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## **The World Heritage Convention at 50: management, credibility and sustainable development.**

### Abstract

#### Purpose

The World Heritage Convention has reached a milestone and this year, in 2022, it is celebrating its 50<sup>th</sup> anniversary. The aim of this article is to review whether and how the goals of the Strategic Action Plan (SAP) for the Implementation of the World Heritage Convention (2012-2022) have been reached.

#### Methodology/approach

This article starts by considering the outcomes for three of the SAP goals, dealing with protection and management; the credibility of the World Heritage List; and sustainable development, using additional information from the final implementation report of the SAP (UNESCO, 2021a), which provides key performance indicators and the implementation status for each goal and associated outcomes. This article then compares and contrasts available data, trends, and examples to provide more in-depth analyses of the implementation of the three goals. Data have been gathered from my own research and from the work of other academics and practitioners.

#### Findings

The article finds several key positive changes, including the recent revisions of the Operational Guidelines to include provisions from the 2015 Policy on World Heritage and Sustainable Development. However, a number of concerning or worsening trends relating to the protection and management of the World Heritage List, its increasing lack of credibility, and sustainable development make it difficult to conclude that the implementation of the goals has been positive. The article concludes with suggestions for addressing these issues.

#### Originality

This paper fills a gap, as not much has yet been published on the state of implementation of the Convention at 50 years old.

**Keywords:** World Heritage, UNESCO; protection and management; credibility; sustainable development; community; human rights; critical heritage; evaluation; danger; climate change

### **Introduction**

The World Heritage Convention has reached a milestone and this year, in 2022, it is celebrating its 50<sup>th</sup> anniversary. At 50, it is undeniably the most successful programme of UNESCO. It is also one of the legal frameworks most analysed by academics (e.g. Di Giovine, 2009; Taruvinga, 2022; Larsen and Logan, 2018; Makuvaza, 2014; Meskell, 2018), with the 40<sup>th</sup>

anniversary marking a time of renewed interest in the convention (see e.g. Labadi, 2013; Buckley, 2014; Meskell, 2013).

However, not much has been yet published on the state of implementation of the World Heritage Convention at 50. This article aims to fill this gap by reviewing the implementation of the document that has guided the past ten years of the convention: the Strategic Action Plan (SAP) for the implementation of the World Heritage Convention (2012-2022), adopted by the General Assembly of States Parties in 2011 (UNESCO 2011). This plan is structured around a revised consideration of the 5C (Credibility, Conservation, Capacity-building, Communication, Communities), that are long-term strategic objectives adopted in Santa Fe in 1992. The SAP recognises six priority goals to be implemented between 2012 and 2022, with Goal 1 focusing on protection and management; Goal 2 on the credibility of the List; Goal 3 on sustainable development; Goal 4 on communication; Goal 5 on coordination with UNESCO's broader objectives on culture; and Goal 6 on institutional issues (e.g. workload, budget, secretariat support).

This article will focus on the first three goals, which are considered core issues of the implementation of the Convention. These are the protection and management of sites; the World Heritage List and the Outstanding Universal Value (OUV) of sites; and the link with broader sustainable development issues. They are indeed the topics the Committee focuses on, during its annual session, demonstrating their importance. In 2021, for instance, the committee spent a little more than 11 days out of its 14 days of meeting discussing the content of these three goals. Such a focus will ensure in-depth consideration of these fundamental issues. The aim of this article is to assess whether and how these goals have been fulfilled. In addition to the Strategic Action Plan for the Implementation of the World Heritage Convention (2012-2022), the starting point for the evaluation of each theme is the final implementation report of the SAP (UNESCO, 2021a), which provides key performance indicators and an implementation status for each goal and associated outcomes. These two documents will then be evaluated in light of official reports and records of the World Heritage Committee meetings, academic papers, and my own research and expertise.

### **Protection and management**

The first goal of the SAP aims to maintain the Outstanding Universal Value (OUV) of World Heritage sites (UNESCO, 2011: 7). To be inscribed on the List, sites have to be of 'outstanding universal value', as explained and justified in their nomination dossiers, and using the Operational Guidelines<sup>1</sup>. The first outcome associated with this goal is for statements of OUV to be the basis for the protection and management of sites. The final (2021) implementation report of the SAP identifies, as one of the successful key performance indicators achieved, that all the properties on the List now have approved statements of OUV (UNESCO, 2021a: 4). The second and third outcomes refer to the setting up of monitoring mechanisms and the transparent and consistent implementation of requirements for the conservation of these OUVs (UNESCO, 2011: 7). The 2021 implementation report also highlights, among the positive results, the establishment of a state of conservation information system that documents the threats faced by properties, and their evolution through time. Whilst all these efforts are laudable, various World Heritage sites have struggled to reach Goal 1, because some of the mechanisms for monitoring the state of conservation and addressing ascertained or potential threats are inadequate.

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<sup>1</sup> In previous publications (see Labadi, 2013) I have critically assessed this notion. Here, I am not questioning the existence of what could be 'outstanding universal value', in order to assess whether the SAP has been implemented.

One such mechanism is the List of World Heritage in Danger (LID), which is the key system for sites which OUV is or seems to be at risk. A few States Parties, the World Heritage Centre and the Advisory Bodies (ICOMOS, IUCN, and ICCROM) have promoted this list as a positive mechanism for international cooperation and action at sites in danger (Hølleland, Hamman and Phelps, 2019: 38). However, most countries view the LID as a penalty and have often raised arguments at World Heritage Committee meetings that are intended to allow them to avoid having their properties being put on it (see also Brown, Liuzza and Meskell, 2019). As a result of this ambiguous, even negative understanding, only 52 World Heritage sites are on the LID (as of mid-2022) and some sites which OUV is threatened are missing. Ironically, this reflects an inverse process to the inscription on the World Heritage List. On the one hand, the World Heritage Committee inscribes sites on the List that have not been recommended for inclusion (see below); on the other hand, it refuses to inscribe sites on the LID when proposed during its annual meeting. The year 2017 and 2018 were particularly striking when 23 sites and 17 sites were respectively considered for inscription on the LID, but only 2 in 2017 and 1 in 2018 were inscribed on the List, according to data published by Brown, Liuzza and Meskell (2019: 294).

There are many examples of sites whose OUV is threatened, but which have not been inscribed on the LID. The most recent examples occurred at the 2021 Committee meeting. ICOMOS and IUCN recommended the inscription of seven sites on the LID, including Venice (Italy), the Kathmandu Valley (Nepal), and Australia's Great Barrier Reef, but none of these proposals were approved. This led the World Heritage Watch to conclude that 'Governments are allowed to continue neglecting or damaging their World Heritage sites as before' (Doempke, 2021). One hypothesis explaining this situation is that the dangers are not ascertained, and that the recommendations from the Advisory Bodies are too alarmist, and do not reflect the situation on the ground. However, this hypothesis does not seem to be correct, and the proposed sites faced dangers that would have justified their inscription on the LID. The situation of the Great Barrier Reef in Australia looks particularly dire: the reef is highly vulnerable and in the past three decades, it has lost half its coral cover, pollution has caused deadly starfish outbreaks, and global warming has produced coral bleaching (UNESCO, 2021b: 83-87). The 2021 opening of Carmichael Coal Mine in Queensland will undoubtedly accelerate the heating of the oceans with the burning of coal and carbon pollution, and hence accelerate the negative impacts on the reef. Venice is also an alarming case, although the Italian State banned large cruise ships from sailing through the city's lagoon in July 2021. Despite this positive move, Venice is still suffering from ground water pollution, erosion of the lagoon by increased tourism traffic, new marine transport infrastructure with the development of ports, and the installation of non-renewable energy facilities (UNESCO, 2021b: 43-47). The refusal to put such sites on the LID demonstrates how difficult it is to use this mechanism for its intended use.

However, inscription on the LID does not necessarily protect the OUV of properties, as this change of status has come too late in a number of cases. In 2019, for instance, the Islands and Protected Areas of the Gulf of California (Mexico) were included on the LID. However, IUCN lamented that this listing had been rejected in previous committee meetings, and in the meantime the vaquita porpoise, one of the world's 100 most threatened species, has come close to extinction (Einhorn and Ramos, 2022). This property was inscribed on the List, among other reasons, under criterion (x) because of the diversity of its dolphin species, including the vaquita, with the Upper Gulf of California being the only place on Earth where this aquatic mammal is found. Worse, reports released since 2019 indicate that the situation of the vaquita and other fish species has deteriorated to point of their imminent extinction, due to the lifting of a 'no tolerance' zone in the Upper Gulf of California and the opening up of this area to fishing

(UNESCO, 2021c. 69-72). The List of World Heritage in Danger is supposed to help States which have sites facing threats, but in reality it has sometimes been deliberately avoided, and many World Heritage properties are deteriorating as a result. When it has been used, it has sometimes been too late and the remedial efforts insufficient to avoid further degradations.

An important change, though, has been the 2013 adoption of a desired state of conservation for removal (DSOCR), to identify corrective measures for the removal of a site from the List of World Heritage in Danger. However, as of 2021, only 19 properties had a DSOCR, a situation which has led the World Heritage Centre to conclude that ‘it is deeply concerning that almost two thirds of all properties on the List of World Heritage in Danger do not yet have a DSOCR’ (UNESCO, 2021d: 13). Since 2013, only properties that have had a DSOCR in place have been removed from the LID. The lack of DSOCR might help to explain further States Parties’ reluctance to use the LID. In addition, the predominant reason for inclusion on the LID is war and civil unrest, for example illustrated in the past ten years by the inclusion of sites from Iraq, Libya, Mali, Syria, and Yemen. The unstable political situations in these countries make it impossible to draft DSOCRs, which are the responsibility of States Parties. As documented elsewhere, the LID has not only been understood as targeting sites of war and civil unrest, but also as targeting specific regions – Africa and the Arab States – considered to be more ‘dangerous’ for World Heritage properties than other regions (Brown, Liuzza and Meskell, 2019). Indeed, as of early 2022, two thirds of the World Heritage sites in danger are in the Arab states (40%) and in Africa (29%) and this is a long-established trend, as detailed elsewhere (Bandarin and Labadi, 2007: 44). The continuous over-representation of specific regions reflects wider geopolitical inequalities and biases, rather than uneven distribution of dangerous situations. Other biases can explain the decision to delist sites from the LID. Over the past ten years, one site was delisted: Liverpool Maritime Mercantile City (United Kingdom of Great Britain and Northern Ireland) in 2021, a move that followed the delisting of the Arabian Oryx Sanctuary in Oman (2007), and Dresden Elbe Valley in Germany (2009). The delisting of Liverpool was extensively commented on in light of the different treatment of other cities and sites by UNESCO. For example, the organisation has not objected to high-rise constructions around the Tower of London, which is now surrounded by some of the tallest new buildings in Europe, dramatically changing the historic setting of this World Heritage site (Parkinson, 2021). These political decisions and wider geopolitical understandings are at odds with requests in the 2011 SAP for the transparent implementation of requirements for the conservation of sites’ OUV.

Hence the LID faces many limits, preventing it from fulfilling Goal 1 of the SAP. Beyond this specific mechanism, there are other issues limiting the regular monitoring of site OUVs. In particular, governments are obliged under the rules of the Convention to submit projects for review before their adoption. Paragraphs 118bis and 172 of the Operational Guidelines are particularly clear that States Parties should inform the World Heritage Centre and the Committee of any proposed change which might affect the OUV of sites, so that an appropriate solution is found to protect the properties. However, as these guidelines are non-binding, many States Parties do not follow them. As a result, a third of the state of conservation reports (69 of 202 draft decisions) presented at the 2021 World Heritage Committee reported that governments had not respected the Operational Guidelines and had not submitted projects for review before their adoption (World Heritage Watch, 2021). As many states of conservation reports are adopted without discussions, development projects often go unchecked without any proper monitoring mechanisms. As the World Heritage List is expanding without appropriate human support at UNESCO, the situation is worsening and projects in many properties are unmonitored. However, even when large-scale projects are closely monitored, States Parties are

able to devise various strategies to ensure that their development projects go ahead. In the case of Mapungubwe Cultural Landscape (South Africa), for instance, the buffer zone was reduced in 2014, ensuring that coal mining activities take place outside of this zone and of the core World Heritage site; and negotiations at the World Heritage Committee (when South Africa was a member between 2009 and 2013) ensured that these activities could continue as long as they were ‘closely monitored’ with a Heritage Impact Assessment (HIA). However, as explained elsewhere, (Labadi, 2017: 52), the HIA does not focus on the OUV of the inscribed site but on archaeological sites directly affected by mining. Whilst South Africa was supposed to submit a report on the State of conservation of Mapungubwe Cultural Landscape for consideration in 2020/1, it failed to do so, and it seems that there has been no consequence for this so far. Now that the site is under the radar, there are reports that new prospecting licenses have been granted for coal mining, including at least one within the remaining buffer zone <sup>2</sup>. Hence, States Parties are able to develop various strategies and political manoeuvres, including negotiations at the World Heritage Committee; changes to the site boundaries; impact assessments that do not focus on the site; and lack of submission of state of conservation reports, to ensure that (development) projects go ahead even though they might be detrimental to the OUV of sites (see also Meskell, 2014). With the yearly increase of sites on the World Heritage List, the lack of staff at UNESCO, and the limited time for the World Heritage Committee meeting, this trend can only continue and intensify.

These negative trends demonstrating the difficulty in maintaining the OUV of World Heritage sites are confirmed by the IUCN World Heritage Outlooks. Released in 2014, 2017, and 2020, these reports aim to provide a rapid understanding of the state of conservation of all the natural and mixed World Heritage properties. The latest report raises the alarm that the outlook for natural and mixed WHS is not improving. In particular, IUCN notes that 30% of sites present an outlook of ‘significant concern’ and 7% of ‘critical status’. Besides, when comparing results for the 228 sites inscribed on the World Heritage List up to 2014, for which comparisons between the three assessments can now be made, sites whose conservation outlook is assessed as ‘good’ continue to decrease (from 47 to 43 to 40 in 2014, 2017, and 2020, respectively). IUCN concludes that this is a ‘concerning trajectory’ (Osipova, et al; 2020: ix), as even the most well-managed and pristine properties are increasingly facing threats, primarily from climate change and development pressures. These trends demonstrate how the values of World Heritage sites are increasingly entangled in wider issues over which are difficult to control.

Whilst Goal 1 of the SAP aims to ensure that the OUV of World Heritage sites is maintained, this section has demonstrated that current mechanisms might not adequately ensure that this goal is fulfilled, despite some positive changes. There are many reasons for this state of affairs. One reason is that the LID is considered a sanction to be avoided by States Parties. Another is that, in some cases, inclusion on the LID has been too late or has had no impact on the deterioration of sites. In addition, because of the sheer volume of sites on the World Heritage List, the limited manpower of UNESCO, the limited time of the Committee, and the lack of compliance with regulations by governments, a number of states of conservation (particularly new developments) go unchecked and do not conform to the Operational Guidelines. Is this an increasing trend? The longitudinal analyses of natural and mixed sites since 2014, undertaken by IUCN, indicate that the states of conservation of sites are worsening over the years, due mainly to development issues and climate change. It would be surprising if these trends were not the same for cultural heritage, which is affected by the same issues.

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<sup>2</sup> <https://oxpeckers.org/2020/02/mining-mapungubwe/>

## Credibility

The second goal of the SAP aims to ensure that ‘The World Heritage List is a credible selection of the most outstanding world’s cultural and natural heritage’. It has two outcomes, the first of which is for ‘activities under the Global Strategy for a representative, balanced and credible World Heritage List (to) reflect agreed priorities and (be) consistent with the Convention’. The second is for the ‘Inscriptions on the World Heritage List (to) fully meet requirements set out in the Operational Guidelines’ (UNESCO, 2011: 7). The first outcome makes a direct reference to the Global Strategy for a representative, balanced, and credible World Heritage List. Adopted in 1994, the Global Strategy aims to rectify ‘the imbalances on the List between regions of the world, types of monument, and periods, and at the same time (...) move away from a purely architectural view of the cultural heritage of humanity towards one which was much more anthropological multi-functional and universal’ (UNESCO, 1994: 4). As of 2022, 47.23% of the natural, cultural, and mixed properties on the World Heritage List are in Europe and North America. In 2004 an analysis of the first ten years of implementation of the Global Strategy concluded that ‘as of 2004, 55% of the cultural and mixed cultural and natural heritage sites on the World Heritage List are located in Europe and North America. This proportion is exactly the same as that in 1994’ (Labadi, 2005: 92). Meskell, Liuzza, and Brown even stress that this inequality goes back to the very beginning of the World Heritage List in the late 1970s (2015: 445).

It is fair to conclude that this imbalance between the regions of the world has not significantly changed over the past ten years and reflects a trend that has always existed. Europe and North America have always dominated, and still dominate the World Heritage List. Of course, balance should not only be about equal numbers of sites between regions. Yet the continuous *over-representation* of Europe and North America (almost half of the World Heritage sites are still in these regions) is problematic, not least because it maintains the illusion that the heritage of importance is in the West. In other words, this overrepresentation creates a hierarchy, with the heritage of Europe and North America being considered more valuable than the heritage of other regions. China is one exception, and with its 56 World Heritage sites, it has more properties than most European countries, including France or Spain. Yet, the implementation of the convention in China has followed a Eurocentric approach (see for instance Zhu, 2015), maintaining the illusion that the centre of heritage conservation and management is in this region. Yet, despite this large number, the Asia- Pacific region still only represents 25% of the sites on the List, and is dwarfed by the Europe and North America region. Worse, the underrepresentation of World Heritage sites in Africa on the List and the overrepresentation of its sites on the LID perpetuates stereotypes inherited from colonial times, that the sites from this region are not as important than those in Europe and that, when inscribed, African sites face ‘dangerous’ situations that require their inclusion on the LID and the intervention of the international community.

A number of decisions have been taken to address this long-term situation, and some are listed in the final (2021) implementation report of the SAP, as ways to achieve the first outcome of Goal 2. As early as 1999, the General Assembly invited States Parties whose properties were well represented on the List to space their nominations; suspend the presentation of new nominations; and propose only properties from under-represented categories or transnational nominations with States Parties whose heritage is under-represented (UNESCO, 1999). Since 2000, the World Heritage Committee has also limited the number of properties that a State Party can nominate and the number of sites that the Committee reviews each year. These measures have had only very limited impacts. States Parties in Europe and North America have had more

of their properties inscribed on the List than any other region every year for the past ten years<sup>3</sup>. States Parties with numerous World Heritage sites continue to have more sites inscribed each year. In 2021, for instance, Germany had six properties inscribed on the List (four of them with other countries) and France had four (two of them with other countries), although this stood for two cycles (as there was no Committee in 2020 due to the Covid- 19 pandemic). Transnational nominations were proposed with States Parties that already have a high number of sites on the List, as illustrated by the Great Spa Towns of Europe nominated by France with Austria, Belgium, Czechia, Germany, Italy, and the UK and inscribed in 2021. The final implementation report of the SAP laments the fact that States Parties with numerous World Heritage sites continue to have more sites inscribed each year (UNESCO, 2021a: 33).

There is a widely held belief that this over-representation results from Western countries having more resources to mobilize for preparing nomination dossiers (see Van der Aa, 2005). This is a plausible explanation. Yet, it also seems that the concept of World Heritage has not moved on from its architectural and Eurocentric roots. As quoted earlier, the global strategy aimed to move beyond this architectural understanding to embrace more anthropological and plural considerations of heritage. Ndoro and Wijesuriya (2015: 143) have discussed different examples in Africa and explained how difficult it has been for UNESCO and the Advisory Bodies to move beyond a Eurocentric and material understanding of heritage. Rwanda is one example discussed by Ndoro and Wijesuriya (*ibid.*). When advising on Rwanda's tentative list, UNESCO and ICOMOS experts promoted the inclusion of cathedrals, churches, and archaeological sites, whilst the State Party wanted to nominate sites associated with the genocide. Not only did these proposals for inclusion on Rwanda's tentative list promote very narrow, Eurocentric understandings of heritage; but they also aimed to move away from sites that would shed a negative light on France, whose responsibility in the genocide has been recognised (Ndoro and Wijesuriya, 2015: 143). Zimbabwe is another case discussed. ICOMOS refused to include Njelele (a sacred site) as part of the nomination of the Matobo Cultural Landscape of Zimbabwe, as it considered the tangible elements (the rock art) as being of greater value than the ritual and religious aspects (*ibid.*). Hence, understandings of heritage for the Advisory Bodies and UNESCO are still at odds with what African states view as heritage, further explaining the lack of sites from this region on the list (see also Di Giovine for similar views, 2021).

The second goal of the 2011 SAP has another outcome, to ensure that 'Inscriptions on the World Heritage List fully meet requirements set out in the Operational Guidelines'. The key requirement of this document is for all inscribed properties to demonstrate that they are truly of Outstanding Universal Value and fulfil the criteria for inscription. Whilst the previous section analysed whether the OUV of inscribed sites was maintained, the following paragraphs consider whether sites inscribed are really of OUV. A number of mechanisms have been introduced in the past ten years and are listed in the final implementation report of the SAP, including the upstream process that enables the Advisory Bodies and the World Heritage Centre to provide advance support in the form of advice, consultation, and analysis, directly to States Parties prior to the preparation or submission of a nomination.

However, the so-called 'politicisation' of the World Heritage Committee should be considered when assessing the implementation of this outcome. Politicisation refers to the fact that the World Heritage Committee, when assessing nominations, deviates from the recommendations put forward by the Advisory Bodies (ICOMOS and IUCN), and in the process overlooks

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<sup>3</sup> The data is available from: <https://whc.unesco.org/en/list/stat>



provisions from the Operational Guidelines. This non-alignment between the decision of the World Heritage Committee and the recommendations from the Advisory Bodies is quite common nowadays, as revealed by available figures. The majority of Advisory Bodies recommendations are now modified by the Committee. In 2016, 86% (12 out of 14) of the Advisory Bodies recommendations for referral, deferral, and non-inscription of nominations were not followed by the Committee; in 2017, this was 87% (14 out of 16); in 2018 it was 87% (14 out of 16); and in 2019 it was 73% (8 out of 11) (Ishizawa and Westrik, 2021: 21). Whilst these trends are not new (as explained for instance by Buckley, 2014: 38-52 and Meskell *et al.*, 2015: 429) and whilst UNESCO at large has regularly been described as a ‘politicised’ organisation (e.g. Lyons, Baldwin and McNemar, 1977; Labadi 2022), they have increased over the past ten years, to the point where most of the Advisory Bodies recommendations for referral, deferral, and non-inscription are now overturned. Overturning the recommendations of the Advisory Bodies by the Committee has become the norm.

In addition, a new trend has emerged. In 2018, the Committee turned two recommendations for non-inscription onto the World Heritage List into inscriptions for the first time (namely the Al-Ahsa Oasis, an Evolving Cultural Landscape in Saudi Arabia; and the Naumburg Cathedral in Germany). This is what is referred to as a ‘triple jump’; when a property is recommended for non-inscription by at least one of the Advisory Bodies, but is subsequently inscribed on the List by the World Heritage Committee without considering deferral or referral. This triple jump occurred again in 2019, when the Historic Centre of Sheki with the Khan’s Palace in Azerbaijan went from a recommendation for non-inscription to an inscription. In 2021, this triple jump did not happen, as the five sites recommended for non-inscription were withdrawn by the relevant States Parties before the Committee meeting. This triple jump means that the sites inscribed on the List do not have Outstanding Universal Value, according to the Advisory Bodies’ technical evaluations. Let us return to the example of the Naumburg Cathedral in Germany. Nominated three times with different boundaries by Germany, it was ultimately nominated on the basis of cultural criteria (i), (ii) and (iv) in 2018. In its evaluation, ICOMOS considered that none of the criteria were met: the artistic significance of the property was not sufficient to be deemed of OUV; the cathedral did not demonstrate the qualities of interchange required by criterion (ii); and the comparative analysis did not demonstrate a significant stage in human history in an outstanding way (ICOMOS, 2018). Yet, the property was inscribed on the List under criteria (i) and (ii). During previous debates on this property at its 2017 session, the Committee changed the ICOMOS recommendation for non-inscription into a referral, even though the evaluation clearly indicated that the site had no OUV (ICOMOS, 307-318), referring to the ‘given Outstanding Universal Value of the Naumburg Cathedral’ (ICOMOS, 2018: 1). During the debates at its 2018 session, the Committee only had to refer to its 2017 decision to be able to overturn any recommendation for non-inscription. These examples demonstrate that sites are inscribed on the List without fully meeting the requirements of OUV as set up in the Operational Guidelines, and according to the evaluations of the Advisory Bodies

However, the potential OUV also seems to be missing for a number of deferred sites that were subsequently inscribed on the World Heritage List. This is the case, for instance, for the Porticoes of Bologna (Italy), recommended for deferral by ICOMOS but inscribed on the World Heritage List in 2021. In its evaluation, ICOMOS indicated that it did not consider that any of the cultural criteria had been demonstrated. The State Party was advised to completely reconsider its nomination from a ‘catalogue of porticoes’ to a more complex consideration of these monuments as shaping urban identity and the social dynamics of the city. However, they were inscribed only as a catalogue of porticoes. These examples demonstrate the non-alignment between the decision of the Committee and that of the Advisory Bodies. A key question is of

course who should determine the Outstanding Universal Value of properties. Should it be ICOMOS' technical evaluations or the Committee's political negotiations? At the heart of this question is the issue of heritage values, which are always negotiated, as they are subjective. Yet, the World Heritage Committee is made of diplomats and civil servants whose decisions tend to be politically and economically motivated. Hence whether a site has OUV is now more a political and diplomatic matter, than a technical one (see also Meskell, 2018 for further discussions on this matter).

It is therefore fair to conclude that the second goal of the SAP has faced a number of significant challenges in being fulfilled, and that there are some serious issues with the 'credibility' of the World Heritage system, from European States Parties continuing to have high numbers of properties inscribed on the List on a yearly basis, to the Eurocentric understanding of heritage by the Advisory Bodies, and the World Heritage Committee overturning most recommendations by ICOMOS and IUCN in order to ensure that a maximum number of sites are inscribed on the List each year. As a result, many sites do not meet the requirements of the Operational Guidelines.. However, the SAP does not only cover issues of credibility and conservation, but also of sustainability, which has become an increasingly important concept.

### **Sustainable development.**

Goal 3 of the SAP aims to ensure that 'heritage protection and conservation considers present and future environmental, societal and economic needs'. A unique outcome was identified for this goal: the 'increased consideration of sustainable development through connecting conservation to communities'. This planned outcome is rather ambiguously phrased, as a connection with community can be understood in various ways. The 2021 implementation report lists as a key implementation status the enactment of principles of the 2011 Recommendation on the Historical Urban Landscape and of the 2015 World Heritage Sustainable Development Policy. The 2015 policy, in particular, is a key document which identifies, for the first time, specific mechanisms to ensure that World Heritage sites comply with, and are managed and interpreted according to principles of inclusive economic development, social responsibility, environmental protection, and peace and security (see Labadi, 2019a for further information). The 2021 implementation report of the SAP also noted that the key principles of the 2015 policy have been included into the Operational Guidelines. Hence, in theory, when implementing the World Heritage Convention, its actors should respect the principles of the 2015 policy. Of particular relevance for Goal 3 of the SAP is paragraph 12 of the Operational Guidelines, which encourages States Parties to 'adopt a human-rights based approach, and ensure gender-balanced participation of a wide variety of stakeholders and rights-holders, including (...) indigenous people in the identification, nomination, management and protection processes of World Heritage properties' (UNESCO, 2021e). Changes to this paragraph since the adoption of the 2015 policy include reference to a human-rights based approach, gender balanced participation, and to indigenous people. The sections on tentative lists, nomination dossiers, and management plans reiterate the request for the wider participation of all stakeholders, including local communities and indigenous people. The 2015 Policy has led to changes to paragraph 119, which now encourages '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' (Ibid.). Finally, paragraph 123 now encourages States Parties 'to prepare nominations with the widest possible participation of stakeholders and shall demonstrate, as appropriate, that the free, prior and informed consent of indigenous peoples has been obtained, through, inter alia, making the nominations publicly available in appropriate languages and public consultations and hearings' (Ibid.). The request for the free, prior, and

informed consent of indigenous people for the nomination of sites should be recognised as a milestone. In parallel, since the adoption of the 2015 policy, efforts have also been made to ensure that its principles are being applied at site level, ensuring that the World Heritage label benefits locals (Mwithokona, 2020: 65-76); that it moves away from the sole reliance on international tourism towards promoting farming projects for increased food security; and that management plans are aligned with the principles of the 2015 policy (Matswiri, 2020: 53-64; see also Labadi et al, 2020), adding local successes to those that have already been recorded elsewhere (Galla, 2012).

However, at least three key issues have prevented Goal 3 being fully implemented at World Heritage sites. The first is that, all too often still, in the name of heritage preservation, the rights of communities are violated and the Operational Guidelines not respected. One telling example is the inscription of the Kaeng Krachan National Park in Thailand under criterion (x) in 2021, following the 2021 recommendation for deferral by IUCN that came after three previous referrals (in 2015, 2016, and 2019). Concerns about the documented and recurring violations of the rights of the Karen people, the forced evictions of members of this community from the national park which is their traditional homeland, and the murders and disappearances of human rights defenders were raised in the IUCN evaluation of the nominated property. A joint letter on the situation of the park was also sent to the Committee, signed by the UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment; the UN Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the rights of indigenous peoples. Both the IUCN's recommendation for deferral and the UN Special Rapporteurs' letter made clear that the inscription of the Kaeng Krachan National Park constituted a violation of the human rights of the Karen people. In raising their case they listed the paragraphs from the Operational Guidelines included following the 2015 Policy on World Heritage and sustainable development. However, none of these recommendations and concerns were taken into account and the site was inscribed on the World Heritage List anyway. The World Heritage Committee allowed the UN Special Rapporteur on the rights of indigenous people to speak only after the inscription of the park on the World Heritage List had taken place. This example suggests that no matter how many detailed references concerning the rights of (indigenous) communities and the need for balanced and equitable benefits for all rightsholders the Operational Guidelines contain, it is still possible for governments to ignore them and for the sites to be inscribed. Worse, such inscription and the violation of rights had no immediate consequence and following the inscription of the park, the World Heritage Committee continued undisturbed. It is fair to conclude that (natural) heritage conservation is still at times considered more important than other matters, including the rights of communities to live on those properties.

Another issue preventing Goal 3 from being fulfilled relates to World Heritage sites being protected at national level. As a result, in a number of countries, site managers report to their ministries and not to local communities. These managers have no mandate to involve local communities and at times only lip service is paid to their involvement. An interesting example is the case of the Bassari Country: Bassari, Fula and Bedik Cultural Landscapes in Senegal, inscribed under criterion (iii), (v), and (vi) to acknowledge the agro-pastoral, social, ritual, and spiritual practices of the Bassari, Bedik, and Fula people and how they have provided outstanding and original responses to natural environmental constraints and anthropic pressures. The inscription of this property has been part of wider and more ambitious plans for heritage conservation, and for sustainable and community development (see Labadi, 2022). At the heart of these plans and of the World Heritage site, a community village was built for poverty reduction through the provision of accommodation and crafts for tourists; the

enhancement of food security through a community garden; and the empowerment of women through their participation in all the planned activities. However, this community village has failed and is now empty and crumbling, slowly becoming a ruin.

The failure of this project has already been discussed elsewhere (Labadi, 2022). Here, I want to look at how this project prevented Goal 3 and its outcome from being realised. When I enquired why the community village was empty and the surrounding communities did not have access to it (as the village is closed off by an imposing gate and a security guard), I was reminded that the World Heritage site belongs to the state of Senegal. Therefore, the site manager is accountable to the Ministry of culture. In the words of one interviewee: ‘It is not to this population that we must report’<sup>4</sup>, which is quite ironic for what is supposed to be a structure for locals. This quote also reflects the disdain and contempt with which the local ethnic minorities are treated. This is not necessarily surprising, as many ethnic minorities all over the world are treated as inferior and pre-modern and have been discriminated against (Churchill and Smyth, 2016). I constantly encountered such distrust of the local ethnic minorities, from the massive gate protecting the community village in Bandafassi, to the security guard instructing me not to go out of the village on my own, and the prefect (the official representative of the state in the region) confusing the ethnic background of his own staff. The financial settlement between the Ministry of Culture/site manager and the locals also reveals unequal power relations between the different stakeholders. It was originally agreed that 7% of the revenue generated by the village (through tourists staying there, for example) would be redistributed to the locals, the rest being kept by the site manager/Ministry of Culture. In reality, the community gets nothing. The creation of the community village has thus clearly resulted in the appropriation and control of the land and in the confiscation of its associated revenues by representatives of the state, which has also been documented at other sites in Sub-Saharan Africa (see Nelson, 2012: 361-362 and Ake, 1996 amongst others). This example illustrates that Goal 3 faced issues in being implemented because some site managers, as state civil servants, have no duty to report to or involve locals; because ethnic minorities on World Heritage sites too often face distrust and disdain (a lens that can also explain the case of Kaeng Kraran National Park); and because of the unequal power relations between different rights holders that can lead to the economic benefits of heritage tourism being stolen by the more powerful groups (see also Labadi, 2019b).

A final issue for the implementation of Goal 3 relates to some of the core concepts of the World Heritage Convention, in particular the notion of ‘authenticity’. The meaning of this term has changed over time from a static understanding focused on design, material, workmanship, and setting to the more dynamic definition found in the Nara Document. Despite the official inclusion of more dynamic understandings of authenticity and the direct references to the Nara Document in the Operational Guidelines since 2005, nomination dossiers still tend to present the authenticity of properties as static, unchanging, and frozen in time (see Labadi, 2022; and Labadi, 2013 for longer trends). One reason for this is that heritage must be considered ‘authentic’ (that is, in its ‘original’ design, materials, workmanship, and setting) if it is to have any value.. However, most heritage properties have actually changed over time, often because of alterations in function or fashion, or to improve people’s living conditions. One related consequence of such an understanding is that communities living in and around heritage properties are often positively considered only when presented as ‘authentic’, or frozen in time. This is dangerous because it essentialises and stereotypes individuals and communities, particularly in Africa. There are many examples of such archaic, simplified, and stereotyped understandings. The Bassari Country can serve as an illustration; in both the nomination dossier

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<sup>4</sup> Interview Senegal/31 (14 November 2019)

and the ICOMOS evaluation, local people are presented and lauded as having lived ‘away from modernity, with the sole exception of the adoption of “Western” clothes’ (ICOMOS, 2012). This description is divorced from reality, as the ethnic minorities living in the Bassari Country have indeed changed, not least because they have had to get employment outside of their villages. However, this consideration of both properties and communities as frozen in the past is problematic for the realisation of Goal 3, since they are presented as disconnected from the present and from future environmental, societal, and economic needs. When properties and communities are considered as being in the present, then they can contribute to current and future challenges and not when there are spatio-temporal disconnections between communities, properties and the present

To conclude, despite changes that can be hailed as milestones, including the 2011 recommendation on the Historic Urban Landscape; the adoption of the 2015 policy on heritage and sustainable development; and the inclusion of its key principles in the Operational Guidelines, fundamental issues have challenged the full implementation of Goal 3. These include the lack of respect by the World Heritage Committee towards its own guiding texts; the continuing consideration that heritage conservation and management is more important than other matters; land grabbing and the confiscation of the economic benefits of heritage tourism from local communities by powerful actors; and the stereotyping of ethnic minority communities by site managers and in nomination dossiers and Advisory Bodies’ evaluations.

### **Conclusions**

This article has reviewed the implementation of three of the six goals of the Strategic Action Plan (SAP) to guide the implementation of the World Heritage Convention. It is difficult to conclude that such implementation is positive. Indeed, a number of concerning trends have emerged or worsened over the past ten years. These trends include the unchecked deterioration of World Heritage sites, even when these properties have been inscribed on the LID; new development projects that are not approved by the Committee; the stereotyping of Africa as a dangerous region without much heritage of Outstanding Universal Value; the continuous nomination of properties to the List by States Parties with numerous existing World Heritage sites; the politicised definition of Outstanding Universal Value for an increased number of sites on the List; and the gap between heritage conservation, the well-being of local communities, and sustainable development.

These negative trends might be one reason why some Advisory Bodies are thinking about resigning from their role (personal communication, November 2021). This would certainly be a strong decision that might force other parties (including the Committee, UNESCO, and the remaining Advisory Bodies) to reconsider the system, and maybe to align more effectively its principles with its implementation. This bold move could be assisted by the revisions of some principles, including the suggestion that the Advisory Bodies do not evaluate properties that violate human rights; increased training at national and local levels on community engagement; a revision of the LID process; and discussions on removing the condition of authenticity. In addition, some international heritage organisations, including ICCROM, are increasingly aligning their work with ethical principles, and this might help to change the current implementation of the Convention. These combined decisions and revisions could lead to some welcome change.

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