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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
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**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Forty-first session

**Krakow, Poland
2 – 12 July 2017**

**Item 9 of the Provisional Agenda: Global Strategy for a representative,
balanced and credible World Heritage List**

9A. Progress Report on the reflection concerning the Upstream Processes

SUMMARY

Further to Decision **40 COM 9A**, this document presents a report on the implementation of the upstream pilot projects since the 40th session of the World Heritage Committee. It also includes a summary of the outcomes of the online consultation survey with the States Parties to the Convention as well as a set of proposals to ensure the effective implementation of the Upstream Process, equitably between all States Parties to the Convention.

Draft Decision: 41 COM 9A, see Point V.

I. BACKGROUND

1. At its 32nd session (Quebec City, 2008), the World Heritage Committee launched a process of reflection on the future of the *World Heritage Convention*. In this framework, the Committee, aware of the challenges that exist in the process for nominating a property to the World Heritage List, proposed an initiative entitled Upstream Processes. The aim was to find options for improving and strengthening the current nomination process.
2. In 2010, by Decision **34 COM 13**, the World Heritage Committee, encouraged the World Heritage Centre to “follow up on the approaches and recommendations of the Phuket expert meeting” on “Upstream Processes for Nominations”. In particular, the Committee requested the World Heritage Centre “in cooperation with the Advisory Bodies and other relevant organizations, to invite one or two States Parties from each of the UNESCO regional groups to undertake, on an experimental basis, voluntary pilot projects related to identifying options and preparing dossiers for nomination”. The UNESCO Electoral Groups subsequently selected two pilot projects per region, except Group I – Western Europe and North America – which refrained from making any proposal.
3. In 2011, by Decision **35 COM 12C** the World Heritage Committee welcomed “all the actions undertaken to improve the processes and practices prior to consideration by the World Heritage Committee of a nomination (the ‘Upstream Processes’)” and took note “of the pilot projects that have been chosen to implement this experimental approach”. Following Decision **40 COM 9A**, the experimental phase of this process could be considered concluded. In this regard, and out of the 10 pilot projects originally selected 3 eventually resulted in an inscription on the World Heritage List (**South Namib Erg** Namibia, **Rock Drawings in the Hail region**, Saudi Arabia and **Cultural and Industrial Landscape of Fray Bentos**, Uruguay); 2 were phased out (**Dinaric Karst Serial Nomination**, Albania, Bosnia and Herzegovina, Croatia, Italy, Montenegro, Serbia and Slovenia and **Gadara (Modern Um Qeis or Qays)**, Jordan); and 5 are advancing at a different pace. This document details project by project the progress made concerning the latter since the 40th session of the World Heritage Committee (Istanbul/UNESCO, 2016).
4. It is important to emphasize that application of the Upstream Process approach does not imply that a site concerned would ultimately be inscribed on the World Heritage List. The main aim of the Upstream Processes is to reduce the number of properties that experience significant problems during the nomination process, and to avoid significant investment in financial and human resources where the proposed sites do not demonstrate a potential for Outstanding Universal Value, and to guide such sites to alternative and more appropriate means of international recognition. Therefore, the objective of the selection of pilot projects was to explore creative approaches and new forms of guidance that might be provided to States Parties when considering nomination projects prior to the preparation of a dossier, as well as in relation to the nomination process itself.
5. In 2015, at its 39th session, the World Heritage Committee included the Upstream Processes in the text of the *Operational Guidelines*, thereby recognizing that the Upstream Processes had extended far beyond the pilot projects and had become a mainstream process considered beneficial to many States Parties.

6. By Decision **40 COM 9A**, the Committee invited comments from the States Parties on the draft format for upstream support requests and on the wider issues with the implementation of the Upstream Process (see Part III below).

II. PROGRESS MADE ON THE SELECTED PILOT PROJECTS

7. Pilot project on **Ancient Kano City Walls and Associated Sites**, Nigeria
Since the last tripartite meetings (African World Heritage Fund, World Heritage Centre, Advisory Bodies) of September 2015, the increasing insecurity situation in the region did not allow the State Party to pursue effectively the recommendations formulated by the Advisory Bodies in regard to the site. However, despite this situation, the Secretariat has continued to maintain regular contact with the State Party advising them on ways to carry out the upstream assistance for the Ancient City of Kano for nomination and the conservation of the Ancient Kano City Walls. Consultation with the African World Heritage Fund has also been pursued about the provision of technical assistance.
8. Pilot Project on the **Batanes Protected Landscapes and Seascapes**, Philippines
No further progress has been reported since last session of the Committee.
9. Pilot project on **Coral Stones Mosques of the Maldives**, Maldives
An ICOMOS Advisory Mission to the Maldives was carried out in August 2014 as part of the Upstream Process. In November 2014, the Maldives submitted the 2nd phase of the International Assistance Request to implement the recommendations of the ICOMOS Advisory Mission; this request was approved in late July 2015. Within this framework, the Department of Heritage of the Maldives, together with the UNESCO Office in New Delhi and with the support of the East Africa Chapter of the World Monument Fund, organised a 6-day international workshop in Males (Maldives) on 8–13 January 2017, entitled “Identifying Outstanding Universal Value of Coral Stone Mosques of Maldives”. The aim of this workshop was to gather international and national experts who could identify the unique features of coral stone mosques in the Maldives and determine to what extent they differ from other coral stone structures and architectural traditions in the Indian Ocean, in order to help define the potential Outstanding Universal Value of the Coral Stone Mosques of Maldives. The international workshop turned out to be a major step forward for the Government of the Maldives in its efforts towards a World Heritage nomination. It was also the first time that coral stone mosques of the Maldives were examined in the wider context of the Indian Ocean with the participation of international experts.
10. Pilot project on the **Natural and Cultural Heritage of the Ohrid Region**, Albania and the former Yugoslav Republic of Macedonia
The second phase of this Pilot Project for a possible extension of the mixed property into Albania, to cover the whole of Lake Ohrid and possible cultural sites along the shore, started in 2014 with the project “Towards strengthened governance of the shared transboundary natural and cultural heritage of the Lake Ohrid region”. It is financed by the European Union (EUR 1.7 million) and the Ministry of Environment of the Republic of Albania (USD 240,000). The project is in the final implementation year and covers activities related to transboundary cooperation, profiling of the potential transboundary area, capacity building for integrated management, technical assistance for the preparation of the extension file and pilot actions on the waste-awareness campaign. In cooperation with the Advisory Bodies (ICCROM, ICOMOS and IUCN), and since the 40th session of the World Heritage Committee, capacity building activities have been implemented regarding integrated management and other relevant thematic areas such as people-centred approaches to conservation of cultural and natural heritage and

sustainable development. The technical assistance for the preparation of the extension nomination file has been provided to the team of experts convened by the Albanian authorities and will continue until the end of the project. Visibility activities accompany major project achievements and include active social media campaigns to raise awareness of the local communities in the Lake Ohrid region about the objectives of the Pilot Project (more detailed information: <http://whc.unesco.org/en/lake-ohrid-region>).

11. Pilot project on the **Grenadines Islands Group**, Grenada, Saint Vincent and the Grenadines

As a result of consultations between the concerned States Parties, the Advisory Bodies and the World Heritage Centre, specific basic needs in the field of research and inventory methodology were identified as a condition to progress in the update of the Tentative Lists prior to advancing further in the identification of potential future nominations. To contribute covering such needs, a capacity-building initiative was elaborated with the support of the World Heritage Centre thanks to the financial support of the UNESCO/Netherlands Funds-in-Trust. In this framework, a workshop on inventories led by international experts in both cultural and natural heritage took place in February 2017 in Grenada, followed by a field visit and by the tutored elaboration of updated national inventories based on improved research and broad consultations.

III. OUTCOMES OF THE ONLINE UPSTREAM PROCESS REFLECTION SURVEY

12. By Decision **40 COM 9A**, the Committee invited comments from the States Parties on the draft format for upstream support requests and on the wider issues related to the implementation of the Upstream Process. The Committee also requested “the World Heritage Centre, in collaboration with the Advisory Bodies and the States Parties, to further review the lessons learned in the implementation of the Upstream Processes, and to present harmonized proposals, including those addressing the needs of the African region, least developed countries and SIDS, to ensure the effective and equitable implementation of the Upstream Processes for consideration by the World Heritage Committee at its 41st session in 2017, together with a report on the upstream activities being implemented by the Advisory Bodies and UNESCO”.

13. In order to collect feedback from States Parties on these issues, a reflection survey on Upstream Process was prepared by the World Heritage Centre in consultation with the Advisory Bodies. It was launched online on the World Heritage Centre’s website in both English and French, on 18 January 2017, with the deadline for reply set initially to 17 February 2017 and subsequently extended to 3 March 2017, to allow for a larger number of participants.

14. Out of 193 States Parties to the Convention, the Secretariat received replies to the online survey from **80** of them, that is **41%**, which is one of the highest response rates achieved to such a survey of States Parties. The regional breakdown of these replies shows a rather equitable distribution between the 5 regions: Africa (22 replies out of 46 States Parties, i.e. 47.8%), Arab States (5 out of 19 States Parties, i.e. 26.3%), Asia-Pacific (14 out of 44 States Parties, i.e. 31.8%), Europe and North America (27 out of 51 States Parties, i.e. 53%) and Latin America and the Caribbean (12 out of 33 States Parties, i.e. 36.4%). The online survey registered the participation of 15 Committee members and 10 States Parties that are Small Island Developing States (SIDS).

15. The reflection survey on the Upstream Process was divided into 6 sections:

- A. Format and procedure
- B. Financial issues
- C. Conceptual aspects

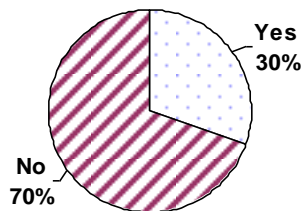
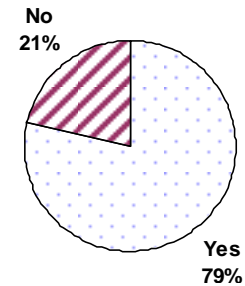
- D. Ensuring due process
- E. Lessons learnt and future implementation
- F. Other comments

For ease of reference, the results are presented following the same pattern.

A. Format and Procedure

16. States Parties were invited to comment on the draft *Upstream process request* format which was previously included as Annex I to Document WHC/16/40.COM/9A.

Question 1: Do you consider that the proposed format is adequate in view of ensuring proper follow-up, greater efficiency, transparency and accountability as well as of improving coordination of the required actions following requests for upstream advice?



Question 2: Would you suggest any change to the Draft Upstream Process Request Format?

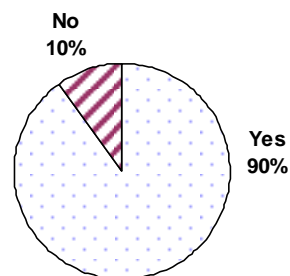
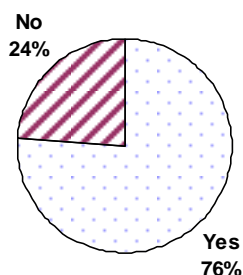
17. The replies received demonstrated an overall agreement on the need for an established *Upstream Process Request Format*. The large majority of responses (79%) considered that the current draft *Format* ensures proper follow-up, greater efficiency, transparency and accountability of upstream support as well as contributes to improving coordination of the required actions following requests. 30% of the States Parties suggested some modifications to the draft format. All these suggestions were made on the premises that the request concerns the potential of a site for nomination (as opposed to advice on Tentative List process). They proposed adding more questions and boxes to tick in order to get more in-depth information about the specific site which is the object of the request for advice.
18. On the other hand, a large majority of the responding States Parties are of the opinion that in order for the upstream advice to be effective, it should be provided at the earliest possible stage, when very little is known about the overall prospects of the site in terms of World Heritage and, in particular, when there is still no definition whatsoever of potential Outstanding Universal Value (see **Questions 7** and **9** below). Therefore, if the Request Format becomes too sophisticated and requires the State Party to make a preliminary effort in providing many details such as the criteria envisaged, this would be actually in contradiction with the purpose of upstream advice.
19. While bearing this assumption in mind, proposals for additions to the format such as a brief description summarizing factual information on the site (when applicable), an indication of an expected time frame for the upstream process and of the need for a site visit will certainly add value to the draft *Upstream process request format*; a *Format* revised accordingly is included in Annex 1 to this document.
20. The replies to **Question 3** show an overwhelming support for the prioritization of provision of Upstream support in favour of States Parties falling under the category of Least Developed Countries, Low-Income and Lower Middle Income Countries and SIDS, both in terms of use of the expertise as in terms of financial support. In this regard, the

Upstream Process Request Format will be instrumental for establishing a proper prioritization system.

Question 3: Do you consider that priority with regard to upstream support should be given to States Parties falling under the category of Least Developed Countries, Low-Income and Lower Middle Income Countries and Small Islands Developing States:

In terms of use of the expertise of the Advisory Bodies and the World Heritage Centre:

In terms of financial support from the World Heritage Fund or other available resources for the purpose of upstream support:



B. Financial Issues

21. Funding for the equitable provision of upstream support is a critical issue which requires further and urgent reflection. Currently, ensuring equal access to the Upstream Process for all States Parties in need of such assistance remains a challenge, especially with regard to States Parties which lack sufficient resources. Ways to both prioritise existing funding, and to raise funds in order to cover the costs of Upstream Process should be found for those States Parties which cannot afford them and, in many cases, are also among the countries that most need such support.

In **Question 4**, States Parties were asked to rate on a scale from 1 to 5 (1=Least, 5=Most) the potential effectiveness of 5 mechanisms proposed to raise funds:

	Rating 1 & 2	Rating 3	Rating 4 & 5
Creation of a special Upstream Process Sub-Account of the World Heritage Fund	20%	12.5%	67.5%
Upstream Process requests in search of funding advertised on the World Heritage Centre's website (i.e. "market place")	25.2%	23.8%	51.2%
State Party-to-State Party support	20%	23.8%	56.2%
Special fee on newly inscribed properties (with the exception of those properties from LDCS, LIEs, LMICS and SIDS)	51.3%	13.7%	35%
Donors Forum	12.5%	20%	67.5%

22. Besides these five mechanisms proposed in the survey, States Parties were invited to propose additional mechanisms to mobilize resources. Some States Parties considered that resources should be mobilized from foundations, the private sector or philanthropy/sponsorship. There were several remarks combining some of the options suggested above. To summarize, both the Donors Forum and the "Market Place" are

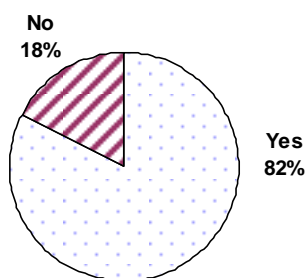
seen as an opportunity to publicize Upstream Process requests in order either to raise funds from different types of donors for a special Upstream Process Sub-Account, or to enable contacts for State Party-to-State Party support. Some States Parties suggested having fundraising side events or promotional activities during Committee sessions, which can be seen as an encouragement to hold the Donors Forum during the World Heritage Committee.

23. Only the proposed special fee on newly inscribed properties was not considered as a relevant funding model (only 35% of positive replies), which is consistent with the trend observed in the online consultation survey on a voluntary annual fee by the properties inscribed on the World Heritage List (see document WHC/17/41.COM/INF.14.I). Nevertheless, in **Question 5**, 50% of the States Parties participating to the survey affirmed they would consider contributing financially for the implementation of Upstream Process project(s) according to the mechanisms rated above.
24. Finally, a large majority (84%) considered that, under the mechanism of the Preparatory Assistance within World Heritage International Assistance, priority should be given to Preparatory Assistance requests involving upstream support, to ensure a more efficient use of the funding provided (**Question 6**). For more details, see document WHC/17/41.COM/13.

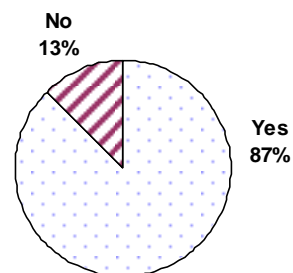
C. Conceptual aspects

25. A large majority of States Parties (82%) consider that, for the upstream support to be effective, priority should be given to upstream support requests which concern the earliest stage of the nomination process. An even larger number (87%) would actually be ready to prepare or revise their own Tentative Lists working with the Advisory Bodies / Secretariat.

Question 7: *Do you consider that, for the upstream support to be effective, priority should be given to upstream support requests which concern the earliest stage of the nomination process, namely the preparation or revision of the States Parties' Tentative Lists?*

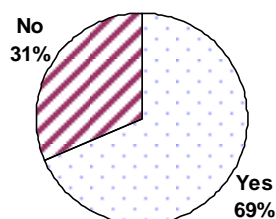


Question 8: *Would you be ready to work with the Advisory Bodies / Secretariat on the preparation/revision of your own national Tentative List?*



Question 9: In view of avoiding the use of resources on preparing nominations that may be unlikely to succeed, please rate the effectiveness of an Advisory Body(ies)'s / Secretariat's advice on a scale of 1 to 5 (1=Least, 5=Most):

	Rating 1 & 2	Rating 3	Rating 4 & 5
Before starting the preparation of a nomination	13.8%	6.2%	80%
Once the preparation of a nomination has already started	23.8%	32.5%	44.7%



Question 10: Do you consider that, in view of a more efficient use of the available resources, priority should be given to upstream support requests rather than to advice provided after a nomination has already been submitted and the evaluation cycle has already started?

Question 11: On a scale from 1 to 5 (1=Least, 5=Most), please rate the potential effectiveness of the Upstream Process in reducing the number of nominations that experience significant problems during the evaluation process

Rating 1 & 2	Rating 3	Rating 4 & 5
6.3%	16.2%	77.5%

26. It is quite clear that the majority of States Parties consider that the Advisory Body(ies)'s / Secretariat's advice is much more effective if provided before starting the preparation of a nomination and, because of this, upstream support requests should be prioritized over advice provided after a nomination has already been submitted. Answers to the online survey also show that Upstream Process is seen as an effective tool in reducing the number of nominations that experience significant problems during the evaluation process.

D. Ensuring due process (Question 12)

27. Over time, the very concept of Upstream process has raised potential issues of due process to ensure that any possible conflict of interest is identified and managed, since it entails that the Advisory Bodies provide support directly to States Parties prior to the submission of a nomination which they are later required to evaluate, in line with their duties to the World Heritage Committee. It is equally important that the World Heritage Centre and the Advisory Bodies ensure that they provide all States Parties with an equal and consistent level of service and fair access to support, with appropriate reflection on those regions and countries that may have greater needs. It has also been pointed out that, for the Upstream Process to be effective, there should be a logical relation between the upstream advice provided and the potential subsequent evaluation.

28. Over 60 States Parties provided their point of view as to what should be put in place to ensure due process regarding the work of the World Heritage Centre and Advisory Bodies in implementing the Upstream Process. Their answers converge in indicating that the Advisory Body(ies) experts involved in an upstream advice for a specific nomination should, in no case, be part of the evaluation of the same nomination when it is submitted. Another common trend is that the best way to ensure due process is through

transparency and clarity of the terms of reference set for each Upstream Process project. This would ensure that the Committee can be informed (through the website, as appropriate, and in particular through an annual progress report) about the implementation of the ongoing projects. Also, a summary of the implementation of the upstream process should be included in all nominations benefiting from it. Another aspect that appeared in a number of answers is that advice to States Parties should be limited primarily to supporting a process to follow the best methodology, but in no way should it affect the substance. A few replies mentioned that the implementation of upstream advice should be as much as possible organized in such a way that it assists more than just one State Party at the time. This also relates to the broader capacity building aspect that should be inherent to the implementation of upstream process and that some States Parties mentioned in their answers, calling for training courses on the preparation of nominations. Lastly, a few replies suggested the establishment of a new structure, a specialized team that would be dedicated to the implementation of the upstream process.

E. Lessons learnt and future implementation

29. In terms of past direct experience (**Questions 13 & 14**) and future potential requests (**Question 15**), States Parties through their replies expressed overall satisfaction and interest in the Upstream Process. It was also noted that participation in nomination training programmes (mainly for the Africa Region) was considered highly valuable. However, it appears that in a few cases the experience was not positive mainly due to long delays in getting the expected assistance and communication problems. Responses in this section show that some States Parties mistakenly consider the process of reviewing of draft nominations by the World Heritage Centre foreseen in paragraph 127 of the *Operational Guidelines* as upstream advice, while these comments intervene at a later stage in the process and are specifically aimed at guiding through the formal completion of the nomination, two months before its official submission.

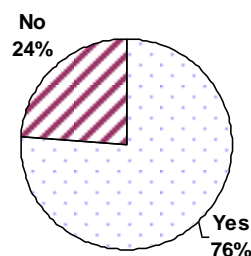
Question 13: *direct feedback on direct experience in upstream process*

Highly negative Mostly negative	Neither positive nor negative	Highly positive Mostly positive
7.6%	11.3%	81.1%

Question 14: *direct feedback on direct experience with advice received on a nomination already officially submitted*

Highly negative Mostly negative	Neither positive nor negative	Highly positive Mostly positive
10.4%	25%	64.6%

Question 15: *Do you plan to request upstream support over the next 3 years?*



F. Other comments

30. In the last section of the online survey (**Question 16:** *Do you have any further suggestion/comment beyond the answers you already provided?*), many comments further highlighted the need of setting up a system of prioritization to ensure that States Parties falling under the category of Least Developed Countries, Low-Income and Lower

Middle Income Countries and SIDS could benefit of upstream advice. It was noted as well that the harmonization of national Tentative Lists at a sub-regional level could be instrumental for providing upstream advice at an earlier stage, when it could still make a difference and could help weeding out sites that have no World Heritage potential, hence avoiding further waste of resources.

IV. THE WAY FORWARD: PROPOSALS FOR IMPROVING THE IMPLEMENTATION OF THE UPSTREAM PROCESS

31. Further to the reflection organized around the online survey which enabled 41% of the States Parties to the Convention to express their views on all main aspects concerning the Upstream Process, the Secretariat and the three Advisory Bodies devoted a one-day meeting to an in-depth discussion on the topic, in addition to continuous consultations on specific Upstream Process-related aspects.
32. The results of the online survey, the internal reflection conducted by the World Heritage Centre and the Advisory Bodies and the review of the lessons learned regarding the implementation of the Upstream processes have been drawn upon for the development of proposals on the implementation of the Upstream Process, in view of providing useful and clear guidance to States Parties on all upstream-process related aspects and questions discussed above, without provoking major disturbances in the system.
33. They also enabled providing answers to a series of crucial questions arising from the experience with the Upstream Process during its first phase, including conceptual, operational, financial and other aspects. These answers are indispensable for providing a much needed clarity on this topic and putting it operationally on the right tracks for its implementation in the future. The questions are numerous and their nature and scope are diverse: “What the Upstream Process is and what it is not?”, “What is its scope?”, “Upstream yes, but in relation to which point of the process?”, “Can the Upstream Process be applied in the framework of a referral or of a deferral?”, “Who is entitled to provide Upstream Process advice?”, “Should the Upstream Process be equally provided to all States Parties, with no distinction, or a prioritization system should be set up to ensure that requests for advice coming from countries that are in greater need should be satisfied first?”, “To what extent the advice should be provided: should the Advisory Bodies and Secretariat be involved in the preparation of the nomination or should they provide guidance on how to better prepare a specific nomination without actually affecting the substance?”, “Which financial options could be developed to better support an equitable implementation of the Upstream Process?”.
34. Since 2010, the term “upstream” has been increasingly used throughout the World Heritage system, without however always implying the same meaning, and thus, at least in part of the cases, the use of the term has been partially or entirely erroneous. If this demonstrates, on the one hand, the growing interest of States Parties in this new process, on the other, it also highlights certain ambiguities regarding its actual meaning and the expectations of different stakeholders, and consequently calls for clarification. As it was already noted, the concept of “Upstream Process” evolved very rapidly from the first Expert Meeting in April 2010 (Phuket, Thailand) over the following years, through a few success stories and some failures. In the light of the outcomes of the online survey and of the in-depth reflection undertaken, it would appear that even the recent definition of “Upstream Process” in the footnote of paragraph 122 of the *Operational Guidelines*, adopted only two years ago (in 2015 at the 39th session), may require some clarification and the integration of a new text to address specific points that are fundamental for the implementation of the Upstream Process.

A. Conceptual aspects

Definition

35. It has been repeatedly noted that the Upstream Process should ideally be undertaken from the earliest stage in the nomination process, i.e. at the moment of the preparation or revision of the States Parties' Tentative Lists. But after that, what is the stage in the nomination process until which an upstream advice has a reason to be provided and could still be considered as such? The definition in the *Operational Guidelines* indicated this point as "prior to the submission of a nomination". The practice shows however that even advice provided well after the submission, as in the particular case of referred (and also deferred) nominations, has very often been actually referred to as "upstream", thus generating a sort of new notion which could be termed as "midstream" advice, which is advice related to nominations that have at least once gone through the evaluation process. It is important to clarify that such advice is not in line with the definition or the goal of the Upstream Process, and thus should not be referred to as "upstream".
36. Thus, a conceptual clarification is essential in order for the implementation of this process to match the original meaning of the term "upstream". As demonstrated by the replies to **Question 9** of the Survey, the overwhelming majority of responding States Parties (80% of the replies) consider that the upstream advice is most effective when provided before starting the preparation of a nomination, in view of avoiding that States Parties invest human and financial resources in preparing nominations that may be unlikely to succeed, rather than being provided after starting the preparation of a nomination. In other words, the stage until which upstream advice has a reason to be provided should be "prior to the **preparation** of a nomination" – i.e. before any Outstanding Universal Value has been formulated and when all options are still open to start or not start a nomination process for the World Heritage List.
37. Bearing in mind this general understanding and the overall agreement over the fact that the most effective advice will be provided before any potential Outstanding Universal Value has been defined by the State Party – i.e. either at the Tentative Lists stage, or at the stage before starting the preparation of a nomination –, the Committee may wish to consider a review of the definition of Upstream Process contained in the footnote to Paragraph 122 of the *Operational Guidelines*, in view of streamlining and adjusting it further to the outcomes of the reflection, so that the objectives of this process could be achieved more effectively.
38. A proposed revision of the definition, to serve as a basis for the review by the Committee, is included in Paragraph 39 below. It concerns also a set of elements which are addressed in the following chapters. The proposed review of the definition can be considered as a very minimalistic approach when compared to the expected results, as it can embrace all the issues discussed and provide a reply to most of the pressing questions arising from the wide reflection undertaken. The Committee may, if it so wishes, include this item for examination and possible inclusion in the *Operational Guidelines* during the next revision, foreseen at its 43rd session in 2019.
39. Footnote to para.122 of the *Operational Guidelines*:

Upstream Process: In relation to the nomination of sites for inscription on the World Heritage List, the "Upstream Process" comprises advice, consultation and analysis that occurs prior to the preparation of a nomination and is aimed at reducing the number of nominations that experience significant problems during the evaluation process. The basic principle of the Upstream Process is to enable the Advisory Bodies and the World Heritage Centre to provide guidance directly to States Parties, throughout the whole process leading up to the preparation of a possible World Heritage nomination. For the

upstream support to be effective, it should ideally be undertaken from the earliest stage in the nomination process, at the moment of the preparation or revision of the States Parties' Tentative Lists. *In order to be acknowledged as Upstream Process, a request for advice, consultation and analysis shall be submitted through the official format (Annex 15 of the Operational Guidelines). In case the number of requests exceeds the capacity of the Organizations involved to deal with them, the same prioritization system as of Paragraph 61.c) will be applied.*

As for the advice itself, in the case it is given in the context of a nomination, it is understood that this should be limited to providing guidance on the technical framework needed, in order to offer the State(s) Party(ies) the essential tools that enable to start the assessment of feasibility and/or actions to prepare a possible nomination.

Who can provide "institutional" upstream advice?

40. Among the lessons learnt, the practice during the experimental phase showed that there is a certain confusion as to who is actually entitled to provide advice that is to be considered as upstream. This is an area in which clarity is needed and the introduction of the use of an official format to request for Upstream Process advice appears to be instrumental in supplying a clear answer. Over the years, organizations, UNESCO Field Offices, Category 2 Centres, individual experts having worked for one of the Advisory Bodies, all have been providing advice on nominations to States Parties. However, since 2015, the Upstream Process has become part of the statutory (albeit not mandatory) processes. In this regard, to be officially recognized as "Upstream process", the involvement of the Advisory Bodies and/or the World Heritage Centre as institutions is required, and not just individual experts working for or with these Organizations or who are part of their networks. Obviously, nothing will prevent States Parties to request advice from individual experts. However, the distinction between "institutionally provided advice" by the World Heritage Centre and/or the Advisory Bodies and "advice provided independently by experts or other bodies", is fundamental for the proper implementation of this process, in terms of the statutory framework of the Convention. This is a further reason why the registration of requests for Upstream Process advice is required.

B. Operational aspects

Format

41. The use of a harmonized official *Upstream Process Request Format* is a necessary step to ensure the effective and equitable implementation of the Upstream Process, as confirmed by the replies to the Survey (**Question 1**). It will enable to make a clear distinction between officially recognized Upstream process advice and advice provided independently by experts or other bodies, and will also disqualify requests that cannot be considered as Upstream Process advice. Moreover, it will ensure that all requests are processed in a streamlined and coordinated way and that all the relevant organizations and the Committee are informed about the requests. Finally, it will help prioritizing the requests, as the overall capacity of the Advisory Bodies and the World Heritage Centre to provide such services is far from being endless. On the basis of the experience acquired so far on upstream advice, it appears that under the current conditions it is not envisageable to process more than 10 new upstream process requests per year. A number of States Parties in their replies to the survey mentioned it would be beneficial to have a dedicated team to process Upstream Process requests. While ICOMOS already created a separate team, unfortunately, given the current financial situation this possibility does not seem feasible for the Secretariat at the moment. However the World Heritage Centre may try to adjust its structure in a way to better deal with the increasing workload subsequent to the institutionalization of the Upstream Process.

Prioritization

42. The term most often used in the replies of States Parties to the survey is “prioritization”. Ensuring that the Upstream Process is equally available to all States Parties requiring such assistance was identified as the main challenge, especially with regards to States Parties which lack sufficient resources. The use of a format is essential to apply a prioritization system, and it is necessary to establish such a prioritization system for all requests received in view of ensuring proper follow-up, greater efficiency, transparency and accountability. Thus, the Committee may, if it so wishes, discuss and approve with immediate effect the *Upstream Process Request Format* (included in Annex I to this document) as revised further to the outcomes of the Survey. It may further wish to include this item for examination and possible inclusion as a new annex to the *Operational Guidelines*, during the next revision foreseen at its 43rd session, in 2019.
43. As a means of ensuring a fairer and more equitable use of the human and financial resources available while respecting the priorities that have been set by the Committee, it is also proposed to establish a timeline for receiving and reviewing requests for upstream advice. It is proposed that such requests, using the agreed *Upstream Process Request Format*, be received by the World Heritage Centre by the deadlines of 31 March and 31 October. While such a timeline adds a further procedure to the Convention, it is unavoidable to provide transparency and it will be instrumental to a fair prioritization, as opposed to the “first come, first serve” basis. Thus, all submitted requests for upstream will be reviewed together, regardless of whether they will be funded by the States Parties themselves or through other sources. Two deadlines per year would also avoid waiting for too long before (re)submitting a request.
44. The prioritization criteria to be applied could be aligned with those foreseen in case the annual limit for complete nominations is exceeded (see Paragraph 61.c) of the *Operational Guidelines*). In addition to these criteria, some specific cases might also be addressed in view of providing them some priority – such as mixed nominations, complex serial transnational nominations, etc.

C. Funding of Upstream advice.

45. A growing number of States Parties request upstream advice. But not all of them are able to identify and secure the resources necessary to fund the expertise required. Those who can afford it are not always the ones that are more in need of support, or are not the less represented on the World Heritage List. Therefore, there is a risk of providing greater support only to those States Parties who can pay for upstream advice, thus jeopardizing the universal application of the Convention; and there is also a risk to generate further imbalances in the World Heritage List. Adequate and equitable financing of the Upstream Process is needed to support States Parties requesting upstream advice without having adequate means.
46. For the funding of requests for Upstream support, the line “Advisory missions” of the World Heritage Fund can be used as one option, since its definition given in the *Operational Guidelines*, paragraph 28.f), note 2, states that such missions “can concern provision of “upstream” support and advice on identification of sites, tentative lists ...” This budget line was created by Decision **38 COM 12**, Paragraph 18, to the benefit of States Parties falling within the category of Least Developed Countries, Low-Income and Lower Middle Income Countries. The Committee may wish to add Small Islands Developing States to the priority States Parties. It is important to recall that the “Advisory missions” budget line relates both to state of conservation of World Heritage properties and upstream advice.

47. Upstream support can be requested by eligible States Parties under Preparatory Assistance, within the limits of available resources (for more details, see document WHC/17/41.COM/13).
48. There is also a possibility to advertise upstream requests at fundraising side events held during Committee sessions, and also on the “MarketPlace” webpage of the World Heritage Centre, in order either to raise funds from different types of donors to fund these requests, or to enable contacts for State Party-to-State Party support (for more details on extrabudgetary fundraising or the MarketPlace, see document WHC/17/41.COM/14).
49. The Committee may also wish to create a sub-account for Upstream process within the World Heritage Fund. However, it should be noted that such funding modality has already been used and has yielded rather limited results: the sub-account for Human Resources created by the General Assembly of States Parties (November 2013) reached only 10.5% of its target over 3 years, mostly thanks to a single donor who paid 77.5% of the contributions received. Moreover, the proposed special fee on newly inscribed properties was not considered as a relevant funding source.
50. A concrete measure to feed the sub-account for Upstream Process was suggested by one of the respondents to the survey, namely that an extra fee be added to the cost of upstream advice paid by States Parties which are not eligible for support from the World Heritage Fund. While it is a good principle in itself, such a modality would not bring much funding because of the limited number of requests for upstream advice which can be processed each year (see Paragraph 41 above).

D. Capacity building approach to Upstream Process.

51. It has been noted that advice provided to States Parties in the Upstream Process should go further than the pressing need for the preparation of a single nomination. In other words, the Upstream Process should be an opportunity to also target the longer term perspective by training to the job heritage experts, site managers, professionals in the field of conservation, etc. Therefore, when applying the Upstream Process, it is important to make sure to find ways in which it can be made more effective and become an integral part of enhancing the capacity of States Parties to implement the Convention. In this regard, the successful programme on nominations in Africa, implemented by the African World Heritage Fund (AWHF) in partnership with the Advisory Bodies and World Heritage Centre, could be replicated. It is recommended that other Category 2 Centres give consideration to funding and organizing similar programmes, and that continued support is provided for the next phase of the work of AWHF, in line with the Priority Africa.

V. DRAFT DECISION

Draft Decision: 41 COM 9A

The World Heritage Committee,

1. *Having examined Document WHC/17/41.COM/9A,*
2. *Recalling Decisions 34 COM 13.III, 35 COM 12C, 36 COM 12C, 37 COM 9, 38 COM 9A, 39 COM 11 and 40 COM 9A, adopted at its 34th (Brasilia, 2010), 35th (UNESCO, 2011), 36th (Saint-Petersburg, 2012), 37th (Phnom Penh, 2013), 38th (Doha, 2014), 39th (Bonn, 2015) and 40th (Istanbul/UNESCO, 2016) sessions respectively,*

3. Also recalling the integration of the Upstream Processes in Paragraphs 71 and 122 of the Operational Guidelines,
4. Further recalls that, in order to be effective, the upstream support should ideally take place at an early stage, preferably at the moment of the preparation or revision of the States Parties' Tentative Lists, and takes notes that this has also been reiterated by the outcomes of the online survey on the Upstream Process;
5. Welcomes all the actions undertaken to improve the processes and practices prior to the consideration of nominations by the World Heritage Committee, and commends the States Parties, the World Heritage Centre and the Advisory Bodies for the pilot projects that registered progress;
6. Also welcomes the launch of the online survey on the Upstream Process and the in-depth reflection undertaken by the World Heritage Centre and the Advisory Bodies; and warmly thanks the States Parties which have participated in the online survey, for their valuable input and comments;
7. Expresses its appreciation to the World Heritage Centre and the Advisory Bodies for presenting proposals to ensure the effective and equitable implementation of the Upstream Process for its consideration;
8. In view of ensuring proper follow-up, greater efficiency, transparency and accountability as well as streamlining and improved coordination of the required actions following requests for upstream advice, approves with immediate effect the revised Upstream Process request format contained in Annex I to Document WHC/17/41.COM/9A and requests the Secretariat to include this item for examination and possible inclusion as a new annex to the Operational Guidelines during the next review of the Operational Guidelines at its 43rd session in 2019;
9. In view of the outcome of the online survey, also takes note of the proposed amendments to footnote of Paragraph 122 of the Operational Guidelines contained in Document WHC/17/41.COM/9A, which aims to provide useful and clear guidance to States Parties on questions relating to the implementation of the Upstream Process, and also requests the Secretariat to include this item for examination and possible inclusion in the Operational Guidelines during the next review of the Operational Guidelines at its 43rd session in 2019;
10. Recognizing the limited available capacity of the World Heritage Centre and Advisory Bodies, and on the basis of the experience acquired so far in providing Upstream advice, further takes note that it is not feasible to process more than ten new Upstream Process requests per year and decides that this limit will be applied on a trial basis for 2 years starting in 2018;
11. Also decides that the Upstream Process requests will be reviewed and prioritized twice a year with deadlines for submission to the World Heritage Centre on 31 March and 31 October through the mechanism of Paragraph 61.c) of the Operational Guidelines;
12. In order to ensure a fairer and more equitable use of the resources available, whether in terms of funding or in terms of staff, further decides to apply the prioritization system established by the mechanism of Paragraph 61.c) of the Operational Guidelines in conjunction with the criteria of eligibility for receiving financial support for the provision of upstream advice;
13. Decides furthermore that the States Parties who may benefit from the "Advisory Missions" budget line within the World Heritage Fund, including for upstream support, will be limited to those falling within the categories of Least Developed Countries, Low-Income and Lower-Middle Income Countries and Small Islands Developing States;

14. *Decides moreover to establish a sub-account within the World Heritage Fund, to be used exclusively for funding requests for upstream support, and to be funded by voluntary contributions;*
15. *Further requests the World Heritage Centre, in collaboration with the Advisory Bodies, to present a progress report on the ongoing pilot projects as well as on the implementation of Upstream Process requests received, for consideration by the World Heritage Committee at its 42nd session in 2018.*

1. State(s) Party(ies)**2. Object of the advice requested from WHC or the Advisory Bodies** (Please tick the corresponding box) Development, revision or harmonization of Tentative List(s) Potential future nomination – If applicable, name of the site(s)

Brief description of the site (summary of factual information and qualities of the site) (if applicable)

3. Expected time frame for the realization of the Upstream Process

4. Would a site visit be necessary? Yes No

5. Availability of funds to implement the request (Please indicate how you intend to cover the costs related to the implementation of the Upstream Process request. Please also indicate whether you plan to apply for assistance from the World Heritage Fund, if eligible (International Assistance mechanism or Advisory Missions budget line) or from another funding source).

6. Any additional information you may wish to provide

7. Contact information of the responsible authorities (name, title, e-mail, telephone)

8. Signature on behalf of the State(s) Party(ies)

The original signed version of the completed Upstream Process request form should be sent in English or French to:

UNESCO World Heritage Centre

7, place de Fontenoy

75352 Paris 07 SP

France

Telephone: +33 (0)1 45 68 11 36

E-mail: wh-upstream@unesco.org