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AUSTRALIA'S WORLD HERITAGE TENTATIVE LIST

Australia ICOMOS Policy Paper

Background

Australia was at the forefront of what became the worldwide movement to recognise the places that are of outstanding international Cultural and/or Natural heritage significance (Outstanding Universal Value), and in 1974 was one of the first countries to ratify the World Heritage Convention. There are currently 20 Australian places inscribed on the World Heritage List, some of which include multiple component sites.

Australia is well-known for its very high number of mixed and natural heritage World Heritage places (relative to the whole world). While Australia has been slower to nominate properties associated with its post-settlement/invasion histories and cultures (eg. Sydney Opera House and Australian Convict Sites), these nominations have been widely held as exemplary models in several respects.

As a signatory to the Convention, the Commonwealth has an obligation under the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention to prepare and maintain a Tentative List of places in Australia that it considers '*to be of potential Outstanding Universal Value and which they intend to nominate during the following years*' (Operational Guidelines, paragraph 62). It is worth noting that an earlier structured expert process to develop Australia's Tentative List for cultural properties included the 1992 report *Australia's Cultural Estate*.

The Commonwealth does maintain a Tentative List, which currently comprises four places (this will evolve over time):

1. Flinders Ranges (15/04/2021)
2. Great Sandy World Heritage Area (04/01/2010) [extension to existing property]
3. Murujuga Cultural Landscape (23/01/2020)
4. The Gondwana Rainforests of Australia World Heritage Area (extension to existing property) (07/05/2010)

However, the processes currently in place to identify and investigate which places might warrant inclusion on the list do not reflect a '*full, effective and gender-balanced participation of a wide variety of stakeholders and rights-holders*' (Operational Guidelines, paragraph 64). Nor, given the lack of critical input of expert bodies such as the Australian national committees of ICOMOS and IUCN, could they be said to be adequately underpinned by the relevant expertise required by the *Operational Guidelines*, notwithstanding that individual members of these organisations may have contributed to the process.

There is also a considerable difference between the criteria for World Heritage and National Heritage listing. The establishment of the National Heritage List was a constructive initiative by the Commonwealth, but the current policy that a place needs to have already been listed on

the NHL prior to being nominated for World Heritage listing creates some difficulty, and requires further consideration to streamline the process.

There is increasing enthusiasm amongst governments, community and special interest groups for having places that are special to them nominated for World Heritage listing. These situations can also lead to political commitments which are not necessarily supported by expert opinion.

Australia ICOMOS is of the view that the current Commonwealth Government guidelines and processes are not well suited to dealing with such expectations. Any review of the current processes to address the abovementioned issues must include measures to manage these expectations in an expert, informative and consultative manner.

Given Australia's early and active role in World Heritage, it is important that it is seen to be setting an appropriate standard for the identification and management of its own heritage places. Devising a robust expert process for developing the Australian Tentative List presents another opportunity to demonstrate this leadership.

Objectives for the Tentative List

Based on the *Operational Guidelines*, the objectives for the Australia's Tentative List should include:

- The list should be a credible portrayal of Natural, Cultural and Mixed Australian potential World Heritage properties (including cultural landscapes) consistent with the definitions in the *Operational Guidelines*.
- The list should function and be recognised as a key strategic and long term planning mechanism for the identification of Australia's outstanding heritage places. The formulation of the list should not be a response to short-term nomination decisions.
- The listing process should be generally compliant with the international ICOMOS document *Guidance on Developing and Revising World Heritage Tentative Lists* (ICOMOS 2020).
- A better understanding of the purpose and consequences of the Tentative List amongst key stakeholders (eg. within the Commonwealth, State and Territory governments) needs to be promoted.
- The process should recognise the more limited research that is used for this process, compared to a full nomination. Consequently, further research for a nomination may find that the case for Outstanding Universal Value (OUV) is not justified, and the property should then be removed from the Tentative List. There should be sufficient grounds to demonstrate World Heritage potential, but not necessarily to provide a definitive justification at this stage.
- The list should be based on an appropriate process that would involve the following key principles/ingredients:
 - The process for developing the Tentative List should be structured, systematic and transparent.
 - The process and review of potential places should be underpinned by relevant expertise, possibly including 'upstream' consultation with the Advisory Bodies (ICOMOS and IUCN).
 - The process should involve the participation of a wide variety of stakeholders and right-holders, including Traditional Custodians.
 - The process should involve reference to relevant thematic studies.
 - The process should be accompanied by capacity-building, especially to inform stakeholders about World Heritage, the very high threshold for inscription and the role

- of the Tentative List (this process is critical to achieve ‘free prior informed consent’).
- The process should involve an initial phase to establish the list, as well as allowance for periodic review and update (note that the *Operational Guidelines* recommend that States Parties re-examine and re-submit their Tentative List at least every ten years).

A Model for Developing Australia’s Tentative List

The process for enhancing the preparation and maintenance of Australia’s Tentative List could be managed by the Australian Heritage Council (AHC), on behalf of the Commonwealth. A proposed model for the process might be:

1. Establish an **Advisory Committee** to report to the AHC and provide critical input in the following areas:
 - Review of Australia’s existing World Heritage List and Tentative List, and identification of any gaps that could warrant future action to achieve a more balanced list;
 - Preparation of a brief for an overview thematic study (as outlined below) in order to identify the range of potential World Heritage themes and related places found in Australia, mindful of the makeup of the current Australian World Heritage List and Tentative List, and a review of the outcomes including the possible need for a range of specific thematic studies.
 - The initial process of considering potential places for inclusion on the Tentative List, including strategies for addressing gaps and preliminary responses to proposed nominations;
 - Whether the Criteria under which current places on the World Heritage List are nominated would warrant expansion, for example Aboriginal cultural heritage values applicable to the Greater Blue Mountains, Purnululu or Wet Tropics inscriptions, noting this may require additional expert input;
 - Recommendations to the AHC in regard to next steps in developing the Tentative List, including any further work or research to be undertaken, including the essential liaison with States and Territories.

The **Advisory Committee** should comprise relevant independent experts, including Australian representatives of the Advisory Bodies (Australia ICOMOS and ACIUCN), and representative Commonwealth and State/Territory government officials. Other stakeholders, especially including Aboriginal and Torres Strait Islander representatives should be included. The Advisory Committee should be chaired by a suitable independent expert.

2. The AHC should then commission an **overview thematic study** to assess whether critical themes are well represented, mindful of the makeup of the current Australian World Heritage List and Tentative List, and where there might be gaps. This might then lead to the preparation of a range of specific **thematic studies**.
3. In conjunction with the states and territories, the AHC should undertake a **broad consultation with stakeholders and rights-holders** to:
 - Determine the purpose and terms of reference for the Tentative List;
 - Invite suggestions for potential candidate properties;
 - Consider those places that have been recommended by the Advisory Committee for **further investigation**.

The consultation should particularly focus on consideration of the rights, views and interests of Aboriginal and Torres Strait Islander peoples, and the need for free, prior and

informed consent.

4. The AHC, in cooperation with the states and territories, prepares a **Tentative List Recommendations Report** with final recommendations for the Tentative List for the Commonwealth Environment Minister. The AHC may wish to seek advice on the potential candidate properties from one or more independent World Heritage experts from other countries, prior to finalising its recommendations.
5. The **Commonwealth Environment Minister** announces updates of the Tentative List.

Adopted by Executive Committee 12/11/2022

Attachment A: Key Extracts from the UNESCO Operational Guidelines

The following key extracts from the UNESCO *Operational Guidelines*¹ will need to be considered when developing the Australia Tentative List (emphasis added).

A Tentative List is an **inventory of those properties situated on its territory which each State Party considers suitable for nomination** to the World Heritage List (paragraph 62).

States Parties are encouraged to prepare their Tentative Lists with the **full, effective and gender-balanced participation of a wide variety of stakeholders and rights-holders**, including site managers, local and regional governments, local communities, indigenous peoples, NGOs and other interested parties and partners. In the case of sites affecting the lands, territories or resources of indigenous peoples, States Parties shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before including the sites on their Tentative List (paragraph 64).

Tentative Lists are a useful and **important planning tool** for States Parties, the World Heritage Committee, the Secretariat, and the Advisory Bodies, as they provide an indication of future nominations (paragraph 70).

Tentative Lists should be **established selectively and on the basis of evidence that supports potential Outstanding Universal Value**. States Parties are encouraged to consult the analyses of both the World Heritage List and Tentative Lists prepared at the request of the Committee by ICOMOS and IUCN to identify the gaps in the World Heritage List. These analyses could enable States Parties to compare themes, regions, geo-cultural groupings and bio-geographic provinces for prospective World Heritage properties. States Parties are encouraged to seek as early as possible upstream advice from the Advisory Bodies during the development of their Tentative Lists as appropriate (paragraph 71).

In addition, States Parties are encouraged to **consult the specific thematic studies** carried out by the Advisory Bodies... (paragraph 72)

In addition, the *Guidance on Developing and Revising World Heritage Tentative Lists* notes,

As the *Operational Guidelines* point out, Tentative Lists are important planning tools. Their potential to serve this role is minimized when sites are added to Tentative Lists on an ad-hoc basis or without a sound technical basis. A comprehensive process of site selection at the national level, using a systematic approach, benefits Tentative Lists as well as the national inventories that underpin them. An orderly review of a country's heritage resources can reveal patterns and relationships that are useful in many planning processes. Tentative Lists also signal at home and abroad a State Party's recognition of the cultural and natural heritage places it considers most significant in the global context (ICOMOS 2020, p. 11).

¹ <http://whc.unesco.org/en/guidelines/>

Attachment B: Examples of Other National Tentative List Processes

Canada and New Zealand are relevant case studies for consideration in revising Australia's approach to the formulation and management of its Tentative List.

Canada

A public process was used to solicit applications for consideration for Canada's Tentative List for World Heritage Sites. A total of 42 applications were received for sites from across the country, and reviewed by an independent Ministerial Advisory Committee of Canadian experts in the fields of Natural and/or Cultural heritage.

The Advisory Committee recommended to the Minister of Environment and Climate Change and Minister responsible for Parks Canada the addition to the Tentative List of those properties with strong potential for successful inscription as World Heritage Sites.

New Zealand

2004 – In December the public were invited to comment on an illustrative list of sites published in a discussion document 'Our World Heritage. Discussion Document: *'Towards a New Zealand Tentative List'*, and to suggest other sites that may be suitable for world heritage nomination. More than three thousand discussion documents were distributed.

2005 – Over 300 public submissions on 28 sites were received in March and analysed by the Department of Conservation.

2006 – Two advisory groups made up of experts in the fields of Cultural and/or Natural heritage were convened in June to assess those heritage sites identified through the public process. After considering the comments made in each submission, the advisory groups assessed the outstanding universal value of each candidate site against the World Heritage Convention criteria. The Advisory Groups' findings and recommendations were forwarded to the Government and have been recorded in a report. *'Our World Heritage: A Tentative List of New Zealand Cultural and Natural Heritage Sites'* which was produced in November.

2007 – Government announces New Zealand's World Heritage tentative list. DOC aims to submit New Zealand's tentative list to the World Heritage Committee for consideration at its meeting in Christchurch from 23 June to 2 July 2007.