

**TASK GROUP**

**World Heritage**

**TG-WH 38**

**7 November 2022**

**Online Meeting**

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**Agenda Item:** 5 Reporting to WHC

**Subject:** State Party Information (OG 172) – comments NL

**Document No.** TG-WH 39/5-1

**Date:** 11 October 2022

**Submitted by:** CWSS with comments by Karst Jaarsma

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**Background**

In order to coordinate reporting to the World Heritage Centre according to OG §172 (state party information), TG-WH 36 agreed:

* To check at the national levels if there are standardised national procedures to deal with para 172 and criteria on reporting of upcoming developments (incl. translation of EIA),
* To develop an internal strategy to have a common approach among the parties to identify which developments must be reported to WHC and which not, and consequently to add in the EIAs a chapter (in English) referring to the impact on the OUV.
* To discuss and agree how to integrate the reporting of cumulative effects of existing and upcoming activities (i.e. periodically for the whole WS instead of for each project separately).
* To always add a sentence in the reports underlining the involvement of the TWSC.

Attached is a draft document with suggestions how to implement the agreements. The document will be further developed with input from the TG-WH. Comments from the Netherlands (18.07.22) are marked in track change for discussion by the meeting.

**PROPOSAL**

**The meeting is invited to discuss the information provided and agree on the next steps to develop an internal strategy for §172 reporting.**

**Trilateral procedure to submission of State Party information to the World Heritage Centre.**

(version 01, 27 June 2022).

1. **Reporting to the World Heritage Centre**

In § 172 of the Operational Guidelines (§172), the World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

After submission of state party information, the World Heritage Centre request receiving the Environmental Impact Assessment (EIA) and further detailed information on the proposed developments, once available. The EIA should be conducted in line with the 2013 IUCN World Heritage Advice Note on Environmental Assessment. State party information and documentation is to IUCN for their comments.

Table 1 shows a list of state party information submitted to the World Heritage Centre since 2009

**Table 1: Reports to the WH Centre on projects (OG § 172, state party information)**

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| --- | --- | --- | --- |
| **Report to WHC** | **Topic** | **Status** | **TG-WH involvement** |
| 26.05.2020 | New Pier at port of Rømø, DK | Response by WHC with IUCN evaluation, 8.10.2020 | Informed |
| 18.06.2020 | New visitor centre, Lauwersoog, NL | Request by WHC for additional information 14.06.2020, Letter to WHC on 22.07.2020 | Informed |
| 13.10.2020 | District Heating Plants, Esbjerg, DK | Response by WHC on 19.10.2020, IUCN evaluation pending | Informed |
| 10.11.2020 | Tjæreborg Wind Farm Project, DJ | Response by WHC on 16.12.2020 with evaluation by IUCN | Informed |
| 02.03.2022 | Power-to-X (PtX) facility in Esbjerg, | Response by WHC on 10.03.2022 | Informed |
| 14.09.2022 | Deepening of the Grådyb fairway at Esbjerg Harbour | Draft letter to WHC in preparation. The issue concerning deepening the fairway to Esbjerg has been notified formally.  The project has also gone into formal ESPOO Art. 3. Project notification to NL and D according Espoo Convention | Informed |

So far, five projects have been submitted by Denmark and one by the Netherlands, which are located outside the property, whereas Germany has not yet submitted a report.

A coherent trilateral approach should be developed to avoid the perception of an unbalanced reporting across the property

1. **Current national procedures**

Denmark

The Danish Agency for Culture and Palaces represents the State Party in relation to the World Heritage Convention. We don’t yet have a national strategy for Paragraph 172 reporting, but we are aware of any upcoming project that might affect the OUV of a World Heritage property, and we try to inform the World Heritage Centre as early as possible.

Denmark has already made several notices concerning projects around Esbjerg (Table 1)

Germany

For cultural sites, there is formal procedure in Germany agreed by the competent ministers of the federal states (KMK, see Markblatt 5 of the brochure; an English version of the brochure will available soon).

For natural sites no formal procedure has been fixed when to actively inform the World Heritage Centre.

Mostly, the permission procedures take place at Länder level; licences are issued by Federal or Länder authorities involving the conservation authority within the process as a stakeholder or a party which has to give its approval due to conservation law.

The permission procedures include an assessment of the potential impacts on the environment, which include a thorough assessment of the conservation targets, species and habitats of the specific Wadden Sea National Park. This usually covers the scope and processes of an EIA regarding the OUV of the WS World Heritage.

The Netherlands

There is currently no national procedure when and how to submit a state party report (according to OG §172). The site holder (Ministry of agriculture, nature and food quality) applies expert judgment when deciding to inform UNESCO according to paragraph 172 and, when applicable, recommends parties to apply the IUCN World Heritage Note in the EIA. Permitting responsibilities lay with Ministry, provinces and municipalities. The Netherlands is working on getting a more concrete overview of all activities.

The permission procedures include an assessment of the potential impacts on the environment, which include a thorough assessment of the conservation targets, species and habitats of the specific Wadden Sea.

1. **Strategy for a trilateral procedure**

An internal strategy should be developed to have a common approach among the parties to identify which developments should be reported to the World Heritage Centre and which not. The Wadden Sea Board needs to discuss whether to oblige in the EIAs a chapter (in English) referring to the impact on the OUV.

In principles, all permission procedures include an assessment of the potential impacts on the environment, which include a thorough assessment of the conservation targets, species and habitats of the Wadden Sea. This assessment defines generally the impact on the Outstanding Universal Value. UNESCO expects that any EIA in or near the property will define, in a separate chapter, the impact on the Outstanding Universal Value.

Submission of information (according §172) can be done for various reasons

1. Legal obligations from the World Heritage Convention.
2. Increase role and importance of World Heritage and nature conservation in the EIA process (strategic instrument).
3. Pro-active information to anticipate complaints (pragmatic instrument).
4. Enhance harmonisation of planning procedures (scoping, EIA, development plans)

Different levels of potential impacts should be considered when submitting a §172 report:

* Industrial infrastructure, such as ports, dredging and dumping, deepening of estuaries, mining, windfarms and cable,
* Urban/touristic infrastructure, such a visitor centres, camping grounds
* Coastal protection, maintenance work,
* Usage of the Wadden Sea, for example with fisheries, mud walking, etc.

The TG-WH should be involved in the preparation of assessment procedures to discuss at an early state whether planned or new projects are relevant for reporting under §172.

1. **Reporting of cumulative effects of existing and upcoming activities**

Denmark

There is no procedure for analysing the possibly cumulative effects of the planning.

Germany

One way of practically addressing this would be a) to have a summary table on potential impacts and try to identify all those which contribute to the cumulative impacts; b) check with the scientific community what projects exists to assess these kinds of impacts and see if this can be used these for reporting.

The Netherlands

In the Netherlands, there is currently no overview of cumulative effects. For each project, it is included in the permit request.

The Netherlands starts a research program where we will include, amongst others, the question in what way we can develop more knowledge on the cumulation of effects in the Wadden Sea.

1. **Adding information to the trilateral dimension in each report**

When notifying a proposed project, States Parties should consider the fact that the property is a single site and that an impairment of the OUV in one country will have implications for the entire property and the other two States Parties.

To reiterate the joint responsibility (and joint accountability) of the three states parties for the site, the report should mention the relevant trilateral policy and management agreements in the Wadden Sea Plan, as well as other trilateral strategies or action plans (for example the Climate Change Adaptation Strategy, Breeding Bird Action Plan). With respect to mining, the trilateral agreement not to allow exploration and exploitation of oil and gas in the property should also be mentioned.

Furthermore, a sentence should be added in each report statting that all three States Parties have been consulted in preparing the report to the World Heritage Centre.