



Provisional upstream dialogue for nominations to be examined in 2019

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BACKGROUND

Decision 11.COM 10: The Committee established an informal open-ended ad hoc working group to examine, among others, issues related to the consultation and dialogue between the Evaluation Body and the submitting States.

Resolution 7.GA 6: the General Assembly recognized the importance of dialogue to enhance the evaluation process and the need to develop an appropriate mechanism to strengthen transparency and credibility in consultation with the Evaluation Body.

Decision 12.COM 13: the Committee noted the view of the Evaluation Body that time should be allowed, at least until the end of the 2019 cycle, for a number of adjustments introduced in the evaluation process to take effect, before considering the establishment of a formal 'dialogue' process and decided to resume this discussion at its fourteenth session.

13.COM: the Committee accepted the offer of the Government of Japan to support the global reflection on the listing mechanisms of the 2003 Convention. This is intended to organize a meeting of experts in September 2019 and support the convening of an open-ended intergovernmental working group in 2021. Given the long-term timeframe, the Committee requested in parallel that the Secretariat propose ways to improve the inscription process of nominations as the 'early harvest package'. This should include an upstream dialogue mechanism between the Evaluation Body and the submitting States, which may be reflected as the amendments to the Operational Directives for adoption by the General Assembly at its eighth session in 2020. The Committee requested that the overall reflection process be finalized in time for the ninth session of the General Assembly in 2022.

The following excerpts of Decisions 13.COM 10 and 13.COM 14 relates to the overall reflection process and affect the work of the Evaluation Body for the 2019 cycle.

Decision 13.COM 10 (Paragraphs 14, 15 and 16)

14. *Reaffirms* Resolution 7.GA 6 and *decides* to request the Secretariat to transmit any questions of the Evaluation Body on files submitted for the 2019 cycle to States Parties concerned after the second meeting of the Evaluation Body in 2019;

15. *Invites* submitting States Parties which shall receive such questions to submit clarifications to the Evaluation Body before the third meeting of the Evaluation Body in 2019 in English and French, in a form that will be provided by the Secretariat;

16. *Decides also* to take stock of this provisional dialogue mechanism at its fourteenth session with a view to presenting possible amendments to the Operational Directives to the eighth session of the General Assembly of States Parties in 2020;

Decision 13.COM 14 (Annex paragraph 6)

17. *[The Evaluation Body] shall conduct, on an experimental basis, a provisional dialogue with submitting States Parties during the evaluation process in accordance with Decision 13.COM 10 and Resolution 7.GA 6;*

CONFORMITY WITH THE OPERATIONAL DIRECTIVES

Paragraph 55 of the Operational Directives stipulates that the Evaluation Body shall complete its **final** evaluation during a meeting held between April and June. Until now, the conclusions reached collectively at the second meeting on individual files have been final; the third meeting normally held in September was for finalizing the report of the Body. Bearing in mind the provisional character of the upstream dialogue, as stipulated in decision 13.COM 10, and to ensure compliance with the Operational Directives and in particular paragraph 55, the Secretariat shared a proposed methodology with the Office of the International Standards and Legal Affairs of UNESCO who endorsed it and gave the following opinion¹:

- Based on Art. 8.3 of the Convention, '[t]he Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task'. Further, pursuant to Rule 20.2 of the Rules of Procedure of the Committee (RoPs), '[t]he Committee shall define the composition and the terms of reference (including mandate and duration of office) of such ad hoc consultative bodies at the time of their establishment'.
- In accordance with paragraph 27 of the Operational Directives (ODs), the Evaluation Body is an ad hoc consultative body of the Committee within Art. 8.3 of the Convention and its role is thus advisory in nature.

Therefore:

- The Evaluation Body should still conduct its final evaluation within the deadlines established in the Operational Directives.
- The substance of the evaluation process conducted by the Evaluation Body and timetable do not change. Nor does the finality of the Evaluation Body's evaluation.
- The Body should limit itself to point out specific questions requiring a simple response. However, it will not change its report and recommendation to the Committee on any given nomination after its second meeting.
- The Committee has the authority to consult the Evaluation Body also after the latter finalized its evaluation in April-June of 2019.

1. Opinion provided in English.

WHICH FILES IN THE 2019 CYCLE COULD BENEFIT FROM THE DIALOGUE PROCESS

The process is initiated when the Body considers that although the information included in a file is not sufficient to assess whether a criterion is satisfied (Referral), a short question and answer process with the submitting State(s) (the dialogue) could influence the result of its evaluation.

PROCEDURE AND TIMETABLE

Individual Evaluations (1 March to 21 May 2019): Each member indicates, in its online evaluation, which files and criteria, among those it considers should be referred, should benefit from the dialogue process.

Collective Evaluation (3 to 7 June 2019): During its second meeting in June, the Body collectively decides which files and criteria, among those it considers should be referred, should benefit from the dialogue process.

Questions (10 to 14 June 2019): Based on the discussions of the Body, the Chairperson, Vice-Chairperson and the Rapporteur formulate specific questions in English or French to be addressed through the Secretariat to the submitting States concerned, immediately after the meeting in June.

Answers (8 to 12 July 2019): States Parties receiving such questions are invited to reply by writing to the Evaluation Body through the Secretariat in English and French, in a form that will be provided by the Secretariat, no later than four weeks after the reception of the questions. The answers provided by the Submitting States will be made available to each member of the Evaluation Body through the online interface of their work.

Individual Opinions (by 28 August 2019): Each member is asked to formulate in the online tool their opinion on the answers provided by the States Parties.

OPINION BY THE EVALUATION BODY

Collective opinion (18 to 20 September 2019): During its third meeting, the Body collectively decides whether, from information in the files and the answers provided by the submitting States, the criteria concerned could be considered satisfied. The Chairperson, the Vice-Chairperson and Rapporteur of the Evaluation Body formulate the opinion of the Body on each of the files and criteria concerned by the dialogue process.

In accordance with the Operational Directives, the Evaluation Body will undertake its final evaluation in June. For this reason, **the Report of the Evaluation Body will clearly indicate which files were included in the dialogue process; however, the Body's opinion following this process will not form part of the report.**

The question(s) of the Evaluation Body, the answer of the submitting State and the opinion of the Evaluation Body will be communicated separately on the webpage of the Convention together with the nomination file.

DECISION BY THE COMMITTEE

Decision (9 to 14 December 2019): During the Committee session, for those files concerned by the dialogue process, the Chairperson of the Evaluation Body will present both the Evaluation Body's recommendation based on the file and the Body's opinion following the dialogue process.

The Committee may therefore choose to base its decision on the Report of the Evaluation Body and the Body's opinion following the answers by the submitting States concerned.