

Distribution limited

WHC-02/CONF.201/4
Paris, 20 February 2002
Original : English/French

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-sixth session

Paris, UNESCO Headquarters, Room IV
8 - 13 April 2002

Item 4 of the Provisional Agenda: Policy and legal issues concerning the inscription of World Heritage properties on the List of World Heritage in Danger and the potential deletion of properties from the World Heritage List

SUMMARY

This document refers briefly to the discussions at the 24th and 25th sessions of the World Heritage Committee (Cairns, 2000 and Helsinki, 2001) concerning policy and legal issues relating to the inscription of properties on the List of World Heritage in Danger and the potential deletion of properties from the World Heritage List.

Action required:

The Bureau may wish to make a recommendation as to how this item of the Provisional Agenda should be examined by the twenty-sixth session of the World Heritage Committee (Budapest, 24-29 June 2002).

I. BACKGROUND

1. During the **24th session of the World Heritage Committee** (Cairns, December 2000) policy and legal issues concerning the inscription of properties on the List of World Heritage in Danger and the potential deletion of properties from the World Heritage List were raised in the context of discussions on the revision of the *Operational Guidelines* and the state of conservation of the Kathmandu Valley, Nepal.

2. The Delegate of Belgium requested UNESCO to provide legal advice to the Committee on the abovementioned issues. The Committee was reminded that the UNESCO Legal Adviser had no authority to provide any definitive interpretations of the terms of the Convention. Under international law only the States Parties as a whole can make definitive interpretations of the terms of their Convention. The Legal Adviser proposed several options available to the States Parties, such as an exchange of legal opinions, a General Assembly decision or the arbitration of the International Court of Justice. The Committee then decided to consider the issue of inscription of properties on the List of World Heritage in Danger in a broader context, in order to develop the appropriate criteria and procedure for the Committee to evaluate situations such as those at the Kathmandu Valley.¹

3. At the **25th session of the World Heritage Committee** (Helsinki, December 2001) the Director of the World Heritage Centre informed the Committee on the steps taken to clarify the policy and legal issues. He noted that during the course of the year new questions had been raised. These included the implications for a State Party and consequences for the international community when a site's values are considered endangered, the means available to the Committee and actions available to a State Party that does not agree with the determination of the Committee. He referred to progress in the analysis of the issues noting that a preliminary internal analysis had been prepared in April 2001. The Director-General of UNESCO had requested further internal analysis to involve both the Culture and Science Sectors. The Director of the Centre reported that the analysis was proceeding and that it would be presented to the next session of the Committee in Budapest in June 2002.²

II. RECOMMENDATION

4. In view of the importance of these issues for the future of the implementation of the World Heritage Convention, the Director-General of UNESCO has requested that the policy and legal document being prepared by the UNESCO Secretariat be presented directly to the 26th session of the World Heritage Committee (Budapest, 24-30 June 2002). This request is based on the consideration that it was the World Heritage Committee that asked for the legal/policy analysis. The Director of the Centre has consulted with the Chair of the World Heritage Committee who agrees with this approach.

Action required:

The Bureau may wish to make a recommendation as to how this item of the Provisional Agenda should be examined by the twenty-sixth session of the World Heritage Committee (Budapest, 24-29 June 2002).

¹ Report of the World Heritage Committee, 24th Session (Cairns, December 2000), VIII.32

² Report of the World Heritage Committee, 25th Session (Helsinki, December 2001), III.5