heritage in the SDGs), and make their programmes available to all matters related to the World Heritage accordingly.
5. A World Heritage Trust Fund should be set up by the international community in order to support the safeguarding of World Heritage, drawing on experiences from other Conventions such as the CBD and UNFCCC. Such a Trust Fund could include a Small Grants Programme to encourage and strengthen the involvement of local civil society with World Heritage.
6. In all programmes, priority should be given to Least Developed Countries, especially in Africa.
7. Relevant private and public foundations should review their mandates and funding policies in order to allow funding civil society activities targeted at the implementation of the World Heritage Convention, the support of the protection, conservation and management of World Heritage properties, the creation of an environment of sustainable development around World Heritage properties, and the conduct of meetings at local, national, regional and global level.
8. UNESCO is requested to establish a merchandising programme for World Heritage.

### **Contributions of World Heritage Sites to Sustainable Development**

- **Support sustainable development**

The general specification of the United Nations Sustainable Development Goals, which applies to all states, should be given special priority in the buffer zones as model regions. To this end, local administrations and private stakeholders must be given practical instructions on how sustainable development can be realized in practice at their sites, among others taking advantage of opportunities for economic cooperation and development aid. This gives the local population the opportunity to develop new sources of income in the vicinity of the World Heritage sites, thereby winning them over as supporters of the World Heritage and at the same time keeping non-sustainable interests at bay.

#### Recommended action

1. Sustainable Development must become a mandatory development path to be pursued in World Heritage cultural landscapes, cities, and sites, and in the buffer zones of all World Heritage Sites.
2. The WH Committee must define the term “sustainable development”.
3. Sustainable Development must be translated from an abstract concept to a practical guidance for action in the hands of site managers and local communities within and/or adjacent to World Heritage Sites.
4. Practical advice and training on sustainable practices should be conveyed together with theoretical education in clearing houses and replicable model projects at World Heritage properties and/or buffer zones.

#### • **Strengthen the role of World Heritage sites in tackling the climate crisis**

The World Heritage Convention requires member states to do “everything in their power” to protect their sites. Since the climate crisis threatens almost all World Heritage sites, the member states also have a legally binding obligation under the World Heritage Convention to do everything in their power to counter the climate crisis. At the same time, World Heritage sites offer excellent reference areas of high biodiversity for observing climate change, as they have been particularly protected and well researched over a long time.

#### Recommended action

1. Keep up the urgency and sense of crisis within the WH Committee about climate change.
2. Implement the Climate Policy to be adopted by the General Assembly of States Parties at its 23rd General Assembly and the Decisions of 41COM7 and 42COM7.
3. Assess the performance of State Parties in reducing the risks and impacts of climate change on their World Heritage properties, applying the “Fair Share” concept.
4. Identify those World Heritage sites most vulnerable to climate change.
5. Adopt the Climate Vulnerability Index (CVI), a standardized risk assessment methodology that can be applied to all World Heritage sites.
6. Fully integrate climate change into the reporting processes of the World Heritage Convention.
7. Make climate change part of the nomination process for World Heritage Properties.
8. Address climate change impacts on Outstanding Universal Value.
9. Strengthen systems for continued assessment, monitoring and early warning.
10. Increase the representation of primary natural ecosystems, high biodiversity areas, refugia and wilderness areas on the World Heritage List and include areas that provide a robust framework for restoration of ecological integrity.
11. Put ecologically designed buffer zones into place.
12. Identify and recognize areas that have an ability to act as carbon sinks.
13. Identify and recognize areas that have an ability to act as refuge areas for biodiversity.
14. Fully incorporate the latest climate science into World Heritage site management and planning.
15. Recognize that maladaptive use of renewable energy, especially large-scale hydropower, can be a threat to World Heritage.

16. Create detailed climate change action strategies for tourism management and development at vulnerable sites.
17. Recognize the contribution of minority populations and indigenous peoples in addressing climate change.
18. Increase resources for World Heritage site management and climate resilience.
19. Recognize the need for banks, investment companies and international finance institutions to prevent and mitigate climate change in their lending.

- **Make tourism plans a binding requirement**

World Heritage Sites are being preserved so that they can be visited for purposes of education and enjoyment. In addition, tourism is the main source of income not only for the sites themselves, but also for the nearby population. In recent years, however, tourism has gained the upper hand in many places (overtourism) and threatens to become a threat to World Heritage sites. Therefore, tourism plans developed in a participatory manner should become a binding requirement for all World Heritage sites in order to define and adhere to a sustainable level of tourist use.

Recommended action

1. The World Heritage Committee should urgently adopt a definition of the term "sustainable tourism", to be the common foundation for all its further activities related to this subject.
2. Development of sustainable tourism needs to be recognized as a key part of site management planning and site management. As such, it must become a mandatory chapter of management plans for World Heritage sites and a key aspect of the evaluation of nominations as well as in monitoring and reporting requirements.
3. Applying the Sustainable Tourism Management Assessment Toolkit, developed by UNESCO to assist site managers, must become obligatory for management, monitoring and reporting.

- **Protect freshwater ecosystems from the impact of hydroelectric dams**

Dams are often justified as a climate-friendly energy generation technology while dramatically contributing to the destruction of habitats, biodiversity and arable land. Special regulations need to be identified for possible threats to World Heritage waters from dams located far upstream or large-scale irrigation projects in their water catchment areas. Strategic World Heritage Impact Assessments need to be submitted to the World Heritage Committee for such projects.

Recommended action

1. Focus on the identification of rivers for World Heritage protection
2. Conduct Early Impact Assessments of dams to avoid harm to OUVs
3. Inscribe freshwater sites on tentative lists with priority.
4. Prevent investments into the destruction of free-flowing rivers
5. Improve the identification and notification on potential impacts on freshwater ecosystems.
6. Coordinate efforts with other conventions.



- **Develop guidelines for cultural landscapes**

Historically grown cultural landscapes are living landscapes that preserve their traditional forms of settlement and architecture, use of land and natural resources, ways of life and often spiritual traditions related to places. World Heritage cultural landscapes must be large enough to be representative functional units. At the same time, they are exposed to the changes that modern developments bring. Guidelines must therefore be developed as to how far changes in the cultural landscape can go in order to still be in harmony with its traditional character, and how the population can be supported in maintaining a balance between tradition and modernity.

Recommended action

1. Natural sites may be inscribed as such even if inhabited or used by indigenous and/or local communities.
2. Cultural landscapes may include areas of unused or unmanaged nature.
3. The protection of cultural landscapes should promote the sustainable use of natural resources.
4. Inscribed cultural landscapes must be large enough to adequately represent the totality of the cultural landscape that they represent, to include all attributes of its Outstanding Universal Value, and to fulfill all of its ecological, economical and cultural and spiritual functions.
5. In order to protect and safeguard the integrity of an organically evolved ("traditional") cultural landscape while still allowing the benefits from the changes and amenities of the modern world, a detailed plan must be provided setting tolerable limits of change of all attributes of its Outstanding Universal Value.
6. A shared and clear understanding of the Outstanding Universal Value, and a complete list of its attributes, including the general view of the landscape as a whole, appear to be the first precondition to prevent unwanted developments.

- **Make the establishment of legally binding buffer zones a requirement**

Buffer zones are essential for the visual integrity and protection of world heritage sites. Their designation must therefore become a mandatory requirement for inscription on the World Heritage List. Clear and binding principles for their demarcation are required so that they can be easily understood by the local population, especially in nature reserves, and easily monitored by the local supervising authorities. Binding regulations and standards for buffer zones, which can be checked by the World Heritage Committee on the basis of clear criteria, should be laid down in the Operational Guidelines.

Recommended action

1. Make the establishment of buffer zones an essential requirement in nominations.
2. Include the justification of the need of buffer zones in the Operational Guidelines.
3. Design buffer zones in direct response to potential harm which may impact the OUV of the inscribed property.
4. Delineate proper boundaries easily recognizable on the ground.
5. Demand regular re-evaluations of buffer zones of inscribed sites.
6. Maps should be made available to the local population and general public.

7. Design Buffer zones to be functional zones in their own right and with separate legal status, and create conditions for their sustainable economic development.
8. Include Buffer Zones in the agenda of evaluation and monitoring missions.

# How to Read the Potsdam Papers

At the end of most Potsdam Papers, we suggest specific amendments to the Statutory Bodies of the Convention – The Rules of Procedure of the General Assembly of States Parties and the World Heritage Committee, and the Operational Guidelines of the Convention. We have chosen this approach in order to go one step further than just making recommendations: We felt that a discussion about the issues will be more meaningful and focused if we submit actionable proposals.

In order to make it easier to understand what exactly the amendments are, we have set the text in a Track Change Mode adapted to a hardcopy booklet.

The main text body in Segoe Ui is authored by ARGUS Potsdam e.V. and World Heritage Watch (or outside authors where mentioned).

The black text in Times New Roman is citing the present Statutory Documents.

The ~~black strikethrough text in Times New Roman~~ is text from the present Statutory Documents which we suggest to delete.

The coloured and underlined text (track change mode in the original word files) is new text which we suggest to add to the Statutory Documents.

# 01 Curb the Politicization of the World Heritage Convention<sup>1</sup>

## The Challenge

### Politicization of the World Heritage Committee is preventing effective implementation of the Convention

**For the World Heritage Committee to effectively oversee the implementation of the Convention, it should rely on the professional and scientific evidence provided by the Advisory Bodies and the World Heritage Centre.** Formerly, the Committee has followed expert advice, and the World Heritage Convention has served as an effective conservation tool. For instance, from 1979 to 1991, States Parties regularly requested inscription of sites onto the List of World Heritage in Danger because inscription was seen as a useful strategy to address conservation issues and enabled access to increased financial assistance. This allowed States Parties to resolve issues by adopting improved management mechanisms and mitigating threats.

**However, of late, the World Heritage Committee has let vested interests of States Parties depart from the conservation priorities and original ethos of the Convention.** Politicization is observed when political factors, rather than professional technical advice, determine the Committee's final decisions on a site. Instead of adhering to evidence-based decision-making, the Committee has been influenced by political-economic factors, such as Committee membership or a State Party's diplomatic capacity. Politicization is also reflected in the nature of the Committee Members themselves. Instead of appointing heritage experts to represent them on the Committee, as has been traditionally required of all Committee Members in line with Article 9 §3 of the Convention, States Parties regularly appoint state ambassadors and politicians which has led to some uninformed and poor decision-making.

**The Committee's final decisions are being swayed by informal, diplomatic and bureaucratic strategies adopted by States Parties' when their objectives for a site are not compatible with the recommendations of conservation experts.** The Committee has used the lack of an invitation by the State Party for a reactive monitoring mission to justify repeated delays in inscribing sites to the List of World Heritage in Danger. This politicization means that the technical discussions occur infrequently at the Committee plenary sessions. For example, the fact that a site was the only nomination from a given region in a given year has been used recurrently by the Committee as a reason for inscribing sites against the advice of the Advisory Bodies. The consequence is a dilution of both the quality of sites inscribed on the World Heritage List and resources that can be applied to each site individually. This undermines the integrity of the Convention and also devalues the OUV of older sites.

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<sup>1</sup> The first three parts of this paper are a slightly abridged and amended version of the text body of the Report "Our Natural World Heritage at Risk. How Politicization is Limiting the Effectiveness of the World Heritage Convention", WWF – the World Wide Fund for Nature, Gland 2019

**Politicization of the World Heritage Committee is particularly visible at three distinct stages of decision-making: nomination, conservation recommendations, and inscription on the List of World Heritage in Danger.** At all these stages, the Committee has regularly upgraded<sup>2</sup> and downgraded<sup>3</sup> the technical recommendations put forward by the Advisory Bodies. In some cases, these amendments might be based on technical inaccuracies. However, in many cases, these amendments are driven by political trade-offs made by Committee members outside the formal sessions of the Committee.

## **A) Nominations**

**At times, States Parties lobby for the inscription of their sites on the World Heritage List despite sites not being of OUV, or with sub-standard nomination dossiers or conservation capabilities.** Some States Parties lobby for the inscription of their sites on the World Heritage List in the hope that it may bring tourism revenues since inscription is seen as an international label to market properties as tourist destinations. Often, however, the proposed nomination dossiers of sites for which States Parties advocate inscription are not optimized for conservation purposes. This means that some nominations are crafted to allow for industrial activities instead of having value-based boundary design and management plans.

**A high percentage of the Committee's nominations decisions have not aligned with the evidence and recommendation provided by the Advisory Bodies.** The majority of these decisions were upgrades with respect to what the Advisory Bodies had recommended.

**In particular, the Committee has disregarded the need for World Heritage sites to meet the standards for OUV, protection, management and integrity as defined by the Convention.** For instance, a comparison of sites inscribed against the advice of the Advisory Bodies (upgraded sites) and those inscribed following expert advice (not upgraded sites) shows there is a significant gap in conservation standards<sup>4</sup>. This gap is broad for all crucial conservation requirements such as appropriate management of the site, the existence of an adequate buffer zone or sufficient legal protection.

**By overlooking the UNESCO integrity, management and protection nomination standards, the Committee limits the effectiveness of the World Heritage Convention as a conservation tool and dilutes the reputation of World Heritage.** By inscribing sites prematurely in this way, the Committee does not contribute to increasing the protection of the OUV of the site. Moreover, sites attaining World Heritage status without adequate protection and management may even lead to quicker degradation of their value. In some

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<sup>2</sup> Upgrade: is a decision amendment in which the Committee brings a given site closer to nomination or inscription than was advised by the Advisory Bodies (e.g. a draft decision regarding a given site nomination recommends referral, and the Committee's final decision is inscription on the World Heritage List).

<sup>3</sup> Downgrade: is a decision amendment in which the Committee pushes a given site further away from nomination or inscription than was advised by the Advisory Bodies (e.g., a draft decision recommends inscription on the List of World Heritage in Danger, and the Committee's adopted decision is not inscription on the list).

<sup>4</sup> See "Our Natural World Heritage at Risk. How Politicization is Limiting the Effectiveness of the World Heritage Convention", WWF – the World Wide Fund for Nature, Gland 2019



cases, the increased visibility of a nominated site may increase pressure from tourism, requiring adequate processes to maintain the site. While nomination may increase pressure on the site, it does not necessarily entail additional support to its conservation effort, as only 20% of the World Heritage Fund is directed to activities taking place after inscription.

## **B) Monitoring of threats and recommended mitigating measures in SOC reports**

**Politicization is also visible in the process through which the Committee monitors threats and provides technical advice to mitigate them.** Frequently, the Committee has diluted draft conservation decisions put forward by the Advisory Bodies. Once a site is inscribed on the World Heritage List, the Committee may commission a SOC report if it becomes aware of an emerging threat. In this case, States Parties may lobby to weaken the conservation actions requested by the Committee in the SOC report. This can be done to limit the accountability of the State Party to either the Committee or to civil society organizations following the Committee's decision. It may also be a way to delay or avoid eventual inscription on the List of World Heritage in Danger, or to limit publicity around damaging development activities in the vicinity of the site.

## **C) Inscriptions to the List of World Heritage in Danger**

**Decisions regarding the List of World Heritage in Danger have also been politicized, with States Parties advocating strongly to ensure that their sites remain off the List given the negative connotations associated with inscription.** The in-danger status was intended to support authorities in dealing with the conservation of a site under threat, but over time, it has become a status that governments want to avoid. Inscription on the list is seen as bad publicity by many governments, as it may hurt the local tourism industry or project an unflattering image of the country. In fact, however, there are examples from earlier years where States Parties have used the Danger List as a tool to improve management and protection of the site concerned. Moreover, recent research into the effectiveness of international treaties has emphasized the importance of mechanisms for improving intended outcomes.

**The Committee has downgraded draft decisions regarding consideration or inscription of sites onto the List of World Heritage in Danger, and has prevented inscriptions and considerations for the List of World Heritage in Danger.** Downgraded sites are sites that should have been considered for, or added to, the list according to the Advisory Bodies, but where the Committee amended the draft decision to avoid inscription or consideration.

**In addition to amendments to draft decisions, politicization regarding the List of World Heritage in Danger is reflected in the evolving terminology used by the Committee to prevent and delay inscription.** In 2004, the Committee introduced the option for site "consideration" for the List of World Heritage in Danger list (rather than just inscription, retention or removal). This option is now used as a delaying tactic to prevent the inscription of sites on to the list. Although in theory, consideration should result in either inscription or a clear assessment that the dangers have decreased, many sites are proposed for consideration multiple times without resulting in inscription.

In addition to the use of consideration as a delaying tactic, the Committee has also started using new phraseology to prevent inscription on the List of World Heritage in Danger. For

instance, in 2018, following reports that The Ahwar of Southern Iraq faced increasing threats from water infrastructure and inadequate legal protection, the Committee decided that “this situation could represent a potential danger to the OUV of the property, in accordance with Paragraph 180 of the Operational Guidelines.” Paragraph 180 of the Operational Guidelines relates to the criteria for inscription on the List of World Heritage in Danger. First appearing in one decision in 2016, this language was found in five decisions by 2018. By removing explicit references to the List of World Heritage in Danger, the Committee weakens its statements regarding the threats facing sites, which can delay or even prevent inscription on the list.

**By downgrading decisions regarding the List of World Heritage in Danger, and changing the terminology around it to prevent inscription, the Committee delays responses to key threats, putting the OUV of sites at risk.**

## The Risks

### Politicization of the Committee’s decision-making is a risk to preserving the value of our heritage

**Politicization of the Committee places the long-term credibility and effectiveness of the World Heritage Convention at risk, meaning that the conservation mandate of the Convention has been deprioritized over the economic and political interests of States Parties.** Politicization of the Committee decreases its ability to implement the Convention’s mandate: to protect places containing the world’s cultural and natural heritage from risks that threaten to destroy their value. This has a negative impact not only on the Committee’s reputation but on the credibility of the Convention itself. In the past decade, the Committee has come under criticism from a range of stakeholders regarding how politicization of the decision-making process impacts its effectiveness as a conservation tool. Losing the trust of States Parties and civil society organizations poses reputational and funding risks for the Convention, which could reduce its ability to protect the planet’s cultural and natural heritage. It is only a matter of time before knowledge of the Convention’s failures enters the wider public consciousness, with potential implications for tourism and citizen motivation to protect global heritage, too.

**In the short term, this politicization is resulting in ineffective protection and management of World Heritage sites, as well as their increased exposure to threats.** The inscription of substandard World Heritage sites and the downplaying of conservation crises result in failures to mitigate threats and effectively conserve the OUV of sites. Furthermore, the Committee’s inscription of new sites to the World Heritage List against expert advice has resulted in so many new inscriptions that the Advisory Bodies and World Heritage Centre are overstretched and less able to support States Parties in protecting sites from emerging threats. Similarly, reduced accountability on States Parties and dampened awareness of conservation needs, which arise as a result of the Committee diluting the decisions on the SOC reports, also contribute to poor management and increased threat exposure.

Additionally, World Heritage sites are now exposed to more and more threats, especially from development activities and unsustainable tourism. Despite recent no-go commitments from a range of industries, World Heritage sites’ exposure to current and potential threats

continues to rise. The increase in threats from industrial activities, infrastructure and investor projects partially reflect the deprioritization of conservation by States Parties and the Committee, since they are allowing these activities to take place within or near World Heritage sites.

**The combination of increasing threats and ineffective protection and management presents a risk to the OUV of sites.** The absence of adequate protective measures to mitigate increasing threats is already resulting in major disturbances to properties, some of which may be long-term or even permanent.

**Prioritizing short-term interests puts at risk the long-term environmental, social and economic benefits of sites.** Without a strong response from the Committee to incentivize States Parties to improve their management strategies and mitigate threats, sites are less able to support local communities and ecosystems. The negative impacts of manmade threats are particularly acute with millions of people currently dependent on sites that are threatened by harmful industrial activities. These people depend on World Heritage sites for their homes, subsistence living, jobs, or ecosystem services including climate regulation and flood prevention. Without adequate site protection, these communities are exposed to economic, environmental and social risks.

## The Solution / Recommendations

### A path toward a more effective World Heritage Convention

- **Politicization is a barrier to the effectiveness of the Convention and is largely the result of its implementing structures, where States Parties have both executive and judiciary powers.** States Parties, through representation on the Committee, both set the standards for inscription and conservation, and hold each other to account for the implementation of the Convention. With this conflation of executive and judiciary power, political trading is inevitable, especially with economic interests at stake. Decreasing politicization would entail separating the executive power of States Parties to the Convention from the judiciary powers of the Committee. However, this is not a feasible approach given that States Parties are unlikely to delegate fully to another decision-making entity.
- **With a degree of politicization unavoidable, the way forward is to mitigate the risk of politicization impacting the Committee's decisions and the Convention's effectiveness.** Politicization is evident in the decision-making behavior of the Committee regarding cultural, natural and mixed sites. Widespread politicization reflects the presence of broader misaligned incentives among most States Parties signatories to the Convention. Changes to the implementation of the World Heritage Convention are necessary to provide States Parties and the Committee with incentives to reprioritize the conservation of sites with OUV over national interests.
- **Strategic changes to the framing of the World Heritage Convention are required to emphasize its value and encourage States Parties and civil society organizations to re-engage with its mandate.** It will be essential to reposition the Convention as a credible, necessary, and effective conservation tool in order to renew commitment to the Convention.

1. **Reprioritize evidence-based decision-making.** Ensuring Committee decisions are based on evidence regarding how to preserve OUV, rather than the interests of States Parties, is essential to rebuild trust in the Convention. To this end, all delegations to the World Heritage Committee should include natural and cultural heritage experts as per the essence of Article 9 §3 of the Convention and ensure they have the opportunity to provide input to Committee decisions. Doing so would bring back the balance between nomination and conservation activities. This, in turn, would help leverage additional conservation resources and promote increased engagement from civil society organizations and States Parties, both of which would further facilitate effective implementation of the Convention.
  2. **Highlight the environmental, social and economic benefits that World Heritage sites provide.** In the past, conservation efforts have been most effective in sites where grassroots groups and civil society organizations advocated for preservation based on the benefits that sites provide to local communities, and the implications of damaging them. Therefore, beyond valuing their OUV, carrying out a valuation of World Heritage sites on these same metrics can give States Parties the political mandate for conservation by making conservation politically sellable at the national level. Similarly, this systematic valuation technique can also give civil society organizations a way to hold States Parties accountable for their conservation commitments.
  3. **Back Committee decisions with access to conservation resources.** Reframing the List of World Heritage in Danger, and other conservation decisions made by the World Heritage Committee, as constructive mechanisms to improve conservation efforts, rather than judgment, will incentivize State Party engagement with the process. Beyond strategic rebranding of these mechanisms, this entails facilitating States Parties' access to resources following Committee decisions. This could include enabling access to a platform that enhances capacity building, knowledge transfer, and technical expertise, and facilitates access to financial resources.
  4. **Engage civil society organizations.** Increased engagement and buy-in from civil society organizations is a fundamental requirement for the Convention to remain credible and effective given the tendency for politicization inherent in the Convention's implementation. This is because these organizations play a critical role in promoting the other three strategic priorities proposed. For instance, their input in the Committee's decision-making process is essential to hold States Parties accountable and ensure decision-making remains evidence-based rather than being swayed by special interests. Civil society organizations will also help the Convention highlight the broader benefits sites provide local communities. Similarly, by enhancing the credibility of the Convention, increased buy-in from civil society organizations would help to build partnerships to support conservation and raise the conservation resources required to implement Committee decisions.
- **Tactical changes regarding the governance structures and processes guiding the implementation of the Convention are also needed to promote behaviors that better align with the Committee's and States Parties' mandates.** Although fully decoupling the executive power of States Parties from the decision-making powers of the Committee will not be feasible, making changes to the governance structures can help ensure decision-making by the Committee remains evidence-based. Similarly, amending the processes regarding how different entities implementing the Convention interact and operate can give room for increased transparency and accountability, which in turn incentivizes greater compliance.

1. **Code of Conduct:** States Parties should agree on a set of guiding principles to govern their own decision-making, as well as that of the Committee members. This could include the principles previously highlighted in WWF's *Protecting People Through Nature* report and other principles such as commitments to follow integrity and ethical values, to ensure the eligibility of decision-makers, to ensure accountability of States Parties, and to abide by the Operational Guidelines.
2. **Ensure the eligibility of Committee members:** Instead of electing States Parties to the Committee, then allowing each State Party to appoint an individual of its choosing, individual Committee members nominated by States Parties should be voted on to the Committee. This would help ensure the eligibility of decision-makers based on their technical expertise and a balance between natural and cultural heritage experts on the Committee. This would also increase the transparency surrounding nominees and bolster the accountability of States Parties regarding who they vote on to the Committee.
3. **Increase the Representativity of Committee Members through Establishing Regional Committees:** If Committee members within a particular regional group are required to represent and articulate the interests of all the countries within that region, then there needs to be an established institutional mechanism to enable due and prior consultation. The proposal is that Committee members of each regional group will be required to organise a meeting of representatives of all States Parties within that regional group (Regional Committee), as soon as the working documents are made available and before the commencement of the Committee session. The order of business for these Regional Committees would be essentially to study the working documents and take a common or majority position on various issues. This proposal is put forward with a view to eliminating or significantly reducing arbitrariness in the decision making process of the World Heritage Committee. It will enable better reflection of views of all States Parties from a region, even when they are not elected as members of the Committee.
4. **Justify and track amendments to draft decisions:** The World Heritage Committee should commission the development of a database that systematically tracks when the Committee makes an amendment to a draft decision and how it was justified (i.e., what new information prompted the change). This could build on existing online resources such as the Advisory Bodies recommendations, the Committee's final decisions and the Summary Records which show what happened at the meeting. The database should be made publicly available and easily accessible to increase transparency and accountability within the decision-making process.
5. **Enable accountability through civil society.** The Committee should give civil society organizations the same degree of opportunity to provide evidence on the state of conservation of sites as States Parties. Deadlines should be set and enforced for Committee members to propose amendments to draft decisions. The Committee should make these proposed changes and their justification systematically and publicly available for civil society to access. This will allow civil society to prepare, gather and submit relevant information about the proposed changes.
6. **Certification for protection and management:** The Committee should enable the labeling of each World Heritage site with its corresponding protection and management indicators. This would increase States Parties' accountability for maintaining OUV. These metrics could be included as part of the World Heritage label associated with each site, including on the UNESCO website and on State of Conservation reports. For natural and mixed sites, such a certification could build on similar ongoing efforts such as the IUCN's Green List or the World Heritage Outlook conservation reports.



7. **Objective, site-specific indicators should be designed to facilitate automatic inscription on the List of World Heritage in Danger for World Heritage at risk:** In addition to the existing processes for danger listing; in order to streamline debate at Committee meetings; and in line with criteria requirements in Article 11, Paragraph 5 of the Convention, objective and quantifiable indicators and thresholds related to Outstanding Universal Value for each site should be established. The thresholds, if exceeded, would automatically trigger placement on the List of World Heritage in Danger, without discussion and regardless of cause. These indicators and thresholds should be designed by the World Heritage Centre and its Advisory Bodies, regularly reviewed, and traceable on the UNESCO website for the public to follow. The method for their accurate measurement should be outlined too. Failure to regularly and continuously compile accurate data for these thresholds would also trigger automatic placement on the List of World Heritage in Danger. Such an approach must not be seen as a substitute to the current system of recommending sites for danger listing but site-specific criteria supplemental to it.
8. **Safeguarding of human rights and protections for civil society:** Politicization can be reduced by ensuring information flow, which makes poorly supported Committee decisions more obvious and consequently less tenable. Civil society is simultaneously both a crucial source of such information and a critical player in favorable conservation outcomes. The integrity of its operational environment is therefore essential to the functioning of the World Heritage Convention. Accordingly, making use of mechanisms in Article 8, Paragraph 3 of the World Heritage Convention for intergovernmental and non-governmental organizations to attend meetings of the World Heritage Committee in an advisory capacity, a respected, independent expert body on human rights should also guide World Heritage Committee decisions. An unfavorable report from this body with regard to the application of the Universal Declaration on Human Rights in a World Heritage context, particularly aspects such as freedom of opinion and expression and protection against interference, should result in automatic refusal of any nomination for new sites and placement on the List of World Heritage in Danger for existing ones. Justification for this latter measure is that long-term heritage conservation is not achievable in contexts where civil society cannot safely communicate actual heritage condition, which constitutes a potential threat of disappearance of Outstanding Universal Value.

## Amendments

### Documentary changes suggested to implement the above Recommendations

The **General Assembly of States Parties to the Convention** should adopt a decision aiming at the following:

*A new Rule 15 shall be inserted in the Rules of Procedure of the General Assembly, as follows:*  
Rule 15 Code of Ethics

The Assembly shall formulate and abide by a Code of Ethics.

The present Rule 15 then becomes the new Rule 16, and so forth.

The **World Heritage Committee** should adopt decisions aiming at the following:

1.

Rule 1 of the Rules of Procedure shall be amended as follows:

The present text of Rule 1 becomes Article 1.1.

An Article 1.2 is added as follows:

1.2 The delegations of States Parties shall be composed exclusively of independent experts in the fields of natural and cultural heritage, and site management. States Parties shall designate one of the members of their delegation to be their voting representative.

2.

A new Rule 35 shall be inserted in the Rules of Procedure of the Committee, as follows:

Rule 35

35.1 The Committee shall formulate and abide by a Code of Ethics.

35.2 In the event that a member of the Committee has a demonstrable vested interest in a project, investment or other activity which could represent a potential or ascertained threat to a World Heritage property, that member is excluded from the discussion and decision-making concerning that property.

The present Rule 35 then becomes the new Rule 36, and so forth.

3.

Section VIII. of the Rules of Procedure is amended as follows:

Section VIII. of the Rules of Procedure is renamed to **BODIES OF THE COMMITTEE**

A new Rule 44 is added to the Rules of Procedure, as follows:

Rule 44 Regional Committees

44.1 The States Parties of each Regional Group form a Regional Committee.

44.2 The Committee members of each regional group will be required to organise a meeting of their Regional Committee as soon as the working documents for the next Session of the Committee are made available, and well in time before its commencement.

44.3 The order of business for the Regional Committees is to examine the working documents and take a common or majority position on various issues, particularly those that are of importance from a strategic or policy perspective, in order to enable a better reflection of views of all States Parties from a region, even when they are not elected as members of the Committee. The records from such meetings should be made available to all Committee members.

[It is also suggested to add a new Rule 45. Intersessional Committee. For details, see Potsdam Paper 03 The Role and Rights of Civil Society]

The present Rule 44 therefore becomes Rule 46; present Rule 45 becomes Rule 47, and so forth.

4.

The present Rule 45 {suggested new rule 47} of the Rules of Procedure shall be amended as follows:

The text of the present Rule 45 becomes Article 45.1. It is amended as follows:

45.1 The documents relating to the items on the Provisional Agenda of each session of the Committee shall be distributed at the latest six weeks before the beginning of the session in the two working languages to the Members of the Committee, and to the International Center for the Study of the Preservation and the Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS) and the World Conservation Union, formerly International Union for Conservation of Nature and Natural Resources (IUCN), as well as to all other organizations invited to the session. They shall also be made available to ~~States Parties non members of the Committee in electronic format~~ the general public through the website of the World Heritage Centre.

An Article 45.2 is added as follows:

45.2 Prior amendments to draft decisions of the Committee must include a justification based solely on scientific evidence and/or sound expertise, and must be submitted in writing to the Secretariat no less than two weeks before the beginning of the Session. They must be distributed to the members of the Committee and published on the website of the Centre immediately. Amendments submitted after that deadline, apart from those arising during discussion in committee session, will not be considered at the Session.

5.

The World Heritage Committee commissions, through the World Heritage Centre, the development of a database that systematically tracks when the Committee makes an amendment to a draft decision, which Committee member(s) requested or supported the amendment, the exact language of the requested amendment, and how it was justified (i.e., what new information prompted the change).

6.

The World Heritage Committee commissions, through the World Heritage Centre and in cooperation with the Advisory Bodies and civil society, the development of objective indicators or a set of indicators, specific for the criteria of OUVs, of the level of protection and management which will be applied to each World Heritage property and to be published on its respective page of the website of the Centre. Acceptable methods of data compilation and trigger thresholds for each indicator must be determined which, if exceeded, will lead to the automatic inscription of the relevant site on the List of World Heritage in Danger regardless of cause or explanation.

7.

The **World Heritage Committee** decides to amend the Operational Guidelines as follows:

**177.** In accordance with Article 11, paragraph 4, of the *Convention*, the Committee may inscribe a property on the List of World Heritage in Danger when the following requirements are met:

- a) the property under consideration is on the World Heritage List;
- b) the property is threatened by serious and specific danger;
- c) major operations are necessary for the conservation of the property;
- d) assistance under the *Convention* has been requested for the property; the Committee is of the view that its assistance in certain cases may most effectively be limited to messages of its concern, including the message sent by inscription of a property on the List of World Heritage in Danger and that such assistance may be requested by any Committee member or the Secretariat;

e) trigger thresholds for indicators as established by the Committee have been exceeded, or indicator data compiled according to established methods have not been submitted by the State Party upon repeated request.

The following recommendations are addressed in other Potsdam papers:

Recommendation to highlight the environmental, social and economic benefits that World Heritage sites provide. → see the paper on Financing

Recommendation to back Committee decisions with access to conservation resources. This could include enabling access to a platform that enhances capacity building, knowledge transfer, and technical expertise, and facilitates access to financial resources. → see the paper on Financing

Recommendation to fully communicate and work with States Parties rather than simply evaluate them. → See the paper on Nominations, Evaluations, Management and Monitoring

Recommendation that procedural matters must not be considered in decision-making. Decisions on the inscription of a property on the List of World Heritage in Danger must be based on the actual state of conservation of the attributes of its OUV, of the authenticity and integrity of the property alone. → see the paper on Nominations, Evaluations, Management and Monitoring

Recommendation that the Committee should give civil society organizations the same degree of opportunity to provide evidence on the state of conservation of sites as States Parties → see Paper 04 on Nomination, Management and Monitoring.

## 02 Prevent the Devaluation of the World Heritage List

It was the intention of those who, at the beginning, advocated a 'World Heritage Trust' (which, for purposes of translation became 'World Heritage') that the Trust's list would not contain more than some one hundred natural or cultural sites of particular significance. Today the World Heritage List comes close to a thousand. No doubt it is desirable, to ensure the vitality of the Convention, that each State Party be represented on the List, but one can ask oneself whether a list exceeding a thousand cultural or natural sites might not have the effect of diminishing its value. Is there not a risk of devaluing the label? Would it not be wiser to group together certain properties which are geographically or culturally similar, as certain States have done when submitting their applications? In full awareness of the difficulty of responding to these questions in an entirely satisfactory way, within the framework of Unesco and of an intergovernmental convention, would it not be useful to consider them as topics for reflection, so that the 1972 Convention might remain permanently faithful to the ideal of scientific objectivity, which was that of those who participated in its gestation?

Gérard Bolla, 2005<sup>5</sup>

### The Need for a Policy

When the World Heritage Convention was drawn up, its "founders" assumed that the World Heritage List would include around 100 or 200 such world-famous iconic sites as Abu Simbel, Venice, or Borobudur, the salvation of which had been at the origins of the convention.

Taking these cases as models, the original purpose and justification of the World Heritage List was to identify sites which would be entitled to support from the international community in case they should face challenges that they could not overcome alone.

Over time, the purpose of inscribing sites has gradually changed. With the enormous prestige coming with inscription, the potential benefits from international support, and the boost to their national economies through tourism and related industries, countries have increasingly vied to have as many sites on the World Heritage List as possible.

World Heritage has gained such popularity that the list now (in 2021) includes 1,154 sites. A total of 528 new sites have been inscribed since the year 2000, which is an average of 24 sites every year. If there had been a session in 2020 the number would probably be around 25.

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<sup>5</sup> Bolla, G.: Episodes of a painstaking gestation. In: Michel Batisse, Gérard Bolla: The Invention of "World Heritage". AFUS (Association of Former Unesco Staff Members), Paris 2005

There is no end in sight. Although members of the World Heritage community express concern about an ever-growing list in private, the question whether an end should be put to the World Heritage List at some point, and by which mechanism this could be achieved, has never been raised in an official debate of the World Heritage Committee.

A World Heritage List which is in principle infinite implies by simple logic that a devaluation of the World Heritage status will occur as there is a limit to sites which are of Outstanding Universal Value. However, the continuation of current trends, with inscriptions continuing, makes the longer-term devaluation of the World Heritage List inevitable while during this process it may be difficult if not impossible to determine when exactly this point is reached and how then to proceed with the List.

The goal of a globally balanced World Heritage List is also increasingly missed if some countries that already have a large number of sites on the World Heritage List continue to exhaust the number of new nominations allowed for them while countries which have a small number of properties on the List fall further behind.

In order to avoid an impasse at a point in time when decisions must be taken in a situation of stress and urgency, with unforeseeable circumstances limiting available options, it is high time that States Parties begin a process to agree on a procedure and standards on how an end of the inscription of new sites on the World Heritage List should be determined.

The World Heritage List is in principle infinite since the Convention gives States Parties an unqualified right to nominate new sites. Practical limitations to the submission of new nominations are presently in place in two ways:

1. The capacities of the World Heritage Centre and Advisory Bodies to process new nominations and extensions to inscribed Properties, and the capacities of the World Heritage Committee to discuss and decide about these nominations, are limited. With limited personnel available at the World Heritage Centre and Advisory Bodies for evaluating nominations, and limited time available on the Sessions of the Committee, only a limited number of properties can be added to the WH List every year.
2. The Global Strategy for a More Balanced World Heritage List calls upon countries which already have a large number of inscribed WH properties to nominate no more than one property for inscription per year.

These considerations have led the Committee to

- process only one new nomination by countries who already have a high number of inscribed properties, and
- process only one new nomination submitted by several countries in common, and
- process a limited number of extensions to inscribed properties submitted by any country.

However, this regulation has not led to the desired effect. Altogether, the number of inscribed sites has remained on average at 22.18 for the period 2011-2021 whereas it has been 25.81 from 2000-2010, which is a decrease by a mere 14,3%. It has neither significantly reduced the number of nominations submitted by countries with a large number of properties, nor has it led to a significant increase of nominations by countries which have few properties on the WH List. It is also worth noting that the majority of new sites inscribed are cultural sites, thus exacerbating the gap in numbers of natural and cultural sites on the World Heritage List.



Some States Parties with a high number of properties on the List continue to exhaust their options as much as possible, appearing at times to have entered into a “race to the top” in order to become the country with the most properties on the WH List.

At present, the total number of properties on Tentative Lists amounts to 1,723. In case all these properties should eventually be inscribed, the WH List will grow to almost 3,000 properties. One may wonder what amount of human and financial resources the WH Centre and Advisory Bodies would need in order to monitor all these sites, and how the WH Committee can be expected to take adequate decisions addressing even only the most urgent cases. Given the reluctance of the international community, including donors and partners, to provide sufficient funding for the implementation of the WH Convention, it will take an enormous effort to convince States Parties to allocate the resources necessary to maintain a system as huge as it needed to be in order to fulfill its function.

Last but not least there is an undeniable point in the argument that the UNESCO-led procedures of nomination, evaluation and monitoring of World Heritage properties consume vast amounts of human and financial resources which are lost for the safeguarding of the many other sites which will never be inscribed but nevertheless are part of the common heritage of humankind. As a result, in some countries the World Heritage sites are safeguarded at the cost of the protection of all other sites.

## **Purpose and Expected Benefits**

A way must be found by which the World Heritage List can be brought to a close while

- not infringing upon the right of State Parties to submit nominations for inscription;
- not setting a limit to the World Heritage List in the form of an absolute number of inscribed properties, which would always be arbitrary and hence difficult to justify;
- not preempting the conclusions of the Advisory Bodies recommending to inscribe, not to inscribe, to defer or to refer nominated properties;
- keeping in mind the fact that certain types of natural and cultural heritage are as yet underrepresented in the World Heritage List;
- upholding and realizing the goal of a globally balanced World Heritage List; and
- leaving room for new developments such as the discovery of properties with hitherto unknown Outstanding Universal Values.

Any proposed solution at the same time will have to allow bringing the World Heritage List to a close in a coordinated and planned way, avoiding any appearance of a race between State Parties and allowing State Parties with less properties on the World Heritage List to catch up in order to arrive at a globally balanced World Heritage List within a reasonable time.

## **General Provisions: What Should State Parties Do?**

It is suggested that all State Parties take a sovereign decision to submit only one more and final Tentative List for future World Heritage nominations, replacing their present Tentative Lists. Their final Tentative List may include properties already on their present Tentative List, but States Parties should re-evaluate these properties taking into consideration whether

- properties are likely to meet the threshold of OUV, based on the World Heritage criteria and conditions of authenticity and integrity;
- properties of the same type are already represented on the World Heritage List;
- properties add features to the representation of a particular cultural tradition which are significant enough to merit an additional inscription;
- the State Party will need international assistance in case a given property will be exposed to ascertained danger.

To that end, State Parties should conduct, on the national level, a broad consultation leading to a consistent approach on what the State Party's contribution to the accumulated global body of the World Heritage actually is, and subsequently, which properties are the minimum necessary to express that contribution.

State Parties should, when compiling their final Tentative Lists, give consideration to their obligation to contribute to a globally balanced World Heritage List by not nominating an excessive number of properties as compared to other countries in the region as well as to the number of their region's nominations related to the number of other regions.

## Dimensions

Nominations under natural criteria should focus on properties as defined by IUCN's gap analyses for various types of natural heritage. The World Heritage List should be open to new natural nominations until all gaps defined by the IUCN are closed.

Nominations under cultural criteria should lead, across countries and regions, to an equal representation of various different types of properties such as, but not limited to, archaeological and historic sites, individual monuments, sites of memory, urban ensembles and historic urban landscapes, as applicable.

Nominations should also give adequate representation to the diversity of heritage on the territory of States Parties, reflecting in particular the heritage of ethnic, cultural and/or religious minorities and indigenous peoples, but also that of various historical periods from earliest times to the recent past.

## Recommendations

Any or all of the following suggestions should be adopted by the WH Committee:

- **An End of the World Heritage List**

This suggestion is based on the idea that State Parties have to agree to put an end to the World Heritage List in order to prevent its devaluation – without, however, curtailing their right to submit nominations. It foresees the following:

Each State Party commits to submit only one more final Tentative List which will be based on rigorous scientific analysis and assessment. States Parties are free to nominate as many properties to their final Tentative List as they deem appropriate. This will force them to consider very carefully whether any site they put on the Tentative List will actually have a

chance of inscription or not. The World Heritage Committee will duly process all sites on all Tentative Lists, and then the World Heritage List will be closed. After that time, nominations can be submitted only for properties whose value was unknown at the time a State Party submitted its final Tentative List (e.g. through the discovery of a new archaeological site or a new biological species).

The World Heritage List will remain open for nominations under criteria (vii) - (x) until IUCN has determined that the protection in situ of all relevant phenomena covered by these criteria has been achieved according to their gap analyses.

- **A Gradual Decrease of Processed Nominations**

The total number of processed nominations will be decreased by three each year from the present limit of 35 (according to §61 of the Operational Guidelines) until the number of 5 is reached.

- **Raising Requirements for Inscription**

- Nominations for the World Heritage List will not be examined from State Parties who
  - have a property on the List of World Heritage in Danger;
  - have repeatedly failed to inform the WH Centre in accordance with §172 of the Operational Guidelines until they have demonstrated full compliance over a period of time;
  - have repeatedly failed to fully implement Committee decisions within a reasonable amount of time.
- Nominations will be examined only if the nominating State Party
  - Commits, by national law, to provide sufficient funding and resources for the nominated site, as proven by a separate line for the property in the national budget, and budget plans for at least five years;
  - Demonstrates and documents, according to standards set by the Committee and confirmed through physical inspection in the field evaluation, that sufficient human and material resources are permanently available for the successful management of the property according to standards set by the Committee and as determined in the Management Plan of the property;
  - Demonstrates and documents according to standards set by the Committee that a meaningful procedure of local participation has been followed from the start of the nomination procedure, and Free, Prior and Informed Consent (FPIC) has been obtained in the case of affected Indigenous Peoples;
  - Submits, as part of the nomination, a 10-year Integrated Protection and Sustainable Development Plan for both the nominated property and its buffer zone, including a detailed investment plan, and with the explicit objective of embedding the property and buffer zone in a wider spatial context of sustainable development.

## **Proposed Language for Amending WH Documents**

The **World Heritage Committee** should adopt decisions aiming at the following:

1.

The World Heritage Committee decides to add a new Chapter II.G to the Operational Guidelines, as follows:

## **II.G Closing of the World Heritage List**

120. Each State Party is entitled to submit only one more Tentative List which will be their final one and will replace all previous ones. States Parties are free to nominate as many properties to their final Tentative List as they deem appropriate. After the World Heritage Committee will have duly processed the nomination of all sites on all Tentative Lists, the World Heritage List will be closed. After that time, nominations can be submitted only for properties whose value was unknown at the time a State Party submitted its final Tentative List (e.g. through the discovery of a new archaeological site or a new biological species).
121. The World Heritage List will remain open for nominations under criteria (vii) - (x) until the Committee has determined that the protection in situ of all relevant phenomena covered by these criteria has been achieved according to gap analyses carried out by the IUCN.

2.

The World Heritage Committee decides to amend Article 61 of the Operational Guidelines, as follows:

61. The Committee has decided to apply the following mechanism:

### **As from 1 February 2024:**

- ~~d)f)~~ decrease the annual limit on the number of nominations it will review, inclusive of nominations deferred and referred by previous sessions of the Committee, extensions (except minor modifications of limits of the property), transboundary and serial nominations, by three each year until the number of five is reached;
- ~~e)g)~~ the following order of priorities will be applied in case the overall annual limit of nominations is exceeded:
  - i) nominations of properties submitted by States Parties with no properties inscribed on the List,
  - ii) nominations of properties submitted by States Parties having up to 3 properties inscribed on the List,
  - iii) resubmitted referred nominations that were not transmitted to the relevant Advisory Bodies for evaluation further to the application of paragraph 61.b)<sup>6</sup>,
  - iv) nominations of properties that have been previously excluded due to the annual limit of 35 nominations and the application of these priorities,
  - v) nominations of properties for natural heritage,

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<sup>6</sup> This provision also applies in case the resubmitted referred nomination is received in the third year following the referral decision.

- vi) nominations of properties for mixed heritage,
- vii) nominations of transboundary/transnational properties,
- viii) nominations from States Parties in Africa, the Pacific and the Caribbean,
- ix) nominations of properties submitted by States Parties having ratified the *World Heritage Convention* during the last twenty years,
- x) nominations of properties submitted by States Parties that have not submitted nominations for five years or more,
- xi) nominations of States Parties, former Members of the Committee, who accepted on a voluntary basis not to have a nomination reviewed by the Committee during their mandate. This priority will be applied for 4 years after the end of their mandate on the Committee,
- xii) when applying this priority system, date of receipt of full and complete nominations by the World Heritage Centre shall be used as a secondary factor to determine the priority between those nominations that would not be designated by the previous points.

h) the States Parties co-authors of a transboundary or transnational serial nomination can choose, amongst themselves and with a common understanding, the State Party which will be bearing this nomination; and this nomination can be registered exclusively within the ceiling of the bearing State Party.

3.

The World Heritage Committee decides to insert a new Article 62 into the Operational Guidelines, as follows:

62. Nominations to the WH List will not be examined from States Parties who
- have a property inscribed on the List of World Heritage in Danger;
  - have repeatedly failed to inform the WH Centre in accordance with §172 of the Operational Guidelines until they have demonstrated full compliance over a period of time;
  - have repeatedly failed to fully implement Committee decisions within a reasonable amount of time.

The present Article 62 becomes the new Article 63, and so forth.

For recommendations regarding requirements to be met by nominations, see the paper on Nomination, Evaluation, Monitoring and Reporting.

### 03 Codify the Role and Rights of Civil Society<sup>7</sup>

UNESCO has emphasized in many documents that the World Heritage can be protected in the long term only with the involvement of civil society:

The *World Heritage Convention* specifies in Article 5 that "each State Party [to this Convention] shall endeavour (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community..."

Article 10(2) of the WH Convention says: "2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems."

The "*New Directives Concerning UNESCO's Partnership with Non-Governmental Organizations*" and numerous other UNESCO and World Heritage policy documents of the World Heritage Committee express the need that "relevant communities be actively involved in the identification, management and conservation of all World Heritage sites".

In its *Budapest Declaration*, the World Heritage Committee has identified five key strategic directions (the so-called 5 Cs), adopted into § 26 of the Operational Guidelines, among them to

- increase public awareness, involvement and support for the World Heritage through **C**ommunication, and
- enhance the role of **C**ommunities in the implementation of the World Heritage Convention.

The *Strategic Action Plan for the Implementation of the World Heritage Convention 2012-2022* states that it is important to ensure that local, national and international communities feel a connection to, are engaged with, and benefit from the world's cultural and natural heritage. The plan emphasizes a need for greater dialogue on tentative lists, the preparation of nominations, evaluation processes and inscriptions as well as conservation and monitoring.

The *Final Report on the 40th Anniversary of the World Heritage Convention*, "The Kyoto Vision: A Call for Action", recommends strengthening relationships with communities in order to integrate cultural, social, economic and environmental considerations with a perspective of

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<sup>7</sup> **Civil Society Actors (CSAs)** are understood here to include non-governmental organizations, individuals, informal groups and local communities who are not part, and do not act on behalf, of state institutions or private institutions majority-owned by the state.

**Civil Society Organizations (CSOs)** are those CSAs which have formalized structures. These would include non-governmental organizations (NGOs) and other non-profit bodies who are unrelated to governments.

**Indigenous Peoples** are not part of civil society since they have self-government structures and are rights-holders with internationally recognized collective rights beyond those of civil society. However, members of Indigenous Peoples also create and organize in CSOs just like any other group of people, and such CSOs are part of civil society.

sustainable development and benefit-sharing for the local population, without which it would be difficult to ensure the outstanding universal values of the World Heritage.

The role of civil society has been increasingly recognized in many articles of the Operational Guidelines, such as:

§12: States Parties to the Convention are encouraged to adopt a human rights - based approach, and ensure gender-balanced participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, non-governmental organizations (NGOs) and other interested parties and partners in the identification, nomination, management and protection processes of World Heritage properties.

§38: The Committee may call on other international and non-governmental organizations with appropriate competence and expertise to assist in the implementation of its programmes and projects, including for Reactive Monitoring missions.

§39: A partnership approach, underpinned by inclusive, transparent and accountable decision-making, to nomination, management and monitoring provides a significant contribution to the protection of World Heritage properties and the implementation of the Convention.

§40: Partners in the protection and conservation of World Heritage can be those individuals and other stakeholders, especially local communities, indigenous peoples, governmental, non-governmental and private organizations and owners who have an interest and involvement in the conservation and management of a World Heritage property.

§119: [...] Legislations, policies and strategies affecting World Heritage properties should ensure the protection of the Outstanding Universal Value, support the wider conservation of natural and cultural heritage, and promote and encourage the effective, inclusive and equitable participation of the communities, indigenous peoples and other stakeholders concerned with the property as necessary conditions to its sustainable protection, conservation, management and presentation.

Civil Society and Indigenous Peoples can

- alert the World Heritage Committee and Advisory Bodies to threats to World Heritage properties which should have been reported under §172 of the Operational Guidelines;
- due to permanent presence on site, observe long-term developments which, if unchecked or uncontrolled, may lead to a gradual loss of integrity and/or authenticity of World Heritage properties;
- explain hidden social and political dynamics at World Heritage properties which cannot be observed or understood by short-term missions;
- assess the full range of multi-level, multi-dimensional and cumulative effects of administrative decisions on World Heritage properties and their ecological as well as socio-cultural environment;
- assess key needs and priority points of intervention in order to safeguard World Heritage properties;
- provide up-to-date information on developments at World Heritage properties on short notice;



- have access to (parts of) World Heritage properties which are unsafe for UN or government missions, or which are inaccessible for parts of the year;
- correct official information, or provide additional perspectives, where necessary;
- advise missions on the ground;
- communicate the outstanding universal value of designated World Heritage and the need for its conservation to the wider public;
- develop innovative methods of heritage protection;
- in the case of cultural, ethnic or religious minorities, provide an authoritative view from the perspective of local traditional ways of life.

Civil society around the world contributes hundreds of millions of dollars and uncounted hours of volunteer work each year for the safeguarding of the World Heritage, with a reasonable possibility that their contributions exceed the funds allocated for special activities by some State Parties. Without undue conjecture, one may say that without the support from civil society organizations, some World Heritage sites might have lost their Outstanding Universal Value. This fact as yet needs to be reflected adequately in the opportunities to take part in the decision-making processes of the Convention.

## Recommendations

It is vital, consistent with the practices and policies of the United Nations, and in the interest of an effective implementation of the World Heritage Convention, to build more systematic links between CSAs and the World Heritage Committee, for collaboration to enhance their role in the work of the Convention. Joining forces wherever possible is necessary in order to maximize effects in the safeguarding of World Heritage, and makes good, practical sense.

### • **Role and Recognition of Civil Society**

It is essential for building future cooperation that the World Heritage Committee appropriately acknowledge the role CSAs play in the implementation of the Convention by establishing formal structures and processes of dialogue and cooperation between the World Heritage Committee and Centre and its Advisory Bodies. CSAs should be given a defined role ensuring their effective inclusion in the works and decision-making processes of the World Heritage Convention. This includes allowing for input and participation of CSAs at World Heritage Committee meetings.

The Statutory Bodies of the World Heritage Convention are called upon to show support and recognition of CSAs by urging States Parties to grant increased consideration and appreciation of the civil society sector. It is also important that States Parties and relevant agencies involved in the management of World Heritage involve CSAs in the nomination, management and monitoring of World Heritage sites.

### • **Transparency and Accountability**

In order for civil society to participate in a meaningful way in the implementation of the World Heritage Convention as well as in the conservation and management of World Heritage properties, it needs timely and unrestricted access to all relevant information. A

more open communication between the Statutory Bodies on the one hand and Civil Society Actors on the other, with accessibility to information, would be beneficial to achieving the aims of the Convention.

Recalling the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which has become a standard-setting instrument for the right to official information, the World Heritage Committee and UNESCO should urgently establish the necessary procedures to align transparency and accountability in the implementation of the World Heritage Convention, including in the identification, monitoring and management of World Heritage properties and in the processing of World Heritage nominations. Such procedures should include, inter alia, the principle that Tentative Lists, World Heritage nomination files, strategy and planning documents, evaluation and mission reports should be made publically available in full as soon as they have been accepted by the UNESCO World Heritage Centre or Advisory Bodies.

States Parties to the World Heritage Convention are urged to apply principles and best practices of openness, transparency and civic participation in all administrative planning, and acknowledge the fact that the most effective measures for participation can be taken when there is early access to information on real and potential projects affecting World Heritage properties and those having potential for World Heritage listing.

- **Safeguards for Human and Indigenous Rights**

In certain countries, members of civil society with important knowledge of, and insight into, World Heritage sites are denied the opportunity to contribute to World Heritage reporting and conservation due to explicit or implicit State Party policies that, sometimes by physical or legal force, discourage the exercise of basic human rights. Such denial of the right to participate in World Heritage processes may in the long term contribute to the risk of losing the Outstanding Universal Value of potential or inscribed World Heritage properties as it inhibits civil society reporting and thus limits the World Heritage Committee in taking most effective conservation decisions based on the full range of available information and a more comprehensive understanding of the properties. As a result, sites in certain parts of the world *de facto* lack independent monitoring from beyond the State Party, whose interests may not always be fully aligned with those of the World Heritage Convention.

Nominations for inscription on the World Heritage List may have been prepared without due recognition of the human rights of affected local communities, or inscription on the List may lead to, or provide a justification for, an infringement of human rights of local communities or indigenous peoples.

Without an effective participation of civil society in all processes of the World Heritage, monitoring and reporting, recommendations and decisions by the Committee may unsuspectingly overlook unwanted consequences for the upholding of human rights of local and indigenous communities in the World Heritage context.

Therefore it is recommended that the World Heritage Committee establishes in its secretariat permanent capacities enabling it to be safeguarded against taking any decision, or accepting reports or nominations, which may have been established under, condone, or lead to, an

infringement of human rights or the rights of indigenous peoples as enshrined in international law and UN Declarations. The person or unit in charge must have access to all relevant documents and information, the right to conduct her/his own investigations, and the right to take the floor at any time during sessions of the Committee before relevant decisions are taken.

- **WH Committee Sessions**

Civil Society Actors have regularly been admitted to the Sessions of the Committee. Their number and geographical range has steadily increased, and they have continued to make valuable contributions to the work of the Convention. However, available opportunities must be extended, formalized and guaranteed in the Statutory Documents of the Convention in order to allow them effective participation in the decision-making processes of the Committee. On Committee sessions, an item of the agenda should be reserved for a report of the civil society.

## **Suggested Amendments**

The World Heritage Committee should amend their Rules of Procedure as follows:

1.

A new Rule 45 is added to the Rules of Procedure of the World Heritage Committee, as follows:

### Rule 45. Intersessional Committee

45.1 An Intersessional Committee is hereby established, composed of one representative of each member of the Committee, two representatives of the Secretariat and each of the Advisory Bodies, and two representatives of each of the Major Groups as defined in §45.3 - 45.4. The Intersessional Committee meets two times a year at UNESCO Headquarters upon invitation of the Secretariat. The Secretariat shall provide travel funds to the participating representatives of Major Groups, as available.

45.2 The Intersessional Committee shall assist the Director-General and the Secretariat in the decision-making on strategic issues, work programme and agenda of the session of the Committee, and the allocation of funds, and may adopt resolutions and calls to action.

45.3 Major Groups are established of 1. non-governmental organizations, 2. indigenous peoples, 3. professional associations, and 4. local communities. They are called upon to ensure appropriate gender, ethnic and cultural diversity in both their membership and representation.

45.4 Members of Major Groups can be legal entities established under their respective national law. They need to be accredited with the Secretariat and upon accreditation are given access to the World Heritage Centre's website (<https://whc.unesco.org>) with restricted access. To be accredited, they do not need to have consultative status with ECOSOC or be registered Partners of UNESCO. Major Groups give themselves their Rules of Procedure and may organise their own preparatory meetings prior to meetings and sessions.

45.5 Members of Major Groups have the right to

- Receive unedited working documents of the Committee and Secretariat, including communication with State Parties, first-hand and at the same time as the States Parties;
- Submit to the Committee written contributions to these unedited working documents;
- Make oral and written contributions to all Committee documents, including nominations for the World Heritage List;
- Circulate written statements to Governments through the Secretariat;
- Make oral statements during the discussions of the General Assembly of States Parties to the Convention.

45.6 Major Groups adopt their own Rules of Procedure, and elect their representative(s).

They inform the Committee through the Secretariat about their representative(s).

Representatives of Major Groups may attend the sessions of the Committee in an advisory capacity. They may serve on consultative and subsidiary bodies established according to Rules 20 and 21.

2.

In accordance with item 1, Rule 6 is amended as follows:

Rule 6. Organizations attending in an advisory capacity

A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), a representative of the International Council on Monuments and Sites (ICOMOS), ~~and~~ a representative of the World Conservation Union, formerly International Union for Conservation of Nature and Natural Resources (IUCN), ~~and a representative of each Major Group,~~ to whom may be added, at the request of States Parties to the Convention meeting in General Assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

3.

In accordance with item 1, Rules 9.1 and 9.2 are amended as follows:

9.1 The provisional agenda of the sessions of the Committee shall be prepared by the Director-General, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS), ~~and~~ the World Conservation Union, formerly International Union for Conservation of Nature and Natural Resources (IUCN), ~~and the Major Groups,~~ in their respective areas of competence.

9.2 The provisional agenda of an ordinary session of the Committee shall include:

- a. all questions, the inclusion of which has been decided by the Committee at previous sessions;
- b. all questions proposed by members of the Committee;
- c. all questions proposed by States Parties to the Convention not members of the Committee;
- d. all questions proposed by the Director-General;
- ~~e. all questions proposed by Major Groups.~~

4.

In accordance with item 1, Rule 20.2 is amended as follows:

20.2 The composition and the terms of reference (including mandate and duration of office) of such consultative bodies shall be defined by the Committee at the time of their creation. These bodies can include States non members of the Committee and representatives of Major Groups.

5.

In accordance with item 1, Rule 20.2 is amended as follows:

21.2 The composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies shall be defined by the Committee at the time of their creation. These bodies can only be constituted from amongst States members of the Committee and the Major Groups.

6.

Rules 22.1 - 22.3 are amended as follows:

22.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak. S/He must give the floor to all speakers prior to the Committee taking a final decision.

22.2 The Chairperson may limit the time allowed to each speaker if the circumstances make this desirable, but the minimum time to be allowed is 2 minutes.

22.3 The Chairperson, at his discretion, shall call on speakers from the Advisory Bodies ~~and~~ the Secretariat and the Major Groups prior to the Committee taking a final decision.

The World Heritage Committee should further decide:

7.

1. The Committee urges States Parties to take further steps in involving civil society and indigenous peoples in all processes of the World Heritage Convention, such as

- to include interested CSOs and Indigenous Peoples as ex-officio members of National Commissions for UNESCO and other permanent or temporary state bodies and institutions involved in the implementation of the WH Convention, e.g. committees establishing tentative lists;
- to engage them in regular communication and exchange on all issues related to World Heritage.

2. The Committee urges States Parties which are members of the WH Committee to involve CSOs in preparation of their opinions and votes on Draft Decisions.

8.

The full-time permanent position of a Liaison Officer with Civil Society is established at the World Heritage Centre, reporting to its Director. The person serving in this capacity must have a personal experience in working for a civil society organization.

9.

The full-time permanent position or unit on Human Rights and the Rights of Indigenous Peoples is established at the World Heritage Centre, reporting to its Director any draft decision or other circumstance related to the World Heritage which could be in conflict with national or international law in these fields. The person or unit will have access to all relevant documents and information, the right to conduct her/his own investigations, and to take the floor at any time during sessions of the Committee before relevant decisions are taken.

10.

Advisory Bodies are called upon to establish mechanisms of continuing exchange and cooperation, and representatives of civil society are to be invited to the World Heritage Advisory Panel upon request.

11.

§27 of the Operational Guidelines to the Convention is amended as follows:

27. The World Heritage Committee is assisted by a Secretariat appointed by the Director-General of UNESCO. The function of the Secretariat is currently assumed by the World Heritage Centre, established in 1992 specifically for this purpose. The Director-General designated the Director of the World Heritage Centre as Secretary to the Committee. The Secretariat assists and collaborates with the States Parties, ~~and~~ the Advisory Bodies ~~and~~ Major Groups. The Secretariat works in close cooperation with other sectors and field offices of UNESCO.

12.

§28 of the Operational Guidelines to the Convention is amended as follows:

28. The Secretariat's main tasks are:

- ~~g)~~i) the organization of the meetings of the General Assembly and the Committee;
- ~~h)~~j) the implementation of decisions of the World Heritage Committee and resolutions of the General Assembly and reporting on their execution;
- ~~i)~~k) the receipt, registration, checking the completeness, archiving and transmission to the relevant Advisory Bodies of nominations to the World Heritage List;
- ~~j)~~l) the co-ordination of studies and activities as part of the Global Strategy for a Representative, Balanced and Credible World Heritage List;
- ~~k)~~m) the organization of Periodic Reporting;
- ~~l)~~n) coordination and conduct of Reactive Monitoring, including Reactive Monitoring missions<sup>8</sup>, as well coordination of and participation in Advisory missions<sup>9</sup>, as appropriate;
- ~~m)~~o) the coordination of International Assistance;
- ~~n)~~p) the mobilization of extra-budgetary resources for the conservation and management of World Heritage properties;
- ~~o)~~q) the assistance to States Parties in the implementation of the Committee's programmes and projects; and
- r) the promotion of World Heritage and the *Convention* through the dissemination of information to States Parties, the Advisory Bodies and the general public;
- p)s) the reporting about matters concerning human rights and the rights of indigenous peoples as related to the implementation of the World Heritage Convention.

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<sup>8</sup> The lengthy text of this footnote is omitted here since it is of no relevance to the amendments suggested.

13.

§40 of the Operational Guidelines to the Convention is amended as follows:

- 40.** Partners in the protection and conservation of World Heritage can be those individuals and other stakeholders, especially local communities, indigenous peoples, governmental, non-governmental and private organizations and owners who have an interest and involvement in the conservation and management of a World Heritage property.

14.

§43 of the Operational Guidelines to the Convention is amended as follows:

- 43.** The Committee may invite representatives of the intergovernmental bodies under related conventions to attend its meetings as observers. It may appoint a representative to observe meetings of the other intergovernmental bodies upon receipt of an invitation.

**43.bis** The Committee must not take any decision, engage in, support or condone any activity that could lead to, be based on, or imply, any infringement on human rights or the rights of indigenous peoples as enshrined in international law and UN Declarations. It must neither accept any report, nomination or other document as a basis of its decision-making or other activity which has been established under coercion, intimidation, or infringement of human rights or the rights of indigenous peoples.

15.

§140 of the Operational Guidelines to the Convention is amended as follows:

- 140.** On receipt of nominations from States Parties, the Secretariat will acknowledge receipt, check for completeness and register nominations. The Secretariat will forward complete nominations to the relevant Advisory Bodies for evaluation. The Secretariat will also make available the electronic format of the text of the nominations to the Members of the Committee and members of the Major Groups on the World Heritage Centre's website. The Secretariat will request any additional information from the State Party and when required by Advisory Bodies. The timetable for registration and processing of nominations is detailed in paragraph 168.

16.

§174 of the Operational Guidelines to the Convention is amended as follows:

- 174.** When the Secretariat receives information that a property inscribed has seriously deteriorated, or that the necessary corrective measures have not been taken within the time proposed, from a source other than the State Party concerned, it will, as far as possible, verify the source and the contents of the information in consultation with the State Party concerned and request its comments. Upon request of the source, such information must be treated by the secretariat on the condition of anonymity.

17.

§177 of the Operational Guidelines to the Convention is amended as follows:



177. In accordance with Article 11, paragraph 4, of the *Convention*, the Committee may inscribe a property on the List of World Heritage in Danger when the following requirements are met:

- a) the property under consideration is on the World Heritage List;
- b) the property is threatened by serious and specific danger;
- c) major operations are necessary for the conservation of the property;

d) assistance under the *Convention* has been requested for the property; the Committee is of the view that its assistance in certain cases may most effectively be limited to messages of its concern, including the message sent by inscription of a property on the List of World Heritage in Danger and that such assistance may be requested by any Committee member or the Secretariat.

~~d)e) trigger thresholds for indicators as established by the Committee have been exceeded, or indicator data compiled according to established methods have not been submitted by the State Party upon repeated request.~~<sup>10</sup>

f) a State Party restricts access to the site by UNESCO/Advisory Body Missions, representatives of the media or civil society, suppresses or fails to provide necessary information about its activities or plans, or the state of conservation of the site, and/or inhibits independent research and investigation at the site repeatedly or over an extended period of time, thus making it impossible to determine with sufficient certainty its actual state of conservation, the dangers it is facing, and/or the feasibility of adequately restoring it to a desirable state of conservation.

18.

§286 of the Operational Guidelines to the Convention is amended as follows:

**286.** Specific information targeted at Committee members, other States Parties and Advisory Bodies is available on the World Heritage Centre's website (<https://whc.unesco.org>) without restriction ~~with restricted access~~.

19.

The World Heritage Committee decides to introduce a permanent item 5C "Reports by Civil Society and Indigenous Peoples Organizations" into the agenda of its ordinary sessions.

➔ For amendments concerning civil society related to Nomination, Management and Monitoring, see the Potsdam Paper 04 dealing with these subjects.

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<sup>10</sup> For this amendment, please see Potsdam Paper 01.

## 04 Reform the Guidelines on Nomination, Management and Monitoring

It has become a generally accepted standard that local communities and civil society organizations should be involved in all World Heritage processes from establishing Tentative Lists to preparing nominations, conducting evaluation and monitoring missions, managing sites and drafting reports.

While important and visible progress has been made in that respect in a growing number of cases, the implementation of that standard still depends in many cases on the goodwill of States Parties, Advisory Bodies and individuals carrying out these activities. The lack of such goodwill, or lack of knowledge of and sensitivity to local circumstances, may lead to unsupported tentative lists, nominations which will be unmanageable due to misguided zoning and boundaries, unclear statements of OUV, a general alienation from the entire concept of World Heritage, and finally an unwillingness to support it.

Much the same effects can arise when missions and meetings are planned and implemented in intransparent ways, without a true commitment to listen to and accept the voice of local people. Any serious meeting and communication between persons needs time to get to know each other and to learn how to understand each other, in order to build trust, which is the prerequisite for any successful cooperation.

It is therefore essential to invest sufficient time and efforts – and ideally, research – in the participation of civil society when preparing tentative lists and nominations, planning exercises and missions. Such investment will pay off manyfold later through avoiding conflicts and problems which otherwise will eventually end up on the agenda of the World Heritage Committee.

In order to guarantee best results it is inevitable that all stakeholders fully understand the World Heritage system as an instrument of international law, the implications of World Heritage inscription for themselves and their communities, and their role and rights within that system. Too often local people know that their site is a World Heritage Site but do not know what the protected values and their attributes are, how they should be protected, who is responsible, and what their roles and rights are.

Preparing independent reports on the state of conservation of World Heritage properties has become one of the core activities of CSAs, and of the World Heritage Watch network in particular. These reports have demonstrated a consistently high level of accuracy and reliability, and often have helped the Secretariat and Advisory Bodies to reach a more complete view of the situation, and a more comprehensive understanding of the dynamics at the properties.

## Recommendations

- **Participation in all Processes**

A clear and shared understanding of what a truly participatory process is must be the basis of all activities aiming at involving civil society in the implementation of the World Heritage Convention. Participation is much more than inviting local people to presentations and answering questions, and even more than simple consultation. It is the full and equitable information-sharing and cooperation of state and non-state actors on the basis of common responsibility from the inception of an activity throughout its realization and including decision-making.

- **Tentative Lists and Nominations**

It is essential that the opinion of local populations be actively engaged in the processes of the preparation of both World Heritage Tentative Lists and nominations, acknowledging the fact that they are the people who coexist daily with the World Heritage property. In general, a proactive and preventive approach should be taken in safeguarding all natural and cultural heritage, and especially those properties envisaged for inscription so that local and indigenous communities and governments are prepared for managing, monitoring and preserving the property after inscription. Essential standards of conservation, management, human and financial resources, equipment, and public participation must be achieved and demonstrated before a property can be inscribed in the World Heritage List.

For the successful conservation, management and sustainable development of World Heritage properties it is essential to understand the rights, needs, values and aspirations of communities that would be affected by an inscription. As part of the nomination process, local communities and other civil society actors (CSAs) should be fully informed, in a timely fashion, and consulted about the implications of World Heritage status, and the free, prior and informed consent should be obtained from indigenous peoples before further pursuing a nomination. No property should be inscribed against the stated will of a majority local population.

Effective consultation and participation of local communities and indigenous peoples during the preparation of World Heritage nominations should be ensured through a wide range of extensive participatory processes and tools, as a means to collectively define the complex system of values that will need to be protected over time, and to create a commitment for a common vision both for heritage preservation and sustainable development. In this context, the intangible values related to the tangible ones, as perceived by the local community, should be fully considered in nominations.

- **Information and Awareness-raising**

In order to enable civil society to participate effectively in the identification, nomination, conservation and management of World Heritage properties, there is a need to raise awareness of the values involved, and to improve knowledge about both the World Heritage

regime of governance of the World Heritage in general and the World Heritage properties in particular.

Information and awareness-raising are continuing tasks, and require the establishment of permanent contact points as well as measures which effectively reach out to the people concerned. Such campaigns should be implemented also during the nomination procedures as part of increasing "preparedness" of local communities as indicated in §111 of the Operational Guidelines. They should include information about, and discussion of, inter alia,

- the nature and importance of the World Heritage Convention as an instrument of international and national law;
- the difference between World Heritage properties and other protective instruments in terms of conservation requirements;
- key terms such as "Outstanding Universal Value", "integrity" and "authenticity";
- providing clear and understandable definitions and cultural taxonomy to allow for a better transfer of knowledge;
- descriptions of responsibilities and authorities of all institutions involved, and of all relevant procedures in management, monitoring and reporting, so as to explain to civil society actors their options for getting involved.

A much clearer and more specific description of the attributes of the OUV, accompanied by a complete and detailed list of these attributes, must be part of the nomination files, in order to have unequivocal criteria against which threats can be assessed. Only through this it will be entirely clear to all stakeholders when a threat to the OUV exists or not.

### • **Evaluation and Monitoring Missions**

The work of the Advisory Bodies on the evaluation, monitoring and reporting of the World Heritage properties, in spite of significant budgetary constraints, is greatly appreciated, and their role to provide science-based expertise as the principal basis for the decision-making by the Committee must not be questioned.

Partly due to this lack of funding, many of the Advisory Bodies' evaluation and monitoring missions are often too short, and carried out by experts insufficient in numbers to inspect the properties, meet with officials and civil society, carry out surveys, study documents, and check all information to the extent necessary in order to be able to provide a comprehensive and fully reliable assessment of all aspects of the site's condition. In particular, the lack of time does not allow for the recognition of ongoing hidden dynamics which would reveal a deeper understanding of potential and subliminal threats to the property, and allow preventive action to be taken before situations culminate in crisis.

It should also be ensured that every mission has access to experts on the legal-administrative framework and management, and that evaluations not only check documents but more importantly compare them with existing capacities and actual implementation. Gaps between objectives and actions of management plans and reality need to be addressed more consistently and more frequently. There is an important role for civil society to help achieve balanced evaluations based on long-term observation, and to assess the incremental benefits of World Heritage status compared with other protected heritage sites.

All evaluation and monitoring missions should include extensive communication with civil society, and all CSAs and indigenous peoples should have sufficient and independent access to missions. Civil Society Actors should have the opportunity to comment on all reports and draft decisions before they are adopted, as well as submitting independent opinions, and such comments and reports should be made available to all those who receive the official reports and draft decisions.

The success of a mission depends on whether the information obtained is complete and correct. While written information can be easily confirmed, this is not always the case for oral communication, and ideally the mission should have time to check the reliability of oral information while still in the field.

Local officials, civil society actors and representatives of minorities often do not speak one of the UNESCO languages sufficiently well in order to make their points clear. Furthermore, representatives of civil society and minorities will not necessarily be on good terms with their national governments, and may be cautious to speak at all in their presence. Even if they do speak openly, the interpreter may not convey their message to the mission for fear of embarrassing the mission, or of reprisals from her/his employer. In addition, even among the local population there are different social groups with different opinions who need to be contacted separately. Finding a protected environment for communication with different stakeholder groups separately, including interpreters who have not been hired by their government, is essential in order to obtain a full view of the situation on the ground of the nominated properties. All this takes time and the cooperation of trusted local middlemen. Ideally, such middlemen should be recruited from national Advisory Body officials working outside government structures, or from staff of NGOs.

Annual reports by CSAs – especially those accredited in Major Groups - on the state of conservation of World Heritage properties should be considered to be of the same level of credibility and relevance as those of States Parties, and therefore should be registered official documents of the Convention and published on the UNESCO World Heritage website.

- **Management and Management Plans**

Management plans or mechanisms are key tools for the successful safeguarding of World Heritage properties. There is an urgent need to build the capacity of site management staff as a vital tool to improve the management of World Heritage properties, as well as that of local communities in order to ensure their effective grass-roots participation. The World Heritage Centre, Advisory Bodies and States Parties should cooperate with NGOs and private foundations to support programmes such as the Africa Nature Programme, the capacity-building programme for natural sites in Africa, and comparable programmes for cultural heritage.

Management Plans or mechanisms should be developed in a fully participatory manner through consultation processes, workshops or pedagogical methodologies, based on clear and detailed requirements and standards.

Every Management Plan should include a chapter on Conflict Resolution for cases which cannot be resolved on the basis of existing law, such as conflicts of two legitimate targets.

The bodies and processes of conflict resolution should be described in detail, including how they are established and how the members serving on them are determined.

Management Plans should also foresee the establishment of a gender-balanced Steering Committee with equal representation of state and non-state actors, and comprised of personalities in high esteem rather than, necessarily, high positions, in order to develop general policies, oversee the long-term development of the property, and act as liaisons, negotiators, mediators and ombudspersons.

There are convincing examples showing that local communities can play a positive role in the management of properties, i.e. by providing expertise, forming volunteer groups, conducting citizen research, acting as heritage guardians and promoters, organizing events, raising funds, and much more. We invite the World Heritage Committee and States Parties to explore the benefits of such co-management approaches, to encourage the forming of citizen initiatives in this field, and to support them in every possible way. Management Plans should also be made available to the public in order to allow learning from best practices.

## Suggested Decisions

The World Heritage Committee decides to amend the Operational Guidelines to the Convention as follows:

### Definition of Participation

12. States Parties to the *Convention* are encouraged to adopt a human-rights based approach, and ensure gender-balanced participation of a wide variety of stakeholders and rights-holders, including site managers, local and regional governments, local communities, indigenous peoples, non-governmental organizations (NGOs) and other interested parties and partners in the identification, nomination, management and protection processes of World Heritage properties. Participation is the full and equitable information-sharing and cooperation of state and non-state actors on the basis of common responsibility from the inception of an activity throughout its realization and including decision-making.

### Tentative Lists

64. States Parties are encouraged to prepare their Tentative Lists from the moment of their inception with the full, effective and gender-balanced participation, including access to all information and voting rights in all decision-making processes, of a wide variety of stakeholders and rights-holders, including site managers, local and regional governments, local communities, indigenous peoples, NGOs and other interested parties and partners. In the case of sites affecting the lands, territories or resources of indigenous peoples, States Parties shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before including the sites on their Tentative List. States Parties are also encouraged to consult with the Advisory Bodies when preparing their Tentative Lists.

## Nominations

156. At the time of inscription, the Committee may also make other recommendations concerning the protection and management of the World Heritage property. Nominations which do not sufficiently assure the adequate protection, management and financing of the property cannot be inscribed.

### Annex 5 Format for the nomination of properties for inscription on the World Heritage List

#### 3.3 Proposed Statement of Outstanding Universal Value

A Statement of Outstanding Universal Value is the official statement adopted by the World Heritage Committee at the time of inscription of a property on the World Heritage List. When the World Heritage Committee agrees to inscribe a property on the World Heritage List, it also agrees on a Statement of Outstanding Universal Value that encapsulates why the property is considered to be of Outstanding Universal Value, how it satisfies the relevant criteria, the conditions of integrity and (for cultural properties) authenticity, and how it meets the requirements for protection and management in order to sustain Outstanding Universal Value in the long-term.

Statements of Outstanding Universal Value should be concise and are set out in a standard format. They should help to raise awareness regarding the value of the property, guide the assessment of its state of conservation and inform protection and management. Once adopted by the Committee, the Statement of Outstanding Universal Value is displayed at the property and on the UNESCO World Heritage Centre's website.

The main sections of a Statement of Outstanding Universal Value are the following:

- a) Brief synthesis
- b) Justification for Criteria
- c) Statement of Integrity (for all properties)
- d) Statement of authenticity for properties nominated under criteria (i) to (vi)

To the Statement of Outstanding Universal Value must be annexed a complete and detailed list of all its individual attributes, including all their relevant features, for easy tracking and monitoring, and for a clear understanding of the Outstanding Universal Value by all stakeholders. Such lists should be finalized only after full and documented consultation with civil society, and conducted retrospectively for those sites that are already designated.

#### 5d. Existing plans related to municipality and region in which the property is located (...)

The State Party must submit, as part of the nomination, a 10-year Integrated Protection and Sustainable Development Plan for both the nominated property and its buffer zone, including a detailed investment plan, with the objective of embedding the property and buffer zone in a wider context of sustainable development.

#### 5f. Sources and levels of finance

Show the sources and level of funding which are available to the property on an annual basis. An estimate could also be given of the adequacy or otherwise of resources available, in particular identifying any gaps or deficiencies or any areas where assistance may be required.



The State Party must commit, by national law, to provide sufficient funding for the nominated site, as proven by a separate line for the property in the national budget, and medium-term budget plans for at least five years.

#### **5k. Available human and material resources**

The State Party must demonstrate and document, according to standards set by the Committee and confirmed through physical inspection in the field evaluation, that sufficient human and material resources are permanently available for the successful management of the property according to standards set by the Committee and as determined in the Management Plan of the property.

#### **5l. Participatory processes**

The State Party must demonstrate and document according to standards set by the Committee that a meaningful procedure of local participation has been followed from the start and throughout the nomination procedure, and Free, Prior and Informed Consent (FPIC) has been obtained in the case of affected Indigenous Peoples.

### **Management**

#### **Management systems**

**109.** The purpose of a management system is to ensure the effective protection of the nominated property for present and future generations, as well as ensuring fair benefits of the population living in or adjacent to the property from income generated through it.

**111.** In recognizing the diversity mentioned above, common elements of an effective management system must include:

- t)u) a thorough shared understanding of the property, its universal, national and local values and its socio-ecological context by all stakeholders, including local communities and indigenous peoples;
- r)u) a respect for diversity, equity, gender equality and human rights and the use of inclusive and participatory planning and stakeholder consultation processes;
- s)v) a cycle of fully participatory planning, implementation, monitoring, evaluation and feedback;
- t)w) an assessment of the vulnerabilities of the property to social, economic, environmental and other pressures and changes, including disasters and climate change, as well as the monitoring of the impacts of trends and proposed interventions;
- u)x) the development of mechanisms for the involvement and coordination of the various activities between different partners and stakeholders;
- v)y) the allocation of necessary resources;
- w)z) capacity building;
- aa) an accountable, transparent description of how the management system functions;

- \*)bb) a participatory and inclusive mechanism of conflict resolution in cases of differing legitimate interests and/or gaps in existing law, led by independent and broadly accepted personalities;
- cc) the establishment of a gender-balanced Steering Committee with equal representation of state and non-state actors, and comprised of people of high regard and competence, in order to develop general policies, oversee the long-term development of the property, and act as liaisons, negotiators, mediators and outreach persons.
- dd) The State Party must demonstrate and document, according to standards set by the Committee and confirmed through physical inspection in the field evaluation, that sufficient human and material resources are permanently available for the successful management of the property according to standards set by the Committee and as determined in the Management Plan of the property.

## **Monitoring and Reporting**

- 148bis** Field missions must take place under conditions which give the best possible chances of their success, such as
- Missions must be long enough in order to check oral information, to allow unforeseen visits and meetings that may become desirable during the course of the mission.
  - TORs of missions must always include meetings with NGOs and local communities. Missions must schedule meetings with representatives of any CSO who expresses their desire in the beginning phase of their schedule in order to make sure that there is time left in case they must be postponed.
  - State Parties must ensure that missions take place at a time of the year that allows access to all affected local communities, especially those living in remote areas or practicing a mobile way of life.
  - Missions must be accompanied by independent interpreters, including those who speak the language of minority populations and/or indigenous peoples.
  - Evaluation missions must be long enough to be able to visit all parts of a nominated property, especially in the case of serial nominations.
  - Missions must meet different sectors and social groups of local communities, such as women and youth, in order to obtain potentially differing attitudes toward the subject of the mission.
  - Every mission must include an expert familiar with the legal-administrative framework of the State Party and property under consideration, and must include a meeting with management staff and a physical inspection of the equipment available for the management of the property.
  - Meetings with civil society and local staff must be held in the absence of state officials in order to ensure that an open exchange of information and opinions can take place.
  - Mission reports must be allowed to include matters which were not foreseen in the TORs but were observed to be important during the course of the mission.

## State of Conservation Reports

169. Reactive Monitoring is the reporting by the Secretariat, other sectors of UNESCO and the Advisory Bodies to the Committee on the state of conservation of specific World Heritage properties that are under threat. To this end, the States Parties shall submit specific reports and impact studies each time exceptional circumstances occur or work is undertaken which may have an impact on the Outstanding Universal Value of the property or its state of conservation. Such reports are also invited from civil society actors, especially those accredited in Major Groups. They are registered documents of the Secretariat and published on its website.
172. *“The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.”* The States Parties must include a complete list of the institutions financing and executing this project in order to gain more insight in the project and the effects on the property.

## Periodic Reporting

206. The Periodic Reporting questionnaire is an online tool to be completed by the respective National Focal Points and Site Managers of the World Heritage properties, as appropriate, and in full cooperation with interested civil society actors.

## 05 Strengthen Relations between the World Heritage Convention and Other Relevant Conventions

### Background

*"Our global diversity of culture and nature manifests an irreplaceable source of spiritual, material and intellectual richness for humankind. This diversity exists in widely varied and dynamic contexts of space and time. It is given varied tangible and intangible expressions, and is closely related to respecting and protecting human rights."*

*IUCN, ICOMOS, ICCROM 2017<sup>11</sup>*

The World Heritage Convention is built upon a strong sense of unity developed through the cooperation of individual nations to safeguard the heritage of humankind. Protecting what belongs to all – natural or cultural – becomes the duty of all (Art. 6 of the World Heritage Convention). Therefore, committed respect to the world's diversity is an intrinsic part of this conversation (Art. 27). However, to ensure that heritage values and its attributes are truly respected, it is necessary to regard a myriad of avenues that are linked to the mere existence or even the purpose of heritage sites. These can be the respect to the people that add value to heritage properties, the impacts of climate change as an obstacle to the safeguarding of certain sites, the protection of nature and preservation of the environment, etc. Each of these avenues that gravitate around the spectrum of World Heritage has its own statements, procedures, issues, challenges, and International Conventions.

A rights-based approach to World Heritage has been explored and promoted first by the Advisory Bodies' "Our Common Dignity Initiative" (2011 – 2016)<sup>12</sup>: It made the following policy guidance recommendations:

*World Heritage management must be an example of rights-based Best Practice to other heritage sites.*

- *Policy guidance should reflect that people have different rights including those deriving from relevant international standards ratified by State Parties and covering both procedural and substantive rights.*
- *Best practice standards should ensure that all Rights Holders and Duty Bearers especially the most vulnerable can exercise their rights in the WH operations and processes as early as possible.*
- *Governance following rights based approaches is inclusionary and shared based on equality, adequate representation and mutual understanding.*
- *Understanding and access to information for all right holders is necessary to create an equitable decision-making basis for WH management and process.*
- *Free, Prior and Informed Consent (FPIC) of associated communities should be part of the guidance and principles of practice for developing rights-based processes on governance and management of WH sites and the processes related to operationalizing the convention (35 COMV).*

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<sup>11</sup> IUCN, ICOMOS, ICCROM: The Advisory Body "Our Common Dignity Initiative" on Rights-based Approaches in World Heritage, 2017

<sup>12</sup> <https://portals.iucn.org/library/sites/library/files/documents/Rep-2014-003.pdf>

- *A system of safeguards is necessary to secure representation and voice in a transparent manner and to ensure that the livelihoods of vulnerable communities are not affected.*
- *Development activities, local values and rights to cultural change should be addressed as integral to rights based processes.*

Many reasons why a rights-based approach is essential for the successful implementation of the World Heritage Convention can be mentioned: the current inefficiency of the Convention in dealing with heritage in case of human conflict; the intrinsic interdependence of human rights, cultural and natural heritage and sustainable development; the potential of controversial World Heritage inscriptions itself to stimulate conflict or even its destruction in certain cases; the need to both protect World Heritage values and to develop renewable energy sources; and the balance of interests of nature conservation and the right of local communities to natural resources utilization.

A practical coordination between the World Heritage Convention and other Conventions will guarantee a productive exchange of information between them, making the functioning of all involved Conventions more effective. It is true that currently the World Heritage Convention recognizes its link with other Conventions (through Articles 41-44 of the Operational Guidelines) but a diversity of issues can be found on the matter.

First of all, amongst the relevant global conventions and programmes listed in the Operational Guidelines that must be connected to the World Heritage Convention, the absence of the Human Rights Conventions is an obvious and regrettable omission. In an open letter from October 2021, more than 200 civil society organizations have asked world leaders to put human rights at the centre of environmental policy, and that is because *"respecting and protecting human rights and protecting the environment are inextricably linked."*<sup>13</sup>

A similar case can be made for human rights and cultural heritage. The Human Rights Council has adopted on its 17<sup>th</sup> Session (2011) the groundbreaking Shaheed Report<sup>14</sup> which concludes:

*77. As reflected in international law and practice, the need to preserve/safeguard cultural heritage is a human rights issue. Cultural heritage is important not only in itself, but also in relation to its human dimension, in particular its significance for individuals and communities and their identity and development processes.*

*78. The right of access to and enjoyment of cultural heritage forms part of international human rights law, finding its legal basis, in particular, in the right to take part in cultural life, the right of members of minorities to enjoy their own culture, and the right of indigenous peoples to self-determination and to maintain, control, protect and develop cultural heritage. Other human rights must also be taken into consideration, in particular the rights to freedom of expression, freedom of belief and religion, the right to information and the right to education.*

*79. The right of access to and enjoyment of cultural heritage includes the right of individuals and communities to, inter alia, know, understand, enter, visit, make use of, maintain, exchange*

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<sup>13</sup> Open Letter from Civil Society to World Leaders. Available at: <https://iwgia.org/en/news/4534-pr-openletter-hr-and-environment.html> Last access: 20 Oct 2021.

<sup>14</sup> <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/images/Report%20of%20Farida%20Shaheed.pdf>

*and develop cultural heritage, as well as to benefit from the cultural heritage and the creation of others. It also includes the right to participate in the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes.*

*However, varying degrees of access and enjoyment may be recognized, taking into consideration the diverse interests of individuals and communities depending on their relationship to specific cultural heritages.*

The Report goes on to make 14 recommendations to States on how to ensure the human right to cultural heritage. The World Heritage Convention can make highly significant contributions to implementing these recommendations.

Reciprocally, the Shaheed Report also states possible limitations to the enjoyment of cultural heritage through human rights law:

*74. Some practices, which are part of cultural heritage, may infringe upon human rights. International instruments clearly state that practices contrary to human rights cannot be justified with a plea for the preservation/safeguard of cultural heritage, cultural diversity or cultural rights...*

*75. As stressed by many actors, limitations to access can also be imposed to ensure the preservation / safeguard of cultural heritage against damage, disappearance or destruction. For example, States may legitimately regulate public use and access to a specific site, monument or cultural manifestation for safety or conservation purposes, or to protect the right of a community to access and enjoy its own cultural heritage.*

*76. In this respect, the independent expert again stresses that under the human rights framework, unequal situations must be dealt with differently. As stated ... above, varying degrees of access and enjoyment may be recognized, taking into consideration the diverse interests of individuals and communities according to their relationship with specific cultural heritages. Consequently, the general public may not enjoy the same rights as local communities. Access to a monument or archives by tourists and researchers should not be to the detriment of either the object in question or its source community. Specific indigenous or religious sites may be fully accessible to the concerned peoples and communities, but not to the general public. As stated in the Convention for the Safeguarding of the Intangible Cultural Heritage, access to cultural heritage should be ensured "while respecting customary practices governing access to specific aspects of such heritage".*

## Challenges

These few quotes are ample evidence of the intricate relationship between human rights and world heritage, providing a clear justification that the implementation of instruments of international law governing the two fields must be systematically coordinated with each other.

In addition to international conventions, other non-binding but universally accepted documents must also be taken into consideration to guide the coordination between human rights and World Heritage, such as the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), considered to be the chief international document on the rights of indigenous peoples. UNESCO, being part of the UN System, must do its part to promote that these Declarations are universally adopted, and

fully respected and implemented. UNDRIP in particular has become a key instrument for strengthening the respect for indigenous rights. In view of the widespread discrimination, harassment, forced relocation and even genocidal practices perpetrated against indigenous peoples, the World Heritage Convention must ensure that World Heritage Sites are safe against such human rights violations while UNDRIP can support the World Heritage Convention's goal to strengthen local communities that care for them.

Furthermore, the existing procedures within the World Heritage Convention for its coordination with other Conventions do not presume straightforward procedures and instruments to enable such coordination. The Operational Guidelines is very vague on how this coordination should be done. Defining specific ways and means to promote mutual cooperation between the World Heritage Convention and other Conventions will result in higher efficiency in alleviating grievances of local communities and indigenous peoples in certain properties.

## Recommendations

- Recommendations to integrate rights-based approaches into the working modalities of the World Heritage Convention need as yet to be fully implemented throughout its governance documents.
- Aiming to minimize the potential roots of conflict at World Heritage sites, regulations of the World Heritage Convention must be fully coordinated with universally accepted human rights law, especially:
  - c) The Human Rights Conventions and the Indigenous and Tribal Peoples Convention must be added to the list of Conventions relevant to the protection of cultural and natural heritage (§ 43 of the Operational Guidelines).
  - d) The Universal Declaration of Human Rights and the United Nations Declaration of the Rights of Indigenous peoples are non-binding but equally relevant documents to guide the coordination between Human Rights and World Heritage.
- Formal relationships and working procedures must be established between the World Heritage Committee and the intergovernmental bodies of other Conventions.

## Suggested Amendments

The World Heritage Committee decides to amend the Operational Guidelines as follows:

41. The World Heritage Committee recognizes the benefits of closer coordination of its work with other UNESCO programmes and their relevant conventions. For a list of relevant global conservation instruments, conventions and programmes see paragraph 44.
42. The World Heritage Committee with the support of the Secretariat will ensure appropriate coordination and information-sharing between the *World Heritage Convention* and other conventions, programmes and international organizations related to the conservation of cultural and natural heritage through mutual exchange of annual reports and other appropriate mechanisms.

[The Secretariat reports to the Committee about its activities relating to the coordination between the World Heritage Convention and other Conventions on the ordinary sessions of the Committee under Item 5 of its Agenda, with a separate entry “Relations between the World Heritage Convention and other Conventions”, and may make recommendations as to their further development.](#)

44. **Selected global conventions and programmes relating to the protection of cultural and natural heritage**

**UNESCO conventions and programmes**

Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

Protocol I (1954)

Protocol II (1999)

<http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/>

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention>

Convention concerning the Protection of the World Cultural and Natural Heritage (1972)

<https://whc.unesco.org/en/conventiontext>

Convention on the Protection of the Underwater Cultural Heritage (2001)

<https://unesdoc.unesco.org/ark:/48223/pf0000126065>

Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

<https://unesdoc.unesco.org/ark:/48223/pf0000132540>

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)

<https://unesdoc.unesco.org/ark:/48223/pf0000142919>

Man and the Biosphere (MAB) Programme

<http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/man-and-biosphere-programme/>

International Geoscience and Geoparks Programme (IGGP)

<http://www.unesco.org/new/en/natural-sciences/environment/earth-sciences/international-geoscience-and-geoparks-programme/>

International Hydrological Programme (IHP)

<https://en.unesco.org/themes/water-security/hydrology>

**Other Conventions [and Universal Declarations](#)**

International Whaling Commission (IWC) (1946)

<https://iwc.int>

[Universal Declaration of Human Rights \(1948\)](#)

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

International Plant Protection Convention (IPPC) (1951)

<https://www.ippc.int>



[International Covenant on Economic, Social and Cultural Rights \(1966\)](https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf)  
[https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch\\_IV\\_03.pdf](https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf)

[International Covenant on Civil and Political Rights \(1966\)](https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf)  
[https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch\\_IV\\_04.pdf](https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf)

Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar) (1971)  
<http://www.ramsar.org>

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973)  
<http://www.cites.org>

Convention on the Conservation of Migratory Species of Wild Animals (CMS) (1979)  
<http://www.cms.int>

United Nations Convention on the Law of the Sea (UNCLOS) (1982)  
[https://www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](https://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm)

[Indigenous and Tribal Peoples Convention \(1989\)](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)

Convention on Biological Diversity (1992)  
<http://www.cbd.int>

UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 1995)  
<https://www.unidroit.org/cultural-property#Convention1995>

United Nations Framework Convention on Climate Change (New York, 1992)  
<http://unfccc.int>

International Treaty on Plant Genetic Resources for Food and Agriculture (2001)  
<http://www.fao.org/plant-treaty/en/>

[United Nations Declaration on the Rights of Indigenous Peoples \(2007\)](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)  
[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

For amendments reflecting the relationship between World Heritage and human rights in the Nomination, Management and Monitoring of World Heritage Properties, -> see Paper 04 Nomination, Management and Monitoring.

## 06 Secure Sustainable Support Finance for World Heritage

When the United States stopped paying their dues to UNESCO (the compulsory or so-called "assessed" contributions) in 2011, the long-standing financial difficulties of organization turned into an acute crisis which also affected the budget for World Heritage. The problems were at times exacerbated when certain State Parties withheld their payments until the end of the year for political reasons, i.e. unhappiness with certain decisions taken under various UNESCO conventions and programs.

On 1 March 2021, the UNESCO Bureau of Strategic Planning published a statement which contains financial data for the period 1 January to 31 December 2020. According to this statement, the World Heritage budget received compulsory and voluntary contributions of 2,63m US\$. In addition, voluntary contributions and other donations of 5,76m US\$ were received. These two sources add up to a total income of 8,39m US\$ for 2020.

Since total expenditure didn't exceed 7,00m US\$, it was possible to transfer an excess of 1,39m US\$ to the Reserves and Fund Balances which increased to a total of 11,44 m US\$ as of 31 December 2020.

The data presented above indicate that, in principle, *Action 1: Support to the World Heritage Governing Bodies* of the World Heritage Budget is not confronted with major financial difficulties. It contains, inter alia, the expenditure for the organization of the meetings of the World Heritage Committee and the costs of the evaluation services for the Advisory Bodies (ICOMOS, IUCN, ICCROM). In fact, the figures indicate that funds should be available for longer evaluation and monitoring missions with more experts (on diverse fields), as recommended in the Paper on Nominations, Management and Reporting, as well as other activities.

Sustainable financing of *Action 2: Identification, management and promotion of World Heritage* however, remains totally inadequate to meet the enormous requirement of funds for conservation and management of inscribed properties, especially in developing and middle-income countries. It contains, inter alia, expenditure for the conservation of World Heritage Properties through International Assistance, and for the implementation of periodic reporting processes. The World Heritage Convention stipulates that

"... the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources ..."

but also

"...and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain."

At the origins of the WH Convention were the campaigns for Abu Simbel, Venice and Borobudur when countries called upon UNESCO to assist them in saving sites which were considered of outstanding universal value even if this term had not been coined at that time.

Accordingly, the World Heritage Trust (as originally called by its US proponents), which eventually became the World Heritage List, is a list of sites for which the international community pledges support in cases where one country alone cannot raise the human and/or financial resources needed for their safeguarding. Eventually, the original idea of a Trust including sites and their permanent funding institution was split up into a World Heritage List and a World Heritage Fund, with a growing List and a stagnating Fund.

While World Heritage properties are nominated by States Parties, it is the international community, as represented by the World Heritage Committee, who inscribes them and through this act makes them the common heritage of humankind. From that very moment, the international community, assuming a decision-making authority over the inscribed properties, must also accept a shared responsibility for their protection and safeguarding. Although this responsibility is expressed implicitly in the Convention, the promise involved has by and large not been kept as too many developing and middle-income countries have suffered from a perceived lack of presence of, and support from, UNESCO.

It is noteworthy that some other Conventions, such as the Convention on Biological Diversity (CBD)<sup>15</sup> and the UN Framework Convention on Climate Change (UNFCCC)<sup>16</sup> are associated with funding instruments: the Global Environment Facility for the CBD and the Green Climate Fund for the UNFCCC. These instruments have enabled considerable progress on the implementation of both Conventions, particularly in developing countries. Such a financing mechanism or instrument is lacking for World Heritage. It may be high time to revitalize the idea of a World Heritage Trust and possibly link it to the List of World Heritage in Danger. Such a move may help States Parties to recognize the opportunity for change that can come with recognition that a site is in danger and therefore lead to less resources and time wasted in ascertaining, debating and denying obvious threats, orienting energy and finances instead towards restoration and conservation.

Furthermore, available funds have often focused on the conservation of cultural monuments and natural ecosystems rather than helping to build a wider environment of sustainability around the properties, including the well-being of local communities. A more determined commitment by the donor community for safeguarding World Heritage properties would go a long way to regain the renewed political commitment to the Convention from States Parties which is so urgently needed.

While UNESCO funding for governmental actors exists through the World Heritage Fund, opportunities for civil society appear to be scarce and difficult to access. The Participation Programme, an instrument designed for civil society, is so little known that it appears to be "UNESCO's best-kept secret". In many countries, access to the Participation Programme is through the National Commissions for UNESCO who, however, often fail to publicize its opportunities and seem to find ways to disburse available funds to their own members rather than to grassroots organizations who struggle to make ends meet and are often sustained purely through enthusiasm for UNESCO. Again, there is a model under the CBD, the GEF Small Grants Programme,<sup>17</sup> which provides smaller grants for civil society for a broad range of

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<sup>15</sup> <https://www.cbd.int/>

<sup>16</sup> <https://unfccc.int/>

<sup>17</sup> <https://www.thegef.org/topics/gefsgp>

local projects, thus strengthening the involvement of civil society with the World Heritage Convention. In developing countries, the desire of local communities and civil society groups to be part of the mission of global institutions such as UNESCO cannot be overestimated but is not sufficiently mobilized.

Many big and small NGOs participate in World Heritage affairs and support World Heritage properties not only through monetary contributions but also uncounted hours of voluntary work. It has been an almost consistent observation, however, that there is a gap in the guidelines of private foundations and state programs available to civil society when it comes to World Heritage. While some focus on nature conservation, others are restricted to cultural heritage, some support developing countries only, and yet others do support events but only in their own country or even city. The World Heritage with its comprehensive mandate and annually changing venues seems to always fall into these gaps in one way or the other.

## **Recommendations**

- UNESCO assistance to developing and middle-income countries for new nominations should be continued and even expanded in order to contribute to a globally balanced World Heritage List.
- In general, however, the focus of funding for World Heritage should shift from supporting new nominations to the protection and safeguarding of inscribed properties. New properties should be inscribed only if the sustainable financing of not only the inscribed properties can be demonstrated but also an integrated protection and sustainable development plan has been submitted as part of the nomination whose financing has been secured.
- UNESCO's Participation Programme should be greatly expanded. Ways must be found to ensure that its funds reach primarily local grassroots initiatives rather than elites in the capitals - often academics with good ties to National Commissions for UNESCO.
- Where possible, UNESCO assistance should focus on support which is catalytic, in terms of encouraging funding and support from other donors and partners.
- UNESCO, multilateral and bilateral donors, development banks, private foundations and other public and private programs should recognize the World Heritage explicitly as a subject of the global development agenda (as suggested already by the inclusion of the World Heritage in the SDGs), and make their programmes available to all matters related to the World Heritage accordingly.
- It is strongly suggested that a World Heritage Trust Fund should be set up by the international community in order to support the safeguarding of World Heritage, drawing on experiences from other Conventions such as the CBD and UNFCCC. Such a Trust Fund could include a Small Grants Programme to encourage and strengthen the involvement of local civil society with World Heritage.

- In all programmes, priority should be given to Least Developed Countries, especially in Africa.

## Suggested Decisions

1

UNESCO should adopt a decision to

- significantly increase the budget of its Participation Programme, and reserve a significant share of its budget for activities related to World Heritage;
- work with National Commissions for UNESCO to ensure that the Participation Programme becomes more widely known among civil society, its funds are more easily accessible and more equitably disbursed to a wide spectrum of civil society groups, especially grassroots groups outside the capital, rather than academic elites.

2

The General Assembly of States Parties to the Convention should establish a World Heritage Trust Fund, based on the models of the Global Environment Facility (GEF) and the Green Climate Fund, in order to support the protection and safeguarding of World Heritage Sites, with a priority of sites on the List of World Heritage in Danger.

3

The World Heritage Committee should take decisions as follows:

The Committee requests the international donor community, including bilateral and multilateral donors, development banks, private foundations and other public and private programs, to recognize the World Heritage explicitly as a subject of the global development agenda and make it part of their respective cooperation programs, with a separate budget.

The Committee decides to organize a donor conference within three months of each annual session in order to raise the funds necessary to implement its decisions concerning the conservation of World Heritage sites and the creation of a sustainable development environment on the ground. The Committee will request States Parties to develop appropriate project portfolios in cooperation with the Secretariat and Advisory Bodies.

The Committee encourages regional and national UNESCO Offices to organize donor conferences for World Heritage sites in their respective regions and countries.

The Committee decides to establish a merchandising programme and requests the Secretariat, in cooperation with UNESCO, to prepare the required legal documents for that purpose. The Secretariat is also requested to determine in which form this programme should be best realized, including the issuance of a license through a tender, creating a company under UNESCO, or placing orders to a private company through a call for offers. The revenues from the merchandise will be paid into a special facility under the World Heritage Fund accessible to civil society.

The Committee urges relevant private and public foundations to review their mandates and funding policies in order to allow funding civil society activities targeted at the

implementation of the World Heritage Convention, the support of the protection, conservation and management of World Heritage properties, the creation of an environment of sustainable development around World Heritage properties, and the conduct of meetings at local, national, regional and global level.

## 07 Ensure and Support a Practice of Sustainable Development at World Heritage Sites

Through Decision WHC-15/20.GA/13, the 20<sup>th</sup> Session of the General Assembly of States Parties to the Convention has adopted the POLICY FOR THE INTEGRATION OF A SUSTAINABLE DEVELOPMENT PERSPECTIVE INTO THE PROCESSES OF THE WORLD HERITAGE CONVENTION, a document which provides general guidelines to States Parties on how to ensure sustainable development in the context of World Heritage across a wide range of fields from environmental sustainability to post-conflict recovery.

The Decision, among others,

*7. Requests the World Heritage Centre and the Advisory Bodies to elaborate and submit for the consideration of the Committee – once a clear framework for the future Policy Guidelines, including its scope and structure, has been adopted by the General Assembly, and within the available resources – proposals for:*

- a) the necessary changes to the Operational Guidelines, which would translate the principles of the policy document on sustainable development into specific operational procedures,*
- b) indicators for measuring the progress of the policy's implementation;*
- c) capacity-building initiatives, needed to enable implementation, including an indication of the related costs;*

A review of the current version of the Operational Guidelines yields the following results:

States Parties are encouraged to embrace the concept of sustainable development (§6), to mainstream the Policy Document into their programmes related to World Heritage (§14bis), and to contribute to, and comply with, the sustainable development objectives (§15).

**Chapter II.F (Protection and Management), §112 (Management Systems)** says, among others:

“Management of the broader setting is related to its role in supporting the Outstanding Universal Value. Its effective management may also contribute to **sustainable development**, through harnessing the reciprocal benefits for heritage and society.”

Sustainable Development is also mentioned in **Chapter III.B Format and Content of Nominations for the Inscription on the World Heritage List:**

**132.5 Management:** An appropriate management plan or other management system is essential and shall be provided in the nomination. Assurances of the effective implementation of the management plan or other management system are also expected. **Sustainable development** principles should be integrated into the management system, for all types of natural, cultural and mixed properties, including their buffer zones and wider setting.

In **Chapter VI Encouraging Support for the World Heritage Convention**, the need to invest in sustainable development projects (§214bis), for studies and research in World Heritage contributions to sustainable development (§215), and the principle of contributing to sustainable development as a consideration governing decisions on International Assistance, are mentioned.

The **FORMAT FOR THE NOMINATION OF PROPERTIES FOR INSCRIPTION ON THE WORLD HERITAGE LIST (Annex 5)** expects that “Sustainable development principles should be integrated into the management system,” and the guidelines for Periodic Reporting (Annex 7) include requirements to provide information about the sustainability of the process of establishing Tentative Lists and preparing Nominations, as well as about the impact of the World Heritage Status on sustainable development.

It can be concluded from this review that Decision WHC-15/20.GA/13, and especially its items a) and b), have not been sufficiently implemented.

## Recommendations

- Sustainable Development must become a mandatory development path to be pursued in World Heritage cultural landscapes, cities, and sites, and in the buffer zones of all World Heritage Sites.
- “Sustainable Development” must be translated from an abstract concept to a practical guidance for action in the hands of site managers and local communities within and/or adjacent to World Heritage Sites.

This should be achieved through

- a more exhaustive explanation of the concept aimed at its practical applicability;
  - expansion of the virtual presence of World Heritage Sites to create digital development spaces, where economic and educational opportunities are not limited to visitation nor constrained by commercial interests, and are socially inclusive and accessible to all citizens of World Heritage properties, regardless of digital literacy;
  - establishment of financial feedback mechanisms to ensure that innovations, design and knowledge transfer which emerge from objects of Outstanding Universal Value return revenue to conservation purposes;
  - recognition that scale is often an important feature of sustainable development, i.e. practices and even infrastructure that can be sustainable in a lesser quantity can become unsustainable in a larger one;
  - a list of fields where the concept should be applied with priority, such as in the use of all types of natural resources, food production, avoidance of waste, avoidance of the use of harmful chemical agents, in education and the transmission of traditional knowledge, in the viability of social and cultural institutions, in creating a balance of continuity and change, etc.
  - manuals for practical implementation and key indicators of sustainability in various fields to be monitored.
- Practical advice and training on sustainable practices should be conveyed together with theoretical education in clearing houses and replicable model projects at World Heritage properties and/or buffer zones.



## Suggested Decisions

The World Heritage Committee decides:

1. The Committee requests the World Heritage Centre and Advisory Bodies, in cooperation with States Parties and relevant civil society organizations,
  - a) to submit a comprehensive report on the implementation of Decision WHC-15/20.GA/13, and to provide a detailed assessment as to what degree the Policy for the Integration of a Sustainable Development Perspective into the Processes of the World Heritage Convention has been put into practice;
  - b) if necessary, to submit proposals to further strengthen the Operational Guidelines in order to translate the principles of the policy document on sustainable development into specific operational procedures, with a goal to achieve their universal and mandatory application at World Heritage sites and/or their buffer zones;
  - d) to prepare guidelines for practitioners at and/or adjacent to World Heritage properties and buffer zones providing
    - a more exhaustive explanation of the concept of sustainable development aimed at its practical applicability;
    - a clear explanation of what sustainable development means in fields where the concept should be applied with priority, such as the use of all types of natural resources, food production, avoidance of waste, avoidance of harmful chemical agents, education and transmission of traditional knowledge, viability of social and cultural institutions, a balance of continuity and change, climate change resilience, adaptation and mitigation, energy production, and others;
    - practical step-by-step manuals for practical implementation and key indicators to be monitored.
2. The Committee calls upon donors in the field of economic development to support with priority practical activities, advise and training on sustainable development practices together with theoretical education in clearing houses and replicable model projects in all fields of sustainable development in the context of World Heritage sites.
3. The Committee requests the Secretariat to submit a report on this decision for examination on its 48<sup>th</sup> Session (2025) and possible adoption by the General Assembly of States Parties on its 25<sup>th</sup> Session.

## 08 Strengthen the Role of World Heritage Sites in Tackling the Climate Crisis<sup>18</sup>

Climate change is the fastest-growing global threat to World Heritage properties. Virtually all World Heritage sites will be impacted in some way, but many sites are already being severely negatively impacted and many more are vulnerable to damage or loss in the near future.

Rising global temperatures are driving loss of land-based ice sheets, glaciers and sea-ice, thawing permafrost, more intense and frequent extreme weather events, more damaging coastal flooding and storm surges, ocean warming, worsening drought, heatwaves and wildfires, human displacement, and changes in the distribution and abundance of animal and plant species.

With life on Earth facing two existential crises – the climate crisis and biodiversity crisis – it is imperative that the role of WH properties in either contributing to both problems or helping to solve them, is understood and acted on by parties to the UNFCCC, UNCBD, UNCCD and UNWHC.

### Climate Change Impacts on World Heritage

Human activities, especially the burning of fossil fuels have unequivocally been shown to have caused approximately 1 degree Celsius (C) of global warming since pre-industrial times. The 2015 Paris Agreement signed by 195 countries under the auspices of the UN Framework Convention on Climate Change (UNFCCC) seeks to keep global temperature rise well below 2 degrees C this century, and to pursue efforts to limit it to 1.5 degrees C. According to the Intergovernmental Panel on Climate Change (IPCC), if emissions remain unchecked, warming is likely to reach 1.5 degrees C around 2040 and 2 degrees C by 2065.

Higher temperatures are driving extraordinary environmental changes, including the intensification of extreme weather events, loss of Arctic sea ice, larger wildfires and coastal flooding and inundation. Global sea level rise is accelerating, but the rate of change through the rest of this century will be determined by the rate and extent of loss of the Greenland and Antarctic ice sheets. Current estimates put sea level rise somewhere between 0.5 meters and 2.4 meters higher than in 2000 by 2100. These changes, and many more direct and indirect impacts of climate change are affecting World Heritage sites.

In 2016, a UNESCO report on climate change and World Heritage stated that:

*"Climate change is fast becoming one of the most significant risks for World Heritage sites worldwide"*

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<sup>18</sup> The first three parts of this paper are a slightly revised and updated version of a paper presented by Adam Markham (Union of Concerned Scientists) at the WHW Forum in Baku, Azerbaijan, on 29 June 2019.

There is now a growing body of work demonstrating the impacts of climate change on World Heritage sites and their vulnerability to change. For example, a 2017 expert report on coral reefs provided to the Committee stated:

*"Nearly half of all World Heritage properties containing coral reefs experienced bleaching stress more than twice per decade during 1985-2013. Over 70% has been exposed to severe heat stress during the past three years with coral mortality likely to be the worst in history. This assessment predicts that all properties will experience annual severe bleaching and thus cease to host functioning coral reef systems, by the end of the century unless CO2 emissions are reduced"*

Also in 2017, IUCN's latest World Heritage Outlook Report concluded that:

*"The number of natural World Heritage sites threatened by climate change has grown from 35 to 62 in just three years, with climate change being the fastest growing threat they face... climate change impacts, such as coral bleaching and glacier loss, affect a quarter of all sites."*

The 2016 UNESCO report also noted that:

*"Climate change is both a direct threat and a threat multiplier. Worsening climate impacts are cumulative, and often exacerbate the vulnerability of World Heritage sites to many other existing risks, including uncontrolled tourism, lack of resources for effective management, war, terrorism, poverty, urbanization, infrastructure, oil and gas."*

Despite the growing acknowledgement that climate change represents a fast-growing risk to World Heritage, the World Heritage Committee and the States Parties have been slow to react and respond to the threat. There have been no changes to the World Heritage climate policy since 2007, no standardized methodology for assessing climate risk to World Heritage sites has been adopted, States Parties are not yet required to include an overview of potential climate change impacts in their nomination files for new World Heritage properties, and the Committee has not addressed the issue of what to do if a property's Outstanding Universal Value (OUV) is degraded as a result of climate change.

In addition, there has been a slowness in recognizing the role that many World Heritage sites can play as climate refuges - vital locations that will continue to support flora and fauna for whom the conditions of life have ceased to exist elsewhere. This slowness corresponds to a lack of resilience preparation in many parts of the world.

Adaptation and resilience to climate change are key issues for World Heritage properties with their fixed boundaries. While the species and natural ecosystems that make up natural world heritage sites have some potential to adapt to climate change through changes in species distribution and migration (albeit severely limited by protected area boundaries, lack of connectivity, habitat degradation and development), the same is often not true for cultural World Heritage. Historic towns and cities, buildings, monuments, archaeological sites, cultural landscapes and sacred places usually cannot move and are often inextricably tied to locality, place, living cultural practices and traditions, and even if they are moved they lose part of their

significance and meaning. Once lost, they are gone forever.

The threat to World Heritage is exacerbated by the danger from certain projects that may be promoted by States Parties as climate solutions, but which may have devastating negative effects on World Heritage sites and their local communities. Such projects may include large-scale hydroelectric projects and dams, nuclear energy development, solar geoengineering and carbon dioxide removal (CDR) projects such as direct air capture (DAC) and biomass energy with carbon capture and storage (BECCS).

Because of its global reach and iconic sites, the World Heritage program presents a unique opportunity to build public awareness around the impacts of climate change and the urgency of addressing them, and to take leadership in developing and adopting site management policies and strategies that can serve as examples for natural and cultural heritage world-wide. States Parties should work to ensure that all World Heritage properties are managed and monitored effectively in the face of accelerating climate change, to ensure resilience and the protection and maintenance of their OUV.

## The World Heritage Convention and Climate Change

Discussion of climate change was only just emerging in the scientific literature and was not yet an international political issue when the World Heritage Convention was signed in 1972, and as a consequence the Convention does not address it. Unfortunately, therefore, the signatories never envisaged the potentially massive impacts climate change would have on World Heritage properties and the implications for their protection and management. Since 1972, the operational guidelines, tools and methodologies developed under the auspices of the Convention have not yet adequately or effectively addressed the problem of climate change.

The Convention was, however, designed to respond to both ongoing damage and potential threats to World Heritage, and it recognizes that the *"deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all nations of the world."* The Convention also places no limits or exclusions on the kinds of threats that a state party must address in fulfilling its obligations to protect its own world heritage properties, and contemplates that threats to world heritage properties may exist at both the property level and beyond – even beyond national borders. For example, the Preamble notes that world heritage properties *"are increasingly threatened with destruction ... by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction."* Today it is recognized that climate change clearly threatens to damage or destroy World Heritage properties and the values for which they are listed.

The first significant effort to address climate change within the Convention was in 2007 when the *'Policy Document on the Impacts of Climate Change on World Heritage Properties'* was adopted by the General Assembly of States Parties. Ten years later, at the 41<sup>st</sup> session of the World Heritage Committee in Krakow (2017) the Committee declared that *"growing evidence of climate impacts across World Heritage properties confirm that rapid and urgent action to reduce global warming is essential and the highest degree of ambition and leadership by all countries is needed to secure the full implementation of the Paris Agreement."*

The Committee stressed “the importance of State Parties undertaking the most ambitious implementation of the Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC) by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels”.

It also strongly invited all State Parties “to undertake actions to address Climate Change under the Paris Agreement consistent with their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances that are fully consistent with their obligations within the World Heritage Convention to protect the OUV of all World Heritage properties”.

This is an important addition as it recognizes the concept of “fair share” mitigation. “Fair share” is the international legal principle of common but differentiated responsibilities. It is a way of determining a nation’s “fair share” of responsibility for solving an environmental problem by taking into account differences in states’ contribution to particular environmental problems, and their economic and technical capacity to address them.

At the same meeting the Committee decided that “in view of the urgency of the issue of climate impacts on WH properties, the WH Centre and the Advisory Bodies aim, subject to available time and resources, to prioritize work on a proposed update to the [2007 Policy Document] for consideration by the Committee at its 42<sup>nd</sup> session in 2018.” The Committee noted “with appreciation the willingness of civil society groups to engage in this process”.

In October 2017, an expert meeting was co-organized on the Baltic Island of Vilm by the World Heritage Centre, the Advisory Bodies and the German Federal Agency for Nature Conservation (BfN) to discuss priorities for the updating of the 2007 Policy Document. The expert meeting, including representatives of States Parties, the Advisory Bodies, intergovernmental organizations and selected civil society organizations and academics, reviewed the policy and made a series of recommendations, including that the policy undergo a complete and comprehensive re-write, rather than minor tweaks and revisions, and that it be properly placed in the context of, and integrated with the policies of other international agreements dealing with climate change, including the UNFCCC, the Convention on Biodiversity, the Sendai Framework, the Warsaw Mechanism and Agenda 2030 and the Sustainable Development Goals (SDGs). However, since then progress had been minimal, and the policy update had not even been started by the time of the 43<sup>rd</sup> session of the Committee in Baku, Azerbaijan.

At 42COM, the Committee repeated its call for State Parties to “undertake the most ambitious implementation of the Paris Agreement”.

Through Decision WHC/21/44.COM/7C, the Committee has endorsed a “Draft updated Policy Document on the impacts of climate change on World Heritage properties”, and decided to transmit it, for final review and adoption, to the 23<sup>rd</sup> session of the UNESCO General Assembly of States Parties in November 2021. In relation to the climate mitigation obligations of State Parties, the draft updated policy document:

- recognizes, in paragraph 21, that “the most effective approach for the protection, conservation and management of the cultural and natural heritage” is for all state parties

to implement “a precautionary approach that pursues pathways limiting the global average temperature increase to 1.5°C with no or limited overshoot,” and in paragraph 94 that pursuing a 1.5°C pathway is a strategy for implementing Goal 3 (Mitigation).

- recognizes that limiting warming to 1.5°C will require deep emissions reductions in all sectors and a wide portfolio of mitigation options.
- includes the protection of natural properties as carbon sinks in Goal 3 (Mitigation).

However, despite these imperatives, Goal 3 (Mitigation) of the updated policy document limits the obligations of State Parties to undertaking property-level mitigation only, not the national-level mitigation that the updated policy document recognizes is vital to limit warming to 1.5°C. It is manifestly inadequate to limit Goal 3 (Mitigation) to property-level only, because most global emissions occur outside World Heritage properties, and even the most stringent property-level mitigation will do very little to reduce global emissions.

The limitation to property-level mitigation also contradicts the obligations imposed by the Convention itself on state parties to undertake national-level mitigation to protect their own and others’ world heritage properties – obligations which the updated policy document fails to identify.

At 44COM, the Committee also:

10. *...request[ed] the World Heritage Centre, jointly with the Advisory Bodies, once the "Policy Document on Climate Action for World Heritage" is adopted by the General Assembly of the States Parties and within the available resources, to elaborate proposals for specific changes to the Operational Guidelines that would be required to translate the principles of this Policy Document into actual operational procedures, and to develop education and capacity-building initiatives that would be needed to enable wide implementation of this Policy Document, and calls on States Parties to contribute financially to this end;*
11. *...request[ed] the World Heritage Centre, jointly with the Advisory Bodies, and subject to available resources, to consider preparing a Guidance Document to facilitate effective implementation of, and support for, the actions, goals and targets of this Policy Document, which could include indicators and benchmarking tools for measuring and reporting progress towards achieving the World Heritage Climate Action Goals, and also calls on States Parties to support this activity through extra-budgetary funding;*

At its 23<sup>rd</sup> session in November 2021, the General Assembly did not adopt the updated policy document, but instead established an open-ended working group assisted by the Centre and Advisory Bodies to review and develop a final version of the policy, as well as proposals for its effective implementation, for consideration by the General Assembly at its next meeting in November 2023. The 23<sup>rd</sup> General Assembly also established a panel of experts to assist the open-ended working group.

In September 2022, in response to a request by a number of civil society organizations to participate in the open-ended working group, the Director of the World Heritage Centre stated that meetings of the working group are only accessible to States Parties’ representatives and that the working group’s documents will only be made publicly accessible six weeks before the General Assembly’s 24<sup>th</sup> session in November 2023. The Director did note that State Parties could engage with civil society if they wished to do so.

The following Recommendations and Suggested Decisions from civil society should be viewed as a contribution to the open-ended working group and the implementation of 44 COM 7C.

## Recommendations

- **Keep up the urgency and sense of crisis within the WH Committee about climate change.** Climate change is increasingly recognized as a crisis for humanity and the natural world, requiring an emergency response. The WH Committee must give the issue the highest priority as climate change presents a grave and potentially existential threat to many World Heritage sites. To protect the future of humanity's most outstanding places and to ensure the Committee's ongoing relevance in a world increasingly dominated by climate change, the Committee must ensure that State Parties are held accountable for their climate mitigation performance.
- **Implement the Climate Policy to be adopted by the General Assembly of States Parties at its 23rd General Assembly and the Decisions of 41COM7 and 42COM7.** The Committee has endorsed the *Draft updated Policy Document on the Impacts of Climate Change on World Heritage Properties*, and decided to transmit it, for final review and adoption, to the UNESCO General Assembly in November 2021. States Parties are asked to consider site-level monitoring, mitigation and adaptation measures and establish thematic, global and regional links to understand, access, fund and implement mitigation and adaptation strategies. The policy also calls for more research and research funding partnerships to better understand the consequences and costs of climate change for World Heritage sites. The implementation of the Policy Document, including a timeline and resourcing, should move ahead as a priority. This policy should be fully implemented, along with the Climate Change decisions made in 2017 and 2018. The Policy Document requires that States Parties "ensure they are doing all that they can to address the causes and impacts of climate change in relation to the potential and identified effects of climate change (and other threats) on World Heritage properties on their territories". The Policies enunciated in the Policy Document need to be translated into specific, targeted and time-bound actions to for implementation by the States Parties.
- **Assess the performance of State Parties in reducing the risks and impacts of climate change on their World Heritage properties, applying the "Fair Share" concept.** The Committee's call for ambitious climate mitigation and its recognition of "common but differentiated responsibilities and respective capabilities" should be applied when assessing the performance of State Parties in protecting the OUV of their World Heritage properties.

In reviewing State Party state of conservation reports, the Advisory Bodies should review recent and objective studies<sup>19</sup> on a state party's compliance with a 1.5°C pathway with no or limited overshoot. The Committee should then use this analysis to support requests to

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<sup>19</sup> For example, the United Nations Environment Programme's Emissions Gap Reports, the environmental performance reviews of the Organisation for Economic Co-Operation and Development, and the publications of non-governmental expert organizations such as Climate Action Tracker, Climate Analytics, and the Climate Change Performance Index.

specific state parties to implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot.

In relation to those State Parties with substantial historical or current emissions and more financial and technical capacity, the Committee should request them to take serious and effective action to reduce their greenhouse gas emissions, and to not authorize or support the construction of new or expanded fossil fuel infrastructure that contributes to climate change, noting that supporting new fossil fuel developments is inconsistent with the obligation imposed upon State Parties by the Convention to protect World Heritage properties from the impacts of climate change.

- **Identify those World Heritage sites most vulnerable to climate change.**

Despite efforts to address gaps in knowledge, information and capacity, there is still a need to undertake a comprehensive global review of the climate vulnerability of World Heritage sites, identify those that are most at risk and assess the threat to their OUV, integrity and authenticity. This review should take account of the interaction of climate change with existing stressors such as tourism pressures, illegal and unsustainable harvesting of natural resources, mining, fossil fuel and renewable energy developments, urbanization, armed conflict, poverty and suppression or denial of indigenous rights. By 2025, all World Heritage sites should have undertaken an assessment of climate risk and vulnerability as a part of their Periodic Reporting. Consideration should be giving to creating a list of World Heritage sites in the highest categories of climate risk.

- **Adopt the Climate Vulnerability Index (CVI), a standardized risk assessment methodology that can be applied to all World Heritage sites.** It is recommended that a methodology for rapid assessment of climate risk be adopted which can be consistently and transparently be applied both to individual sites and properties, and to thematic groups of World Heritage (e.g. coral reef sites, or earthen architecture sites) and is workable across all types of World Heritage properties – natural, cultural and mixed. As a follow-up to the 2017 expert meeting in Vilnius, a model assessment methodology – the Climate Vulnerability Index (CVI) has been developed. It has been specifically designed to be transparent, repeatable and workable across all types of World Heritage sites – natural, cultural, or mixed. It builds on standard risk assessment methodologies and the work of the IPCC, but is specifically designed to address World Heritage property integrity and climate impacts on OUV and communities and economic sectors associated with World Heritage sites. The CVI has now been successfully tested at two World Heritage properties (Shark Bay in Australia and the Heart of Neolithic Orkney in Scotland, UK). The CVI can be undertaken in a 2-3 day workshop using best available science and management information, with the participation of a representative group of managers, experts and stakeholders.

- **Anticipate and identify locations and situations where emergency boundary modifications or additional Buffer Zones may be necessary to ensure the persistence of Outstanding Universal Value.** Plants and animals of World Heritage value may attempt to adapt to climate change by shifting their range. In some cases, this may cause all or parts of their populations to move outside of current property boundaries. For their future safety, careful monitoring of their movements is required alongside predictions and models of their likely trajectory as temperatures rise. Once areas to which World Heritage species may relocate have been identified, these should



be protected against developments that inhibit movement or destroy suitable habitat. Indeed, connectivity corridors must be established and maintained to facilitate adaptation.

In some cases, where World Heritage-relevant flora and fauna are highly mobile or population movements cannot be accurately foreseen, States Parties may be required to develop legislation and policy at the species level to ensure their survival and integrity. Guidelines for the development of such legislation should be devised by the WH Centre and its Advisory Bodies and integrated into the Operational Guidelines.

- **Fully integrate climate change into the reporting processes of the World Heritage Convention.** All reactive monitoring reports, State of Conservation (SOC) reports, State Party reports and Periodic reports should address the relevant components of climate change currently impacting, or likely to impact, the property. In assessing the integrity of *"the wholeness and intactness of the natural and/or cultural heritage and its attributes"* climate change should be taken into consideration. Climate adaptation and mitigation actions, consistent with the Decisions of 41COM7 and 41COM8 including the "fair share" concept, should be incorporated into State Party reports.
- **Make climate change part of the nomination process for World Heritage Properties.** Because of the potential for climate change to alter or significantly damage heritage values, and because of the requirement that all nominated properties propose *"an effective management system"*, States Parties should be required to consider and discuss climate vulnerability when entering sites on to the Tentative List and when submitting World Heritage nominations. States Parties, the Committee and its advisory bodies should consider climate change in evaluating nominations. Consideration should also be given to whether there should be changes or additions to the Criteria in the light of climate change – perhaps including the potential to act as climate refugia or carbon sinks within them.
- **Address climate change impacts on Outstanding Universal Value.** The way the World Heritage Convention was originally envisaged to operate ("preserving heritage") implies that this can occur in a static environment without any changes (i.e. heritage values can be preserved as they were at the time of their inscription). The reality, however, is that the attributes of heritage values are clearly changing, and in some cases deteriorating, often as a direct result of climate change, or its interactions with other stresses and threats, and it is virtually impossible to preserve these attributes as they were at the time of inscription.
- **Strengthen systems for continued assessment, monitoring and early warning impacts.** Systems for monitoring and early warning of climate change impacts should be developed and implemented. UNESCO, working with other international organizations and conventions (e.g. United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), UN Framework Convention on Climate Change (UNFCCC)) and the Advisory Bodies should prioritize the monitoring of climate impacts and use World Heritage properties to field test management strategies and approaches in order to improve resilience and minimize impacts from climate change.
- **Increase the representation of primary natural ecosystems, high biodiversity areas, refugia and wilderness areas on the World Heritage List and include areas that**

**provide a robust framework for restoration of ecological integrity.** Protecting and restoring primary ecosystems including large, intact landscapes is the most effective way of maintaining the adaptive capacity of natural World Heritage sites and maintaining carbon stocks. The biodiversity crisis is resulting in escalating ecosystem degradation and loss which in turn is increasing greenhouse gas emissions into the atmosphere and reducing ecosystems' ability to sequester and store carbon over the long timeframes needed to help stabilize greenhouse gas emissions in the atmosphere.

Biodiversity loss and degradation also reduces the adaptive capacity of ecosystems and adversely impacts food production and other key ecosystem services including freshwater supply. Increasing the area of primary ecosystems and wilderness areas with outstanding universal value in the World Heritage list will help maintain the large-scale processes that are essential for resilience in the face of climate change. For existing sites, greater emphasis should be placed on buffer zone expansion and protection, and wherever possible, connectivity between World Heritage sites and networks of other protected areas needs to be a key element of conservation management plans as a response to likely changes in species distribution in a changing climate.

- **Put ecologically designed buffer zones into place.** Escalating threats associated with climate change make it imperative to improve the management of Natural and Mixed World Heritage properties to maximize their stability and resilience. Damage from fragmentation and industrial scale activities within and adjoining World Heritage properties must cease. Ecologically designed buffer zones must be put in place and, where necessary, restoration of damaged areas to improve ecosystem integrity made a high priority. Doing so would not only improve the chances of maintaining the OUV for which properties were inscribed but would also help keep the substantial carbon stocks in Natural and Mixed Properties out of the atmosphere and thus have a positive impact on helping to fight climate change. Maintaining and improving the integrity of all such properties also has an important role to play in protecting biodiversity areas and refugia and maintaining evolutionary processes.

The call by the CBD (CBD COP 14/30) for synergistic action under the key UN biodiversity related conventions must include the WHC. It is not only low climate ambition that threatens the integrity of WH properties, but also touted climate solutions that result in increased fragmentation of, and damage to, natural areas adjoining World Heritage properties, which has the potential to do great harm. So too do false climate solutions that involve large scale electricity generation from forest biomass. It is imperative that the WHC is party to all conversations and decisions relating to synergistic, complementary action under the Rio Conventions.

2022 is a seminal year for climate and biodiversity. Failure to fill the current gap in commitments to limit warming to 1.5 degrees would mean we never will achieve this goal (UNEP 2018 Emissions Gap Report). Ensuring biodiversity and its role in underpinning ecosystem integrity, fighting climate change and delivering sustainable development as elevated in the post 2020 biodiversity framework is essential. The linkages and two way flows between the two crises must be understood and integrated in action taken under all relevant conventions including the WHC. Failure to achieve synergistic action will likely mean failure to

tackle either the biodiversity or climate crisis and result in the loss of many areas of Outstanding Universal Value.

- **Identify and recognize areas that have an ability to act as carbon sinks.** Many natural World Heritage properties offer huge potential as carbon stores and sinks. There is more carbon stored in ecosystems than in fossil fuels and it is critically important to protect and increase ecosystem integrity and stability wherever possible in order to tackle climate change. It is increasingly important to improve the protection, management and restoration of our natural ecosystems to help avoid CO<sub>2</sub> emissions from further loss or degradation of ecosystems – especially primary forests and other carbon rich ecosystems including peat-lands, wetlands and mangroves; and to enable ongoing ecosystem sequestration and storage of atmospheric CO<sub>2</sub>.

Natural ecosystems support larger and more long-lived and stable carbon stocks than degraded and planted ecosystems. 'Natural climate solutions' from better forest and land-use offer around 37% of the affordable action needed by 2030 to prevent a climate catastrophe. Maintaining and restoring primary forests including intact forest landscapes will be critical part of this effort. The Committee should work with the relevant advisory bodies to identify the carbon potential of WH properties and provide site management guidance in order to help maximize these benefits, for example, by establishing higher-level special protected areas for carbon sinks within World Heritage Sites. States Parties should consider creating inventories of carbon sequestration potential within World Heritage properties (including their condition).

- **Identify and recognize areas that have an ability to act as refuge areas for biodiversity.** Climate refuges – for example, areas with multiple niche climates, micro-climates that can temper extremes, or large landscapes and wilderness areas that offer unusual levels of resilience to climate change will be extremely important for species survival and the maintenance of biodiversity over the coming decades and centuries. Many sites already protect important refugia for biodiversity and evolutionary potential. Their heritage function for future generations is therefore enormous, but currently there is little public or political awareness of the importance of such locations, which makes protecting them even more difficult. Recognition of the value of climate refuges by the Committee and the identification of World Heritage properties that meet those criteria will be vital in the future.

To this end, a list should be compiled of World Heritage sites where natural conditions mitigate the extremes of climate change. Particular attention should be paid to those whose Outstanding Universal Value statements reference refugium features, as these have demonstrated the ability to maintain flora and fauna through past periods of climate flux. Special reporting on habitat connectivity and quality should be required from the relevant States Parties to ensure that refugium functions are maximized at these sites. Additional research, monitoring and modeling may be required to understand how an influx of species to such refugia impact on World Heritage values too. Technical and financial support must be provided to States Parties in order to facilitate these extra requirements.

- **Maximize populations of species relevant to Outstanding Universal Value** in an ecologically sustainable and balanced manner that is informed by the best available scientific information in order to ensure that a broad range of genetic and behavioral information is

retained in populations as this information may facilitate adaptation either to new climate parameters or new habitats.

- **Fully incorporate the latest climate science into World Heritage site management and planning.** World Heritage site management plans should also incorporate climate research in decisions on planning and implementation relating to the sustainability of sites and their OUV. Management strategies should be science-based and make use of the latest data on climate change impacts, vulnerability and resilience. There is also an urgent need to incorporate and better understand the climate exposure and sensitivity of OUV in all World Heritage sites and to incorporate arrangements for climate change adaptation and resilience into management strategies, especially at the most vulnerable sites.
- **Recognize that maladaptive use of renewable energy, especially large-scale hydropower, can be a threat to World Heritage.** There is an urgent need for coordination between the World Heritage Convention and other conventions concerned with the preservation and protection of biodiversity, natural and cultural heritage with the Secretariat of the UN Framework Convention on Climate Change to ensure that climate adaptation and mitigation measures do not have any harmful impacts on World Heritage Sites and other areas of outstanding natural and cultural value.

For example, some States Parties have already included hydropower development potentially damaging to World Heritage as part of their initial Nationally Determined Contributions (NDCs) under the Paris Agreement. In addition to large-scale hydroelectric projects and dams, nuclear energy development, solar geo-engineering and carbon dioxide removal (CDR) projects such as direct air capture (DAC) and biomass energy with carbon capture and storage (BECCS) must be monitored and controlled so that they do not result in adverse impacts on World Heritage. In the case of solar geo-engineering, there is an urgent need for a global system of governance to be developed and in place before any significant experimental deployment of systems is contemplated.

- **Create detailed climate change action strategies for tourism management and development at vulnerable sites.** Multi-stakeholder climate change strategies for tourism should be developed for sites where climate change has been identified as a current or future threat to their OUV, or where climate and tourism impacts together are increasing the vulnerability of the site and local communities. States Parties should work together with site management authorities, local communities, research institutions and the tourism industry to create strategies that: raise awareness of the OUV of natural and cultural sites and their importance as key assets for the tourism sector; provide a framework for the tourism industry to respond to climate change, including reducing their own carbon emissions; engage tourism operators in action that contributes to stewardship in the context of a changing climate; help to leverage resources in support of climate preparedness and resilience; provide a coordinating mechanism for government and the tourism industry to address policy and management issues to ensure an adequate response to climate change.
- **Recognize the contribution of minority populations and indigenous peoples in addressing climate change.** Local descendent and traditional communities should be empowered to maintain and preserve what they value, including intangible heritage and subsistence lifestyles. Indigenous peoples and local communities should be fully involved and

their rights recognized in assessing climate vulnerability and planning for World Heritage property management and associated development in the face of climate change. Adaptation and resilience efforts must fully engage with local voices and maximize the integration of local and traditional knowledge. In the absence of indigenous voices, the significance of rapid warming is decided by states, scientists and international bodies all seeking global results, but potentially without paying sufficient attention to local values and issues. Utilizing local and traditional knowledge systems for the development of effective adaptation and resilience strategies for World Heritage sites is vital in the face of climate change.

- **Increase resources for World Heritage site management and climate resilience.**

Lack of resources is a major problem for World Heritage site management. Lack of capacity, including financing, personnel, equipment, training and access to locally relevant climate projections, represents a huge barrier to effective management of World Heritage sites, including assessment of vulnerability and development and implementation of climate adaptation and resilience strategies. The opportunity for partnerships should be explored with a major university, group of major universities, or private company that holds sufficient computing power to model climate change impacts for each individual World Heritage site, prioritizing those that may not have access to the latest predictive tools.

- **Recognize the need for banks, investment companies and international finance institutions to prevent and mitigate climate change in their lending.** It is incumbent upon banks and other financial institutions to prevent and mitigate climate change by fundamentally shifting their investment towards sustainable, low carbon activities. The banking sector has exacerbated the climate crisis by directly and indirectly financing the drivers of climate change, such as upstream and downstream fossil fuel production, large scale monoculture plantations, destruction of primary forests, and extractive industries. In addition to the negative impacts of climate change, iconic World Heritage sites are also threatened by other negative environmental and social impacts of projects which are developed and financed by banks. In order to play their part in protecting World Heritage sites and fighting climate change, banks and financial institutions should be required to establish no-go zones and prohibit any financing of projects detrimental to climate or habitats in or near World Heritage sites, shift their financial portfolios away from high carbon industries, disclose all their financing activities, document and publish full life cycle greenhouse gas footprints across their entire lending portfolios, and align their investments to limit global temperature rise to 1.5 degrees Celsius.

## Suggested Decisions

I

The 24<sup>th</sup> Session of the General Assembly of States Parties should adopt the *Draft updated Policy Document on the Impacts of Climate Change on World Heritage Properties*, amended as follows:

1. A new paragraph is added after section II.C.36 (Policy Framework, Legal Framework):

**37. This Policy Document reaffirms the position of the 2007 Policy Document Annex 2 that inclusion on the List of World Heritage in Danger under Article 11(2) is**

dependent on the threats to OUV. Where the threat comes from is irrelevant. In these circumstances, a site can be inscribed on the In-Danger List even where the impacts are beyond the sole control of the State Party concerned.

2. §42 is amended as follows:

42. There exists a range of approaches and instruments to undertake risk assessments associated with the impacts of climate change, such as the Climate Vulnerability Index (CVI). The challenge is to identify the more appropriate methodologies, not only to the type of hazard but also to the social, environmental, economic, geographical, landscape and institutional context of the properties for which the Outstanding Universal Value may be at risk of being irretrievably damaged or lost. Special consideration should also be included for populations at disproportionately higher risk of adverse consequences, for example disadvantaged and vulnerable populations, Indigenous Peoples, and local communities.

3. Draft Policy section II.D.3.58 (The Policy Framework, Climate Action, Climate Mitigation section) is amended as follows:

58. The IPCC defines mitigation as “*a human intervention to reduce emissions or enhance the sinks of greenhouse gases.*”<sup>6</sup>. IPCC’s reports, and most notably the 1.5°C Special Report (2018), makes clear that limiting global warming to 1.5°C would require rapid and far-reaching transitions in the global economy, with deep emissions reductions in all sectors, a wide portfolio of mitigation options and a significant upscaling of investments in those options. Within this context, this Policy Document encourages States Parties to the Convention to aim for a transition ~~towards low carbon alternatives for World Heritage properties management as soon as possible.~~ To a carbon neutral and resilient world that can sustain World Heritage properties for future generations. The World Heritage Convention obliges States Parties to protect and conserve their World Heritage properties and sustain or enhance their properties’ OUV by doing all they can to the utmost of their resources to address existing and potential threats, including by identifying those sites that act as climate refugia, and establishing policies that secure refugium capacities. Accordingly, where the impacts of climate change threaten a World Heritage property and its OUV, the State Party in which the property is situated must address the threat by implementing a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and undertaking its fair share of global emissions reductions necessary to achieve that goal. This Policy Document also recognizes the common but differentiated responsibilities of States Parties for climate harm to *all* World Heritage sites, not only those within their territorial jurisdiction, and the corresponding obligation of all States Parties to undertake their fair share of global emissions reductions necessary to prevent climate-related harms to *all* sites threatened by climate change, in accordance with the obligations under Article 6(3) of the Convention.

The World Heritage Committee decides to amend the Operational Guidelines as follows:

1.

**Annex 5 Format for the nomination of properties for inscription on the World Heritage List**

**Section 4.b (ii) Environmental pressures (e.g., pollution, climate change, desertification)**

List and summarize all the sources of environmental deterioration affecting building fabric, flora and fauna, and explain how each of them affects the nominated property. Elaborate on whether the property contributes to mitigating climate change, to act as a carbon sink or is a refuge for important biodiversity.

**Section 6.a Key indicators for measuring state of conservation**

List in table form those key indicators that have been chosen as the measure of the state of conservation of the whole property (see section 4.a above). Indicate the periodicity of the review of these indicators and the location where the records are kept. They eshould be representative of an important aspect of the property and relate as closely as possible to the Statement of Outstanding Universal Value (see section 2.b above). Where possible they eshould be expressed numerically and where this is not possible they eshould be of a kind which can be repeated, for example by taking a photograph from the same point. Examples of good indicators are:

- (i) number of species, or population of a keystone species on a natural property;
- (ii) percentage of buildings requiring major repair in a historic town or district;
- (iii) number of years estimated to elapse before a major conservation programme is likely to be completed;
- (iv) stability or degree of movement in a particular building or element of a building;
- (v) rate at which encroachment of any kind on a property has increased or diminished.”
- (vi) the Climate Vulnerability Index (CVI);
- (vii) Key Performance Indicators, including those which measure the mitigation of climate change.

**Annex 7 FORMAT FOR PERIODIC REPORTING ON THE APPLICATION OF THE WORLD HERITAGE CONVENTION**

**Section II: “State of Conservation of Specific World Heritage Properties” (p. 121-122)**

In Chapter 4. FACTORS AFFECTING THE PROPERTY, detailed information must be provided about the effects of climate change on the property, measures taken to assess the vulnerability of the property and the risk it exposed to, to mitigate such effects, and to increase resilience of the property against negative effects of climate change.

**Annex 13 FORMAT FOR THE SUBMISSION OF STATE OF CONSERVATION REPORTS BY THE STATE PARTIES**

Under 3. “Other current conservation issues identified by the State(s) Party(ies) which may have an impact on the property’s Outstanding Universal Value”, detailed information must be provided about the effects of climate change on the property, measures taken to assess the vulnerability of the property and the risk it exposed to, to mitigate such effects, and to increase resilience of the property against negative effects of climate change.

### III

The World Heritage Committee decides:

1. The Committee requests the Secretariat to undertake in cooperation with the States Parties and assisted by the Advisory Bodies, for completion by 2025,
  - a comprehensive global review of the climate vulnerability of World Heritage sites, identify those that are most at risk and assess the threat to their OUV, integrity and authenticity. This review should take account of the interaction of climate change with existing stressors such as tourism pressures, illegal and unsustainable harvesting of natural resources, mining, fossil fuel, eutrophication and renewable energy developments, urbanization, armed conflict, poverty and suppression or denial of indigenous rights;
  - an identification of areas which have a high potential to act as carbon sinks, and to work with State Parties for their strictest possible protection;
  - an identification of areas which have a high potential to act as refuge areas for biodiversity under conditions of climate change.
2. The Committee calls upon States Parties and UNESCO to prioritize the monitoring of climate impacts, and use World Heritage properties to field test management strategies and approaches in order to improve resilience and minimize impacts from climate change.
3. The Committee urges States Parties to increase the representation of primary natural ecosystems, high biodiversity areas, refugia and wilderness areas on the World Heritage List and include areas that provide a robust framework for restoration of ecological integrity. For existing sites, greater emphasis should be placed on the expansion and protection of ecologically designed buffer zones, and wherever possible, connectivity between World Heritage sites and networks of other protected areas needs to be a key element of conservation management plans as a response to likely changes in species distribution in a changing climate.
4. The Committee requests the Secretariat to coordinate with other conventions concerned with the preservation and protection of biodiversity, natural and cultural heritage with the Secretariat of the UN Framework Convention on Climate Change to ensure that climate adaptation and mitigation measures, such as hydro-electric dams and nuclear power plants, do not have any harmful impacts on World Heritage Sites and other areas of outstanding natural and cultural value.
5. The Committee encourages States Parties to develop multi-stakeholder climate change strategies for tourism at sites where climate change has been identified as a current or future threat to their OUV, or where climate and tourism impacts together are increasing the vulnerability of the site and local communities. States Parties should work together with site management authorities, local communities, research institutions and the tourism industry to create strategies that: raise awareness of the OUV of natural and cultural sites and their importance as key assets for the tourism sector; provide a framework for the tourism industry to respond to climate change, including reducing their own carbon emissions; engage tourism operators in action that contributes to stewardship in the context of a changing climate; help to leverage resources in support of climate preparedness and resilience; provide a coordinating mechanism for government and the tourism industry to address policy and management issues to ensure an adequate response to climate change.
6. The Committee urges States Parties to empower indigenous peoples and traditional



communities to maintain and preserve what they value, including intangible heritage and subsistence lifestyles. Indigenous peoples and local communities should be fully involved and their rights recognized in assessing climate vulnerability and planning for World Heritage property management and associated development in the face of climate change. Adaptation and resilience efforts must fully engage with local voices and maximize the integration of local and traditional knowledge.

7. The Committee urges banks, investment companies and international finance institutions to prevent and mitigate climate change in their lending. It is incumbent upon them to prevent and mitigate climate change by fundamentally shifting their investment towards sustainable, low carbon activities. In order to play their part in protecting World Heritage sites and fighting climate change, banks and financial institutions should establish no-go zones, shift their financial portfolios away from high carbon industries, disclose all their financing activities, document and publish full life-cycle greenhouse gas footprints across their entire lending portfolios, and align their investments to limit global temperature rise to 1.5 degrees Celsius.

## 09 Regulate Tourism at World Heritage Sites

Tourism is probably the factor most heavily affecting the World Heritage today. Only very few sites receive no tourists, and this is not because they are not attractive or interesting enough, but because they are too remote or have been declared off-limits to visitors by their respective State Parties. The purpose of the World Heritage Convention is to protect and preserve sites of outstanding universal value in order to serve as places of admiration and education for people from all over the world. The very idea of the common heritage of humankind therefore implies that world heritage tourism is something desirable as long as it does not adversely affect the values for which the site was inscribed.

Before the appearance of the Covid-19 pandemic, growing prosperity in the global north and increasingly in the Middle East and Asia, ever cheaper air travel, improved infrastructure in developing countries, and the communication potential of the Internet, had taken tourism to a tremendous boom worldwide and made it the largest legal industry in the world. A significant share of this growth in tourism has been to World Heritage sites.

Cruise ships as big as floating cities unloaded tens of thousands of tourists every day on historic cities across the Mediterranean and spectacular sites in their hinterland, and ancient monuments across the world, no matter how remote, were suffocating under the crowds. Elsewhere, influencers and travel bloggers explored the last "untouched" areas and "undiscovered" cultural treasures, and sent their impressions from the site all over the world, where within seconds they were picked up by tens of thousands of followers.

World Heritage sites were particularly affected - although they were not the only ones - because they are preferred tourist destinations due to their importance and attractiveness. Without special advertising, tourist numbers skyrocket as soon as a site is inscribed in the World Heritage List. At World Heritage sites, particularly large numbers of tourists quickly collide with the particularly strong protection required by World Heritage regulations.

Tourism can be an extremely beneficial economic factor in particular in less developed regions since it requires little investment in comparison with other industries, and ensures very quick revenue. It can respond and grow with demand in a very flexible way, and it brings with it the development of various other sectors. As such, tourism has a strong potential to become a motor of local and regional economic development, and in particular in remote and comparatively less developed regions. Accordingly, in many cases there are expectations, particularly in less developed regions, that the World Heritage designation will inevitably lead to an increase in tourism and associated revenues both to national governments and local communities.

It is no surprise then that tourism marketing has become an increasingly important motivation for World Heritage nominations. However, without careful planning and local control it may get out of hand, and where this happens, inscription in the World Heritage List can inadvertently turn from an instrument of protection into a factor of threat.

Negative effects from excessive tourism can come in many ways:

- Tourists can damage, destroy or steal parts of monuments or nature reserves;
- Tourists increase the pressure on local natural resources (water, land, food, biodiversity and air pollution by transport activities);
- Tourists increase the pressure on local infrastructure such as wastewater facilities and roads, which in the former case can lead to pollution and in the latter to an ever bigger road network;
- Tourists create and leave behind large amounts of waste dispersion;
- Tourists contribute to carbon emissions, especially during long-distance flights;
- When present in great numbers, tourists obscure the view of the site;
- Catering for tourists can lead to pressures for inappropriate developments in and around World Heritage sites;
- New jobs in tourism will pull young people away from traditional jobs in agriculture, traditional crafts etc. necessary to maintain traditional ways of life while in other situations tourism tends to create low level / low wage jobs to the detriment of professional jobs;
- As a result, there are shifts in relationships and status undermining the social fabric
- Outside investors with massive economic power, including to influence political decision-makers, who establish touristic facilities, take over control of developments such as the use of public as well as private spaces through conversion of the local housing stock into tourist or second home use;
- Pressure for inappropriate urban planning and large-scale construction - often illegal - can grow in response to demand for accommodation facilities, some of which are only occupied part of the year yet destroy natural habitat and cultural ambience indefinitely;
- Noise and light pollution frequently grow in proportion to urban and visitor expansion, pressurizing Outstanding Universal Value habitats and species.
- Outside interests have a priority to maximize profit rather than to contribute to the well-being of the local population, leading to a commodification of heritage and a devaluation of things which do not contribute to the tourism business;
- Once outside-directed tourism business interests take over the daily life, heritage sites are on a path to becoming mere backdrops for reaping quick profit while any meaningful interaction between visitors and local people is prevented by the busy schedule prepared by the tour operators.
- The loss of control often alienates the local population from both their place and home, and from the World Heritage Site; and alienation results in a lack of cooperation with, or even resistance against, any outside actors such as UNESCO;
- The high volatility of the tourism sector and total dependence from external demand can lead to general economic collapse in places where tourism is an overwhelmingly dominant economic factor of the local economy ("one company town" effect), the ongoing Covid-19 pandemic being a vivid example.

Nominations for World Heritage Listing must be seen as a golden opportunity to prevent such developments before a dynamic sets in which is very difficult to stop later. This would, however, require a process involving the entire local community to carefully consider the values to be saved, and the opportunities and threats at hand coming with World Heritage inscription and the resulting sharp increase of tourism.

Core in this context is the question of what kind of tourism is sustainable in terms of both safeguarding heritage and the well-being of local communities. A shared definition of

sustainable tourism, and its distinction from related concepts such as ecotourism, which itself needs thoughtful definition, is the basis to move further.

Recognition is also required that tourism activities do not always fit into neat categories of sustainable or unsustainable. Many that would be considered as sustainable on a small scale (such as certain forms of adventure tourism) have the potential to become unsustainable in a mass market context.

A short definition by UNEP and the UNTWO is *"Tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment, and host communities."* (from: *Making Tourism More Sustainable - A Guide for Policy Makers*, UNEP and UNWTO, 2005, p.11-12). It has been questioned, however, for putting the interests of visitors and the industry on equal footing with those of the environment and host communities.

## The Challenge

### The World Heritage Committee and tourism policy

In Decision 34COM 5F.2 the World Heritage Committee

- "has adopted a policy orientation which defines the relationship between World Heritage and sustainable tourism";

- "encourages the World Heritage Centre to take fully into account the eight programme elements recommended in the draft final report in any future work on tourism", as follows:

**"Programme elements recommended by the Draft Final Report of the Evaluation of the World Heritage Tourism Programme by the UN Foundation:**

1. Adopt and disseminate standards and principles relating to sustainable tourism at World Heritage sites;
2. Support the incorporation of appropriate tourism management into the workings of the *Convention*;
3. Collation of evidence to support sustainable tourism programme design, and to support targeting;
4. Contribution of a World Heritage perspective to cross agency sustainable tourism policy initiatives;
5. Strategic support for the dissemination of lessons learned;
6. Strategic support for the development of training and guidance materials for national policy agencies and site managers;
7. Provision of advice on the cost benefit impact of World Heritage inscription;
8. Provision of advice on UNESCO World Heritage branding."

**In Decision 38COM 7 (2014)** (<https://whc.unesco.org/en/decisions/5948>) the Committee decided

5. also noting that tourism development in and around World Heritage properties is a key issue for their management, strongly encourages States Parties to ensure sustainable planning and management of tourism at World Heritage properties and to contribute to the implementation of the World Heritage Centre's World Heritage and Sustainable Tourism Programme.

**Decision 42COM 7 (2018):** <https://whc.unesco.org/en/decisions/7112/> expresses concerns about the increase of negative effects:

"45. Acknowledging the contribution of sustainable tourism to the 2030 Agenda on Sustainable Development and the positive impact it can have on local communities and the protection of World Heritage properties, nevertheless notes with concern that the number of properties negatively affected by inadequate visitor management and tourism infrastructure development continues to increase;

46. Requests States Parties to develop Visitor Management Plans that assess appropriate carrying capacity of properties for visitors and address the issue of unregulated tourism;

47. Encourages the States Parties to support UNESCO in its effort to develop an overall Visitor Management Strategy for World Heritage, with policy recommendations to assist States Parties in addressing the issues of unregulated and unsustainable tourism use and development, and to provide resources to UNESCO for the implementation of the Strategy"

**Decision 43COM 7.3 (2019):** <https://whc.unesco.org/en/decisions/7421/> reiterates and enhances these concerns:

"10. Acknowledging the contribution of sustainable tourism to the 2030 Agenda on Sustainable Development and the positive impact it can have on local communities and the protection of World Heritage properties, nevertheless notes with concern that the number of properties negatively affected by overcrowding, congestion and tourism infrastructure development continues to increase;

11. Noting that the protection of Outstanding Universal Value (OUV) must be a central objective for all World Heritage properties, requests States Parties to develop visitor management plans and strategies that address the seasonality of tourism (smoothing visitor numbers over time and spreading visitors across sites), encourage longer more in-depth experiences promoting tourism products and services that reflect natural and cultural values, and limit access and activities to improve visitor flows and experiences, while reducing pressures on the attributes which underpin OUV ;

12. Encourages the States Parties to support UNESCO in its efforts to assist heritage and tourism managers with system development and data collection to help destinations understand their specific situations and early warning signs, provide incentives for sustainable tourism development and raise awareness to change visitor behavior".

In 2017 the Executive Board adopted the Sustainable Tourism Management Assessment Toolkit <https://whc.unesco.org/sustainabletourismtoolkit/how-use-guide> as a practical manual for site managers to assist them in realizing sustainable tourism at their sites.

In addition, numerous other documents and guidelines on tourism have been adopted by the Advisory Bodies.

In contrast to the clear recognition of the enormous potential of tourism to both benefit and harm World Heritage sites, and the comprehensive body of guiding documents produced, there is no mention of tourism in the main text body of the Operational Guidelines, and only cursory reference to it in its Annexes, leaving essentially the implementation of the Committee's findings and recommendations to the discretion of States Parties and site managers. The lack of binding requirements on sustainable tourism in the nomination,

management and monitoring of World Heritage Sites puts them at risk of a degradation or loss of their OUV, - and entails the missing of opportunities.

## Recommendations

### More guidance towards sustainable tourism

- The World Heritage Committee should urgently adopt a definition of the term “sustainable tourism”, to be the common foundation for all its further activities related to this subject. The definition should be rooted first and foremost in the UN definition of “sustainable development” but also take into account definitions of both UNTWO and international civil society networks such as Tourism Watch. A key criterion for a definition has to be that tourism should not result in adverse impact on, or a loss of, the natural or cultural values for which the World Heritage site was inscribed.
- Development of sustainable tourism needs to be recognized as a key part of site management planning and site management. As such, it must become a mandatory chapter of management plans for World Heritage sites and a key aspect of the evaluation of nominations as well as in monitoring and reporting requirements. Tourism planning must address clearly specified parameters such as locally agreed carrying capacity, regulations limiting tourist numbers per day and season, management of visitor flow, spatial planning including tourist guidance and no-go areas, prevention of damages, activities and establishments for presentation, information, interpretation and education, management of increased waste and use of natural resources, and local economic benefits for both the World Heritage property and the local community.
- World Heritage nominations should contain estimates of tourism increases based on Advisory Body expert predictions and demonstrate that they have adequate water and wastewater infrastructure not only for present use, but also for the anticipated influx of visitors, especially in cases where water quality or water sources are directly underpinning Outstanding Universal Value or have human rights implications. If the nominations cannot demonstrate this, they should not be accepted.
- In cases where post-designation visitor predictions will obviously exceed current accommodation capacity, nominations should be accompanied by permanent urban planning documents that outline precisely where new constructions will not be permitted to occur in order to preserve Outstanding Universal Value.
- Periodic legal analyses should be conducted for each World Heritage site so as to identify any gaps in legislation that may facilitate inappropriate development of tourism (and other industries) with special attention to provisions in national laws such as for Tourism Development Zones that allow constructions in protected areas.
- Digital tools should be designed and financed that aid enjoyment, visitation and education of World Heritage features while simultaneously reducing the need to physically enter sensitive locations.

- UNESCO partnerships with tourism entities such as the cruise company Seabourn should be subject to routine, retrospective Heritage Impact Assessments (both environmental and cultural) with input on impact from civil society and reports available to the general public at a designated web-page on the UNESCO website. These assessments should be conducted by Advisory Body experts fully funded by the partner company.
- Applying the Sustainable Tourism Management Assessment Toolkit, developed by UNESCO to assist site managers, must become obligatory for management, monitoring and reporting in order to allow comparability of developments and trends and to draw general conclusions across sites.
- Management, monitoring and reporting obligations must be fully participatory, involving both local decision-makers, cultural practitioners, traditional authorities, businesses, house owners, food producers, tourism-related services and the general population.

## Amendments

### Language suggested to implement the Recommendations

1

The Committee decides:

The Committee requests the Secretariat to draft a Policy and Guideline on Sustainable Tourism Planning and Management in cooperation with the Advisory Bodies, UNTWO, the tourism sector and relevant civil society actors, including a definition of the term based on the Brundtland Report definition of “sustainable development”. The Policy and Guideline on Sustainable Tourism should set clear standards and procedures for tourism planning and development at World Heritage sites, including Strategic Goals and Key Performance Indicators, to be implemented by States Parties and site managers, and to be referred to in monitoring and reporting exercises. The UNESCO Toolkit for Sustainable Tourism Management Assessment should be an integral part annexed to the Policy.

2

The Committee amends the Operational Guidelines as follows:

**111.** In recognizing the diversity mentioned above, common elements of an effective management system ~~es~~hould include:

~~y)ee)~~ a thorough shared understanding of the property, its universal, national and local values and its socio-ecological context by all stakeholders, including local communities and indigenous peoples;

~~z)ff)~~ a respect for diversity, equity, gender equality and human rights and the use of inclusive and participatory planning and stakeholder consultation processes;

~~aa)gg)~~ a cycle of planning, implementation, monitoring, evaluation and feedback;

~~bb)hh)~~ an assessment of the vulnerabilities of the property to social, economic, environmental and other pressures and changes, including disasters and climate change, as well as the monitoring of the impacts of trends and proposed interventions;

ii) the development of mechanisms for the involvement and coordination of the various activities between different partners and stakeholders;

jj) a conservation plan and, where applicable, a restoration plan;

kk) a tourism development plan with clearly specified parameters such as locally agreed carrying capacity, regulations limiting tourist numbers per day and season, management of visitor flow, spatial planning including tourist guidance and no-go areas, prevention of damages, activities and establishments for presentation, interpretation and education, management of increased waste and use of natural resources, and local economic benefits for both the World Heritage property and the local community;

ll) a sustainable development plan, including the inscribed property and its buffer zone;

mm) the allocation of necessary resources;

nn) capacity building;

oo) an accountable, transparent description of how the management system functions.

Management planning and management must be demonstrated to be fully participatory, involving, among others, local decision-makers, cultural practitioners, traditional authorities, businesses, house owners, food producers, tourism-related services and the general population in all decision-making.

132. For a nomination to be considered as “**complete**”, the following requirements (see format in Annex 5) are to be met:

#### 5. Protection and management

Management: An appropriate management plan, including a tourism management plan, or other management system is essential and shall be provided in the nomination. Assurances of the effective implementation of the management plan or other management system are also expected.

### Annex 5: Format for the nomination of properties for inscription on the World Heritage List

#### **Section 4.b Factors affecting the property**

##### **(iv) Responsible visitation at World Heritage sites**

Provide the status of visitation to the property (notably available baseline data; patterns of use, including concentrations of activity in parts of the property; negative impacts on the property from visitation, and activities planned in the future).

~~Describe projected levels of visitation due to inscription or other factors.~~

Define the carrying-capacity of the property and how its management could be enhanced to meet the current or expected visitor numbers and related development pressure without adverse effects.

Describe projected levels of visitation due to inscription or other factors, and put them in relation to the carrying capacity of the property.

Consider possible forms of deterioration of the property due to visitor pressure and behaviour including those affecting its intangible attributes, and describe potential mitigation measures.



[DS: Describe annual and 5-yearly indicators for visitor volume and impact on Outstanding Universal Value, and provide a Standard Operating Procedure for steps that will be taken if indicators display unfavourable trends.

Ensure that the indicators are publicly available except in cases where they may reveal sensitive information about threatened species.]

Annex 5: Format for the nomination of properties for inscription on the World Heritage List

**Section 5.d Existing plans related to municipality and region in which the proposed property is located (e.g., regional, or local plan, conservation plan, tourism development plan).**

List the agreed plans which have been adopted with the date and agency responsible for preparation. The relevant provisions should be summarized in this section. A copy of the plans should be included as an attached document as indicated in section 7.b.

If the plans exist only in a language other than English or French, an official translation in English or French must be submitted.~~executive summary should be provided highlighting the key provisions.~~

Annex 7: Format for Periodic Reporting on the Application of the World Heritage Convention

## **SECTION II: STATE OF CONSERVATION OF SPECIFIC WORLD HERITAGE PROPERTIES (p.121).**

### **9. VISITOR MANAGEMENT**

Chapter 9 gathers information on tourism activities and visitor management at the property.

In this chapter, the following subjects must be covered:

1. A list of key tourist attractions, events and practices in the property, according to numbers of visitors
2. Total tourist numbers, accommodation beds, number of overnight stays across seasons
3. Daily and seasonal visitor flow
4. Carrying capacity of the property
5. Marketing mix and promotion strategy of the property
6. Tourism mission and vision of the property
7. Strategic objectives of tourism management
8. Overview of responsibilities, with numbers of staff and budget
9. Institutions, facilities and materials for information, education and interpretation
10. Measures in place to prevent or mitigate tourism-related damages
11. Key Performance Indicators, including a format and timeline.

# 10 Protect Freshwater Ecosystems from the Impact of Hydroelectric Dams

## Background and Recommendations

Impacts from dams and other water infrastructure in the basins where World Heritage properties are located appear to be the most serious and irreversible factor in their degradation, exacerbating the long-term effects of climate change. According to the “Heritage Dammed” Report<sup>20</sup>, at least 50 World Heritage sites in 35 countries are affected or threatened by impacts from hydropower or other water infrastructure. The WH Committee is urged to review the state of conservation of the properties impacted, previously threatened or potentially affected by planned water infrastructure in Cameroon, Indonesia, Tanzania, Kenya, China, Russia, Bangladesh, Spain, India, Nepal, North Macedonia, Canada, US, Panama, Colombia, Iraq, Australia and other countries.

While construction of hydropower dams in the world is slowing down, the number of affected freshwater ecosystems continues to increase. Hydropower development has caused a dramatic world-wide decline in the number of free-flowing rivers. Only one quarter of all sizeable rivers (longer than 1000 km) remain in near-natural condition from the source to the sea, with the rest no longer free-flowing<sup>21</sup>.

Further degradation of intact large river ecosystems should be stopped. Clear limits should be put on their allowable alteration by water infrastructure development, so that basins can retain their key natural processes, species diversity and abundance, vital ecosystem services and associated cultural values. Such assessments are especially needed for basins containing World Heritage properties.

Hydropower development should proceed only on the basis of comprehensive river basin management plans, which focus and consider impacts on (aquatic) biodiversity conservation, natural ecosystem services, well-being of local communities and sustainable development. Environmental justice, free prior informed consent (FPIC) of indigenous peoples and community co-management of river basins should be fully incorporated as the main principles in such management systems. The World Heritage Committee and IUCN should identify and assess in cooperation with States Parties all properties which may be impacted by water infrastructure located in the same basins. Impacts already exerted by water infrastructure should be measured and mitigated. Already existing hydropower and other water infrastructure should be aligned with requirements for World Heritage protection or decommissioned.

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<sup>20</sup> Heritage Dammed: Water Infrastructure Impacts on World Heritage Sites and Free Flowing Rivers. Civil Society Report to the UNESCO World Heritage Committee and Parties of the World Heritage Convention. Published by Rivers without Boundaries and World Heritage Watch. Moscow, 2019. 132 p. ISBN 978-5-4465-2345-0. <http://www.transrivers.org/pdf/2019HeritageDammedFinal.pdf>

<sup>21</sup> G.Grill et al. Assessing global river connectivity to map the world’s remaining free-flowing rivers. Science, 2019

The outstanding universal values of free-flowing rivers and their ecosystems, which may represent the six World Heritage selection criteria (v) – (x), are not yet adequately represented on the World Heritage List, and this holds true practically for all other types of protected areas, with the minor exception of sites listed under the Ramsar Convention as wetlands of international importance.

Due to its methodical approach based on the biogeographic classifications of Udvardy and Olson, IUCN's World Heritage gap analysis of biodiversity underrepresented on the World Heritage List, undertaken in 2013<sup>22</sup> and again in 2020, "*focuses only on the terrestrial realm (a separate study is undertaken for the marine realm), and fails to specifically deal with freshwater biodiversity.*" However, freshwater biodiversity is disappearing from the planet twice as fast as terrestrial or marine populations of biological species. Some wild rivers are still represented in the IUCN report through assessment of protected areas which have been listed for features other than their freshwater biodiversity, such as the Grand Canyon. But systemic analysis of freshwater ecoregions, which host about 30% of diversity of vertebrate species and display a tremendous spectrum of geomorphological and ecological processes, has yet to be undertaken in the context of the Convention.

Many important cultural phenomena are inseparable from natural rivers, and the human dimensions of riverine heritage should be also subject to conservation efforts. Many rivers, although unregulated, have been utilized by people for centuries without destroying natural dynamics or key biodiversity features. Such river valleys likely qualify for nomination as cultural landscapes. We believe that the World Heritage Convention is uniquely positioned to become one of the most important platforms to promote comprehensive preservation of the outstanding values of free flowing rivers and their ecosystems in each region of the world. For a start we need a series of new nominations dedicated to the protection of free flowing rivers and their ecosystems in each biogeographic region of the planet representing the most important ecological processes.

We suggest that the next IUCN analysis of gaps in the representation of biodiversity areas on the World Heritage List should include the previously overlooked freshwater realm. Free flowing rivers as freshwater "wilderness areas" merit specific approaches to their conservation.

A special thematic study should be undertaken by the Advisory bodies on behalf of the Committee for the identification of river ecosystems and freshwater ecoregions which should be represented in the World Heritage List. We also believe that an exploration of the possible contribution of World Heritage Convention to conservation of large wilderness landscapes and seascapes undertaken by IUCN<sup>23</sup> may be widened in scope to addresses freshwater ecosystems along with terrestrial and marine. Similar effort of ICOMOS on cultural landscapes in riverine valleys is also essential.

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<sup>22</sup> Bertzky, B., Shi, Y., Hughes, A., Engels, B., Ali, M.K. and Badman, T. (2013) Terrestrial Biodiversity and the World Heritage List: Identifying broad gaps and potential candidate sites for inclusion in the natural World Heritage network. IUCN, Gland, Switzerland and UNEP -WCMC, Cambridge, UK.

<sup>23</sup> Cyril F. Kormos, Tim Badman, Tilman Jaeger, Bastian Bertzky, Remco van Merm, Elena Osipova, Yichuan Shi, Peter Bille Larsen (2017). World Heritage, Wilderness and Large Landscapes and Seascapes. Gland, Switzerland: IUCN. viii + 70pp.

CSOs are ready to help the World Heritage Committee and World Heritage Center to alert the States Parties to the urgent need to protect free flowing rivers and their ecosystems, and to develop and submit proposals for early nomination of known examples of still undamaged river ecosystems of outstanding universal value. Some potential candidates are the Karnali, Congo, Amur, Desna and Vjosa rivers.

The conservation of free-flowing rivers and their ecosystems can also be supported by expanding existing World Heritage properties to incorporate omitted riverine values. Examples include the Ahwar of Southern Iraq (Greater Zab River), Lena Pillars (Lena River) and Three Parallel Rivers of Yunnan PAs (Nu-Salween River and Tiger Leaping Gorge stretch of Jinsha River). In most instances such re-nominations will not only increase and diversify Outstanding Universal Values (OUVs) preserved in these areas, but will be necessary for preserving the integrity of already existing properties by securing protection for key hydrological processes.

Among all natural ecosystems on earth, rivers are most interconnected with living and ancient cultures. Co-management with indigenous river guardians should be a central part of the new concept. Nominations of free-flowing rivers and their ecosystems (and any other World Heritage areas) should be consistent with values of local indigenous communities and incorporate them as guardians of those waters and landscapes. Case studies from the Upper Enguri (Svan People), Rivers of Sikkim (Lepcha People) and Tropical Rainforests Heritage of Sumatra support this proposal. In addition there is a need to protect traditional livelihoods where they have shaped the river landscapes over time and/or have protected Outstanding Universal Values.

Along with the World Heritage Convention all other existing legal conservation tools should be used and new approaches designed to ensure protection in perpetuity of the ecosystems of remaining free-flowing rivers. The fact that both the conservation community and governments alike have been slow to recognize that and take specific actions, likely, contributed to the unimpeded catastrophic decline in freshwater biodiversity<sup>24</sup>. We seek to assist the World Heritage Center, as well as the Convention on Biological Diversity, Bonn, and Ramsar Conventions, the New York and Helsinki Water Conventions to join forces with river basin management bodies in order to develop a global strategy for the protection of the remaining free-flowing rivers, their ecosystems, and global freshwater biodiversity.

## Preventing Undue Impacts of Water Infrastructure

World Heritage properties should not fall victim to the competition for water, power and international investment. The harm caused by the creation of dams, irrigation, diversion, reservoirs, canals and dredging channels, causing alteration of hydrology and sedimentation regimes is profound and often irreversible.

The construction of dams, large or small, within the boundaries of World Heritage properties is incompatible with their World Heritage status, and should not be allowed under any circumstance except when part of a historically evolved cultural landscape. Going forward we

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<sup>24</sup> See the 2019 Global Report by IPBES

suggest that the World Heritage Committee considers a decision to discourage construction of large dams on rivers that are part of World Heritage sites, which often sustain the very conditions that the site was inscribed for. We also share the Committee's view that the potential impacts of any large-scale development, including dams, extractive industries, and transport infrastructure, on World Heritage properties located within their area of influence should be assessed through a Strategic Environmental Assessment (SEA) of international best practice quality before such decisions are made by the States Parties and investors, as foreseen in §118bis of the Operational Guidelines. In the case of water infrastructure, those should be basin-wide SEAs containing detailed analysis of flow, natural sediment rates, climate change projections, energy generation projections, and impact on aquatic/riparian species, with robust analysis of possible alternatives to the proposed development.

The lack of timely implementation of past decisions of the World Heritage Committee has resulted in increased threats and damage to World Heritage properties. There are many pending Committee decisions prescribing complete and comprehensive SEA/EIAs on water level/flow regulation impacts and the requirement to design property-wide ecological monitoring systems related to infrastructure projects. To prevent massive non-compliance, the World Heritage Committee may rule that where the Committee finds that its decisions and guidelines have not been followed (repeatedly), the affected World Heritage sites will be automatically placed on the List of World Heritage in Danger<sup>25</sup>. The Lake Turkana case provides overwhelming evidence in favor of such regulations.

Environmental assessments should be proactively applied on all sites of the World Heritage List and Tentative Lists which potentially could be threatened by energy, water and transportation infrastructure projects. It is advisable that the World Heritage Committee set reasonable specific deadlines for EIAs/SEAs and request SEA (at least scoping for potential threats) as part of management planning for new World Heritage properties. This will harmonize and limit inconsistencies in the application of the Committee's recommendations by providing compliance mechanisms for practical enforcement, thereby reducing the rate of non-implementation of World Heritage Committee recommendations.

Many sites affected by water infrastructure (25% in 2018) are threatened across the borders by infrastructure built in other countries, often ignoring Article 6 of the Convention. Many States Parties are operating, developing or planning water infrastructure which may threaten World Heritage properties in adjacent countries. Similar problem arises when a potentially harmful project receives investment from a company or financier from another country. Some national and international companies and finance institutions (IFIs) have already included language on avoiding harm to the World Heritage in their adopted or proposed<sup>26</sup> policies. Good IFI practices should be showcased, as for example, the case of the China Export-Import Bank, which in consultation with the State Party reallocated to alternative development projects a US\$1bn loan for Egiin Gol Hydro after learning that its potential harm to Lake

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<sup>25</sup> Hoffman, S. J., Baral, P., Rogers Van Katwyk, S., Poirier, M. J. P. (2022) *International treaties have mostly failed to produce their intended effects. Proceedings of the National Academy of Sciences*, 119 (32), e2122854119.

<sup>26</sup> See Draft EIB Environmental, Climate and Social Guideline on Hydropower" undergoing public consultation till July 7, 2018. Also see the China Three Gorges Corporation policies.

Baikal World Heritage has not been properly assessed and EIA discussed with the Advisory Bodies.

The Convention bodies and civil society organizations should proactively reach out to urge international financial institutions partnering with states parties in water infrastructure projects which may potentially lead to the degradation of the OUVs of World Heritage sites. CSOs should team up with international institutions to urge investors and stakeholders to divest from hydropower harming the environment similar to divestment from the coal industry.

By Decision 42COM 7 the Convention effectively calls on States Parties to support timely basin-wide SEAs before decisions on any water infrastructure projects which may be planned in a basin containing a World Heritage property. This requires basin-specific follow-up from convention bodies. For example, in 2018 the World Bank supported a SEA of basin-wide river management and hydropower plans in key basins of Nepal<sup>27</sup>. Given that a large part of the 400 hydropower proposals are concentrated in the Gandak (Narayani) River basin with Chitwan National Park World Heritage in its downstream section, it is necessary to ensure that both the individual impacts of planned large dams (e.g. Budhi-Gandaki) and the cumulative impacts of all approved and projected hydropower on the World Heritage sites in Nepal are assessed, and limits of allowable change (environmental flow regimes) defined before any decisions on dam construction are taken. Such a SEA must include a fair analysis of technological alternatives, especially now that hydropower is losing relative advantages to other types of renewable energy generation, and its climate mitigation potential is limited in some contexts by greenhouse gas emissions<sup>28</sup> and drought (actual and projected). The Committee should increase the capacity of Advisory Bodies to provide technical support to States Parties on SEA design and implementation and to strengthen oversight of compliance to achieve effective results and encourage spread of best SEA practices.

Decision 42COM 7 ("*42. Also noting that Environmental Impact Assessments (EIAs) and Heritage Impact Assessments (HIAs) do not always allow for a broad enough assessment of the potential impact of these large-scale developments, nor an assessment of a broad enough range of options at an early enough stage in the planning process,...*") says that guidelines for EIAs and HIAs do not provide sufficient guidance to do an EIA, SEA or HIA. Impacts related to water course have their special pattern and assessment techniques. The World Heritage Committee recognizes that: "*17. ... urges States Parties to ensure that the impacts from dams that could affect properties located upstream or downstream within the same river basin are rigorously assessed in order to avoid impacts on the Outstanding Universal Value (OUV)*" (Decision 42COM 7).

However the Decision does not say how States Parties should ensure that, and neither says what a rigorous assessment should look like. As such, the Decision is open to wide interpretation. The Committee should specify requirements on the contents and process of

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<sup>27</sup> Nepal Water and Energy Commission Secretariat. Terms of reference for the Preparation of River Basin Plans and Hydropower Development Master Plans and Strategic Environmental and Social Assessment <https://www.wecs.gov.np/uploaded/EOI-TOR-2016-03-31.pdf>

<sup>28</sup> Deemer, B. R., Harrison, J. A., Li, S-Y, Beaulieu, J. J., DelSontro, T., Barros, N., Bezerra-Neto, J. F., Powers, S. M., dos Santos, M. A., and Vonk, J. A. (2016) *Greenhouse Gas Emissions from Reservoir Water Surfaces: A New Global Synthesis*. BioScience, Volume 66, Issue 11, 949–964.

specific types of assessment in a binding guideline (e.g. basin-wide assessment of cumulative impacts from water infrastructure). We suggest that UNESCO/IUCN should develop specific criteria for such rigorous assessments, including assurance that experts doing them are independent from promoters of economic activities potentially harming WH properties. The other basic requirement should be that Assessment Reports are made public.

The World Heritage Convention should advocate nature-based solutions to climate change mitigation and adaptation which is a sustainable science-based approach fully consistent with the spirit of the Convention. Ensuring this requires coordination between biodiversity-related conventions and the UNFCCC. This is an urgent matter since some States Parties have already included hydropower development potentially damaging to World Heritage as part of their initial Nationally Determined Contributions (NDCs) under the Paris Agreement.

Dams and other water infrastructure negatively affecting protected areas and important biodiversity zones which can be decommissioned to ensure rehabilitation of river systems should be decommissioned, as it is being done now in the EU, US, Japan and China. Good dam removal examples already exist at several WH properties, and this practice could be replicated elsewhere.

We believe that nowadays any hydropower which may negatively affect a World Heritage site should not be built under the pretext of "poverty alleviation" or "climate mitigation" since alternative renewable energy solutions are available to satisfy energy needs of local populations.

World Heritage sites, other biodiversity hotspots and protected areas (unless explicitly established at hydropower reservoirs), should be off-limits for new large-scale water infrastructure development and undue upstream and downstream impacts from hydropower. Legal loopholes that open the door for the destruction of rivers in protected zones should be revised, given that a wide range of alternatives in clean energy and water management are now, or will become soon affordable in practically any country of the world.

## Recommended Decisions

The World Heritage Committee should adopt the following decisions:

### **Focus on the Identification of Rivers for World Heritage Protection**

- The Committee requests IUCN and - where applicable - ICOMOS to prepare a global thematic study for the identification of rivers and lakes, their ecosystems, landscapes and freshwater ecoregions which should be represented in the World Heritage List. The study should review opportunities to both nominate new WH properties and expand existing ones in order to include free flowing river values. This study should include guidelines for the engagement of other relevant mechanisms, and the role of local and indigenous communities in the safeguarding of these areas.
- The Committee requests the Secretariat to amend the Periodic Reporting Form to include information on riverine values in and around existing properties where applicable,

and mainstream this theme in its deliberations with other international bodies such as other conventions, the World Bank, UNISDR and UN Habitat.

- The Committee encourages States Parties to identify free-flowing rivers, their ecosystems, landscapes and watersheds of potential OUV, to include them in their Tentative Lists, and to collaborate with neighboring States Parties for transboundary nominations where appropriate.

### **Early Impact Assessments to Avoid Harm to OUVs**

- The Committee requests IUCN and ICOMOS to apply in their evaluation of relevant nominations and in their monitoring of listed properties pro-active tools such as the Strategic Environmental Assessment (SEA) and comprehensive re-active tools through Impact Assessment (IA) and include the entire watersheds of these free flowing rivers.
- The Committee requests the Secretariat, in cooperation with IUCN, to develop specific criteria for SEA, and specify requirements on the contents and processes of specific types of assessment in a binding guideline (e.g. basin-wide assessment of cumulative impacts from water infrastructure). Assessment Reports should be made publicly available on the UNESCO website (except for sensitive information protected by relevant laws on national secrets).
- Recognizing the importance of sustainable development, the Committee requests the Secretariat, in cooperation with IUCN, to provide guidelines to determine practicable technological alternatives and the limits of alteration in watersheds containing World Heritage properties allowing for renewable energies at a scale in support of the local communities and preventing adverse impacts on World Heritage properties.
- The Committee requests States Parties, in cooperation with the Secretariat and Advisory Bodies, to identify and assess all properties which may be impacted by water infrastructure and water diversion located in the same basins. Impacts already exerted by water infrastructure and diversion should be measured and mitigated. Already existing hydropower, other water infrastructure and water diversion should be aligned with requirements for World Heritage protection, or decommissioned and replaced with other sustainable technologies. Opportunities for infrastructure decommissioning should be identified by the States Parties as soon as possible to remove additional undue pressure affecting wilderness areas and cultural landscapes.
- The Committee requests the Secretariat to commission the Advisory Bodies with the development of Guidelines for the Drafting of SEAs, with case studies on well-implemented SEAs to inform States Parties about available best practices<sup>29</sup>.
- The Committee stipulates that experts doing assessments on water infrastructure and diversion should be qualified independent specialists and (at least the responsible team leaders) should not be citizens of the State Party on whose territory the World Heritage

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<sup>29</sup> Netherlands Commission of Environmental Assessments is presently involved in such SEA review as a part of preparation to the CBD COP 2020



property is located for which the assessment is done, nor citizens of countries who have an economic interest related to the subject of the assessment.

- The Committee urges States Parties to use Article 6 of the Convention to act proactively rather than reactively, seeking to assess potential transboundary impacts on World Heritage routinely while doing basin management planning and other large-scale development planning.

### **Protect Sites on Tentative Lists**

- In view of the incompatibility of large dams with existing World Heritage sites - as stated in Decision 40COM 7 -, and in order to avoid conflicting planning processes of dam projects and the protection of properties on the Tentative List, the Committee urges States Parties not to build dams and other large infrastructure in river basins where sites on their Tentative List are located without proper assessment of their potential effect on the value of the sites in question.

### **Prevent Investment into Destruction of Free-flowing Rivers**

- *The Committee decides to amend §172 of the Operational Guidelines as follows:*
- 172.** The World Heritage Committee invites the States Parties to the *Convention* to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the *Convention* major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.
- In the case of major construction and infrastructure projects, the State Parties should include in their notification a complete list of the institutions planned to finance and execute the project.
- The Committee recommends financial institutions and companies established by States Parties to use the stipulations of Decision 40COM.7 and Decision 42COM.7 as minimal requirements for safeguarding heritage sites from impacts of hydropower dams and other large infrastructure.

### **Improve Identification and Notification on Potential Impacts**

- The Committee reiterates that States Parties planning or permitting large project investments in a water catchment area which may have an effect on the OUV of a World Heritage Site, should, at the earliest stage of planning, notify the World Heritage Centre according to §172 of the Operational Guidelines on the nature of the planned investment and cooperate with the Centre in the preparation of an EIA/SEA.
- In order to prevent any non-compliance, the Committee decides to amend §177 of the Operational Guidelines as follows:

177. In accordance with Article 11, paragraph 4, of the *Convention*, the Committee may inscribe a property on the List of World Heritage in Danger when the following requirements are met:

~~hh)pp)~~ the property under consideration is on the World Heritage List;

~~ii)qq)~~ the property is threatened by serious and specific danger;

~~jj)rr)~~ major operations are necessary for the conservation of the property;

ss) assistance under the *Convention* has been requested for the property; the Committee is of the view that its assistance in certain cases may most effectively be limited to messages of its concern, including the message sent by inscription of a property on the List of World Heritage in Danger and that such assistance may be requested by any Committee member or the Secretariat.

~~kk)tt)~~ a State Party has consistently failed to inform the Committee according to §172 of the Operational Guidelines, and/or has consistently failed to implement decisions of the Committee [DS:, and/or has consistently failed to implement or maintain an accurate system of monitoring that has been requested by the Committee].

- The Committee encourages States Parties to identify, in cooperation with the Advisory Bodies, the opportunities for infrastructure decommissioning at inscribed and proposed World Heritage properties, and to decommission them as soon as possible in order to remove additional undue pressure affecting the WH properties.

### **Coordinate Efforts with Other Conventions**

- The Committee requests the Secretariat to engage in consultations with secretariats of other biodiversity-related conventions and the UNFCCC to mainstream nature-based solutions into climate change mitigation and adaptation, in order to avoid measures that may cause irreversible negative impacts on the World Heritage properties, biodiversity and protected areas.

# 11 Develop Guidelines for the Nomination and Management of Cultural Landscapes

## Challenges and Recommendations

While “the combined works of nature and man” are mentioned in Article 1 of the World Heritage Convention, the term and concept of Cultural Landscapes as a new category for World Heritage Sites were introduced in the work of the Convention much later, and the concept has continued to be developed over the years until today.

Paragraph 47 of the Operational Guidelines provides the following definition of a Cultural Landscape:

- 47.** Cultural landscapes inscribed on the World Heritage List are cultural properties and represent the “combined works of nature and of man” designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.
- ...

Paragraph 47bis goes on to explain:

**47bis.** Cultural landscapes fall into three main categories, namely:

- (i) The most easily identifiable is the clearly defined **landscape designed and created intentionally by people**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.
- (ii) The second type is the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-types:
  - a) a relict (or fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
  - b) a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.
- (iii) The final type is the **associative cultural landscape**. The inscription of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.

- **A distinction between Cultural Landscapes, Mixed sites and others should be abolished**

Type (iii) is significant because it rightfully implies that the natural environment does not need to be altered by humans to make it a cultural landscape. The simple fact that humans ascribe cultural meaning to it (e.g. being sacred or the site of a folktale) makes it part of the human realm, and therefore a cultural landscape. An unaltered natural environment may actually be the prerequisite for being considered sacred. Since we can assume that many areas inscribed under criteria (vii) – (x) include such sites of cultural meaning – especially when they have indigenous populations –, the distinction between Cultural Landscapes and Natural World Heritage Sites becomes blurred. As a result of an often discretionary distinction between natural and cultural heritage, indigenous peoples and other communities leading traditional ways of life can easily be considered as a factor which is incompatible with inscription under criteria (vii) – (x) resulting in serious human rights violations such as forced or “encouraged” removal.

Cultural landscapes may also be difficult to differentiate from mixed sites. Areas may contain both natural and cultural features of outstanding universal value and therefore merit inscription under both types of categories. When considered in their totality, however, they may convey a clear impression of a cultural landscape, e.g. a lake (natural OUV) on whose banks cultural monuments and historic cities can be found (cultural OUV) and which is surrounded by a mosaic of cultivated and non-cultivated lands such as wetlands, forests, fields, orchards and open range. In such cases an inscription as a mixed site will not do justice to the character and complexity of the site. Vice versa, a site may neither have natural or cultural heritage nor “combined works of nature and man” of outstanding universal value, but its natural, cultural and land use features may be clearly of outstanding universal value when considered in their totality. In such cases, making inscription dependent on defined typologies and criteria may prevent sites from being inscribed.

The typologies of natural, cultural, mixed sites and cultural landscapes as applied by the Convention should be reviewed and revised, taking into account more complex realities on the ground and a growing realization that nature and culture are inextricably linked. The totality of a site, which may include natural and/or cultural elements of outstanding universal value, should be given a much higher priority when determining whether it merits inscription on the World Heritage List. The Convention must create room for the inscription of sites where it may be a unique combination of features, none of which alone bears OUV, which will be the OUV of the site.

- **Vulnerability: How to manage continuity and change - both essential for healthy societies?**

Organically evolved (“traditional”) cultural landscapes are living landscapes maintaining their traditional form of settlements and architecture, use of land and natural resources, traditional ways of life, and often spiritual traditions related to places which create a strong bond between people and the natural world. At the same time, they are exposed to the changes coming with modern development: new construction with modern materials and style, new roads and bridges, use of modern technology and even industrialization in agriculture, loss of

jobs and customary practices, and the related changes in values and the social fabric. Such changes cannot be kept out; cultural landscapes cannot be frozen in time in the way historic buildings can (unless local people themselves insist not to allow modern features). People wish to benefit from modern achievements, and they cannot be denied to them.

When cultural landscapes are inscribed in the World Heritage list, their OUV is based on their traditional attributes, but little consideration is usually given to how they can survive under the pressure of change from outside. As a result, change may happen in many small steps, largely uncontrolled and in a creeping way, and the loss of its OUV may be noticed only when it's too late. The key management question for cultural landscapes then is to decide how much change, and what kind of change, can be allowed to happen before the OUV will be lost.

In order to protect and safeguard the integrity of an organically evolved ("traditional") cultural landscape while still allowing the benefits from the changes and amenities of the modern world, the Convention should require a clear and detailed plan setting limits of change. Such a plan must include all features that contribute to the traditional character of the landscape. Limits of change should be set for each of them individually while in addition their cumulative effect must be carefully taken into consideration.

A shared and clear understanding of the OUV and a complete list of its attributes, including the general view of the landscape as a whole, appear to be the first precondition to prevent unwanted developments. As a second step for each of the attributes and their features, such as materials and shapes, the level of tolerable change must be determined. These should be disseminated widely among the local population, and they need to be supported financially for the additional cost they have to bear from complying with these regulations.

- **World Heritage Cultural Landscapes must be big enough to be functional**

Paragraph 89 of the Operational Guidelines regulates:

- 89.** For properties nominated under criteria (i) to (vi), the physical fabric of the property and/or its significant features should be in good condition, and the impact of deterioration processes controlled. A significant proportion of the elements necessary to convey the totality of the value conveyed by the property should be included. Relationships and dynamic functions present in cultural landscapes, historic towns or other living properties essential to their distinctive character should also be maintained.

There may be a contradiction between accepting "a significant portion" of the cultural landscape and requesting that "relationships and dynamic functions ... should be maintained". What then should be the size of an inscribed cultural landscape?

Cultural landscapes are living, functional bio-cultural entities which often have a special name, and their extension would be well-known - local people would know exactly which village belongs to it and which doesn't. As such, it would be ideal to inscribe the entire cultural landscape under its traditional name. Parts of it, however, may have been degraded or changed to an extent that they have lost their traditional character, which may render the inscription of an entire landscape a rare exception. On the other hand, inscribing only

individual representative elements such as single villages with their adjacent fields cannot convey the reality, significance and values of a cultural landscape.

Even where a cultural landscape is not preserved in its entirety, an inscribed cultural landscape should always be big enough to be a viable functional unit encompassing all attributes of its OUV, which by necessity includes the natural setting, lands whose resources are used by the community (e.g. the full set of seasonal pastures and transhumance routes of a pastoralist community, or village, barns, granaries, field, creeks and forests of all the inhabitants of a village). "Functional unit" would further mean that the inscribed landscape can fulfill all its essential economic, ecologic, social, cultural and spiritual functions.

## Suggested Decisions

1

The Committee decides to amend the Operational Guidelines as follows:

- 37.** The specific role of IUCN in relation to the *Convention* includes: evaluation of properties nominated for inscription on the World Heritage List, monitoring the state of conservation of World Heritage natural properties and cultural landscapes, reviewing requests for International Assistance submitted by States Parties, and providing input and support for capacity building activities.

**45.** Article 2

For the purposes of this Convention, the following shall be considered as "natural heritage":

- natural features consisting of physical and biological formations or groups of such formations, which are of Outstanding Universal Value from the aesthetic or scientific point of view;
- geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of Outstanding Universal Value from the point of view of science or conservation;
- natural sites or precisely delineated natural areas of Outstanding Universal Value from the point of view of science, conservation or natural beauty.

Geological and physio-geographical formations, natural features and sites or precisely delineated areas of Outstanding Universal value may or may not be inhabited and visited by indigenous peoples and communities leading traditional ways of life if they represent their historical homeland or if such sites and areas are of spiritual or historical importance to them, and if their way of life does not jeopardize the Outstanding Universal Value.

- 47.** Cultural landscapes are cultural properties and represent the "combined works of nature and of man" (humans) designated in Article 1 of the *Convention*. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal. Cultural Landscapes may include areas of unchanged or unmanaged nature which itself may or may not be of outstanding universal value.

- 89.** For properties nominated under criteria (i) to (vi), the physical fabric of the property and/or its significant features should be in good condition, and the impact of

deterioration processes controlled. ~~A significant proportion of the~~ All elements necessary to convey the totality of the value conveyed by the property should be included. All essential ~~R~~relationships and dynamic functions present in cultural landscapes, historic towns or other living properties essential to their distinctive character should also be maintained."

### Annex 3 Guidelines for the inscription of specific types of properties on the World Heritage List

## **I. CULTURAL LANDSCAPES, TOWNS, CANALS AND ROUTES**

### **CULTURAL LANDSCAPES**

#### **Definition**

6. Cultural landscapes are cultural properties and represent the “combined works of nature and of man” (humans) designated in Article 1 of the *Convention*. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal. The complexity of both their understanding and management requires a specific set of guidelines in order to guarantee their preservation.
7. They should be selected on the basis both of their Outstanding Universal Value and of their representativity in terms of a clearly defined geo-cultural region and also for their capacity to ~~illustrate~~ demonstrate the essential and distinct cultural elements of such regions.
9. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature, which are important intangible values contributing to the Outstanding Universal Value of the property. Protection of cultural landscapes ~~can~~ should contribute to spreading both traditional and modern techniques of sustainable land-use, and ~~can~~ should maintain or enhance natural values in the landscape. The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity.

#### **Definition and Categories**

10. Cultural landscapes fall into three main categories, namely:
  - (i) The most easily identifiable is the clearly defined **landscape designed and created intentionally by ~~man~~ humans**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.

#### **Inscription of Cultural Landscapes on the World Heritage List**

11. The extent of a cultural landscape for inscription on the World Heritage List is relative to its functionality and intelligibility. ~~In any case, the sample selected must be substantial enough to adequately represent the totality of the cultural landscape that it~~

illustrates. The possibility of designating long linear areas which represent culturally significant transport and communication networks should not be excluded. The area nominated for inscription must be large enough to adequately represent the totality of the cultural landscape that it represents, to include all attributes of its Outstanding Universal Value, and to fulfill all of its ecological economical and socio-cultural functions. Long linear areas which represent culturally significant transport and communication networks should be inscribed under criteria (ii) and/or (iv) but if nominated under criterion (v) must include cultural landscapes as described above.

12. General criteria for protection and management are equally applicable to cultural landscapes. It is important that due attention be paid to the full range of values and their attributes represented in the landscape, both cultural and natural, and including its setting and totality. The nominations should be prepared in collaboration with the free, prior, informed approval of the communities.

In order to protect and safeguard the integrity of an organically evolved (“traditional”) cultural landscape while still allowing the benefits from the changes and amenities of the modern world, a detailed plan should be established setting tolerable limits of change. A shared and clear understanding of the Outstanding Universal Value, and a complete list of its attributes, including the general view of the landscape as a whole, appear to be the first precondition to prevent inappropriate and unwanted developments. For each feature that contributes to the traditional character and therefore the Outstanding Universal Value of the landscape, limits of change should be set in relation to each site while in addition to their cumulative effect must be carefully taken into consideration. As a second step for each of the attributes and their features, such as materials and shapes, the level of tolerable change must be determined. These should be disseminated widely among the local population, who should be supported for any extra effort and expenses they have to bear due to particular regulations adopted for the inscribed property. Keepers of traditional knowledge should play a critical role in determining acceptable limits to change in cultural landscapes.



## 12 Make the Establishment of Buffer Zones a Binding Requirement

Buffer Zones, as their name implies, are zones supposed to increase the resilience against or reduce and keep away negative influences upon an item worthy of protection – in the World Heritage context, the inscribed World Heritage properties. When the boundaries of the inscribed property are limited to just the attributes which carry the OUV, it is difficult to overstate the importance of such zones.

A buffer zone does not have a single purpose, but instead an overarching objective that can be translated into secondary goals depending on the context where the site is located. This overarching purpose is certainly to define *“natural or man-made surroundings that influence the physical state of the property or the way in which the property is perceived”*<sup>30</sup>.

In order to fulfil their function, Buffer Zones then have to meet two general requirements which need to be specified on a case by case basis:

1. No objects or activities can be allowed in buffer zones which have a potential or ascertained harmful effect on the property.
2. Buffer zones must have a sufficient size in order to fulfil the function described under 1;

Practical experience at World Heritage sites shows that threats to the sites keep arising from within Buffer Zones and beyond, indicating that existing regulations do not always ensure that Buffer Zones fulfill their intended functions, or even that they are established.

Many of the oldest World Heritage Site inscriptions did not have a buffer zone proposed, although they have always been recommended by the World Heritage Committee in the Operational Guidelines since their first draft from June 1977, and some have added Buffer Zones subsequently. In fact, buffer zone proposals only became a more common document in Nomination Files much later. Not occasionally, even today shallow proposals or a total absence of buffer zones occur in World Heritage Nominations, creating an impression that they are considered an inconvenient obligation and are not given the attention they deserve by States Parties.

### Key Buffer Zone Regulations for World Heritage Sites

The Operational Guidelines define Buffer Zones as areas “... surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms. Details on the size, characteristics and authorized uses of a buffer zone, as well

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<sup>30</sup> UNESCO World Heritage Committee: Operational Guidelines for the World Heritage Committee, Paris 30 June 1977. <https://whc.unesco.org/archive/opguide77a.pdf>

as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination.” (§ 104)

and stipulate in §105:

“A clear explanation of how the buffer zone protects the property should also be provided.”

The World Heritage Resource Manual on Preparing World Heritage Nominations

<http://whc.unesco.org/en/preparing-world-heritage-nominations/> explains further:

“Buffer zones are clearly delineated area(s) outside a World Heritage property and adjacent to its boundaries which contribute to the protection, conservation, management, integrity, authenticity and sustainability of the Outstanding Universal Value of the property.” (p. 32)

The World Heritage Resource Manual on Managing Natural World Heritage

<http://whc.unesco.org/en/managing-natural-world-heritage/> adds:

“Well-managed buffer zones can provide for sustainable resource use which benefits local communities in direct and indirect ways from the core World Heritage property. They are thus zones which require policies, regulations and management measures to ensure that the OUV is maintained and that benefits flow from the site.

Some buffer zones are in fact protected areas (often IUCN categories V or VI) to ensure well regulated activities that will not be harmful to the property’s OUV. In other cases buffer zones are outside protected areas but subject to higher levels of regulation and monitoring than the general landscape or seascape.”

Buffer zones “can help to:

- protect the values of the property from current or potential threats originating outside the site’s boundaries, and thus enhancing a site’s integrity;” (p. 60-61).

Many other documents have been produced adding further aspects; they are too numerous to be quoted here. All of these regulations, regardless of their merits, are undermined however by the key §103 of the Operational Guidelines which says:

“Wherever necessary for the proper protection of the property, an adequate buffer zone should be provided.”

## Challenges

§ 103 of the Operational Guidelines leaves the creation of a buffer zone essentially to the discretion of the State Party who, if inclined to, would need little effort to explain why a buffer zone in their case was not “necessary”, or define a bare and dysfunctional minimum to be “adequate”.

The document does not include in the buffer zone description (§103 - §107) how Risk Assessments and the recognition of existing threats affect policy decisions for the buffer zone proposed. The result is the proposal by State Parties of very abstract and ethereal buffer zone perimeters that may fail to consider local needs and to effectively protect the site and its values.

The current definition and explanation do not address the role of buffer zones as a management tool, and how they can provide “an additional layer of protection” not only by

simple size but also by following clear legal and technical rules referring to the property's OUV, and by implementing appropriate land use or urban development strategies.

The Operational Guidelines and supporting documents are clear about what a buffer zone is but lack a sufficiently detailed explanation of what its functions should be and when actually it is "necessary" and "adequate". They are not specific enough in listing key criteria for buffer zones and parameters that need to be taken into account when determining their boundaries and giving them legal status.

The current paragraphs dedicated to buffer zones in the Operational Guidelines fail to justify what purposes buffer zones should serve, making it difficult for State Parties to accomplish an effective buffer zone proposal when the motives and reasons of proposing such an instrument are not clear.

Buffer zones are linked to the protection of values because they control harmful impacts that may affect the site in various ways, as well as promote visual coherence between the property and its adjacent environment. This connection, however, is quite unclear in the Operational Guidelines. The document does not even mention terms like 'values', 'spatial quality', 'visual coherence' or 'landscape integrity' when it describes the buffer zones.

Buffer zones often lack a legal basis in national or local law which would make them enforceable.

New challenges have appeared which have an impact on the integrity of World Heritage properties from a long distance, such as hydroelectric dams and water diversion schemes upstream from World Heritage properties, or high-rise building reaching heights which make them visible even from behind hills or above rooftops in streets of World Heritage cities.

Most of the people involved in the daily life of a property do not know the boundaries of inscribed sites and the existence of adjacent buffer zones, and for that very reason, they may interfere in the spatial quality of the site with either forbidden or harmful activities. Local people and visitors have to know and understand where is the boundary of a buffer zone just like they have to know how to locate what consists the World Heritage Site in question, with a clear comprehension of what is permitted or forbidden.

In view of the need to create benefits for local populations living in the vicinity of World Heritage properties (or in the case of historic city centers, within their boundaries), buffer zones, if they are sufficiently large to be functional units in their own right, can and should provide an environment of sustainable development protecting World Heritage properties not only through restrictions but also by realizing economic opportunities which are compatible with the objectives of World Heritage protection.

The vital function of buffer zones seem to escape also the attention of missions for evaluation and monitoring, which would require an extensive study of general and land use plans far outside the property itself. Such plans may be difficult to access, not clear, outdated or even inexistent.

## Recommendations

- **Make the establishment of buffer zones an essential requirement in nominations**

In view of the crucial role buffer zones have for the effective protection of World Heritage Sites from harmful influences originating outside the inscribed property, it is imperative to replace the option of adopting buffer zones as a complementary document in a Nomination File by requesting its inclusion as a mandatory management instrument.

- **Include the justification of the need of buffer zones in the Operational Guidelines**

Concomitantly, the Operational Guidelines must fully explain why a buffer zone is required, what its function and role is in the preservation of Outstanding Universal Values from impacts from its spatial environment, what the criteria are to fulfil these functions, and what the parameters are to be taken into account.

- **Design buffer zones in direct response to potential harm which may impact the OUV of the inscribed property**

A thorough assessment of potential risks and threats originating from outside the property proposed for inscription must be undertaken, referring to a clear and complete description of all attributes of the OUV. The perimeters of the buffer zone must then be delineated, and its legal prescriptions determined, in a way as to completely exclude potential and existing threats. Explaining the rationale and the methodology behind this management instrument is vital for both the World Heritage Centre and Advisory Bodies to validate it and monitor its application, and for the State Party to fully comprehend the necessity of this strategy, improving their management mechanisms.

- **Delineate proper boundaries**

The Operational Guidelines should provide proper guidance on how State Parties should both determine the boundaries of nominated properties and trace the buffer zone around them.

### Nominated Properties

Nominated properties should be designed not only to include all components necessary to represent the OUV of the site but where possible the site as a whole, and the name of the property should exactly describe the inscribed property. E.g. in a historic city center, an ecosystem or an archaeological site, not only a section of them or a selection of their elements should be inscribed but the largest possible part of the site even though some of its parts may not represent the OUV but be in sufficient condition, thus facilitating its management, future restoration projects and, most importantly, a clear communication and understanding of the property by the general public.

### Buffer zones

Buffer zones should be areas fully surrounding the nominated property and including all points from where risks or threats to the attributes of the OUV could emerge as determined by a thorough risk assessment. Special consideration must be given to risks emanating from

developments which have a possible impact on the attributes of the OUV from a long distance, such as high-rise buildings, antennas or hydro-electric dams upstream from rivers running through nominated properties.

Boundaries must be easily understandable on the ground in order to facilitate compliance with regulations, e.g. utilizing landmarks and linear features such as rivers, roads and ridges. They should never run through private or public properties but along the boundaries of such properties. If in doubt the nominated property should include areas not carrying the OUV if that helps to establish boundaries which can be easily understood and monitored. Whenever applicable, World Heritage boundaries should run with existing administrative boundaries.

Although these technicalities may seem quite obvious, they are in fact not so clear, and they are especially relevant for State Parties with very little or no experience in drafting nominations. Including them explicitly in the Operational Guidelines is of high practical use.

- **Demand regular re-evaluations of buffer zones of inscribed sites**

As best as a buffer zone proposed at the time of inscription may have addressed risks and threats to the site, changes in the local context of the property (including new findings in the property or buffer zone) may reduce the efficacy of the buffer zone or demand boundary or policy changes in the proposed region.

In order to attest the efficacy of buffer zones in the transforming reality of the places where WHSs are located, regular evaluations should be executed as part of the Periodic Reporting.

- **Maps should be made available to the local population and general public**

Easy-to read but highly accurate maps of both the inscribed property and buffer zone should be available to the general public, and be distributed to all households for free together with a description of applying rights and obligations, policies and restrictions.

- **Design Buffer zones to be functional zones in their own right and with separate legal status, and create conditions for their sustainable economic development**

World Heritage Properties, although prime tourist destinations, come by necessity with restrictions to economic development, such as construction and the use of natural resources. At the same time, local communities rightfully expect a compensation for such restrictions, and World Heritage properties need buffer zones of economic activities that do not harm the properties. Buffer zones therefore should be designed to be bio-cultural regions with special legal status embedding World Heritage properties in a spatial environment of sustainable development which provides long-term ecological livelihoods to local people.

- **Include Buffer Zones in the agenda of evaluation and monitoring missions**

Evaluating proposed buffer zones concerning their functionality, based on risk assessments, and monitoring the design, efficacy and enforcement of their underlying legal and administrative framework should become mandatory in field evaluations of nominated properties as well as in Advisory and Reactive Monitoring Missions.

## Suggested Amendments

The World Heritage Committee should adopt the following amendments to the Operational Guidelines:

99. The delineation of boundaries is an essential requirement in the establishment of effective protection of nominated properties. Boundaries should be drawn to incorporate all the attributes that convey the Outstanding Universal Value and to ensure the integrity and/or authenticity of the property. A sufficiently detailed map of the property and its buffer zone must be publicly available for free.

Boundaries must be easily understandable on the ground in order to facilitate compliance with regulations, e.g. utilizing landmarks and linear features such as rivers, roads and ridges. They should not run through private or public properties but along their boundaries. If in doubt the nominated property should include areas not carrying the OUV if that helps to establish boundaries which can be easily understood and monitored. Whenever applicable, World Heritage boundaries should run with existing administrative boundaries.

103. ~~Wherever necessary~~ For the proper protection of the property, an adequate buffer zone ~~should~~ must be provided.

104. For the purposes of effective protection of the nominated property and the exclusion of risks and threats to it originating from outside, a buffer zone is an area fully surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the property. While no object or activity must be allowed in buffer zones which may have a potential to harm the property, they also serve the function of establishing a spatial environment of sustainable development surrounding the property, and to provide a protected space for traditional land use and economic activities. ~~This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection.~~

The area constituting the buffer zone should be determined in each case through appropriate mechanisms and criteria, including ~~Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property and its buffer zone, should be provided in the nomination.~~

a) Buffer zones must ~~This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection.~~

b) The area of the buffer zone must be determined on the basis of an assessment of all potential risks and threats to the property originating from outside, referring to a clear and complete list of the attributes of the OUV. The perimeters of the buffer zone must then be delineated, and its legal prescriptions determined, in a way as to completely exclude potential and existing threats. Explaining the rationale and the methodology behind this management instrument is vital for a clear understanding of how the buffer zone protects the property, and for the validation of such instrument and monitoring its application.

c) Buffer zones should be areas fully surrounding the nominated property and including all points from where risks or threats to the attributes of the OUV could emerge as determined by the risk assessment.

d) Special consideration must be given to risks emanating from developments which have a possible impact on the attributes of the OUV from a long distance, such as high-rise buildings and antennas, or hydro-electric dams upstream or downstream on rivers running through nominated properties. In such cases, where a very wide extension of a buffer zone would be impractical, an added buffer zone for only certain objects and activities may be established, or a list of objects and activities in that wider region which are incompatible with the protection of the property must be added to the buffer zone regulation.

- 105.** ~~A clear explanation of how the buffer zone protects the property should also be provided.~~  
Evaluating proposed buffer zones concerning their functionality, based on risk assessments, and monitoring the efficacy and enforcement of their underlying legal and administrative framework is a mandatory task in field evaluations of nominated properties as well as in Reactive Monitoring Missions.  
The continuing functionality of buffer zones in a rapidly changing environment must also be attested as part of the Periodic Reporting.

- 106.** ~~Where no buffer zone is proposed, the nomination should include a statement as to why a buffer zone is not required.~~  
In order to facilitate compliance, States Parties are encouraged to make easy-to read but highly accurate maps of both the inscribed property and buffer zone available to the general public, and to distribute them to all households for free together with a description of the applicable policies and restrictions, rights and obligations.