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## COMMITTEE DECISIONS IMPACT ON THE WORLD HERITAGE LIST: BREAKING THE BALANCE

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### **Introduction**

This paper represents a part of my PhD study which aims to identify anomalies in the procedure of inscribing properties on the World Heritage List through a comparative study of the recommendations of the advisory bodies and of the final decisions taken by the World Heritage Committee between 2010 and 2019 and how they indirectly affect the credibility and the future of the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. How is the procedure evolving and what distortions can be identified between the stated principles and the inscriptions on the List? How does this influence the evolution of the World Heritage List and the concept of the Outstanding Universal Value (OUV)?

### **Dynamics of the OUV**

Although the World Heritage Convention has not changed since its adoption in 1972, its implementation, through the Operational Guidelines, reflects the current dynamics of the evolution of heritage and its interpretation, which is for instance visible through the ongoing discussion about the memory sites and their inclusion on the List. The notion of the world heritage is set in a changing environment stimulating its adaptation to the contemporary context.

Therefore, in the current context where the recognition of the OUV is subject to very important socio-political and economic factors, which generate numerous proposals that threaten the notoriety of the World Heritage Convention, the constitution of the World Heritage List is a part

of a patrimonialization process where the issues of the present take over those of the past<sup>1</sup>. This dynamic is reflected in the gap between the recommendations of the Advisory Bodies and the final decisions of the Committee, which also has an important impact on the conservation of properties. This also potentially threatens its credibility, which is one of the Strategic Objectives of the Committee and the first of the four Cs according to the Budapest Declaration<sup>2</sup>. It was agreed that the *credibility* of the World Heritage List should be strengthened, so that it would stand as a representative and geographically balanced testimony of cultural and natural properties of outstanding universal value.

Finally, if we tend to preserve the heritage for the future generations, which is inherent in the meaning of the word *heritage* implying a transmission process throughout time, do the stakeholders of the Convention stay faithful to that mission and foresee the future List with all the consequences of the present decisions<sup>3</sup>?

At the beginning of the Convention, the OUV meant an incomparable property. As the Convention became more successful, the number of nominations increased and the OUV was then acknowledged to the properties that were representative examples, the best prototypes of the properties in a category whose outstanding universal value was demonstrated through comparative analyses over similar properties<sup>4</sup>.

In order to preserve the WH List credibility, the OUV is at the core of the ongoing discussions about a concern for maintaining an appropriate threshold of the value for the selection of properties. The challenge for the Advisory Bodies and the World Heritage Committee is to keep the bar high enough.

The fact that the List continues to grow and that there is an opportunity to put properties on a "living" list creates competitiveness, feelings of national pride among local communities, and economic benefits. The inscription procedure reflects power relationships, the relations between the countries and the political and economic factors, modeling the concept of the world heritage.

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<sup>1</sup> Davalon J., *Le don du patrimoine : une approche communicationnelle de la patrimonialisation* [*The legacy of heritage: a communicative approach to the patrimonialization*], Paris 2006.

<sup>2</sup> UNESCO, *The Budapest Declaration on World Heritage*, WHC-02/CONF.202/5, Paris, 6 May 2002, p. 1.

<sup>3</sup> For instance, national tentative lists could serve as a tool for preparing the future List.

<sup>4</sup> Cameron Ch., *Evolution of the application of "outstanding universal value" for cultural and natural heritage*, [in:] UNESCO, WHC-05/29.COM/INF.9, Paris, 15 June 2005, pp. 2-8.

### **Changes to the draft decisions on inscriptions (2010-2019)**

This study consists of identifying anomalies in the procedure of inscribing properties on the World Heritage List through a comparative study of the recommendations of the advisory bodies and of the final decisions taken by the World Heritage Committee between 2010 and 2019. The mutations within the procedure of inscription of properties are analyzed through quantitative parameters, as well as through a qualitative analysis of the arguments used during the Committee sessions<sup>5</sup>.

Only the initial decisions changed by the Committee were analyzed with a focus on the comparison of the advisory bodies' evaluation methodology and the key reasons given by the Committee when amending the draft decisions (89 properties). The positive recommendations of the advisory bodies, aiming the inscription, except in a specific case<sup>6</sup>, were not open to debate during the analyzed period.

The quantitative analysis shows that between 2010 and 2019 the percentage of non-compliance of the final decisions with the recommendations of the Advisory Bodies (ABs) varies between 71% and 91%<sup>7</sup> of the total number of recommendations other than inscription, with an average rate of 82.7% (Fig. 1). Thus, even though the final decision belongs to the Committee, this situation questions the role of the ABs. While the experts fear the loss of the Convention's reputation, according to the analysis of semi-structured interviews carried out in the framework of my PhD research, the representatives of the States Parties see it rather as an indispensable phase in the context of the Convention's evolution and not necessarily negative.

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<sup>5</sup> UNESCO, WHC-10/34.COM/20, WHC-10/34.COM/INF.8B1, WHC-10/34.COM/INF.8B1.Add, WHC-10/34.COM/INF.8B2, WHC-11/35.COM/20, WHC-11/35.COM/INF.8B1, WHC-11/35.COM/INF.8B1.Add, WHC-11/35.COM/INF.8B2, WHC-12/36.COM/19, WHC-12/36.COM/INF.8B1, WHC-12/36.COM/INF.8B1.Add, WHC-12/36.COM/INF.8B2, WHC-13/37.COM/20, WHC-13/37.COM/INF.8B1, WHC-13/37.COM/INF.8B1.Add, WHC-13/37.COM/INF.8B2, WHC-13/37.COM/INF.8B2.Add, WHC-14/38.COM/20, WHC-14/38.COM/INF.8B1, WHC-14/38.COM/INF.8B1.Add, WHC-14/38.COM/INF.8B2, WHC-14/38.COM/INF.8B2.Add, WHC-15/39.COM/20, WHC-15/39.COM/INF.8B1, WHC-15/39.COM/INF.8B1.Add, WHC-15/39.COM/INF.8B2, WHC-16/40.COM/20, WHC-16/40.COM/INF.8B1, WHC-16/40.COM/INF.8B1.Add, WHC-16/40.COM/INF.8B2, WHC-16/40.COM/INF.8B2.Add, WHC-17/41.COM/20, WHC-17/41.COM/INF.8B1, WHC-17/41.COM/INF.8B1.Add, WHC-17/41.COM/INF.8B1.Add2, WHC-17/41.COM/INF.8B2, WHC-17/41.COM/INF.8B2.Add, WHC-18/42.COM/20, WHC-18/42.COM/INF.8B1, WHC-18/42.COM/INF.8B1.Add, WHC-18/42.COM/INF.8B2, WHC-18/42.COM/INF.8B2.Add, WHC-19/43.COM/20, WHC-19/43.COM/INF.8B1, WHC-19/43.COM/INF.8B1.Add, WHC-19/43.COM/INF.8B2, WHC-19/43.COM/INF.8B2.Add, Paris 2010-2019.

<sup>6</sup> The site of Rosia Montana Mining Landscape, proposed by Romania, was referred to the State Party after being recommended for an inscription, and then inscribed at the last session in 2021.

<sup>7</sup> In 2010: 81%, in 2011: 91%, in 2012: 90%, in 2013: 72%, in 2014: 89%, in 2015: 71%, in 2016: 86%, in 2017: 87%, in 2018: 87%, in 2019: 72.7%. For this statistic, recommended nominations were not considered, as it is assumed that the Committee usually lists properties that are recommended for listing.



Fig. 1 Changes to draft decisions by the World Heritage Committee 2010-2019, excluding inscription recommendations

This trend shows little change in the last decade of the List; the changes have become a usual practice in the inscription of new properties at World Heritage Committee sessions. The most radical form of this trend was a direct inscription, without considering at all the advice of the advisory bodies, of the two properties recommended for non-inscription by the Advisory Bodies at the 42nd session of the Committee (Manama, 2018) and of another property at the 43rd session (Baku, 2019).

Statistics on nominations examined by the Committee between 2010 and 2019 (Fig. 2), show that the number of negative (other than for inscription) recommendations made by the advisory bodies in the second half of the decade has slightly decreased compared to the total number of nominations (especially between the first and the last year of analysis). At the same time the number of properties inscribed has slightly increased. Except for the situation in 2018, the gap between the percentage of inscribed sites and of those having got negative recommendation is increasing. This could mislead to the conclusion that the number of successful nominations is increasing. Nevertheless, if we take into account that the Committee has also been making more frequent changes to advisory bodies' recommendations, despite the fact that the total number of negative decisions remains relatively stable, representing around the half of the total number of nominations, we can also conclude that the number of eventually inscribed properties that got negative recommendations (whether a non-inscription, referral, or deferral) has increased in comparison to other intermediate changes to draft decisions (between the non-inscription and the referral). This shows that the Committee is most likely to modify a decision towards the inscription. This is also confirmed by the fact that the most important change in the degree of gap between recommendations (from non-inscription to inscription) occurred in 2018 and 2019.

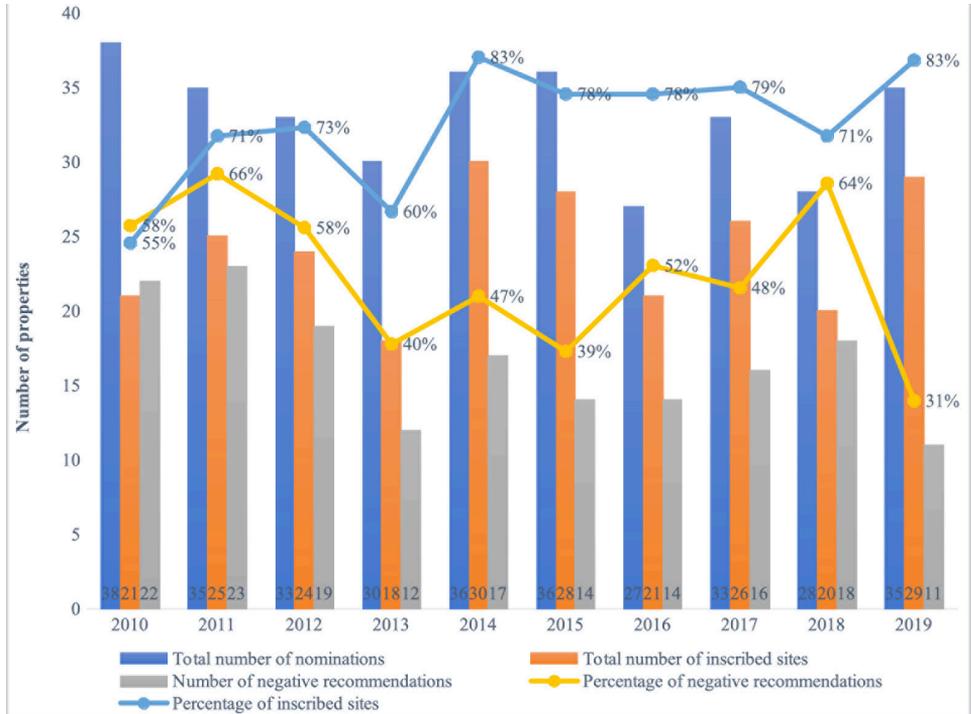


Fig. 2 Percentage of nominations inscribed by the Committee out of the total number of nominations submitted in 2010-2019

The statistics also show (Fig. 3) that the degree of gap between different grades of decisions (non-inscription, deferral, referral, inscription) is decreasing in the second half of the decade. The percentage of negative decisions modified by the Committee is declining in the last year observed, but remains relatively high, and the number of inscriptions is significant relative to the total number of modified decisions. It shows again that the inscriptions are mostly aimed by the Committee when changing draft decisions.

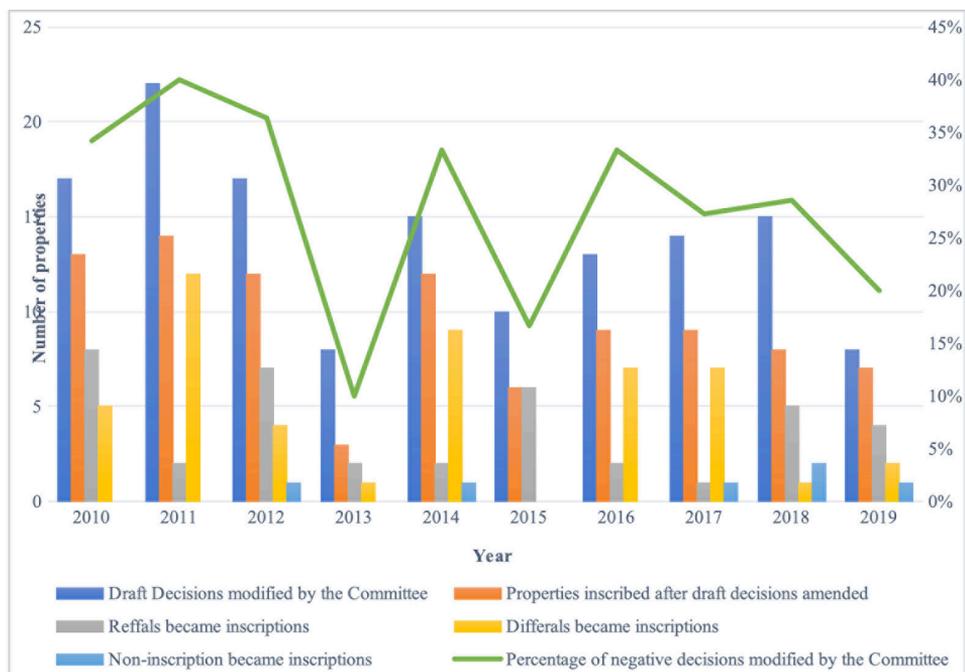


Fig. 3 Number of nominations inscribed after the modifications of draft decisions and their percentage compared to the total number of nominations submitted 2010-2019

Almost all the referrals systematically became inscriptions (Fig. 4a). We may question the relevance of this recommendation in the inscription procedure. Out of 89 properties inscribed after the modifications of a draft decisions from 2010 to 2019, 38 were amended referrals to inscriptions. Only three referrals kept that status during this period without being amended, and twice were relating to the same property (Kaeng Krachan Forest Complex, Thailand, inscribed in 2021 after being referred to the State Party twice, in 2015 and 2016). The third property was a major modification to the boundaries of the Ghelati Monastery, already inscribed on the List. Basically, we can conclude that only in one case for ten years the referral decision was kept.

As an outcome of the AB's evaluation, this category is used when the property meets the criteria of the OUV, but have minor problems either in boundaries, buffer zone, management plan or protection, which are obviously neglected by the Committee that often states that these problems might be solved once the property is inscribed on the List, taking the inscription as an advantage for the better conservation of the property.

The situation is similar when it comes to deferrals (Fig. 4b). Out of 87 deferrals, 47 were changed directly into inscriptions, 21 to referrals, and 19 were not amended. It means that more than a half of deferrals were directly inscribed, which could have serious consequences on the conservation process. This aspect would be interesting to analyze through the states of conservation of the same properties and follow their evolution and potential conservation issues after their inscription.

Regarding the non-inscriptions, if there is no intention to change the draft decision State Parties usually withdraw before the session the properties that were recommended by the ABs for the

non-inscription so that there is no official decision taken concerning them. This practice is to be taken as a positive outcome and the implicit acceptance of the advisory body's recommendation. Nevertheless, this kind of decision that could be seen as an agreement between the Committee and the AB is removed from the agenda and not visible for the decisions' analysis.

From 2010 to 2019 in case of only three properties recommended by the ABs for a non-inscription and not withdrawn by a state party (Fig. 4c), the Committee had no amendments (Town and the Castle of Vianden (Luxembourg) in 2013, a significant boundary change for the Archaeological Site and Historic Centre of Panama City (Panama) in 2016 and Bhitarkanika Conservation Area (India) in 2017). It implicates that the non-inscription decisions are highly avoided by the State Parties during the Committee sessions, preventing from having an official trace of an unsuccessful nomination which leads to a negative image and a discredit to the work that has been done on its proposal.

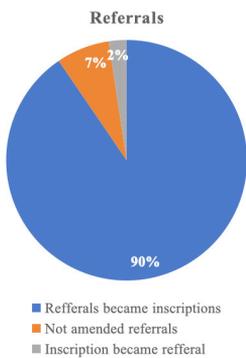


Fig. 4a Committee decisions on recommended referrals

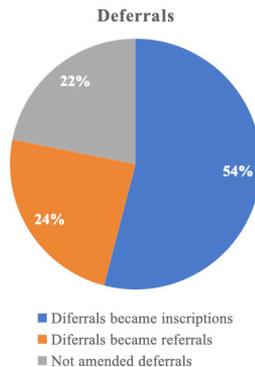


Fig. 4b Committee decisions on recommended deferrals

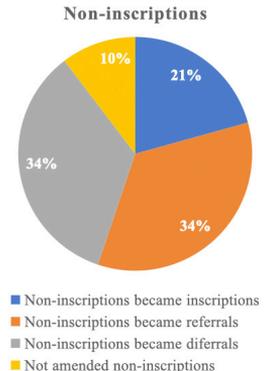


Fig. 4c Committee decisions on recommended non-inscriptions

Nevertheless, during this period 10 non-inscriptions became deferrals, 10 became referrals and 6 became inscriptions. But these last statistics are not enough and need further qualitative analysis in order to give a good interpretation to these quantitative outcomes. For instance, 3 of these non-inscriptions became inscriptions in 2012, 2014 and 2017, but these cases are all related to Palestine and the impossibility for the ABs to access the sites and evaluate them.

### Evaluation methodology gap between the Committee and the Advisory Bodies

The evolution in terms of divergence of decisions reflects the important disparities in the perception of the selection criteria between the advisory bodies and the Committee. Qualitative analyses of the sessions' verbatims show that the advisory bodies give equal weight to value criteria, authenticity and integrity and the state of conservation, while the Committee focuses more on the justification of value criteria and their uniqueness and representativeness in a specific cultural context and sometimes tends to ignore the state of conservation or give it less importance.

The case of Naumburg Cathedral (Germany) shows that the advisory bodies place OUV in a dominant position. The advisory bodies have found that there is the absence of the outstanding universal value of the nominated property and this is the main reason why the property has been nominated for non-inscription three times. In its third evaluation report in 2018, ICOMOS fully recognized the authenticity and integrity, as well as the state of protection and management, while recommending not inscribing the property, rather than deferring or referring it. This shows that the three pillars of OUV are not interconnected indicators, but independent of each other in the evaluation process, and yet the OUV evaluation plays a decisive role.

The problem is of a methodological nature. Nominations with no recognized OUV at all are recommended for a non-inscription. Provided that the OUV is recognized, and the selection criteria satisfied or a potential OUV exists (another problem is that it can only be recognized at the time of the inscription), the other two pillars on which the OUV relies, authenticity/integrity and the state of protection and management plan, are of equal importance. These two pillars determine whether a nomination with recognized OUV can be inscribed immediately or should be referred or deferred.

Over the past ten years, many nominations initially recommended for deferral or referral have been inscribed on the list, showing a divergence in the importance given by the Committee and the advisory bodies to these three pillars of the OUV. In their recommendations, the advisory bodies consider the OUV criteria, authenticity and integrity, and the state of protection and management plan, as specified in the Operational Guidelines. On the contrary, the Committee focuses on the OUV statement, its uniqueness and representativeness in specific cultural areas and to some extent neglects existing issues such as the state of protection and the management plan. In all the analyzed sessions, the Committee pushed for the inscription on the List when the OUV and proposed criteria justified by the comparative analysis were approved by the advisory bodies, regardless other criteria mentioned above.

The Committee also places more emphasis on the symbolism of the World Heritage than on its physical forms. Nominations of a particular importance to local people or of specific value to a region may be recognized and inscribed on the List by the Committee, even if they are not considered by the Advisory Bodies to be of an outstanding universal value based on the comparative analysis.

It is because of this crucial difference in understanding of the OUV that the Committee's decisions often differ from the recommendations of the Advisory Bodies. Obviously, behind these reasons, which are often linked to the symbolic values, there may also be political reasons, which however remain difficult to analyze in a wider scope of the international relations that would go beyond the context of world heritage and this research.

### **Main reasons for modifying the Advisory Bodies' recommendations**

Verbatims of the World Heritage Committee meetings between 2010 and 2019 provide information on the reasons given by the Committee when modifying the advisory bodies recommendations and taking decisions to inscribe nominations originally recommended for

non-inscription, referral, or deferral. These reasons can be divided into eleven wider categories. The most frequently mentioned reason is that a nomination has an evident, clear, outstanding universal value, followed by an emphasis on cultural diversity and uniqueness, then as a contribution to a better representativity of the List. One of the common arguments is also that if a site is not on the World Heritage List it will not be protected – the inscription will strengthen the OUV (Phoenix Islands Protected Area, Kiribati), which is opposed to the article 12 of the Convention according to which:

*“The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.”<sup>8</sup>*

An interesting argument is that the nomination represents an exchange of human values and a dialogue of civilizations, and that it symbolizes or is likely to promote peace (e.g., Stećci Medieval Tombstone Graveyards, as a common site of different Balkan countries previously in war). The Committee has also inscribed nominations that present a harmonious coexistence between man and nature. This argument is supported by the fact that the uniqueness of the World Heritage Convention is based on the culture and nature linkages.

Other less common arguments are the promotion of environmental diversity, local social and economic development, the fact that the property is similar to previous inscriptions relying on the evaluations’ consistency and finally that the OUV was already recognized during a previous session in case of referral or deferral.

Paragraphs 51 and 154 of the Operational Guidelines state that the OUV of a property can only be recognized at the time of its inscription on the List, which was also confirmed by the UNESCO Secretariat and the UNESCO Legal Advisor in the case of Naumburg Cathedral (Germany) inscription in 2018, recalling that the text of the Guidelines must be respected during the inscription procedure. The legal advisor also pointed out that this situation could be clarified by referring to articles 11.2 and 13.8 of the Convention and that the Committee was not obliged to follow the decision of a previous Committee, especially when the nomination of the property was configured in a very different way from that previously analyzed.

### **Changing draft decisions for a better representativity of the List?**

As stated above, some changes to the draft decisions are based on a better representativity of the List, according to the Global Strategy. The Committee sometimes gives more attention to less represented regions and modifies the recommendations of the Advisory Bodies regarding the inscription of nominations from these regions that may not fully meet the criteria for the inscription, since their inscription may help implementing a better representativity of the List. Yet, developed countries continue to submit more nominations than underdeveloped countries

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<sup>8</sup> UNESCO, *Convention Concerning the Protection of the World Cultural and Natural Heritage*, Adopted by the General Conference at its seventeenth session, Paris, 16 November 1972, p. 7.

with fewer properties inscribed on the List, and decisions also continue to be changed in favor of the inscription of their properties.

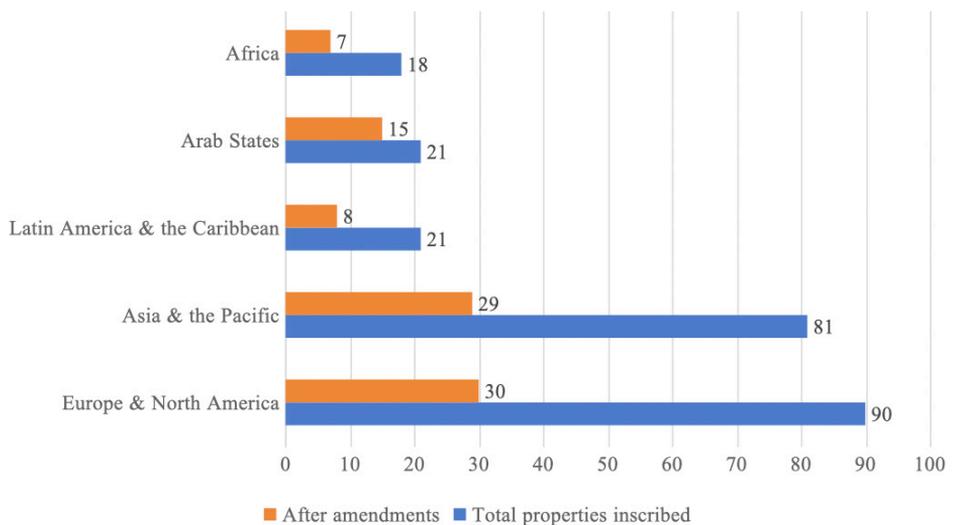


Fig. 5 Properties inscribed by region between 2010 and 2019

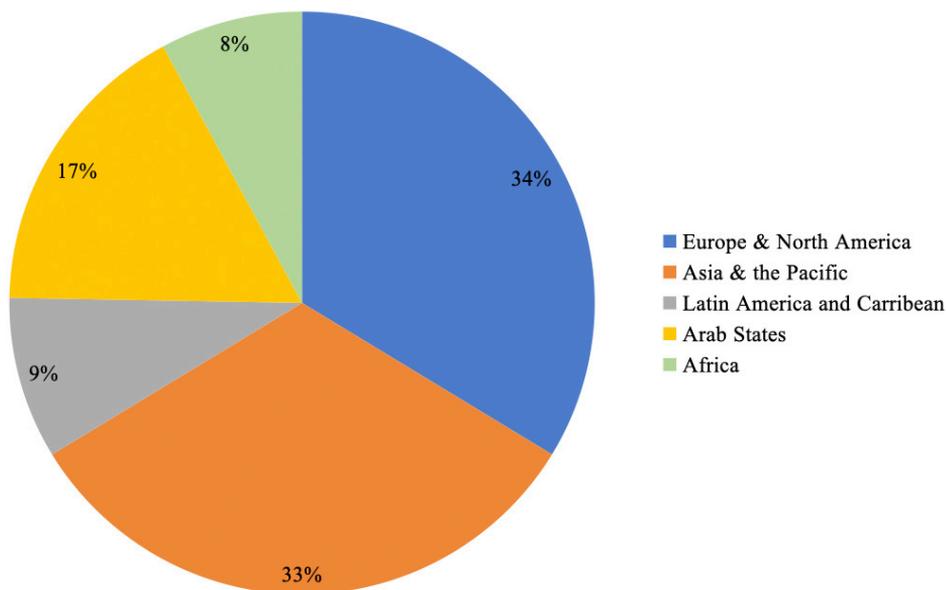


Fig. 6 Percentage of properties inscribed by region after modifications to advisory bodies' recommendations between 2010 and 2019

Among the five regions defined by UNESCO, Europe and North America and Asia and the Pacific, there are two regions whose nominations' draft decisions are mostly changed by the Committee to be inscribed, but that also have the most nominations at the same time (Figure 5 and 6). Latin America and the Caribbean and Africa have a similar percentage of total inscriptions on the List as the Arab States but have far fewer inscriptions after amendments to the draft decisions than

the Arab States. However, the percentage of total inscriptions by region varies little between 2010 and 2019. Most of the inscriptions are in Europe and North America and Asia and the Pacific, at the expense of inscribed properties from the other three regions, Africa, Latin America and the Caribbean, and the Arab States, which shows that the Global Strategy has failed to provide desired results and that this argument is not applied in a consistent manner.

### **Regional and state Imbalance**

Although the Committee often used the argument in favor of the Global Strategy by modifying the recommendations of the advisory bodies, its effect on the representativeness of the List is negligible. Of course, the imbalance of the List is also related to the large number of inscriptions already on the List before the implementation of the Global Strategy and the unbalanced regional distribution due to historical reasons. The proportion is still unsatisfactory and the geographical distribution of inscriptions of new properties remains unbalanced.

The cases of inscriptions on the List after the Committee changed the draft decisions based on the AB's recommendations, show differences not only between the regions, but also between States Parties. These nine States Parties, having more than two properties inscribed on the List in this way, during the last decade of the World Heritage Convention, constitute 28%, almost a third of the total number of that type of inscriptions<sup>9</sup>. As already mentioned, in two cases of properties nominated by these States Parties, the Committee even recognized the OUV despite the negative scientific evaluation.

### **Conclusion**

These results show that the understanding of World Heritage by different stakeholders may vary and that there is a divergence in their understanding of the evaluation process and the OUV. They also reveal the importance of the political factors, since the Convention is an international instrument, managed by the States Parties.

The Advisory Bodies as professional organizations strive to focus on objective criteria and strictly implement scientific evaluation procedures in order to ensure the high quality of the List, the exceptional character of the World Heritage as well as the subsequent protection and the conservation of the properties inscribed.

The Committee judges the OUV from a more subjective perspective. However, the composition of the Committee contributes to more diverse perspectives, particularly regarding regional, religious, and cultural identities. Yet, this tends to put forward the specific character of the OUV, which may also be less representative and universal, but at the same time may contribute to the further development of the World Heritage concept and to the improvement of conservation practices for some site categories.

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<sup>9</sup> States Parties with the highest number of inscriptions after modified recommendations: Iran (7,9%); Turkey (6,7%); India (5,6%); China, Portugal and Saudi Arabia (4,5% each); Germany, Mexico and Viet Nam (3,4 % each).

Still, breaking the balance between the Committee and the advisory bodies may discredit the evaluation process. It also has an indirect impact on the concept of the OUV. The comparative analysis is one of the crucial parts of a nomination file, as it provides the evidence of the OUV, and properties already inscribed on the World Heritage List are used in comparison. If some of these properties were recommended by the ABs for a non-inscription and their OUV finally recognized by the Committee, the evaluation might not seem credible. None the less, according to the Convention, there are no different scales among the properties inscribed on the List. Otherwise, it would risk losing its coherence, its unique concept of the OUV and finally, its credibility.

This outstanding nature of the property exists on the condition that the value can be brought to a universal scale. But with the development of the idea of cultural diversity in the past decades and a tendency to refine typologies multiplies the gaps to fill in the List and eventually expands the List. The diversity of typologies is improving, but at the scale of sub-categories and at the expense of the universality, leading to the possible dissolution of the List.

The problems that affected the last sessions, analyzed above, inevitably lead to the important changes in the nomination process and therefore affect the Convention. Nevertheless, the opinions of stakeholders differ, with some referring to the "death of the Convention", while others describe these changes as an inevitable evolution of policy in the contemporary context, 50 years after its adoption. In parallel with the development of the World Heritage program, the number of states parties has grown considerably, as well as the themes related to the representation of more diverse regions on the List. All these elements have renewed the ideas and practices of the World Heritage. On the one hand, the List's evolution contributes to its opening to new sites, potentially forgotten by a narrow view of an elitist or monumental heritage approach, but again, it can open it to the inferior sites' proposal, narrowing the themes, potentially infinite.

The reason of the World Heritage notoriety lies in the strict implementation of the selection criteria, the recognition of the OUV by all the State Parties, and the sustainable conservation of the properties after their inscription on the List. If all these requirements are abandoned the reputation of the World Heritage and the social and economic development resources it can provide to States Parties will be lost. Only a strict implementation of criteria and objective and transparent procedures can guarantee the quality of the List and ensure a long-term conservation and protection of inscribed properties for the future generations.

50 years after its establishment the Convention should be meticulously reexamined by each State Party that have signed it, paragraph by paragraph, to recall its aim and meaning that seems to have been put behind other interests, as well as the Recommendation that was produced in parallel with the Convention, concentrated more on national level and unfairly neglected.

There is also an important work to be done on the wider understanding of the very meaning of the Convention (C for Communication according to Budapest declaration), which is often uniquely related to the WH List. Medias foster this view, and the same tool should be used to change this narrow perspective of the Convention interpretation. Otherwise, the List risks to be compromised by the number of sites difficult to manage and lose its economic advantage due to the loss of its notoriety.

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