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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL  
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD  
CULTURAL AND NATURAL HERITAGE

**30th Anniversary  
(1972-2002)**

**WORLD HERITAGE COMMITTEE**

**Twenty-sixth session**

**Budapest, Hungary  
24 - 29 June 2002**

## **SUMMARY RECORD**

The decisions adopted by the 26th session of the World Heritage Committee are available as document *WHC-02/CONF.202/25*. This document is the Summary Record of the debates of the session.

**Please note:**

The World Heritage Committee and the Secretariat are working to improve reporting methods. For this session:

- Two different reporting techniques were used: general summaries (as in the reports of previous sessions) and summaries of each intervention (similar to the Summary Records of the Executive Board of UNESCO).
- The discussions are presented in the order of the agenda items but they were not necessarily examined in that order by the Committee. For a better understanding, readers may wish to consult the timetable of the 26th session (*WHC-02/CONF.202/3 Rev*). The table below summarizes the dates on which each agenda item was discussed:

	a.m.	p.m.
<i>Monday 24 June:</i>	<i>1, 3, 4, 5, 3 (cont.)</i>	<i>22, 8</i>
<i>Tuesday 25 June:</i>	<i>9, 10, 11, 12</i>	<i>13, 12 14</i>
<i>Wednesday 26 June:</i>	<i>14, 15, 16</i>	<i>17A, 17B, 6, 17C</i>
<i>Thursday 27 June:</i>	<i>21</i>	<i>23</i>
<i>Friday 28 June:</i>	<i>9, 26, 21 (cont.), 9 (cont.)</i>	<i>26 (cont.), 21 (cont.), 24</i>
<i>Saturday 29 June morning:</i>	<i>20, 25, 3 (cont.), 21(a)15(cont.), 22 (cont.), 13 (cont.), 12 (cont.), 26 (cont.), 27, 28</i>	
<i>Saturday 29 June evening:</i>		<i>29, 30</i>



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## SUMMARY RECORD

1. The 26th session of the World Heritage Committee was held in Budapest, Hungary, from 24 to 29 June 2002. It was attended by the 21 members of the World Heritage Committee: Argentina, Belgium, China, Colombia, Egypt, Finland, Greece, Hungary, India, Lebanon, Mexico, Nigeria, Oman, Portugal, Republic of Korea, Russian Federation, Saint Lucia, South Africa, Thailand, United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

2. Sixty States Parties to the World Heritage Convention who are not members of the Committee were represented as observers: Afghanistan, Algeria, Australia, Austria, Barbados, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, Cyprus, Czech Republic, Dominican Republic, Eritrea, France, Former Yugoslav Republic of Macedonia, Gambia, Germany, Grenada, Holy See, Honduras, Iceland, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kazakhstan, Lithuania, Luxembourg, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United States of America, Yemen and Yugoslavia. The Permanent Observer Mission of Palestine to UNESCO also participated at this session as an observer.

3. Representatives of the Advisory Bodies to the Committee, namely the International Centre for the Study of the Preservation and Restoration of the Cultural Property (ICCROM), the International Council on Monuments and Sites (ICOMOS) and the World Conservation Union (IUCN) also attended the meeting.

### 1 OPENING SESSION

1. The 26th session of the World Heritage Committee was opened by Mr Henrik Lilius, Chairperson of the World Heritage Committee, in the presence of Mr László Kocsi, Political Secretary of State of the Ministry of Cultural Heritage of Hungary and Mrs Mária Kóródi, Minister for Environment and Hydrology of Hungary.

2. The Chairperson welcomed Mr László Kocsi and invited him to deliver his address.

3. Mr Kocsi, the Political Secretary of State of the Ministry of Cultural Heritage of Hungary, presented the following speech:

"Dear Ladies and Gentlemen, dear participants,

I am pleased to welcome you to Budapest on behalf of myself and the Government of the Republic of Hungary, on the occasion of the meeting of the UNESCO World Heritage Committee held on the 30th anniversary of the execution of the World Heritage Convention. For a small central-European country that has always been proud of her culture, it is always a great pleasure to host the members of the Committee arriving from 21 different countries and all the observers participating in the meeting who arrived from almost 150 countries.

It is a great honour for us that this festive meeting takes place, and the declaration that determines the Committee's further work and tasks will be passed by the festive meeting here in Budapest. It is a special privilege that we may salute here the highly esteemed Mr. Koïchiro Matsuura, Director-General of UNESCO, who I will have the opportunity to have discussions with.

It makes almost 15 years now that Hungary has joined the family of countries having World Heritage sites, and one of the first sites included in the list was the banks of the Danube in Budapest. Since then our country proudly possesses seven World Heritage sites that attract many guests year by year, but at the same time burden the government with several tasks and responsibilities.

In 1987 when the Committee passed its decision on the inclusion of the first two sites, we started to learn how to take care of such sites and what does it mean that a property is declared to be a part of the world heritage. I think that the fact that this jubilee meeting takes place in Budapest means that we have already passed the elementary school and by now there might be some things we could show to others.

If we just have a look on our architectural heritage sites, more specifically on their manifoldness, it can be seen that our country endeavours the preservation of multicoloured cultural values. The first two World Heritage sites of Hungary are two spots greatly differing from each other, namely the banks of the Danube in Budapest, a metropolis gaining its present view in the 19th and 20th centuries, on the one hand, and Hollókő, a small village of the Slovak minority, on the other hand. These two sites, whilst they are intrinsic with our close ties to the universal and within that primarily to the Pan-European culture, highlight the importance of the preservation and development of the culture of countries and within them that of the minorities within a world that is going global. These minority cultures form integral part of the culture of a

country, such as Hungary, and without these the majority culture could not become what it has during the centuries.

Two other sites are the thousand-year old Benedictine Abbey in Pannonhalma, which stands on the top of a lonely hill and catches the eyes from kilometres; and the ancient Christian catacombs in Pécs with the Mediterranean city embracing them, which symbolise a European Hungary. The 1000-year history of Hungary can be a good example, especially today, when our close neighbourhood – hopefully together with us – will become integral part of Europe. The example of our first king Saint István shows that there are historical situations when the survival of a people, a nation depends on whether they are able to become part of a common culture whilst maintaining their own culture. Whether they are able to preserve their uniqueness and therefore their identity, it was with Saint István's historic act that he decided on the conversion from the tribal cults to Christianity and made this decision in such manner that the Hungarian characteristic were not lost either. This was the way the Hungarians claiming their origins from Emese, the legendary ancestress, became a Hungary, a country of the Blessed Virgin, Mary.

The agenda of the committee meeting suggests to me that in the following couple of days, besides the work you ought to do, you will have some possibilities to see some sites in Hungary and make a decision on what our country does for the preservation of her cultural heritage. I hope that your experiences will be satisfactory from the professional aspect, and at the same time these excursions will enable pleasant relaxation after hard work.

Until then, despite the high heat waves outside, I wish wise and successful discussions for all participants."

4. The Minister for Environment and Hydrology, Mrs Mária Kóródi then delivered her address:

"Mr. Chairman, Mr. Director, Members of the Committee, dear guests,

I am very pleased to welcome you in Budapest on the occasion of this extraordinarily important meeting.

I was asked to pass you greetings from the Government of the Republic of Hungary.

It is a great honour for us to welcome you here.

We hope that we could effectively contribute to the success and the results of the work you perform whilst staying with us.

We also hope that despite the workload you undertook you may have the possibility to better understand the cultural and natural values of Hungary, our hospitality, objectives and enforcements.

Meanwhile, in addition to bringing you the greetings from our Government I have another and extremely important mission. When it has become known that in my capacity as the minister of environment protection and water management affairs I might address you, I received several telephone calls. Many of my environment and nature conservationist friends and colleagues called me. They asked me to tell you that your presence in Budapest is not only a joyful occasion but even a real festivity. We deem the possibility of hosting you here as an honour and an encouragement.

I was asked to tell you that the Hungarians – the simple citizens feeling responsibility for the common cultural treasures of the world as well as the internationally esteemed experts, governmental people, civil activists – consider you as important allies, allies from whom we have learned a lot, and will learn more in the future. Since the common cultural treasures and natural values of mankind can be preserved together, in the frames of an alliance, it is true in Hungary as well as in any other parts of the world.

Hungarian environment and nature conservationists asked me to make another important point. They would like me to let you know that we Hungarians deem co-operation as the most important factor in the preservation of our cultural and natural heritage.

It is very obvious that we must co-operate with persons of particular localities and their local governments, national authorities, governmental and non-governmental organisations. We Hungarians have already understood that we have to co-operate on regional or on global level.

Let me give you an example: more than 90% of the subsurface waters in Hungary come from across the borders. The conclusion we arrived at on that basis is that the protection of our waters, and in general conservation of the Hungarian environment and nature could really be efficient only if we co-operate with our neighbours.

What is more, we seek regional or international co-operation. Because of our geographical circumstances and history, we were among the first ones to understand the truth in the "think globally, act locally" principle.

That fact that co-operation for us is not only a word but rather a daily routine cannot be better evidenced than by our co-operations with Slovakia and Austria concerning the Aggtelek-Slovak Karsts, and Fertő Lake.

Also, in the framework of international co-operation we try to make the protection of our newest National Park, the Őrség National Park inaugurated at the

beginning of the year, more comprehensive.

We Hungarians agree that the conservation of the cultural and natural treasures is a joint responsibility of mankind. The term “joint responsibility”, however, could be interpreted in two ways.

The first one is a seductive interpretation. It says that a small country could do just a little for the preservation of the global cultural and natural heritage. A small country has limited capacities, restricted interrelations and constrained room for action in any international organisation.

This is, however, not the way we interpret the issue of “joint responsibility”. Instead of such a seductive one we endeavour a comprehensive and more driving interpretation. We believe that a country like ours, where in a small territory unequalled values can be found, is forced to take into consideration both of these reasons.

The first thing we must do is the preservation of the local values and (where necessary) reinstate, develop and publicise them.

The second (and this does not mean time sequence or order of importance, but coequality) is the declaration of our responsibility for the conservation of values located anywhere else in the world.

If we assent that the world would be poorer without the values to be found in our country then we should assent that we will be the lesser if the cultural heritage of mankind be damaged or washed away.

We all remember the silent astonishment when the world mourned the Buddha-statues destroyed by the Taliban. But I could give a similarly painful example much closer in space to us, we had the same feelings when the old bridge of Mostar has been shot to ruins.

It seems that when the moment of loss comes, the majority of mankind can associate itself with the feeling of joint remembrance. However, we, Hungarians would much prefer if joint rejoicing at the conservation of the values preserved could also go global.

But in order that an increasingly bigger part of mankind could feel responsible for our cultural and natural treasures and delight over their existence, these treasures should on the one hand be preserved, and on the other hand made known for the widest possible public.

Here in Hungary we are more and more aware and ready to undertake whatever is needed as part of this responsibility, and this situation has greatly added to by Hungary’s joining to the World Heritage

Convention in 1985.

I think that the usefulness of the Hungarian activity is well proven by the fact that we have been elected to the World Heritage Committee in 1997 and in 2001 to the Bureau. A consequence of this is that the 30th anniversary meeting is organised in Hungary.

The impact of the very precisely defined professional criteria scheme of UNESCO can more and more be perceived in Hungary. On the cultural side singularity and integrity whilst on the natural side uniqueness and intactness became the main aspects.

Knowing all this (I may easily say) our value awareness or – if you like – proudness increased, since we possess several areas belonging to the above categories.

An overview of our endowments makes me say that we have several areas that may rightfully have your attention. Meanwhile I would like to call your attention to an extremely positive development. As the minister of environment protection I can learn day by day that in Hungary there is a breakthrough in the areas of environment awareness and value conservation.

It seems that it is high time for that, since the environment destroying socialist big industry has been collapsed and then the environment friendly technologies gradually have become more popular.

In parallel with that, the recognition of the natural and cultural values gained more room. And as of today, in consequence of the great economic transformation, increased attention and sensibility, coupled with constantly widening experience as well as gradually increasing resources dedicated to value conservation are available for us.

Thus in the future we may devote outstanding attention to the efficiency of the management plans dedicated to the World Heritage sites. We intend to implement them with caring authoritative work and appropriate professional attention. We will study the foreign examples concerning the impact of gaining the world heritage nomination to the status and conditions of the given values. To what extent is the possible increase of tourism advantageous, where can the eventual adverse impacts be seen and how could they be prevented. We are going to investigate the monitoring methods and the issue of improved information exchange.

Dear guests,

I am sure that if Hungary could manage her treasures and resources properly, and rely more and more on the knowledge, experience and co-operation possibilities that are inherent in our joining the Convention, the values to be found here will become truly the heritage of the world.

There are good chances for that since we have left the turbulent period of the political and economic transformation of the system behind. Today we arrived at a position when the hard and dedicated work in the twelve-year period having passed since the collapse of the dictatorial system produced serious results.

We are committed to perform harder and more persistently until gaining membership in the EU, and also afterwards as full members.

I am sure that this work will produce its results.

In hope of the above I wish you successful discussions and – of course – pleasant enjoyments here in Hungary. I am sure that your staying here will mean not only work for you but also some relaxation and joy. I hope that you will agree that Hungary is a country of people who are proud of and taking care for her values, and, who are meanwhile hospitable, helping and cooperative.

With these expectations I wish you successful discussions."

5. Mr Henrik Lilius, the Chairperson of the World Heritage Committee presented the following speech:

"Your Excellencies,  
Members of the World Heritage Committee,  
Distinguished Delegates,  
Ladies and Gentlemen,

I have the great pleasure to open the 26th session of the World Heritage Committee and the task to chair the first agenda items of this Committee session. I have guided World Heritage during the past 6 month and I can truly say it was a challenge!

We have made a lot of progress for the future of World Heritage and I would like to highlight some of the major issues:

- With the last meeting of the drafting group for the **revisions to the Operational Guidelines** we have made a major step towards a user-friendly format of the main document, which will guide us, and all partners in World Heritage conservation. I sincerely hope that we have paved the way for the new Operational Guidelines to be adopted.

- Concerning the **reform process**, we have now a World Heritage Committee, which is more representative for all regions and cultures of the world with many of you having a mandate of only 4 years to leave the place for others to come. At the same time we have now with 172 States Parties a truly universally accepted instrument in heritage conservation.
- We have also worked considerably towards a more **representative World Heritage List**. But there is still much more to be done in this regard and the limitation to 30 sites is at the same time a period of reflection about the categories and types of heritage on the national tentative lists, the World Heritage List and of the potential we have to reveal for the future.
- We have also seen some **key actions to preserve the world's heritage**, among them addressing the situation with regard to the cultural and natural heritage of **Afghanistan**. On behalf of this Committee I attended the "International Seminar for the Rehabilitation of Afghanistan's Cultural Heritage" in Kabul, 27-29 May 2002. The report, together its conclusions and recommendations, was prepared for your review and further actions at this session of the Committee.
- We have also seen an **increased demand for international assistance**, in particular with a high number of cultural heritage technical and training requests from all parts of the world, so that I have to inform you that I was not able to approve all requests as the budget was limited.

We have gone through some lively discussions during the past Committee and Bureau sessions and I would like to sincerely thank all of you who have made contributions to our common goals. The Convention is there to contribute to a better understanding of the cultural and natural diversity of the world. When I stood before you six month ago, as the new Chair of the World Heritage Committee, I stressed the importance of addressing the problem of heritage protection and conservation following my mission to Kathmandu (Nepal). Proactive measures for preventive action are more needed than ever. If the ultimate goal of heritage conservation is to improve the quality of our collective existence, and to transmit to future generations the diversity of our world, we must ensure that our work is development-oriented and constructive.

Let me also say that I would like to express my sincere thanks to you for your trust and confidence in me during my chairmanship. It was a pleasure for me working with you, the Committee members, its Bureau, the States Parties and advisory bodies in the implementation of such a prestigious instrument as the

World Heritage Convention. And finally, I very much appreciated the continuous commitment of UNESCO, its Director-General and the Director of the World Heritage Centre and his staff."

6. The Chairperson invited the Representative of the Director-General of UNESCO, Mr Mounir Bouchenaki, Assistant Director-General for Culture, to take the floor. The speech of Mr Bouchenaki appears below:

"Excellence, Mr Lázlo Kocsi, Secretary of State for Cultural Heritage  
Excellence, Mme Maria Korodi, Minister for Environment and Hydrology  
Mr Henrik Lilius, Chairperson of the World Heritage Committee  
Distinguished Chairpersons of earlier sessions of the Committee  
Ladies and Gentlemen, Members of the Committee and Observers  
Ladies and Gentlemen, Representatives of IUCN, ICOMOS and ICCROM,  
Ladies and Gentlemen,

In the name of Mr Koichiro Matsuura, Director-General of UNESCO, I welcome you all to the 26th session of the World Heritage Committee.

Allow me to thank the Government of Hungary for its generosity in welcoming, here in Budapest, this session of the Committee. I feel that it is especially appropriate that this session, which marks the 30th anniversary of the World Heritage Convention and the United Nations Year of Cultural Heritage, is held in the city that symbolises the symbiosis of cultural development with the natural environment. I am sure you will agree that the cultural splendour of Budapest would not have been the same without the Danube to inspire creativity and facilitate communication between civilizations.

In thanking our Hungarian colleagues for their magnificent work in the preparation of this session, I would like to pay tribute to our dear Ferenc Nemeth, whose untimely death last year was a shock to us all. In fact, I had the pleasure of being accompanied on my last visit to Hungary for the inscription ceremony of the City of Pecs by H. E. Ambassador Fasang and Ferenc. I can still hear her jovial laugh, and her commitment to conservation will always remain with us. On behalf of my colleagues of the World Heritage Centre and myself, allow me to have a special thought for Mme Nemeth and her two daughters.

It is for the second time in less than two years that a certain number of you are here in Budapest again. It is recalled that a special session of the Bureau of the Committee for the revision of the *Guidelines* was organized here in September 2000.

The Director-General, who will arrive on Friday for the 30th anniversary celebrations, requested me to convey his regret that he is unable to participate in the work of the Committee. He considers this session of particular importance in the history of the Convention, because many substantial issues are on the table for discussion and your decision.

One of them is the procedure for inscription on the List of World Heritage in Danger. This issue is fundamental for the entire conservation process, and even for the credibility of the Convention. Following the request of the Belgian Delegation made during the Cairns session in December 2000, the UNESCO Secretariat carried out a legal analysis.

The second is the revision of the *Guidelines*. Thanks to excellent co-operation between the members of the new and previous Bureau, and the Centre, Sections I to V of the *Guidelines*, as well as their ten annexes, are now ready for your decision. This is the result of much hard work, which began two years ago during the expert meeting in Canterbury. I would like to thank the United Kingdom and its experts for the launching of this process, as well as the representatives of many States Parties for their continued support to the Secretariat throughout this exercise.

Although the revision of the *Guidelines* cannot be fully completed until certain points have been clarified, the Director-General would be particularly pleased to learn of the adoption of the sections already finalised. It is essential that a new version be distributed to States Parties so that they may become familiar with the new calendar, as well as the new requirements for the nominations for inscription and the requests for international assistance.

The third issue awaiting your examination and decision is that of the need or not to pursue the experiment concerning the limitation of new inscriptions to one per year by State Party. Some States Parties, particularly those among the "big" countries, in terms of size and population, with multi-ethnic and multi-religious communities, have expressed their dissatisfaction in this regard. I would therefore like the Committee to keep in mind during their deliberations on this subject, that one of the reasons that led us to make this limitation was primarily to allow the Secretariats of the Advisory Bodies and the Committee to manage the workload for which they are responsible.

In this respect, allow me to say that the limitation on the number of proposed nominations for inscription accepted each year has enabled the Secretariat to improve the technical examination process. It has also improved co-operation between IUCN, ICOMOS and the Centre, by guaranteeing correctly documented proposed nominations for inscription, with better defined protected areas, and more specific management

mechanisms. Hence, I hope that a rigorous technical examination can be maintained, to the satisfaction of the States Parties.

I take this opportunity to thank the Advisory Bodies for their co-operation in this effort.

I would like to point out here that there is not one natural site proposed for inscription in this session. This poses a problem and it is evident that a particular effort is needed to reduce the imbalance between the cultural and natural sites on the World Heritage List, without, of course, going into inappropriate considerations of comparability.

In this context, the progress report on the work concerning the analysis of the World Heritage List and the national tentative lists was prepared by IUCN and ICOMOS for your consideration. UNESCO, the Centre first and foremost, will summarize this analysis study, at the regional level, taking into account the observations of the Committee regarding these studies.

Excellencies,  
Ladies and Gentlemen,

This brings me to another important matter that requires your discussion. This is on working methods and time management. Despite the repeated call by the Committee to rationalize and reduce documents, the ever-growing demand by the Committee for studies, reviews and activities are resulting in precisely the opposite. There were 46 working documents and 23 information documents prepared for the 26<sup>th</sup> session of the Bureau held in April and for this current session of the Committee. Not only is this indigestible to the Members of the Bureau and the Committee, but it also presents an unsustainable situation for the staff of the Centre, many of whom have been obliged to work 70 hours a week, which has meant working late into the night and over the weekends.

This situation is not only for the few weeks before the Bureau and Committee but throughout the year. The volume of work in the preparation of the working documents of the Committee, has meant that the work in following-up on Committee decisions has had to be done in a shorter period of time. These follow-up activities include assistance to States Parties in the preparation of their tentative list, their nomination files and the site management plan, and in the organization of training activities and in meeting emergency situations. I would like to request that the number of agenda items be kept at a manageable level and that the Centre be provided with the human and financial resources required to meet the needs of the Committee and the growing number of assistance requests addressed to the Centre by States Parties.

The Director-General has already made great efforts to increase the human and financial resources of the Centre and is prepared to continue doing so. However, as those members of the Committee who are familiar with the UNESCO Executive Board and General Conference can attest, with a zero-growth budget and staff cost deficits to be managed, there is a limit to what the Director-General can do. This has meant more and more reliance on extra-budgetary funding to carry out the fundamental tasks of the Centre. The limited level of the World Heritage Fund and the fact that the majority of the UNESCO Regular Programme Budget to the Centre is used to finance the statutory meetings of the Convention, are putting additional pressure on the Centre to raise extrabudgetary funds. This means, practically speaking, preparing project proposals with the States Parties concerned, negotiating with donors, establishing implementation partners etc...all of which require staff time, since funds are insufficient to hire consultants.

This is clearly a situation created by the success of the Convention which now counts 172 signatories with 721 properties. But I would like to point out that there are close to 50 States Parties with no World Heritage sites. Is this because there are no sites of outstanding universal value within their territory? It is mainly because they do not adequately understand the functioning of the Convention, and also because they lack human or financial resources to establish the laws, management plans and other prerequisites for the nomination. Some States Parties do not have adequate laws and site management plans for the successful inscription of their sites on the World Heritage List.

Partnerships and the creation of synergy with other international development co-operation agencies, both multi-lateral and bilateral, are essential if we are to really succeed in meeting the challenge of World Heritage protection.

The Director-General requests the Committee to look into how the working methods of the Committee can be improved to ensure that your own role in policy orientation, as well as the practical needs of the States Parties can be met.

The reform process initiated by the Committee more than five years ago at the 20th session held in Merida has led to a process of continual review of the working method of the Convention. First, in reviewing the working method of the Secretariat, the Committee developed guidelines on the use of the emblem, particularly in relation to fundraising activities to enable the Secretariat to move forward in relations with the private sector. The Committee also approved the overall strategy for public information, which has enabled the Secretariat to step up its contacts with the international press and media, and to assist States

Parties by providing information for use in their national media.

Today, UNESCO's visibility comes in large part thanks to public and media interest in World Heritage. The UNESCO website on the World Heritage is visited by over 3 million hits and 900,000 pages are consulted every month. Both in terms of the number of press and media coverage and website visits, World Heritage is clearly in the lead over other sectors of UNESCO.

Another important task is how best the Committee and UNESCO can meet situations arising from emergencies, both human-made and natural disasters. During this year alone, UNESCO has had to respond to numerous natural disasters, such as the earthquake in Georgia impacting on Tbilisi, the hurricane in La Havana in Cuba, the fire in Lima in Peru, the floods in Goiás in Brazil, strong winds damaging the Churches of Chiloe, among others which have caused significant damages to World Heritage properties.

Continued armed conflict in different regions of the world, sadly, leads to the destruction of cultural and natural heritage. It is hardly necessary to recall that the fundamental aim of the 1972 Convention is the protection, conservation and preservation of humankind's heritage of outstanding value. Heritage of the Near and Middle East is extraordinarily rich and diverse and as we know, very many examples of this outstanding heritage are already inscribed on the List. It is from this heritage that the most significant testimonies of our history and our culture originate. It bears witness, through its exceptional variety, to the fact that this region was the cradle of extraordinary civilizations – a crossroad of peoples, cultures, languages, traditions – which produced the laws, alphabets, religions, sciences and arts that have spread throughout the entire world.

The protection and preservation of this unique heritage must be, as it is in other regions of the world, a priority in the framework of the mandate of this Committee in order to transmit to future generations the outstanding sites which we ourselves have inherited. In this region, troubled by long periods of conflict, no effort must be spared to attain this objective. The Director-General has expressed on many occasions his concern with regard to cultural heritage in the Palestinian Territories, notably during the last session of the Executive Board.

In fact, it is from the recognition of the diversity of heritage that mutual understanding and acknowledgement is borne. Heritage, in all its forms, studied and utilized, can be a vital element for dialogue, a means of paving the way towards a just and long-lasting peace.

This is echoed by the Decision of the United Nations General Assembly, which proclaimed 2002 the

International Year for Cultural Heritage, and having as two major objectives: development and dialogue.

Looting of cultural properties, poaching of endangered species and their illicit traffic are adding to the damage of armed conflict. The ways and means of strengthening the implementation of the ensemble of international treaties for the protection of cultural and natural heritage need to be given direction. The Director-General himself will be sharing with you on Friday, his thoughts on the mutually supporting relationship between the World Heritage Convention and the other cultural conventions of UNESCO, including the newly adopted Convention for the protection of underwater cultural heritage, as well as the elaboration of an international legal instrument for the protection of intangible heritage.

In this regard, you will be examining later this week, the nomination of the Minaret of Jam in Afghanistan. This magnificent edifice of the 12<sup>th</sup> century has survived into our age despite the centuries of warfare and natural aggression. Helas, the loss of the Bamiyan Buddhas could not be prevented but I hope that the protection of heritage will be an integral part of the national reconstruction process. I will have the opportunity later to report to you about the recent initiatives taken by UNESCO in the protection of cultural and natural heritage in Afghanistan. I would like, once again, to thank His Excellency Mr Mohammed Raheem, Minister of Information and Culture of Afghanistan for joining us here today.

The challenge of heritage conservation in Afghanistan is indeed particular, but the problematic of heritage and development is one that is being faced in many developing countries. What is the role of heritage for the social and economic welfare of the people? How can the much needed improvement of infrastructure and economic activities be carried out without damage to the natural and cultural heritage of the country? These are the realities we face today in our daily work of heritage protection.

I trust that these and the many other issues requiring your policy elaboration and guidance can be addressed one after another. The World Heritage Convention, in 30 years of its history, has made ground-breaking contributions to conservation, at both the international and national levels. My colleagues at UNESCO and I have been privileged in supporting the efforts of the Committee in this endeavour, and we stand ready to continue serving you in the future for this great cause.

Last but not least, on behalf of the Director-General, my colleagues of the Centre, and on my own behalf, I would like to thank our friend, Mr Henrik Lilius for the tremendous work he did as Chair of the Committee over the past six months since the session in Helsinki

and for the years before as Committee member. We will continue to count on you in the future.

I wish you every success in the deliberation of this important session of the Committee.

Thank you for your attention."

7. The Chairperson read out the names of the organisations that had requested to attend the meeting as observers.

8. Later in the morning, the Delegate of Egypt asked the Chairperson to again read the list of those organizations and to clarify the procedure allowing observers to attend the meetings of the Committee. He recalled that organizations need to have a verifiable link with the Convention or properties inscribed on the World Heritage List.

9. The Chairperson informed the Committee that a written request for observer status was required. He then declared the list of observers adopted (decision **26 COM 1**). (The list of participants is included as Annex I to the Report (list of Decisions) of the session, document *WHC-02/CONF.202/25*)).

## **2 REPORTS ON 30 YEARS OF THE WORLD HERITAGE CONVENTION**

1. This agenda item was initially scheduled for Friday 28 June 2002. Due to time constraints (see also item 26 and the debate relating to the workload during the Committee sessions), the Committee decided not to open this agenda item (decision **26 COM 2**).

## **3 ADOPTION OF THE AGENDA AND TIMETABLE**

*Documents:* *WHC-02/CONF.202/1 Rev.3*  
*WHC-02/CONF.202/INF.1 Rev.2*

1. The Committee noted the very heavy agenda for its session and made a number of suggestions for managing the agenda and improving its working methods.

2. The Delegate of Lebanon requested that agenda item 7 (Report of the Secretariat on the activities undertaken since the 25th session of the Committee) be examined later in the week in order to give time to the delegates to examine the document.

3. The Delegate of Belgium supported the proposal made by the Delegate of Lebanon and requested all documents, including Information Documents, notably the Report of the Secretariat (*WHC-02/CONF.202/INF.6*), be made available in both working languages, English and French.

4. The Delegate of Saint Lucia requested that in the future the origin of items on the Agenda be indicated with the originator of the item (Committee or Bureau member, the Director-General of UNESCO, Secretariat etc.) shown in parentheses. She proposed to postpone discussion on Item 19 (Revision of the *Rules of Procedure*).

5. With reference to Item 29 (Adoption of the Report of the session), the Delegate of the United Kingdom proposed that in order to improve Committee procedures and follow-up to its decisions, the report to be adopted by the Committee should comprise only the decisions. There should be a separate summary record of the discussions circulated as an information document. This would be comparable to the practice adopted by UNESCO's Executive Board.

6. The Director of the World Heritage Centre noted that the proposal made by the Delegate of the United Kingdom had advantages and that it could be implemented starting this session. On the other hand, postponing agenda item 19 would create technical problems in his opinion and he therefore asked the Delegate of Saint Lucia to withdraw her proposal.

7. The Delegate of Saint Lucia clarified that the revision of the *Rules of Procedure* needed to be examined in a broader context, that other issues than those mentioned in the working document – such as the role of the Bureau – needed also to be examined. For those reasons and bearing in mind that the agenda of this Committee session had so many important items, she maintained her proposal to postpone item 19. She further warmly supported the proposal made by the Delegate of the United Kingdom concerning the presentation of the report.

8. The Delegates of Finland and China also supported the proposal made by the Delegate of the United Kingdom.

9. The Chairperson suggested maintaining agenda item 19 but to limit discussions to the ways to proceed with the revision of the *Rules of Procedure*, and to postpone agenda item 7 until later in the week. He then declared the agenda adopted as amended (decision **26 COM 3.1**).

10. The Director of the World Heritage Centre indicated that the Bureau of the World Heritage Committee would examine the requests for international assistance once the Committee had approved the readjustments of the budget under item 24.

11. The debate on the new format of the report was resumed later that morning after agenda item 5. Having consulted the Secretariat, the newly elected Rapporteur confirmed that the Report (List of Decisions) and the Summary Record would be circulated as two separate

documents. She asked the Committee, if necessary, to allow some time to adjust the format of the Summary Record. The Rapporteur suggested that draft decisions be prepared, translated and to the extent possible circulated prior to final amendment and adoption by the Committee at the end of the session. She requested that if Committee members had already prepared draft decisions, that they be provided to the Secretariat for translation and distribution in advance of the relevant agenda item.

12. The Delegate of Thailand approved this working method, recalling that the Summary Record is an information document.

13. The Delegate of Saint Lucia also supported this working method, stressing that the Report with the Committee's decisions was the most important.

14. The Delegate of India, while noting that the proposed working method could be interesting, asked that this proposition be implemented on an experimental basis. She asked for clarification on the modalities, the preparation time, the comments, the finalisation and distribution of the Summary Record.

15. The Rapporteur indicated that such clarifications would be given in due time.

16. The Delegate of Nigeria supported the proposal to focus on decisions and having a Summary Record.

17. The Delegate of India proposed that until the Committee had a clear idea on the new format of the report and its implications, it would work along the existing methods.

18. The Chairperson summarized the debate and suggested that he formulate decisions at the end of each agenda item. He recommended that the proposal of the United Kingdom be implemented by keeping the advantages of the old system whilst seeking improvements. He added that written draft decisions were welcome as they would facilitate the debate and the decision-making.

19. On the final morning of the meeting, the Rapporteur informed the Committee that, as requested by the Committee, the Report of the present session would consist of a complete set of decisions, including those taken that morning. A first draft of the Summary Record would be distributed at the end of the session; due to the fact that the last working session was held on that same morning, it would only be a preliminary and incomplete draft. She then invited the Committee to comment on the two draft decisions 26 COM 3.2 and 26 COM 3.3 that had been circulated, the latter containing details related to the procedures for finalizing both documents.

20. The Delegate of Lebanon questioned whether it would not be more appropriate to delete 'to the extent

possible' in the first paragraph of draft decision 26 COM 3.2.

21. The Chairperson noted that it was understood that when closing an agenda item, a formal decision was required.

22. The Delegate of the United Kingdom asked to add "for correction of their own interventions" in paragraph 3 of draft decision 26 COM 3.3.

23. The Delegate of India again requested that the new reporting be adopted on an experimental basis. She questioned whether corrections to the Summary Record should be limited to one's own interventions only.

24. The Delegate of Lebanon noted that the Committee had already taken a decision and that the debate should not be reopened at this stage.

25. The Delegate of Saint Lucia recalled that the Summary Record was for information and that the proposed working method was the same as for the Executive Board of UNESCO where Delegates could only correct their own statements.

26. The Delegate of India thought that a decision on this matter had not yet been adopted. In her opinion, the working methods of the Committee were different from those of the Executive Board of UNESCO. She emphasized that summaries of the debates were important for administrations and site managers in the countries. Good reporting procedures were important, she noted.

27. The Chairperson recalled that the Committee had agreed upon the new format for the report on an experimental basis.

28. The Observer of Australia asked that paragraph 3 of draft decision 26 COM 3.3. be amended to include the Observers.

29. The Delegate of Nigeria supported this proposal while expressing concern whether this would be manageable.

30. The Delegate of Saint Lucia noted, with a view to keeping procedures simple and manageable, that translation at each stage of the procedure, before the Summary Record was complete, was not necessary.

31. The Delegate of the United Kingdom asked whether the Summary Record could be published in less than three months.

32. To those who were concerned by possible delays in finalizing the Summary Record, the Rapporteur recalled that this was due to the fact that the session was extended to Saturday morning. If there were good reasons for continuing the work on Friday and Saturday, the

Committee had to understand that this had implications for the preparation of the Report and the Summary Record.

33. The Delegate of Lebanon proposed to adopt the draft decision with the amendments of the United Kingdom and Australia.

34. The Delegates of Thailand and Nigeria agreed.

35. The Delegate of India said she was not opposed to the draft decisions but noted that the Rapporteur had informed the Committee on issues needing further reflection. In her opinion the procedures were not entirely clear and thus she emphasized that the system could only be implemented on an experimental basis. The Summary Record would be of limited use if it would only be available six months after the meeting.

36. The Secretariat informed the Committee that it might not be possible to publish the Summary Record in less than three months, given the (summer) holidays. According to the Secretariat, as the Summary Record was not finalized during the session due to time constraints, the work would have to be completed by the Secretariat and translators on their return to Paris. The Secretariat indicated that there would be some time management and human resource implications as this work was usually completed during the Committee session. The Secretariat indicated that as the complete draft of the Summary Record could not be provided at the session, they would do their best to dispatch a copy of the completed document to participants so they have the opportunity to check their interventions. The Secretariat indicated that the clear decisions adopted by the Committee would greatly assist the Secretariat in ensuring appropriate follow-up to each decision and expressed their commitment to improving the working methods of the Committee.

37. The Delegate of the United Kingdom commended the Secretariat for its efforts to implement the new format starting this session, acknowledging that some difficulties were inherent to any change. He was confident however that the new format would improve efficiency of the Committee's and Secretariat's work, for the benefit of all concerned by the Convention.

38. The Delegate of India expressed her concerns following the intervention of the Secretariat, notably concerning the remark about the human resources. She insisted that the Summary Record should have been available at the end of the session.

39. The Rapporteur drew again the attention of the Committee members to the fact that all agenda items had led to substantial debates, notably item 12 (policy and legal issues), 21 (state of conservation reports) and 23 (new nominations) and the Committee had also extended the session with meetings on Friday afternoon and Saturday morning which had never happened in the past. She noted it was unreasonable to expect in those

circumstances that a complete Summary Record would be distributed in two languages only some hours later; she asked the Committee to understand this. She added that thanks to the new format of the Report, there would be no problem to submit the complete list of decisions for adoption by the Committee later that day.

40. The Delegate of India declared that she would join the consensus.

41. The Chairperson declared draft decisions **26 COM 3.2 and 3.3** adopted, the latter with the amendments proposed by the Delegate of the United Kingdom and the Observer of Australia. He suggested that the deadline for checking the interventions of the Summary Record would be 10 days maximum.

42. Following the adoption of the decisions, the Delegate of India expressed her reservation.

43. During the adoption of the report (item 29) it was agreed that the decision should specify that the Summary Record would be provided "for information".

#### **4 ELECTION OF THE CHAIRPERSON, VICE-CHAIRPERSONS AND RAPPORTEUR**

*Document: WHC-02/CONF.202/INF.3*

1. The Chairperson invited the Committee members to nominate a new Chairperson.

2. The Delegate of Egypt, on behalf of the Committee, thanked Mr Henrik Lilius (Finland), the outgoing Chairperson for his commitment and his contribution to the work of the Committee. He then proposed Mr Tamás Fejérdy (Hungary, Director of the State office for Cultural Heritage) as new Chairperson. Mr Fejérdy, he recalled, has an extensive record in cultural heritage conservation and is experienced in international work, including at the Council of Europe and UNESCO.

3. The Delegates of Korea, Finland, Greece, South Africa, Nigeria and the Russian Federation supported his proposal.

4. The Chairperson further invited the Committee to designate a new Rapporteur.

5. The Delegate of Zimbabwe commended the work of the outgoing Rapporteur, Mr Lopez Morales (Mexico) and proposed that Ms Bénédicte Selfslagh (Belgium, Heritage Division of the Walloon Region, Chair of the Steering Committee for the Cultural Heritage of the Council of Europe) be his successor. Ms Selfslagh is well known for her contributions to the work of the Committee and would be committed to implement the new format of

the report as proposed by the Delegate of the United Kingdom.

6. The Delegates of Saint Lucia, Lebanon and Argentina supported this proposal.

7. The Chairperson then invited the Committee to elect five Bureau members.

8. The following nominations were made: China as proposed by the Delegate of Thailand, Greece as proposed by the Delegate of Mexico, South Africa as proposed by the Delegate of Nigeria, Egypt as proposed by the Delegate of Oman and Mexico as proposed by the Delegate of Saint Lucia.

9. The Chairperson noted the consensus and declared the new Bureau elected (decision **26 COM 4**).

10. The newly-elected Chairperson then delivered the following speech.

"Excellencies  
Honourable delegates of the World Heritage Committee,  
Ladies and Gentlemen,

It is an exceptional privilege for me to chair, in the name of my country, Hungary, the UNESCO World Heritage Committee. Thank you for the support and confidence with which you have honoured me in entrusting these functions to me for a period of one year. It is a mission to be accomplished and I will do my utmost to do so in accordance with its importance. Naturally, I will do my best and will devote all my energy and efforts to rise to the occasion and assume this heavy responsibility.

To continue the words of welcome and thanks, allow me to address a few words to Professor Henrik Lilius, my predecessor to the role of Chairperson. I would like to express my compliments and sincere thanks for the work and the task that he has accomplished with as much scientific rigour as precision focused on efficacy which is reflected by the results. In comparison to previous Chairpersons' mandates and those that will follow that of Mr Henrik Lilius, the length of his Chairmanship was only half of that of the other mandates. However, we all know very well that that shortened Chairmanship period, due to the modification in the annual work cycle of the Committee, was of great importance in the life of the World Heritage Committee. Professor Lilius, may I also thank you personally for your work. You have succeeded in significantly promoting numerous strategic processes which have greatly facilitated the work of the next Chairperson.

Ladies and Gentlemen,

It is a very special pleasure for me to welcome you in the year of the 30th anniversary of the World Heritage Convention. I fully realize the large number and importance of the tasks for which we are responsible; we are together here to work. All the same, the 30th anniversary of the Convention, like the anniversary of an adult, should not go by unacknowledged. Thirty years is the period of a whole generation, "the age of man" – as the Hungarians say. It is over just such a period that successive generations -- grandfather-son-grandchild -- evoke the continuity of the transmission of life and all that is linked to it, including culture and heritage.

Thirty years of the Convention has proved and continues to prove today its actuality; it has gone even further, it has visibly flourished both quantitatively and qualitatively.

The application of the Convention, the fundamental objectives of which are based on the protection of humankind's cultural and natural sites, also highlights the wealth, breadth, the fantastic extent and depth of these properties. They reveal marvels that some of us suspected even before the mirror of World Heritage had identified them.

Ladies and Gentlemen,

The wealth and diversity of world heritage, the successive emergence of new 'types' and the enthusiasm that impregnates the tentative lists of properties should not distract us from the fragility and vulnerability, sometimes tragic or moving, of these properties and of the special and universal responsibility entrusted to States Parties, signatories of the Convention. Working to know the sites, so as to better recognize their World Heritage values is marvellous, but one must never forget that the protection and preservation of these sites for the future generations is a primordial task.

Alas! There are more than enough to preserve and conserve!

It is not only natural disasters, difficult or impossible to avoid, that threaten these sites common to all humankind. The macro-economic mechanisms and economic processes do not take into account the principles of sustainable development. The so-called development programmes, the aims of which are the relentless exploitation of values, and which reflect a short-term philosophy totally lacking in professional competence... poverty, profit seeking and negligence - all harbour the seeds of decline. And we have not yet spoken of deliberate destruction, acts of vandalism, as inconceivable as it may seem, but real. Sadly, studies concerning the state of conservation of World Heritage sites, regularly discussed during the annual Committee sessions, provide us with many examples.

A more rigorous management of the state of the World Heritage sites could be one of the more urgent tasks demanding decisions which would open new perspectives for the future period in this millennium.

According to the original philosophy of the Convention, the strength of the Convention emanates from the fact that the States Parties assume a common responsibility with the State Party whose site is in danger. If that desire to preserve the values had more margin for manoeuvre and means, better co-operation or assistance could be achieved, which would of course, be characterised in each of the cases by the solidarity of equal partners.

Furthermore, - and this does not only concern sites in danger – means for the management of World Heritage sites respecting the principle of sustainable development must be found. In this field, the programmes that take into account the large-scale co-operation of partners will have a more important role and the elaboration of principles and relevant fields of application can no longer be deferred.

Ladies and Gentlemen,

Although the agenda of our meeting is very heavy, I am not sorry that the documents of a strategic and decisive nature for the future of the Convention are being discussed here in Budapest. I hope that we will adopt some of them, but at least some will be prepared and ready for adoption at the next Committee meeting.

Budapest, the host city of this meeting, also has a World Heritage site, of which it is very proud. It was the first site that the Committee inscribed on the List in 1987 following the adhesion of Hungary to the Convention, in 1985. I hope that in spite of the heavy workload you will have a little time to discover the beauties and value of this city. In any event, you will certainly share my opinion in saying that Budapest, as all historic cities, is a living example of the integrated synergy of tangible and intangible heritage, and the interaction of all these elements that it presents to us in all the layers of its past, present and future. Pest, Buda, and Obuda are historic sites whose origins go back to olden days but which at the same time had a brilliant although somewhat turbulent history from the Middle Ages to modern times. Budapest, as you see it today, this metropolis on the two banks of the majestic Danube, historically speaking is a young city of just 130 years. I would say that this ambiguity, viewed from the world heritage perspective is symbolic, it is the symbol of the younger generation that will have to be responsible for the preservation and the development of the heritage. It is “in the hands of the youth” that the heritage becomes the best means of knowing oneself and mutually understanding each other.

Ladies and Gentlemen,

The message of the spirit and the application of the World Heritage Convention and the primary task which derives from it indicates that the preservation of sites is indispensable, and especially for the individuals and the communities who have created and preserved them, so that these sites and wealth may contribute, in their turn, to the creation of other sites and other communities who will encourage improvement in the quality of life.

In conclusion, following these thoughts, I promise to accomplish the tasks of Chairperson with great zeal and perseverance, in the service of this eminent Committee and the World Heritage Convention. If the implementation of the objectives of the Convention, as much the quantitative as qualitative aspect is more especially the responsibility of the Committee, it is also so that, and I am certain, the Chairperson of the Committee can always count upon your co-operation and assistance to promote our cause. May I also say that I depend upon you and thank you in advance for your support."

## **5 REPORT OF THE RAPPORTEUR ON THE 26TH SESSION OF THE BUREAU OF THE WORLD HERITAGE COMMITTEE**

*Document:* WHC-02/CONF.202/2

1. The outgoing Rapporteur, Mr Francisco Javier Lopez Morales (Mexico), presented the Report of the 26th session of the Bureau of the World Heritage Committee, of which the Committee took note (decision **26 COM 5**).
2. The Secretariat recalled that interpretation was provided from Spanish into the two working languages thanks to the generous support of the Spanish authorities.

## **6 PROTECTION OF THE CULTURAL HERITAGE IN THE PALESTINIAN TERRITORIES**

*Documents:* WHC-02/CONF.202/3  
WHC-02/CONF.202/INF.16

1. The Chairperson invited the Committee to consider new draft decisions resulting from informal negotiations on the side of the working sessions, thanking all those who had contributed to this effort. The Committee adopted these new draft decisions by consensus (decisions **26 COM 6.1 and 6.2**).
2. The Chairperson then invited the Observers of Israel and Palestine to make a statement if they so wished to do.

3. The statement made by Mr Michael Turner, Observer of Israel appears below:

"... In the first part and looking at the Item 6 of the Agenda, I would like to congratulate the Committee for the changes which have been introduced since the Bureau Meeting in April, and the recent developments which have taken place. They do reflect the results of an understanding of what really happened at the Church of the Holy Nativity. They allow us to have a little more perspective, and I would like to thank specifically our Chairman and the Delegate of Greece for their efforts and their understanding in trying to reach a consensus among the Committee members. But unfortunately, I have to make three reservations.

- (i) The first paragraph "recalls **all** the United Nations resolutions". Like all of us, I must admit I am not really able to recall all the U.N. resolutions so I find great difficulty in accepting them! We should concentrate and relate specifically to those resolutions which are indicated and that relate to the issues of cultural heritage.
- (ii) In the note taken of the Executive Board decision, the paragraph on "deplore the destruction and damage caused to the cultural heritage in our region" should be deleted.
- (iii) The resolution refers to "Palestine", and on this point we have to relate to the Palestinian Authority or the Palestinian Territories. We all hope that there will be two States very soon, but, till then, it creates a misnomer in the present situation.

It feels very much like the situation former Prime Minister Ehud Barak must have been in at the final discussion with Chairman Arafat and President Clinton – almost getting there and suddenly finding the solution not clinched; these changes might deal with packaging, but Israel considers them very important, though not necessarily affecting the content on cultural heritage which we support and respect.

I would like to add a quotation from the letter which was sent on the 22 April 2002 by our Deputy Prime Minister and Foreign Minister, Mr Shimon Peres, to Mr Matsuura, the Director-General of UNESCO in relating to the events which were taking place at the time of the siege of the Church of the Nativity:

*"On its part, the Israel Defense Forces (IDF) has made every effort to safeguard this important Christian site and has refrained from entering the Church by force, seeking to resolve the issue through a compromise, with a view to protecting both the site and the clerics in it. Moreover, I was personally involved with seeking a solution, (and was already in touch with the Vatican to this*

*effect). Israel has been careful to avoid, as far as possible, damage to the property and innocent individuals, as a matter of policy, especially in populated areas, at the cost of a high casualty rate among its forces. I would like to reassure you, Dear Mr. Matsuura, that Israel is very conscious of how important it is to protect and preserve monuments of cultural and religious value, for the benefit of generations to come."*

This is the point where I would like to move on to the second part and perhaps change hats, and here I am having to look at the final draft proposal for the first time like you all.

Please move down to the penultimate paragraph "Appeals the concerned parties to co-operate with the Director-General .....". Well, I would like to say that *I'm here*, you don't have to appeal to a lot of people because I'm here, I have been here with you for two years and I stand up before you. Now, I would also like you to recognize our colleague, the Palestinian Observer. I think we can all relate to something which is missing, and basically missing, in this document. My basic approach as the Chairman of the Israel World Heritage Committee, and it might be a difficult thing to say, is that **we cannot change our past but we can change our future**. We, in the field of cultural heritage, have this amazing capability of being able to learn from that past, because when we start arguing about that past and at what point we start the accounting, we will only create problems for ourselves. What is missing in my mind, and I would like to add this in my support of a resolution, which I expect to be annexed with the approval of the Chair, are the two words – that of **courage** and that of **co-operation**.

On the next item of the agenda, we are going to speak about 'partnerships', and for those of you who know, I have been trying at many times to contribute as an observer to move forward with ideas of partnership. This is because cultural heritage is the **consensus** and not the **casus belli**. It is the sharing and harmonisation of ideas because what we are looking for is the poetry of place as these become the Epochs of History. They are the celebration of discoveries, the manifestation of ideas, ideals and beliefs all intertwined into the physical fabric of monuments and sites. Francis Bacon wrote that these monuments were the shipwrecks of time and I think that therefore we should be looking at **world sites in national heritage and not the national sites in world heritage**. This is the meaning that asks us then to re-establish and re-look at what we are doing as States Parties and individuals.

I have spoken about courage, because I honestly feel that it is at the time of difficulty when we need courage – this is where we need the co-operation. At times when things are going well, I don't need that courage – I can do quite well, thank you very much! And this is

the time when I'm asking you, members of the World Heritage Committee here in Budapest, to actively generate those actual projects of partnership. Now I believe that co-operation is going to be very important and therefore I would like to relate to the paragraph calling "for consultation with the Chairman of the Committee". I would like to commend and extend this wording to the "parties concerned" because by moving into the consultation with the Chairman of the World Heritage Committee, it brings the dialogue within the realm of professionalism and academia of the World Heritage. I think in this way that we are going to move forward and reflect the spirit of the D-G note 02/13 of 31 May 2002 on the *UNESCO Contribution to Reconstruction and Reconciliation in the Middle East*.

So let me then say what I have been doing since the Bureau Meeting in April – although perhaps my wife and bank manager have not been too happy about my orphaned office. What I have been doing is to try and find those projects which bring us together within those Epochs of History. There are three activities which the Committee is supportive of us in Israel. The first one is the "*Experts Meeting on the Great Rift Valley*". This really is an Epoch of History both natural and cultural – I have called it "**Bridging the Rift**" because it shows the natural and cultural heritage movement from Africa with the hominid sites continuing through the Fertile Crescent linking the empires of the Pharaohs and Meroe in Greater Egypt and the Axumite Empire in Ethiopia to the Greek/Persian Empires and the Roman Mediterranean - *Mare Nostrum* - which we all share through the writing of Fernand Braudel. But it is also the cradle of the three monotheistic religions and the concept of peace.

Therefore this first project is, in fact, the spirit of what we are saying – it is the courage needed; not "oh, we can't do it now". I would like to hear from everybody in this room "we **can** do it now", and at that Experts Meeting in October this year I personally invite the representatives of all neighbours to come along and join us to deal with what I believe is the most incredible thematic and serial nomination of the World.

And the second activity which I want to discuss, which came to me because of the problem of the Church of the Nativity, are the sites of Christianity. The sites of 'Jesus and the Apostles' appear in the Tentative List of the State of Israel. These are obviously only the sites within our territory. We have had a proposal by the Delegate of Greece and the Delegate of Saudi Arabia at the Executive Board of UNESCO, to inscribe the Church of the Nativity on the World Heritage List in Danger!!! I find this quite amazing because I believe we should be doing something positive and not just looking at dangers. I discovered that Christianity, as an Epoch in History, does not appear on the World Heritage List. [Please will those friends and colleagues from the East excuse me in that I will relate to the

perspectives of the part of the world I understand.] And so, therefore, for our next proposal, and this is being discussed in gentle discussion and with the Delegates of Greece and of the Holy See, I call upon you to join all the relevant countries together to begin to understand what really is World Heritage. These are those Epochs of History – the cultural roots, the meanings, the beliefs, the ideals - in essence "criterion (vi)". In this way we will be able to bring together not just the Church of the Nativity but the Desert Monasteries of Byzantium, those incredible monasteries in the Judean Desert which are something very special, the Jewish Synagogues of the Hebron Hills and Jericho together with the Ommayad Palaces and the Palestinian Arab Hill Villages. Truly becoming the Cultural Heritage of our common geo-cultural region.

The third and last project which I want to mention is the support we need for a proposal put together at the School of Architecture of the Bezalel Academy, where I teach in Jerusalem, with a parallel proposal, which was prepared at the same time when the political weather was a little better, at the Al Quds University, to generate a dialogue of discussion in the studies of urban design and conservation. These activities have been supported by the Department of Cultural Heritage at UNESCO and ICCROM and they have unfortunately been cut off. Where is the courage? They were not cut off by myself. Once again we are looking for this courage so that these three projects move ahead positively at the first opportunity and in spite of everything.

If we want to share them we can then move ahead in peace, and if we honestly believe that cultural heritage is **that** point of consensus to which we are coming together in this, the 30th year of the Convention in our Budapest Declaration, then I think that we will be able to bring together the spirits of Moses, Jesus and Mohammed, and to peace.

Thank you."

4. The Observer of Palestine, Mr Ahmad Abdelrazek then made the following statement:

"Mr Chairperson,

First and foremost, I wish to thank you all, those who have worked on this consensus text and who have worked very hard during three days to achieve a positive spirit and a constructive text, and I hope that this will be an example to follow in the future.

I would first like to say that I very much appreciate Mr Michael Turner, as a person. I have known him for several years; he is a man of peace, a constructive man, in fact he is always very cooperative – and I appreciate his proposals. But, unfortunately, listening to him, I

have the impression that there, where he lives, in Tel Aviv, he is light-years away from Naplouse, Bethlehem and Hebron, because apparently he has not seen, or has not managed to see, or does not want to see, what is really happening. And, sadly, I cannot fail to mention this because you all know, you have all seen the pictures, the reports of the massive destruction. Historic monuments are damaged, and sometimes destroyed, cultural activity centers have been bombed following the re-occupation by the Israeli army of the Palestinian Territories.

We have tried not to bring this picture into our discussions here, but the fact that the Representative of Israel has made little of the sufferings of the Palestinian people has obliged me to recall this fact, because it was an act of a government official of a recognized country and member of the United Nations, and it is normal that the World Heritage Committee be alarmed, and express its disapproval and I thank the Committee for recognizing the Palestinian cultural heritage, and for its interest in safeguarding it, as this heritage does not only belong to the Palestinians.

This heritage belongs to 2/3 of humanity because Palestine has always been a melting pot and passage of civilizations and religions. And, furthermore, most of you have a link somewhere somehow with this land. So as not to make my intervention too lengthy, I would say that we have always called for co-operation; but to cooperate, there must be mutual respect. From the moment one recognizes that the other exists as an equal to oneself, co-operation becomes possible. As you know, until today, as I am talking to you, all the Palestinian towns are occupied by the Israeli tanks. In spite of this situation, in spite of the suffering, our vision is always directed towards the future and we hope that this will be a constructive future; we always have the hand stretched out towards the Israeli people for co-operation, but in respect and dignity; the relationship between a master and a slave cannot be called co-operation. It is not possible. So, when you see more clearly, we have the hand stretched out, and once again I call upon the Representative of the State of Israel to co-operate with the Committee for the future and for construction.

And why was there an appeal to the Director-General for co-operation, since, let me remind you, until now and for three years, Israel has refused all the emissaries sent by the Director-General. One cannot say 'I am here, I am ready to co-operate', and at the same time, officially, refuse that co-operation.

With the Director-General – it is recorded by the Executive Board – this request has been reiterated several times by the Executive Board and by the General Conference. So, one cannot simply utter words of peace and co-operation without being really sincere. But we, we repeat, in spite of all sufferings, in

spite of this tragic situation, we are ready, for the future of our children, and for the good of humanity, and especially for World Heritage, to cooperate together with the Committee to succeed in the task of safeguarding the heritage of humankind.

Thank you."

5. Following their interventions, the World Heritage Committee agreed upon the proposal of the Chairperson to include both statements *in extenso* in the Summary Record (decision **26 COM 6.3**).

## **7 REPORT OF THE SECRETARIAT ON THE ACTIVITIES UNDERTAKEN SINCE THE TWENTY-FIFTH SESSION OF THE COMMITTEE**

*Document:* WHC-02/CONF.202/INF.6

1. According to decision **26 COM 3.1**, this agenda item was scheduled later in the week. Due to time constraints (see also the debate relating to items 26, 27 and the workload during the Committee sessions), the Committee decided to defer the discussion of this agenda item to its next ordinary session in 2003 (decision **26 COM 7**).

## 8 PROGRESS REPORT ON THE PREPARATION OF THE 30TH ANNIVERSARY OF THE WORLD HERITAGE CONVENTION

*Document: WHC-02/CONF.202/4*

### Part I – International Congress "World Heritage 2002: Shared Legacy, Common Responsibility"

1. Support for the Congress, a major event amongst others organized within the framework of the 30th anniversary, was expressed by all speakers who noted the progress made in its preparation. The Delegates of Argentina, Belgium, Colombia, Mexico, Oman and Zimbabwe stressed the importance of the event as it is an opportunity to give visibility to the World Heritage Convention, through media involvement, thus reinforcing aspects of its implementation and encouraging the involvement of a growing number of World Heritage actors. It was also noted that the technical workshops organized prior to the Congress could lead to interesting results.

2. Some delegates (Argentina, Belgium, South Africa, Greece) requested clarification on the following issues:

- The participation of representatives of States Parties in the International Congress;
- The role of the Committee if it was to participate in the International Congress;
- The objectives of the Congress;
- The status of the proceedings prepared as a result of the Congress and how the results of the Congress could be transmitted to the Committee;
- The participation of governmental experts in the workshops.

3. The Delegate of Argentina expressed her concern that the recommendations of the Bureau had not been integrated into the working document. Flexibility was required in order to permit the participation of representatives of the States Parties to the Convention. These issues needed to be addressed in a satisfactory manner if the World Heritage emblem was to be used for the Congress.

4. The Delegate of Greece noted that in the context of a category IV meeting, the Committee could not participate as such in the International Congress nor approve its objectives. She thus asked for clarification by the Legal Advisor.

5. The Legal Adviser clarified that, in the context of a Category IV meeting, participants could be invited to attend directly; representatives of Government bodies, National Commissions or learned societies, however, would all participate in their personal capacity. Therefore, it would not be possible for the Committee to participate

as an intergovernmental body. Members of the Committee could, however, attend in their personal capacity.

6. Furthermore, the Secretariat confirmed that the proceedings of the International Congress could be presented by the Director-General to the Committee, for it to decide on any appropriate action it may wish to take once the results were examined. The Committee would however not be obliged to take the results of the International Congress into consideration.

7. The Delegate of Colombia thanked the Italian Government for taking this initiative. She asked the Secretariat to consult the Committee in the future on such events.

8. The Delegate of Saint Lucia supported the previous speaker. Considering that it was a major opportunity, the Committee should thank the Italian authorities for offering to host and participate in the funding of the Congress. The Committee should formally authorize the use of the World Heritage Emblem for the Congress and take note of its objectives. Finally, the Committee should invite the Director-General to submit at an initial stage for the Committee's approval both the programme of such events and the request for the use of the World Heritage Emblem.

9. Following this debate, the Delegate of the United Kingdom proposed that the key elements suggested by the Delegate of Saint Lucia be reflected in the Committee's decision.

10. The Chairperson integrated these suggestions in his conclusions and his proposed draft decision was adopted by the Committee (decision **26 COM 8.1**).

11. The Observer of Italy expressed his satisfaction that the Committee had overcome some reservations related to the form and content of the Congress. He assured the Committee of the commitment of his Government, the Veneto Region and the town of Venice that the Congress would have a rigorous scientific profile and be highly visible.

### Part II – List of events co-organized or supported by UNESCO

1. The Delegates of Argentina, Chile, Korea and Mexico provided information about initiatives being implemented in their countries during the 30th Anniversary year.

2. The Delegate of Saint Lucia asked for information on the type of financial assistance, if any, that could be made available for activities to promote the Convention in the regions and States Parties.

3. The Delegate of India stressed the importance of encouraging and supporting regional initiatives.

4. The Delegate of Korea stressed the importance of consultation with the Committee and different sectors within UNESCO.

5. The conclusions of the debate as proposed by the Chairperson were adopted (decision **26 COM 8.2**).

### **Part III – Publication project to mark the 30th Anniversary of the World Heritage Convention**

1. Several delegates (Belgium, Colombia, Egypt, Greece, India, Lebanon, Mexico, Saint Lucia, Thailand and Zimbabwe) took the floor on this part of the document to raise issues relating to the content of the publication, its format, target group, schedule for its preparation and its funding.

2. The Delegates of Egypt and Thailand asked for clarification on the linkages it would have with the International Congress, *World Heritage 2002: Shared Heritage, Common Responsibility*. The Delegate of Egypt referred to the need to ensure that no overlaps were created between the Congress proceedings and a publication for the 30th Anniversary of the Convention.

3. Several delegates (Belgium, Saint Lucia, Thailand and Zimbabwe) stated that if the publication was linked to the International Congress, its funding should be provided by the organizers of the Congress. If not, the Committee had to consider, during the discussion on the budget, whether this was a priority.

4. The Delegate of Greece underlined the importance of the preparatory work for any publication and the implication in terms of human resources.

5. The Secretariat confirmed that this publication was not intended to duplicate the work of the International Congress and that it was to address a wide audience of readers interested in the main issues of heritage conservation. The Secretariat further specified that additional funding would be required to develop and implement this project and that this would be done in close collaboration with the Advisory Bodies.

6. The Chairperson summarized the debate and his proposed draft decision was adopted by the Committee (decision **26 COM 8.3**).

7. During the adoption of the report (item 29) it was agreed that the decision should specify that the funding sources to be identified for the publication should be "extrabudgetary".

## **9 BUDAPEST DECLARATION ON WORLD HERITAGE**

*Document: WHC-02/CONF.202/5*

1. The Chairperson explained that the Bureau at its 26th session (April 2002) had prepared a draft version of the Budapest Declaration for World Heritage. He affirmed that the best way to proceed, in order for the Committee to adopt the Declaration, would be to create an open-ended working group entrusted with the final drafting of the Declaration. The Committee agreed with this proposal.

2. The Delegate of the United Kingdom suggested that the working group be requested to prepare a concise but strong declaration, focusing on a limited number of key issues.

3. The Chairperson agreed and noted also the support of the Delegates of Nigeria and India for this proposal.

4. At the invitation of the Chairperson, the working group was chaired by the former Chairperson of the Committee, Mr Henrik Lilius. The following delegates and observers contributed to its work: Algeria, Argentina, Australia, Belgium, Egypt, France, India, Israel, Lebanon, Netherlands, Nigeria, Santa Lucia, South Africa, Republic of Korea, the United Kingdom and the Advisory Bodies.

5. A new draft of the Budapest Declaration prepared by the working group, was circulated on Friday morning, 28 June and the Chairperson asked whether the Delegates had any comments.

6. The Delegate of Thailand asked to use the full title of the Convention in paragraph 3.1.

7. The Delegate of Lebanon recommended not to repeat endlessly "universal exceptional value".

8. Noting the consensus, the Chairperson declared the Declaration of Budapest adopted with the suggested amendments (decision **26 COM 9**). He stated that this was a major contribution to the celebration of the 30th anniversary of the World Heritage Convention.

9. Later that morning, as part of the celebratory events for the 30th Anniversary of the World Heritage Convention, the Chairperson warmly welcomed the Director-General of UNESCO, Mr Koïchiro Matsuura and invited him to address the World Heritage Committee. The Director-General's speech appears below:

"Your Excellency, Mr László Mandur (Deputy Speaker of the Parliament),  
Mr Tamás Fejérdy (Chairperson of the World Heritage Committee),  
Members of the World Heritage Committee,

Distinguished former Chairpersons of the World Heritage Committee,  
Representatives of the Advisory Bodies (ICOMOS, ICCROM and IUCN),  
Ladies and Gentlemen,

I am very pleased to be with you today and to have this opportunity to address you. I trust that you have all had a productive week of work. I would like to thank all of you for your dedication.

We are gathered to mark and celebrate the 30<sup>th</sup> anniversary of what is probably UNESCO's most successful convention – the 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage*. This celebration is also taking place in the context of the United Nations Year of Cultural Heritage (2002), for which UNESCO has been designated the lead agency by the UN General Assembly in order to mobilize and coordinate activities around the world.

The Convention is now being implemented almost universally, with 172 signatory countries and the inclusion of more than 730 sites on the World Heritage List. I would like to sincerely thank all States Parties to the Convention, the Advisory Bodies to the Committee (ICOMOS, IUCN and ICCROM) and the many organizations and individuals around the world who have made a significant contribution to this global movement for World Heritage conservation begun 30 years ago.

Here in Hungary, the World Heritage Convention is being celebrated with this important 30th anniversary session of the World Heritage Committee. The number of remarkable World Heritage sites here pays tribute to the implementation of the Convention in this country. Indeed, the venue for our meeting, so generously hosted by Hungary, is in fact a World Heritage site. I also offer my sincere congratulations to our Hungarian hosts for your successful organization of this meeting and my thanks for your kind hospitality. In this regard, I extend my special thanks to Madam Szili, the Speaker of the Hungarian Parliament.

At this point, I would like to warmly congratulate Mr Tamás Fejérdy of Hungary on his election as the new Chairperson of the World Heritage Committee. Having been a former Chairperson of the Committee myself, I understand the special honour and responsibility conferred by this international role.

Ladies and Gentlemen,

It is important that we place the World Heritage Convention in the context of UNESCO's unique responsibility within the UN system for the totality of culture and cultural heritage. Therefore, it is incumbent upon UNESCO to make sense of the totality, to draw connections between key developments in the sphere of culture, and to promote the safeguarding of all aspects of tangible and intangible heritage.

Today, we are being invited to reflect upon what we have traditionally done regarding heritage and what are the needs of the future. Currently, we find ourselves in the midst of a transition. We must re-position ourselves and find our way forward. In the brief exploration that follows, I shall focus on certain key aspects of the Convention and emphasize the importance of meeting fresh challenges.

In regard to the 1972 Convention itself, key questions arise concerning how we can ensure that the World Heritage List is credible and that the designation of a site as 'World Heritage' is meaningful in terms of its future management and protection. The credibility of the List depends very much on achieving a delicate balance. The List must be maintained as a select global inventory of heritage properties of 'outstanding universal value', as described in the Convention. At the same time, we should try to build, to the extent possible, a List that is balanced and representative of the different geo-cultural regions. It should also express the diversity of types of cultural and natural heritage.

Some criticize the List as being too elitist while others say that the List is growing too large! The real task, however, is to ensure that the List is more than just an honour list. Sites should be awarded World Heritage status for a reason. They must be guaranteed of protection to the highest possible standards, with assistance being provided from the international community as required.

The Convention provides the Committee with a number of mechanisms to ensure the protection of World Heritage sites under threat, namely, the List of World Heritage in Danger and the possible deletion of sites from the World Heritage List. I believe that more could be done to use these mechanisms to their full potential. After all, some sites have been on the List of World Heritage in Danger for decades without receiving the special attention they deserve. I therefore urge you to make full use of the protective capacity of the World Heritage Convention in this regard.

Our primary partners in our collective work to protect World Heritage are, of course, the States Parties to the Convention. I therefore call on you all to ensure World

Heritage properties become examples of effective management and conservation. It is your responsibility to ensure that World Heritage properties do not suffer either direct or indirect damage.

In addition to States Parties, UNESCO looks to other actors with whom we can address the challenges of world heritage conservation. We must foster and build a partnership approach to our work. Co-operation agreements on World Heritage have now been signed with Italy, France, the Netherlands and, most recently, Spain and Australia. My thanks go to these States Parties for demonstrating their commitment to World Heritage through the signing of these agreements and the provision of technical and/or financial resources to our work.

I have also negotiated closer relationships between other UN and regional bodies, with the World Bank and other financial institutions, and between bilateral development co-operation agencies and UNESCO. The World Heritage Centre is actively consulting with a number of major bilateral and multilateral development co-operation agencies. I am pleased to report on an important multilateral action: in consultation with UNESCO, the World Bank has revised its Policy Guidelines and Operational Framework in order to include cultural heritage impact assessments in the design of its projects. Meanwhile, a significant bilateral step forward arises from the fact that the approval procedures of Japan's Cultural Grant Aid and the Japan Bank for International Co-operation (JBIC) loans now recommend "non-objection from UNESCO" with regard to sites on the World Heritage List and the tentative lists.

This year, the building of new and long-term partnerships for World Heritage conservation is being given special emphasis. Reaching out to the people, the civil society through all its sectors is today, not only a duty in the name of democracy, but also a necessity to meet the challenge of heritage protection. Partnerships with the private sector, notably those drawing benefit from cultural and natural resources, such as the tourism and mining, among others, must be negotiated. We are supported in this effort by foundations and NGOs.

An example of this is the special relationship UNESCO has developed with the United Nations Foundation (UNF). This partnership promotes the conservation of potential and designated sites of biodiversity of outstanding universal value. In connection with the 30th anniversary of the Convention in November, the UNESCO World Heritage Centre and UNF are in the process of negotiating an expansion of this relationship to include key international conservation NGOs such as the World-wide Fund for Nature (WWF) and Conservation International (CI). It is hoped that this new relationship could further increase the resources

available at the country and site levels for World Heritage conservation.

The benefits of partnership also arise in relation to the preparation of the World Summit on Sustainable Development to be held in Johannesburg in just a few weeks' time. Shortly before the World Summit, a workshop on "African Heritage and Sustainable Development" will be held in Pretoria, South Africa. The workshop is being organized by the South African Department of the Environment and Tourism in co-operation with the UNESCO World Heritage Centre, IUCN and ICOMOS. In addition, several of UNESCO's partners are launching initiatives and actions during the World Summit that will attract attention to the importance of the World Heritage Convention. For example, the Equator Initiative, linking UNDP, UNF, the International Development Research Centre (IDRC) of Canada, and other partners, will recognize and reward successful campaigns and efforts to link resource conservation and sustainable development. The Equator Initiative Awards will recognize partnership between communities, NGOs, the private sector, government and other groups. During the Summit, a special recognition prize will be awarded to a World Heritage site (from a shortlist of 22 sites) for the successful integration of conservation and local livelihoods.

Notwithstanding these worthy initiatives, we must ask ourselves whether we could have done more to link the World Heritage Convention to global partnerships in the implementation of the Agenda 21 adopted in Rio ten years ago for the protection of our common future.

Ladies and Gentlemen

As you know, the World Heritage Convention has always been complemented by other treaties. In the area of natural heritage, the Convention has made important contributions to the global conservation effort in association with such conventions as those addressing biological diversity and wetlands protection. You have designated, for example, about 3 per cent of the world's tropical forests as World Heritage. Let us consider increasing this percentage in the future, and further protect our important marine and other ecosystems.

There are other international conventions that complement the World Heritage Convention. For example, the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) is a crucial international instrument to stop the illicit traffic of cultural objects. I am very happy to note that three important countries – Switzerland, the United Kingdom and Japan – are proceeding towards ratifying this convention. Another important treaty affecting cultural heritage protection and conservation is the

Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the First and Second Protocols of 1954 and 1999 respectively. There is still scope for more Member States to ratify both the Convention and the related Protocols in order to achieve fuller protection.

Recent events have called into question the adequacy of existing instruments for addressing particular circumstances where cultural heritage is destroyed or damaged. Thus, in response to the destruction last year of the giant Buddhas at Bamiyan, Afghanistan, the UNESCO General Conference has asked me to prepare a Draft Declaration concerning the Intentional Destruction of Cultural Heritage. I believe that this Declaration will be a fundamental contribution to the 'toolkit' to be used by the international community to protect our world's heritage.

In this regard, I was very pleased to learn that the Committee inscribed the Minaret of Jam on the World Heritage List and the List of World Heritage in Danger. In the twenty years since its nomination in 1982, along with other cultural sites in Afghanistan, the escalation of war had a heavy toll on many of these sites. Damages caused by bombs and gunfire, such as in Herat were compounded by those from pillage and illicit excavation for years, and, *helas*, culminating even to the willful destruction of Bamiyan. All attempts to stop this madness were to no avail.

This tragedy will weigh on our conscious as the world's moral authority and guardian of heritage. This is all the more reason that the decision of the Committee at this session to extend its concern to protect the heritage in the Palestinian territories is so important. The Committee's courage not to allow political and diplomatic considerations to prevent the functioning of this important mechanism for international solidarity gives credibility to the World Heritage Convention. And for this, on behalf of UNESCO, I thank you.

The recent broadening by the General Conference of the range of UNESCO's instruments in the field of cultural heritage protection is most significant. In regard to the UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001), we are seeking to promote the ratification of this convention by holding a series of regional meetings, the first of which (for the Americas) was held in Jamaica last week. To come into force, this convention needs to be ratified by 20 States. I therefore call upon all States to proceed rapidly with the ratification process so that those countries most vulnerable to the pillage and destruction of underwater cultural heritage sites can get the legal protection they need. Simultaneously, UNESCO will promote improved international collaboration among the different interests involved so

that practical solutions may be found to underwater cultural heritage issues.

Ladies and Gentlemen,

Since 1972, the World Heritage Convention has been the main pillar of UNESCO's work in heritage protection, so much so that it is difficult now to envisage what was the situation before that date. The clear focus of the Convention has been upon tangible cultural and natural heritage. Today, however, we cannot fail to recognize that intangible cultural heritage has been neglected over the years. There is now no good reason to further delay addressing this vital dimension of heritage, especially in view of its fragility and vulnerability. Moreover, experience has taught us how important are the links between intangible cultural heritage and the cultural identity of individuals and communities. Questions of intangible cultural heritage also intersect with issues of cultural diversity and biodiversity that are attracting mounting concern at global, national and local levels. For these and other reasons, it is neither possible nor acceptable to allow intangible cultural heritage to continue being neglected.

At the same time as the salience of intangible cultural heritage has grown, our understanding of its character and its relation to other dimensions of heritage has deepened. There have been a number of practical efforts to safeguard intangible cultural heritage at national levels but there have been no concrete steps at the international level comparable to the 1972 Convention. Therefore, as far as international instruments are concerned, there is a huge vacuum to be filled in relation to intangible cultural heritage. An important tool of advocacy to draw attention to this area was UNESCO's First Proclamation of 19 Masterpieces of Oral and Intangible Heritage of Humanity in May 2001. The Second Proclamation, scheduled to be issued in May 2003, will provide another opportunity to show how extraordinary is the living legacy of intangible cultural heritage across the world.

It is clear that a major step forward took place last year at the UNESCO General Conference when I was invited to prepare an international standard-setting instrument for the safeguarding of the intangible cultural heritage. Substantive work on this preparation has begun. As the Executive Board decided, a government expert group will meet in late September 2002. I plan to submit a preliminary draft to the next General Conference in 2003. Such a convention will provide an international framework embracing all forms of intangible cultural heritage such as oral expressions, performing arts, social practices, rituals and festive events, or knowledge and practices about nature. With reference to this international convention, Member States will be able to devise national

instruments suited to their particular profile of intangible cultural heritage.

We have high expectations that the debate concerning the basic issue of safeguarding intangible cultural heritage will receive a strong impetus at the next UNESCO Round Table of Ministers of Culture, to be held in Istanbul in mid-September 2002. It is particularly interesting that intangible cultural heritage will be addressed at the Istanbul Round Table in close conjunction with cultural diversity, whose preservation requires greater efforts by all of us.

Over recent years, in fact, it has become increasingly clear that the whole subject of heritage is closely bound up with questions of cultural diversity, in particular how cultural diversity can survive and thrive, in all its forms, in an era of rapid globalization. It is this purpose which unifies all our efforts in regard to cultural heritage, cultural development and inter-cultural dialogue. It is this vision which lies behind the focus of the UN Year for Cultural Heritage on two main themes, namely, development and dialogue. And it is therefore in the perspective of UNESCO's Universal Declaration on Cultural Diversity that the operation of the 1972 Convention must be considered in order to ensure their continuing relevance in a fast-changing world. The Convention, in other words, should be viewed as a tool of great importance not only for heritage protection but for a wide range of efforts supportive of cultural diversity. Indeed, no one should underestimate the importance of UNESCO's Universal Declaration on Cultural Diversity for providing a framework for viewing all of our work in the area of culture and cultural heritage.

In this United Nations Year for Cultural Heritage, I would like to give you my strong and abiding commitment to the cause of protecting and safeguarding heritage in all its forms. I call on you all to support UNESCO in its work in the knowledge that heritage issues can no longer be separated from the struggle for cultural diversity or, indeed, from the struggle for peace, reconciliation and development. The Budapest Declaration on World Heritage, which will shortly be adopted by the World Heritage Committee, will be a clarion call affirming our common responsibility in this whole area.

In closing, I would like to express once again my sincere thanks to our Hungarian hosts for your generosity and hospitality. I look forward to seeing many of you in Venice in November as we continue our celebration of the 30th anniversary of the Convention and reflect together on our shared legacy and common responsibility to protect our World Heritage.

Thank you."

10. The Chairperson then invited Mr Lázlo Mandur, representative of the Hungarian government (Deputy Speaker of the Hungarian Parliament) to address the Committee. The text of Mr Mandur's speech appears below:

"Distinguished participants of the anniversary meeting,  
Ladies and Gentlemen,

Let me first thank Mr. Koïchiro Matsuura for the information and the interesting lecture, and also congratulate him on the occasion of his high civil award given by the Hungarian State.

With the delight I felt when I learned it, let me inform those present that this meeting of the Committee celebrating the 30th anniversary of the World Heritage Convention, is of special importance for us partly because of the opportunity to host it and partly because for the next year from now on the Committee will have a Hungarian Chairman. In addition to our World Heritage properties already on the List, our National Committee has nominated for inclusion in the World Heritage List:

- Andrassy Avenue as the extension of the World Heritage site of Budapest, together with the Synagogue district in the overlapped zone,
- and the Cultural Landscape of the Tokaj-Hegyalja vineyards.

We are aware of the responsibility entailed by the inclusion of the two newest properties in the List.

As for the urban area, we must not only to maintain it, not only to conserve its status, but must also to improve it.

As for the Tokaj Vineyards, we are so much aware of its value that it is mentioned in our national anthem: "Thou who dropped nectar on the grapevines of Tokaj..."

But it is not enough to mention that for centuries now the local wine has been "*vinum regum, rex vinorum*" that is "wine of kings, king of wines", since neither the splendid mountain sides facing south, nor the most perfect soil for wine production, nor the most distinguished species of grape and the most valuable noble root would be enough without the constant, attentive and professional human work for preserving – and permanently enriching – this value for the future.

Luckier nations of Europe can present families that live and work for five hundred years in the same house, within the same walls. A profession passes from father to son within the family. The bakery, the cooper's shop, the brewery or the mill is in operation for half a thousand years. Even the signboard does not change.

*“Your great-great-grandfather, my fellow, drank the beer brewed by my great-great-grandfather to him, and the beer was the same brand we are drinking right now”*

Happy peoples, happy families!

The Valley of the Carpathians is one of the areas of the world most exposed to drought. There were no storms in European history that have not blown through this area, or that have not caused destructive whirlwinds. Nations, being foster brothers of each other, allowed some cunning powers to set them against each other. No one better than ourselves know what peace is worth, what is the value of the heritage preserved from the past, because here there are very few real values that could survive. Many more values are preserved by our minds, than the number of real fortress walls, objects or tangible art treasures preserved in the landscape.

There was a deterrent example in our neighbourhood. Sarajevo, one of the most beautiful pearls of the cultural heritage in the Balkans, has been ruined almost before our eyes. A place where otherwise three nations, three cultures and three traditions were able to coexist in peace – and even we could see how could three cultures embrace each other.

Beautiful examples of humanity are accompanied by the most horrifying ones: what destruction could the human being cause when he has gone mad with mercilessness, evilness and impatience, and become an amoral monster, when the supreme Laws: equity, fraternity and empathy are forgotten, if sword cuts into the Gordian knot where beautiful and brave task would have been its undoing.

In our country there are many more ruins than preserved landmarks. This is why we have been so proud of our participation in the Committee’s work from the very beginning, and are grateful and happy to have become members in 1985 and to be able to offer treasures that have been included on the List.

However, we know that it is much easier to have a landscape, a structure or any cultural property included in the List than to preserve, care, renovate, save and further develop it. We know our tasks and we will do our best to preserve the treasures entrusted by mankind to us.

Progressive humans look forward. They know that the future is intrinsic with dangers, however they may not turn their back to the future, but rather make preparations to contend threats, and expect tempestuous weather. Human persistence, bravery and strength necessary for such fight could be given by

nothing else but traditions preserved in their genuineness.”

11. Following these interventions, the Chairperson provided a brief presentation of the Budapest Declaration. He emphasized that the Declaration gave a new impetus to the reforms undertaken by the World Heritage Committee, that it identified the challenges and showed direction for the years to come. He concluded by saying that it is a standing invitation for all to join the Committee and UNESCO in their efforts to achieve these objectives and therefore asked the Secretariat to widely disseminate it.

12. Ms Zsófia Burányi (World Heritage manager, Andrásy Avenue District, Budapest) proceeded to the reading of the Budapest Declaration.

13. A Hungarian musical ensemble provided a performance that closed the celebratory events of the 30th Anniversary of the World Heritage Convention during the 26th session of the Committee.

## **10 OVERVIEW OF PROGRESS WITH REFORMS AND STRATEGIC REFLECTION**

*Document: WHC-02/CONF.202/6*

1. The Committee accepted the proposal of the Chairperson to take note of the overview of progress with reforms and strategic reflection (decision **26 COM 10**).

2. The Delegate of Argentina noted that the document as updated since the Bureau meeting, had to be taken into account for the discussions on agenda item 17 related to the Strategic Objectives.

## **11 WAYS AND MEANS TO REINFORCE THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION**

*Document: WHC-02/CONF.202/7 Rev<sup>1</sup>*

1. The Assistant-Director for Culture explained that studies were being undertaken in preparation for the drafting of a Declaration concerning the Intentional Destruction of Cultural Heritage (to be presented to the UNESCO General Conference at its 32nd session) to analyse, amongst other issues, how to complement the existing UNESCO heritage conventions and to respond to such circumstances. The Chief of the International Standards Section of the Cultural Heritage Division informed the Committee that the above-mentioned initiative had an interdisciplinary application, thus such a Declaration would have implications for the World

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<sup>1</sup> As amended by decision 26 COM 11, following the discussions.

Heritage Convention as well as other cultural heritage Conventions.

2. The Delegate of India drew the Committee's attention to the fact that the Resolution of the 13th General Assembly of States Parties to the World Heritage Convention (see paragraph 1 of document *WHC-02/CONF.202/7*) refers to the "Acts constituting a crime against the common heritage of mankind", whereas the Resolution of the 164th session of the Executive Board (see paragraph 6 of document *WHC-02/CONF.202/7*) refers to "intentional destruction of culturally important monuments and sites". She argued that the terminology of the latter might raise questions with regard to the issues of State sovereignty and jurisdiction as the term "culturally important monuments and sites" had not been defined. Moreover, she requested that in analysing these issues consideration be given to acts committed during peace time as well as during armed conflict, to acts of terrorism and that the distinction be made between acts committed by the State and those carried out by groups of individuals.

3. The Delegate of Argentina underlined the importance of coordination between the World Heritage Convention and other international instruments for the protection of the cultural and natural heritage; overlapping of activities between the World Heritage Centre and the Division for Cultural Heritage should be avoided. She suggested that the Committee be associated with the drafting of the Declaration concerning the Intentional Destruction of Cultural Heritage.

4. The Delegate of Belgium, as one of the countries which has offered to host an expert meeting to reflect upon ways and means to enhance the implementation of the UNESCO legal instruments for the protection of the common heritage of humanity, informed the Committee that legal studies were being prepared in this area and that they would be distributed once available. The Delegate of Belgium requested that amendments (in particular in paragraphs 3 and 8) be made to document *WHC-02/CONF.202/7* before it be made public on the World Wide Web. He also requested that the Committee be provided, at each of its sessions, with a comparative table of ratifications to all UNESCO cultural heritage Conventions.

5. The Chairperson proposed the Committee to take note of the working document, to express its interest to monitor progress made on the future Declaration, to ask States Parties to present their initiatives and to ask for a table with the state of the ratifications of all UNESCO cultural heritage conventions.

6. The Delegate of Saint Lucia asked to include in the decision the request to amend the working document as suggested by the Delegate of Belgium.

7. The Delegate of the United Kingdom asked for a written draft of the proposed decision. He noted that the

subject of the future Declaration did not only concern the World Heritage Convention.

8. The Delegate of Thailand asked that the Committee, when participating in these initiatives, should be cautious not to act beyond the terms of reference and the spirit of the World Heritage Convention.

9. The Delegate of Colombia also requested a draft decision in written form.

10. The Delegate of India supported the intervention made by the Delegate of Thailand, considering that some governments thought that a new instrument was not necessary. She asked for coordination between the Executive Board of UNESCO and the World Heritage Committee and expressed the willingness of her Government to contribute to the debate.

11. The Delegates of the United Kingdom and Thailand asked to refer in the decision to the role of the Convention rather than to the role of the Committee.

12. The Delegate of India, supported by the Delegate of Thailand, suggested to invite the Director-General of UNESCO to develop future work on this issue while taking into account the concerns expressed by the Delegates at this session.

13. The Chairperson closed the debate by reformulating the draft decision which was accepted by the Committee (decision **26 COM 11**).

## **12 POLICY AND LEGAL ISSUES CONCERNING THE INSCRIPTION OF PROPERTIES ON THE LIST OF WORLD HERITAGE IN DANGER AND THE POTENTIAL DELETION FROM THE WORLD HERITAGE LIST**

*Documents:* *WHC-02/CONF.202/8*  
*WHC-02/CONF.202/INF.12*

1. The UNESCO Legal Adviser presented the working document prepared jointly by the World Heritage Centre and the UNESCO Office of International Standards and Legal Affairs in consultation with international legal experts. He then made a power point presentation with the following explanation:

"Thank you Mr Chairman.

Mr Chairman, as you said this is a very important issue, I therefore hope that you will bear with me if I take a little more time than you had given to previous speakers to make this introductory presentation to document *WHC-02/CONF.202/8*. It is normal that in the course of implementation of an international convention, issues of interpretation may arise. This is what has happened in this case, after all the *World Heritage Convention* is now 30 years old. There are always new problems and unforeseen events which make such interpretations necessary, although lawyers like to believe that they have addressed everything that could be addressed in the conclusion or elaboration of a convention. Now the two main questions before us today are, firstly, whether the consent of a State Party is required when inscribing a property on the List of World Heritage in Danger and secondly whether the State Party's consent is required when deleting a property from the World Heritage List.

It is extremely important to underline first of all who may interpret international conventions and what are the procedures and principles that should be used to carry out such interpretation. With respect to the organs that may interpret an international convention, it should be pointed out that it is normally the organs which have to implement a convention that must interpret it. For example, in this case both questions relate to an issue of jurisdiction of the World Heritage Committee - whether the Committee has certain powers, whether the Committee can do certain things on the basis of the *World Heritage Convention*, and whether the *Convention* allows the Committee to do those things? It is for the Committee to determine its jurisdiction, to interpret the *World Heritage Convention* and to say whether the *Convention* allows it to do those things. The International Court of Justice with respect to the Security Council and the General Assembly of the United Nations said, already in 1962, that each organ must in the first place determine its own jurisdiction. Other organs such as the International Labour Organization (ILO) Governing Body, the Executive Directors of the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), the World Bank, the International Finance Corporation (IFC) and the International Development Association (IDA) have done so. They have frequently taken decisions interpreting their constituent instruments. Of course these decisions were taken after considering a legal opinion given by their legal counsel and this is the case here. Our role is to help you, to assist you in coming to a final decision on this important question.

With respect to the process of interpretation and the principles and rules that should be used when interpreting the *Convention* and the provisions of the *Convention* relating to the two questions which I have

just mentioned, we have to resort to customary international law (customary international law which has been codified in the *Vienna Convention on the Law of Treaties*, in particular Articles 31 and 32). It is generally accepted that those Articles of the *Vienna Convention on the Law of Treaties* codify and reflect customary international law. In other words universally accepted international norms.

Article 31 of the *Vienna Convention* says that the provisions of the Treaty should be interpreted in good faith according to the ordinary meaning of terms in their context and in the light of its object and purpose. So for the provisions that we have to deal with here, and in interpreting the *World Heritage Convention*, we have to look at the normal and the ordinary meaning of the terms used in the context of the *World Heritage Convention* and of course in light of the object and the purpose of the *Convention*. Additional elements that have to be taken in context are also the preamble and annexes, an agreement made in connection with the conclusion of the Treaty, an instrument made by one or more parties and accepted by others as related to the Treaty. A subsequent agreement regarding the interpretation of the Treaty and subsequent practices are equally important. Article 32 of the *Vienna Convention* also refers to the preparatory work and the circumstances of the conclusion of a Treaty but these are considered only as supplementary means of interpretation. They are not the main principles and rules of interpretation and they are resorted to only in the case that the main principles and rules codified in Article 31 of the *Vienna Convention* do not actually provide adequate means of interpreting the *Convention* and interpreting the provisions of the *Convention*, and only in case there is ambiguity in that interpretation.

So, what do we mean by the context? The context is the *Convention* taken as a whole and if we take the *Convention concerning the Protection of the World Natural and Cultural Heritage*, we see that this *Convention* is very mindful of State sovereignty. Article 3 of the *Convention* refers to sovereignty, Article 6.1 also refers to sovereignty and respect for that sovereignty. The *Convention* at the same time strives to strike a balance between State sovereignty, on the one hand and the safeguarding of the values which transcend individual State interests, on the other. What are these values? These are the values which have been recognised when cultural and natural properties are declared as being of universal value. No State is obliged, although it may be a party to the *Convention*, to nominate a property for inscription in the World Heritage List or to ask the Committee to recognise a property as being of universal value. If a State does so and the Committee includes a property in that List, therefore granting it universal value and universal recognition as a property, then of course that State subjects that property (and subjects itself also) to a certain Treaty regime which requires international

co-operation and which is subject to the interests of the international community. It accepts the obligations arising from that Treaty regime. It is, in a way, like putting something in a common basket. While you are not obliged to put it in that common basket, if you do put it in that common basket, then of course you have to accept that what you have put in that common basket will be treated in the same way as all other things that are in the common basket. Therefore, there are certain constraints, there are certain duties and obligations which arise from sharing and putting something together under a Treaty regime. That is why the *Convention* highlights the interests of the international community as a whole in the protection of properties which are declared of universal value or recognised as being of outstanding universal interest.

With respect to the object and purpose of the *Convention*, the Law of Treaties directs us to look not only at the ordinary meaning of the terms but to do so in the light of the object and the purpose of the Treaty. We see that the properties that are declared of outstanding interest and of universal value need to be preserved as part of the World Heritage of mankind as a whole and that one of the essential purposes of the *World Heritage Convention* is to establish an effective system of collective protection of the cultural and natural heritage of outstanding universal value. So there is a system which is created by the *Convention* and which is a system of collective protection.

Now with respect to the ordinary meaning of terms, a first principle is that we have to take these terms in their natural and ordinary sense unless they are ambiguous. Secondly, all the provisions of a Treaty must be presumed to have intended significance. In other words we cannot say that a certain provision is redundant. Because a provision is there, it was intended to have a meaning and to have a significance.

Turning now to the text on which we have been asked to provide an opinion, I would like to invite you to take a look at Articles 11.4 and 11.3 of the *Convention*. I think this is extremely important in the light of what I have just said about interpreting the *Convention* in accordance with the ordinary meaning of the words in their context and in light of the object and the purpose of the *Convention*. When you look at these provisions, you will immediately realise that there is a difference between Article 11.3 and Article 11.4. Article 11.3 states that “*the inclusion of a property in the World Heritage List requires the consent of the State concerned...*”. This text is very explicit, it is very clear. It is based on consent. Article 11.4, on the other hand talks about the establishment of a List of World Heritage in Danger by the Committee and it states that “*the Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of List of World Heritage in Danger, a list of the property appearing in the World Heritage*

*List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention*”. So it is quite clear that the first three sentences of Article 11.4 require that normally there should be request for assistance from the State concerned because it is primarily that State which has the duty to preserve the property concerned. But when you read further, the last sentence of Article 11.4 says “*the Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicise such entry immediately.*” So the first three sentences convey a meaning, the last sentence conveys another meaning. The first three sentences clearly establish that there must be a request for assistance from the State concerned. The last sentence says that in exceptional circumstances, in case of urgent need, the Committee may make a new entry in the List of World Heritage in Danger at any time if that property is considered to be in danger and publicise such entry immediately.

The notion of "urgent need" is not defined by the *Convention* and I believe that it is one of the functions of the Committee to define this either through its practice or through the guidelines that the Committee has been developing over the years. This could be done in the same way that the Committee defines the criteria for the inclusion of properties in the World Heritage List. As you all know, these criteria have evolved over the years; the criteria for the inclusion today are not the same as when the Committee started its work, when it first established those criteria. So in trying to elaborate the notion of "urgent need", the Committee should follow the same procedure. However, one thing which we can definitely stress is that the last sentence of Article 11.4 is not redundant, it reflects an intended purpose beyond the first part of Article 11.4. It confers certain prerogatives and powers on the Committee, in case of urgent need. But the Committee itself has to define "urgent need". There are other factors that have to be taken into account with respect to the implementation of this provision (last sentence of Article 11.4) and we have to look, for example, at the practice of the Committee which can best be gleaned either from the *Operational Guidelines* or from the inscription of properties on the List of World Heritage in Danger.

With respect to the inscription of properties on the List of World Heritage in Danger and the implementation of Article 11.4, can we establish a differentiation between the first three sentences of Article 11.4 and its last sentence, and can we find that differentiation in the context of the practice of the Committee relating to the inscription of properties on this List? We all know that most of the inscriptions that the Committee has effected up to now correspond to the requirements of the first three sentences of Article 11.4, in other words they were done following a request from a State for assistance or sometimes actually a request for

inscription on the List of World Heritage in Danger. Although sometimes there is no request for assistance, governments may come forward and ask the Committee to inscribe a property on the List of World Heritage in Danger. There are however a number of instances in which the Committee has inscribed properties on the List of World Heritage in Danger without a request for assistance and without a request for inscription on the List of World Heritage in Danger. Some of those examples are well-known, and you are all aware of them - such as the inscription of the Old City of Dubrovnik and Angkor. So the Committee has implemented the last sentence of Article 11.4 and has presumably acted under that last sentence on several occasions by inscribing properties on the List of World Heritage in Danger without a request from the territorial State. However, we have to also take cognisance of the fact that the Committee has done that in exceptional circumstances, when the governments and States on whose territory these properties were located did not expressly object to that inscription. These are both very important considerations.

The additional questions that have been raised and which were communicated to you in Helsinki, relate to what happens if the country on whose territory the property is located does not accept that the property be inscribed on the List of World Heritage in Danger and what would be the reaction of the Committee? I believe that is the most important question that the Committee needs to address because so far the Committee, except in two cases which are in the process of being considered, has never inscribed a property on the List of World Heritage in Danger in the face of clear and expressed objections from the State in whose territory that property is located. This is the reason why I insist that the Committee would need to elaborate on what constitutes "urgent need" and what constitutes "exceptional circumstances". It is to take this into account and to be able to deal with this problem that certain criteria and procedures are called for as this is a problem with which the Committee will have to deal. If the Committee, over and in the face of the objections of the State concerned, actually proceeds to inscribe a property on the List of World Heritage in Danger, what has the Committee achieved? Is the objective to publicise the fact that this property is in danger? How can the ultimate objective of saving and safeguarding that property be achieved? It is my view that the Committee would need to elaborate certain procedures and certain criteria to ensure compliance by the territorial State. This is because, as you know, World Heritage properties are of extreme importance and sensitivity for nations. Whilst there are certain methods for the settlement of disputes and for overcoming objections by States Parties with respect, for example, to trade issues or to investment issues, in the case of World Heritage properties, there are at present no procedures that have been put into place (such as, for example a panel before which a contradictory

procedure could take place and before which the State concerned could also present its views before the Committee takes its final decision on the matter). This decision would of course be a political decision. But, before that political decision you may need to have a technical or quasi-judicial due process in which the State concerned can defend itself and can give reasons as to why it does not accept the listing or the labelling of a property as being in danger. So, this is why the issue of the "urgent need" and the possibility of inscription on the List of World Heritage in Danger at any time need to be further clarified and further elaborated by the Committee so that it can actually realize and achieve the objectives for which this power had been conferred on it by the *Convention*; in other words, in order to save and safeguard and protect the endangered properties, which might need its action.

Now with respect to the second question and of course this question is linked to the first one because the objective of the inscription of a property on the List of World Heritage in Danger is to save the property and to give back its integrity as such and its universal value. However, if it cannot be saved and if it is beyond repair then of course the only solution that is available to the Committee or that might be available to the Committee is the deletion of that property from the World Heritage List. So including a property on the List of World Heritage in Danger in that sense could be an intermediate step whereby before the deletion of a property from the World Heritage List, a property might be placed on the List of World Heritage in Danger.

With respect to the issue of deletion, the *World Heritage Convention* does not say much except establish the fact that the Committee has to review now and then and to update the World Heritage List. What does update and review mean? Of course you cannot keep a property on the World Heritage List which has lost all the qualities for which it was included in this List. If that property loses all those qualities it would be for the Committee to delete that property from the World Heritage List. In that case the consent of the State Party would not be required because the property does not have the qualities for which it was in the first place included in the World Heritage List.

So, to summarise my remarks and the opinion that I have presented to you today, I would put it as follows. With respect to Article 11.4, normally there must be a request from the State Party concerned, a request for assistance especially in order to include the property on the List of World Heritage in Danger. However, in urgent and exceptional circumstances the Committee is empowered to include such a property on the List of World Heritage in Danger. The Committee would however need to develop its practice and elaborate appropriate criteria and procedures to define when such urgency exists and where such exceptional

circumstances arise. With respect to the deletion of a property, it is my view that if a property loses the qualities for which it was declared of universal value then the Committee has the power to delete such a property from the World Heritage List without the consent of the State Party concerned.

Thank you Mr Chairman."

2.1 The representative of IUCN made a brief presentation to the Committee highlighting the main conclusions of information document *WHC-02/CONF.202/INF.12*. He stated that although the IUCN paper was prepared before receiving the UNESCO working document, it generally supports it. He referred to Article 14.2 of the *World Heritage Convention* which states that the Director-General of UNESCO should utilise "to the fullest extent possible the services of (...) IUCN in their respective areas of competence and capability". He commented that IUCN has competence and capability in the field of international environmental law as IUCN's Commission on Environmental Law includes many of the world's leading environmental lawyers.

2.2 The first question presented was whether State Party consent was required for Reactive Monitoring? IUCN is of the opinion that while the co-operation of the State Party is desirable, it is not essential. With regard to State Party consent for In-Danger listing, IUCN believes that State Party consent is not essential. The reasons for this position are further elaborated in the information document *WHC-02/CONF.202/INF.12*. The third question was whether the World Heritage Committee can delete a property from the World Heritage List and if State Party consent is required to do so. IUCN has concluded that the Committee can delete properties without the consent of the State Party. With regard to the last question as to which values are protected in a World Heritage property, IUCN is of the opinion that the State Party should take measures to safeguard the property as a whole.

3. The Chairperson commented that an important introduction had been provided by these two presentations and that a working method should be established by the Committee.

4. Throughout the discussion UNESCO was congratulated for having provided the Committee with such a thorough document as well as for the articulate and well-founded presentation made by the Legal Adviser.

5.1 After having commended the Legal Adviser for his presentation, the Delegate of Greece expressed his country's agreement with the conclusions presented by IUCN. He considered that State Party consent is not required for a property to be inscribed on the List of World Heritage in Danger, albeit efforts should be made to consult with the State Party concerned. However, if these consultations were not successful, the property could be inscribed on the List of World Heritage in Danger without the consent of the State Party.

5.2 With regard to deletion of a property from the World Heritage List, he stated that the Committee should only do so -without the consent of the State Party- when the situation is "irreversible". The word "irreversible" should be a guideline when determining the procedure for deletion of properties from the World Heritage List. The term "emergency case" should be further defined and different sub-categories of emergency cases should be created.

5.3 Although not dealt with in the working document, he asked what would happen to endangered monuments of outstanding and of universal value and also of symbolic value which are not inscribed on the World Heritage List. The Delegate of Greece stated that the World Heritage Committee should take a further step to protect these great monuments which are in danger by inscribing them on the World Heritage List in order to save them from all threats. He urged the Committee not to forget that UNESCO is known world wide because of World Heritage.

6.1 The Delegate of Argentina, referring to item (i) of the action required by the Committee (see cover page of the working document), highlighted the need for the Committee to define a working method to be followed when discussing this issue. However, she pointed out that the working method would depend on the decision to be taken regarding the revision of the *Operational Guidelines* (Item 18). If the adoption of the proposed revised *Operational Guidelines* is postponed, she recommended that a working group be established to conduct its work after the Committee session to discuss the legal opinions presented during this Committee session. Due to the political nature of these issues, this group should be constituted of governmental experts, without prejudice to the participation of the non-governmental organizations recognised by the *World Heritage Convention*.

6.2 Regarding the substance of the discussion, item (ii) of the action required by the Committee (see cover page of the working document), she stated that this discussion would be more effective if dealt within the analysis of the relevant paragraphs of the *Operational Guidelines*. Notwithstanding these comments, the Delegate of Argentina presented the preliminary general position of her country. She stated that from the moment a State Party nominates a property for inscription on the World Heritage List in practice it delegates to the World Heritage Committee the management of this List. In particular, the State Party delegates to the Committee the authority to include World Heritage properties on the List of World Heritage in Danger when the circumstances described in Article 11.4 of the *World Heritage Convention* are met. Thus, and as a general rule, no State Party consent is necessary for the Committee to decide, when well-founded reasons exist, to inscribe a property on the List of World Heritage in Danger.

6.3 With regard to the deletion of properties from the World Heritage List, and as a general rule, the Committee can do so, when well-founded reasons exist, without the consent of the State Party concerned. The justification provided by the Committee is of particular relevance here because of the possible conservation of the intangible values of the endangered or destroyed property. She commented that these conclusions were the ones most in conformity with the *Convention* objective of providing an effective system of protection for World Heritage properties. She agreed with the Legal Advisor in that, in accordance with Article 31 of the *Vienna Convention on the Law of Treaties*, when a convention does not offer a clear interpretation, then one can and must resort to identifying the "useful effect" and the convention's objectives. Her country would be willing to explore formulas that would include, exceptionally, the situation of a State Party which demonstrates that it is fulfilling its treaty obligations with regard to the conservation of World Heritage properties in its territory. The mechanism for presenting opposition established by the *2nd Protocol of the 1954 Hague Convention* might be a possible starting point for the elaboration of such formulas.

7. The Chairperson commented that with regard to the working method he wished that a decision be taken at this Committee session and that it would be very good, after having heard the legal opinions of the States Parties, if a consensus could be obtained on this issue.

8. The Delegate of Egypt commented that if a property were inscribed on the List of World Heritage in Danger, without the consent of the State Party, will create many problems would arise. First of all, it would be presumed that the World Heritage Committee would be more concerned about the conservation of a property than the State Party itself. Second, he indicated the practical difficulty for the Committee in implementing a decision to inscribe a property on the List of World Heritage in Danger without the consent or co-operation of the State Party. He commented that if work on the property would be required, co-operation would be necessary. If there is no co-operation, some contention between the State Party and the Committee could arise, which in turn would only cause more damage to the property. Mechanisms should be found to prevent contention between the State Party and the Committee. To conclude, he stated that although the Committee has the right to inscribe a property on the List of World Heritage in Danger, it cannot neglect the right or the sovereignty of the State Party.

9. The Delegate of Portugal commented that on some critical issues of the *Operational Guidelines* a lot of caution and common sense was required. He affirmed that the co-operation of the State Party should always be sought, both for inscription on the List of World Heritage in Danger and deletion from the World Heritage List. He stated that inscribing a property on the List of World Heritage in Danger or deleting a property from the World Heritage List are exceptional measures and exceptional

measures should only be taken in exceptional circumstances.

10.1 The Delegate of Thailand stated that the *World Heritage Convention* provides for adequate reasoning to argue that the Committee has the legitimacy and the responsibility to inscribe an endangered property on the List of World Heritage in Danger in cases of urgent need without the State Party concerned. This also applies when deleting a property from the World Heritage List.

10.2 He addressed two legal issues which had been mentioned by the States Parties. First, he addressed the issue of sovereign rights of the State Party concerned. The question, in this case, was whether an inscription on the List of World Heritage in Danger without the consent of the State Party would amount to a disrespect of the sovereign rights of the State Party concerned. In treaty making once a State Party accepts a legal instrument it means that the State Party has consented to limit its sovereign rights within the framework of the legal instrument. Thus, the obligations provided within must be respected. In this case, there is a very delicate balance of the sovereign rights of the State Party and the legitimacy and responsibility of the World Heritage Committee. He proceeded to reading Article 6.1 of the *World Heritage Convention*:

" Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the **duty** [emphasis added] of the international community as a whole to co-operate."

He stated that it was very clear, according to this Article that once a State Party has accepted the legal instrument, it has to accept the responsibilities and obligations under the legal instrument concerned. This is also reflected in Article 7 of the *Convention*.

10.3 With regard to the last sentence of Article 11.4:

"The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately."

The Delegate of Thailand commented that it was very clear that in case of urgent need, the Committee may at any time make a new entry on the List of World Heritage in Danger and publicize such entry immediately. The question is whether the Committee would do this in a rush or abuse its authority. Paragraphs 86 - 93 of the March 1999 *Operational Guidelines* carefully spell out how the Committee should proceed in these cases. In practice, the Committee consults the State Party concerned, unless exceptional circumstances occur such as Dubrovnik and

Angkor. In the latter case, the property was not yet inscribed on the World Heritage List and was inscribed both on the World Heritage List and the List of World Heritage in Danger in order to stimulate the State Party. This measure was effective as the government of Cambodia was complimented on having met all the requirements of the Committee.

10.4 The second legal issue concerns the interpretation of the *Travaux préparatoires*. He commented that in the *Travaux préparatoires* reference was made to Article 11 of the *Convention*. It was stated that consent was required for the inscription on both the World Heritage List and the List of World Heritage in Danger. In normal circumstances, this has been abided by the World Heritage Committee. However, in cases of "urgent need", the last sentence of Article 11.4 could be applied. This has been done in the past and it reflected later on in the *Operational Guidelines*.

10.5 The Committee cannot depend alone on this provision (Article 11.4). In addition to this, in the *Travaux préparatoires* reference was made to Article 6. It was stated:

"While expressly retaining their sovereignty and any existing property right to the cultural and natural heritage situated on their territory, the States Parties to the Convention recognise that a cultural and natural heritage referred to in Articles 1 and 2, becomes a universal heritage and consequently the international community has the responsibility for it at the international level".

The *Convention* is very clear that the collective responsibility over World Heritage is invested in the World Heritage Committee. Thus, the Committee has the legitimacy and the responsibility to protect World Heritage for humanity, especially for World Heritage properties. If consensus can be reached in this issue, this can be transferred to the *Operational Guidelines* for the sake of protecting our precious World Heritage sites for humanity and the future generations to come.

11. The Delegate of the United Kingdom affirmed that according to the *Vienna Convention*, and as confirmed by the Legal Adviser in his presentation, it is for the Committee to decide on the interpretation of the *Convention*. She said that this is not the first convention to be left ambiguous in drafting. She stated that once the Committee has decided its position on the interpretation, this then needs to be reflected in the *Operational Guidelines*. The *Operational Guidelines* should not overtake the *Convention* as they are subservient to the *Convention*. She commented that her country had sympathy with both views, but the United Kingdom has concluded that to be inscribed as a site in danger the permission of the State Party is needed, but it is not needed to delete a site from the World Heritage List.

12. The Delegate of Belgium agreed with the conclusions presented by the Legal Adviser. He stated that these issues were of key importance as they were in conformity with the evolving trends of international law. He said that a timorous decision from the Committee in this matter would be a step back from the 21st to the 19th century. He emphasized that the issues at stake also have implications in the field of human rights and environmental law. He proposed that the simplest solution, even if certain issues require further precision, would be for the Committee to adopt the conclusions of the working document and that the *Operational Guidelines* be modified accordingly.

13. The Delegate of Zimbabwe described the conclusions presented by the Legal Adviser as ones "beyond any reasonable doubt". He stated that the Committee should make a move forward by adopting them and that he shared the views presented by the Delegate of Belgium. He described two scenarios arising from Article 11.4 of the *Convention*. In the first scenario of cases of urgent need, he stated that there is no doubt that the Committee has almost the obligation to intervene and make decisions. But where the situation does not call for that, the consent of State Party is quite essential. With regard to the practical dimension, and while it is desirable for the Committee to have the co-operation of the State Party, he asked whether the Committee can move ahead without the consent of the State Party and would it be practical to do so? Would it save that heritage? And what purpose would then be served by such an action? He stated that the Committee needs to underscore the desirability of co-operation with the State Party when it takes decisions. It is very desirable that State Party consent is obtained before arbitrary moves are taken, particularly where the issue is not of an urgent nature. He urged the Committee to come to some conclusion so that the work related to the *Operational Guidelines* can be completed. He called for a balance between what was presented by the Legal Adviser and the States Parties' concerns.

14. The Delegate of Nigeria stated that he shared the views presented by the Legal Adviser. He said that it seemed clear that the Committee can take some decisions which will be in the interest of preserving World Heritage. However, the sovereignty of States Parties can not necessarily be mortgaged because as Article 11 of the *Convention* states the support, encouragement and the co-operation of the States Parties would be necessary to ensure that the properties are safeguarded. He emphasized the importance that the political process be respected. It is true that countries have the duty to protect World Heritage properties, but there is the political wisdom that ensures that States Parties are engaged in a spirit of co-operation and not confrontation. He recommended that the views presented by the Legal Adviser be adopted. He supported the Delegate of the United Kingdom when saying that the *Operational Guidelines* must not take over the spirit of the *Convention*. In cases of urgent need and where the Committee has to take a decision, there should be a

mechanism for arbitration that would ensure the collaboration, co-operation and the harmony between the State Party and the Committee in the spirit of ensuring that the World Heritage properties are kept inviolate in the interest of the world itself.

15. The Delegate of China highlighted that this issue is not only legal and technical, but also political. He said that since the purpose of inscribing a property on the List of World Heritage in Danger is to save the property, it is absolutely necessary to have the full and sincere co-operation of the State Party concerned. If not, even if the Committee makes the decision, it will meet a lot of problems. It will eventually affect the appropriate and effective protection of the property concerned. He supported what was said by the Delegate of Nigeria.

16.1. The Delegate of Finland commented that in analysing these issues the effectiveness of the *Convention* and the pragmatic way in which it is applied should be considered. With regard to the *Travaux préparatoires*, already from those negotiations and from the *Convention* itself, he said that it was quite clear that in ordinary circumstances the consent or consultation of the State Party is required for the inscription of properties on the List of World Heritage in Danger. The consent in this case can also be tacit, that is when the State Party does not react to the request for consultations. However, the problem arises when discussing cases of urgent need. He said he was rather impressed by the statement made by the Delegate of Thailand whereas when a State becomes party to the *Convention* it already gives its consent. He was not convinced by this argument saying that there is a small fallacy in it. He commented that what has actually happened is that the decisions that the Committee had taken in the past were actually based on the *Operational Guidelines*. Furthermore, he agreed that the *Operational Guidelines* should not be used to enhance or expand the *Convention*.

16.2 He concluded by saying that according to the present wording of the *Convention* even in cases of urgent need State Party consent is necessary. He considered the question should also be reviewed in practical circumstances as pointed out by the Delegate of Egypt. If State Party consent is not required this might have a counter-productive effect and will actually erode the *Convention* and work against its objectives. In addition, he stated that although in international law, conventions could be interpreted, this interpretation requires the approval of all States Parties who have adhered to the *Convention*. That means that the interpretation is non-controversial. He said that this is obviously not the case. He expressed the position of his delegation to look for a compromise solution, suggesting text such as: "In urgent need consent is not necessary. However, if a State Party expressly objects to the inscription, this inscription would not be possible".

17.1 The Delegate of Lebanon stated that the Committee had heard many different legal opinions and that a decision is required from the Committee. He noted that several working groups have made proposals and quoted from the recommendations of the Amman workshop on "The Role of World Heritage in Danger Listing in promoting international co-operation for the conservation of World Natural Heritage", organised by the World Heritage Centre and IUCN in October 2000:

"While the Committee is the ultimate authority in all decisions concerning the inclusion of a site in the "Danger-List", the Committee should, as far as possible, seek consensus among all parties involved in the consultation process before including a site in that List. Such consensus is vital for co-operation among the State Party, advisory bodies, NGOs and other actors to implement plans and actions recommended by the Committee to remove prevailing threats to the site. However, in all cases the Committee must retain its authority to include a site on the List of World Heritage in Danger even if it has not been possible to reach consensus among all concerned parties".

17.2 He stated that in normal cases a consensus is sought. It is evident that there should be dialogue between the Committee and the State Party concerned in order to be able to determine the most appropriate measures to be taken and to apply them. However, the problem arises when after several years, notwithstanding the recommendations and attempts to solve the situation, these measures are not applied and the property continues to deteriorate to such an extent that it becomes endangered and risks losing its outstanding universal value.

17.3 He questioned what was to be done in these cases? He said that the *Convention* allows for the Committee to delete the property from the World Heritage List, but this would represent a failure, not only for the World Heritage Committee, but also for the international community. To avoid this situation, there is an intermediate phase - when facing exceptional or urgent circumstances - where the Committee has the right and the duty to inscribe an endangered property on the List of World Heritage in Danger, even if there is no formal agreement from the State Party. For those who question the practical usefulness of such a decision, he stated that inscribing a property on the List of World Heritage in Danger prevents further deterioration of the property. He asked why the Committee should be obliged to delete a property from the World Heritage List rather than inscribing on the List of World Heritage in Danger for the purposes of protecting the property?

17.4 He concluded that the inscription on the List of World Heritage in Danger could be seen as a means of pressure so that the measures requested by the Committee to improve the situation be implemented. However, this means that the inscription of a property on the List of World Heritage in Danger automatically presupposes the

implementation of international measures of assistance to protect the property. He insisted that it is useless to inscribe a property on the List of World Heritage in Danger without taking any further action. He said that immediate measures should be taken and a budget line should be opened for all properties to be inscribed or already inscribed on the List of World Heritage in Danger.

18.1 The Delegate of India reminded the Committee of the importance of the sovereignty of States Parties and the need, at all times, for consent and consultations with the State Party. However, she considered that there is still some ambiguity as to when the Committee has the discretion to take action in this area. She reminded the Committee that when discussing these issues it should keep in mind the objective of saving World Heritage properties which have outstanding universal value.

18.2. When analysing the definition of “urgent need” (paragraph 49 of document *WHC-02/CONF.202/8*) the Delegate of India drew the attention of the Committee to a range of situations of urgent need which are not specified. In these cases the distinction could be made between man made and natural cases of urgent need. Furthermore, for man made circumstances, a distinction should be made between armed and non-armed conflicts as well as between international and non-international conflicts, amongst others. Also she considered that the Committee should question the reasons why, with all of the existing instruments such as reactive monitoring and technical co-operation, the situation has deteriorated to such an extent. Urgent need would then arise in circumstances where there is total impunity by the State Party, total lack of co-operation by the State Party or collapse of State authority. There is a vast range where, in varying degrees, the State has possibly co-operated or can be encouraged to co-operate.

18.3 The Delegate of India accepted the view as presented by the Legal Adviser that the last sentence of Article 11.4 does give an opening and a possibility for the Committee to address genuine cases of urgent need applying to properties which are on the World Heritage List. She noted that this was not for cases such as the Bamiyan Buddhas. However, and in the absence of criteria for defining urgent need, she said that this might lead the Committee to a subjective situation which will lead to further ambiguity. In these cases the Committee must also envisage full follow-up for the protection of the property. As the objective is to save the property, the Committee should provide assistance. However, she questioned how these follow-up activities would be carried out without the consultation and co-operation of the State Party. She reiterated her interest in further clarifying the concept of “urgent need” so that it includes very clear and precise cases such as State impunity, collapse of State authority or total lack of State co-operation. She concluded by saying that her country would not feel comfortable introducing unnecessary subjectivity in the Committee's work. She also commented that the *Operational Guidelines* should

not overtake the *Convention* and that this should be kept in mind when the Committee discusses other items.

19. The Delegate of the Republic of Korea agreed with the Delegates of Zimbabwe, Nigeria and India that these issues have political aspects which should also be considered. Thus, co-operation should be sought and confrontation avoided. He said that even if legally the Committee does not require the consent for inscription, it is another matter how the Committee can secure the protection of the property effectively without the co-operation of the State Party. The Committee should try to avoid these actions without having the consent of the State Party, to the extent possible. Although exceptions can be made for cases of urgent need and emergency cases. The ways and means to secure co-operation and dialogue between the World Heritage Centre and the State Party should be included and supplemented in the *Operational Guidelines*.

20. The Observer of Chile stated that the first challenge for the Committee would be to decide during this session on the course of action to be followed. In order to do so, the Committee would need to take into consideration its previous practice, its competence and the discussions on this subject. However, he considered that it is very clear that this issue has legal, technical and political implications. Thus, it is not enough to deal with each aspect separately to solve this issue. A holistic approach is necessary. If immediate action was to be taken this could have erroneous implications for the other fields. He suggested that a working group composed of intergovernmental experts be created to discuss this subject, but that this initiative should not be rushed. He also offered, as President of the Legal Committee of the UNESCO General Conference and if the Committee should wish so, to undertake the necessary studies to elucidate these issues.

21.1 The Observer of Australia stated that although he was not going to rehearse Australia's long held position on the legal arguments, he observed that after listening to the interventions that, while there seemed to be growing consensus on the view that State Party consent is required in nearly all circumstances, except in the cases of urgent need and emergency circumstances, there still was concern about the definition of urgent need and on how to define the processes. He also mentioned several questions: Does the Committee have the processes to make those difficult and challenging decisions? What is the Committee's experience in this? How does the Committee develop its practice? He affirmed that most States Parties are looking for solutions. He suggested that the Committee consider that a working group be established and that it be tasked with defining clear parameters, thresholds and benchmarks for the arbitration of cases of urgent need where State Party consent has not been obtained or where there is no competent State Party authority.

21.2 He stressed that further thought should be given to the ways by which the inscription of a property on the List of World Heritage in Danger can be seen as a means to stimulate international attention and focus international co-operation as was conceived by the drafters of the *Convention*. He said that consideration should be given to a dedicated fund within the International Assistance budget to assist States Parties with properties on the List of World Heritage in Danger. He proposed that this initiative be given a positive label such as "priority heritage assistance programme" as a way of demonstrating the level of international co-operation required. He also suggested that if a State Party cannot reach a consensus with the Committee, and it does not take a programme of action or does not meet its commitments year after year, the Committee might want to consider changing the boundaries of the property, to exclude the areas where the problems are occurring, or changing the values of the property before moving towards the necessary, but to be avoided at all costs, step of deletion from the World Heritage List, even without the consent of the State Party.

22.1 The Observer of France thanked the Belgian Delegation for having initiated this debate. He endorsed the conclusions of the working document, in particular those in paragraph 24. He stated that the remarks made by the Delegate of Thailand reinforced what was concluded by the working document. He reminded the Committee that World Heritage, which the Committee strives to protect, is not only constituted by the addition of the national heritage of States Parties since there is a higher interest which transcends national interests. Moreover, the balance between the sovereign rights of the States Parties and the higher interest established by the *Convention* is the basis of international solidarity – solidarity which is at the heart of the *Convention*. This solidarity is expressed by the fact that the States cannot, on the one hand, claim the important advantages and benefits such as economic interest, prestige, reputation of an inscription on the World Heritage List, and, on the other hand, not fulfil the obligations and responsibilities established by the *Convention*. When we speak of rights and responsibilities, we should also speak of duties.

22.2 He continued by saying that the conclusions presented by the Legal Adviser are not only in agreement with the letter of the *Convention*, but also with its spirit for the creation of a common heritage for which the international community is jointly responsible for its protection. As the World Heritage Committee represents the interests of this international community it therefore has the duty to protect this common heritage. He expressed his understanding for the concerns expressed by some States Parties concerning the possible abusive interference in their internal affairs, concerns which are legitimate and deserve to be respected. Thus, if progress is to be made on this issue, these concerns should be addressed.

22.3 The Observer of France reaffirmed that the inscription on the List of World Heritage in Danger is not

a sanction nor a humiliation, but a means of solidarity towards the State Party. He considered that only on the basis of this inscription real assistance can be implemented and resources be given to protect the property. Evidently the co-operation of the State Party should be sought before any coercive measure can be taken. However, he did not agree with the idea that if a decision were taken to inscribe a property on the List of World Heritage in Danger without the consent of the State Party this would provoke conflict. All actions must be taken in a climate of trust and solidarity between the ensemble of States Parties as this is the only way of reinforcing the *Convention*. He strongly warned the Committee not to approve procedures whereby it would be easier to delete a property from the World Heritage List than to inscribe it on the List of World Heritage in Danger. If the Committee were to follow this orientation, it would certainly not be helping the *Convention* or World Heritage. He therefore urged the Committee to find a good compromise and consensus.

23.1 The Observer of Poland noted as a preliminary comment that the working document and the document presented by IUCN did not have the same legal value. He congratulated the Legal Adviser for presenting a document which not only dealt with the legal aspects of the subject, but also with the practical and political aspects. He considered that another virtue of the working document is that it draws the attention of the Committee to certain limitations which can not actually be surmounted. In particular, he asked that the Centre's possible scope for action would be in cases of urgent need which would allow for the inscription of properties on the List of World Heritage in Danger without State Party consent. He considered that the Committee could not accept other forms of action with regard to inscriptions on the List of World Heritage in Danger other than the cases of urgent need. Thus, the working document clearly defines where the Committee can take action without State Party consent being required. If the Committee were to accept the conclusions presented by the Legal Adviser, the Committee would have to define cases of urgent need.

23.2 With regard to the IUCN document, he stated that as an Advisory Body IUCN does not have the right nor the competence to interpret the *World Heritage Convention*. Moreover, although IUCN is competent in matters of environmental law, it does not have the right to interpret international law. As IUCN is competent in matters relating to natural heritage, its interpretation would only be limited to cases of that field. Furthermore, among the arguments presented by IUCN on why State Party consent is not required for inscription on the List of World Heritage in Danger, he could not accept that there is a presumption of unwillingness or bad faith on behalf of a State Party. He concluded by saying that the List of World Heritage in Danger is an extraordinary measure for the protection of World Heritage properties. Thus, he stated that it was not realistic nor constructive to proceed with actions which might obstruct co-operation with a State

Party due to the fact that its consent has not been requested.

24. The Observer of Nepal stated that having the co-operation of the State Party and of the World Heritage Committee is essential for the protection and conservation of World Heritage properties, especially in developing countries. He pointed out that Nepal has been facing some problems with the conservation of the Kathmandu Valley as has been discussed in the 24th session of the World Heritage Committee (Cairns, 2000). It is the responsibility of the World Heritage Committee as well as of the State Party to protect World Heritage sites. The Committee has agreed that it is necessary to get the support and co-operation of the State Party in conservation matters, and he said therefore that it is equally necessary to have the consent of the State Party for the inscription on the List of World Heritage in Danger. He supported the views expressed by the Delegations of Egypt, Belgium and Portugal, amongst others. He asked the Committee to carefully examine whether the State Party is doing its utmost to protect the World Heritage site before the Committee takes a decision.

25. The Observer of Japan stressed that the issue being discussed was not only a legal one, but one with practical and policy aspects. He emphasized that the smooth implementation of the *Convention* should not be hindered by not resolving these issues. From this point of view, he stated that the Committee has the mandate to decide on these issues through the *Operational Guidelines* or in other ways. He expressed his agreement with the conclusions presented by the Legal Adviser and suggested that the *Operational Guidelines* be implemented in a flexible way.

26. The Observer of the Netherlands thanked the Belgian Delegation for having brought this issue up for discussion. She stressed the importance of concluding the debate as it had implicitly been going on for more than 10 years. The most important aspect at this point would be to find the balance between State sovereignty and international responsibility. She considered that the Committee has a very sound legal basis for its discussion due to the thorough working document prepared by the Secretariat. She also emphasized the need to distinguish between legal, political and practical aspects. Amongst the valuable suggestions made during the debate, she considered the establishment of criteria for defining urgent need a very important suggestion. She also agreed with the suggestion made by the Observer of Australia that a separate budget line be created for the List of World Heritage in Danger. She accepted the conclusions presented by the Legal Adviser and proposed that the Committee should look for a practical solution, and in particular determine benchmarks and criteria for the definition of urgent need.

27.1 The Chairperson thanked the Secretariat, the Legal Adviser and all those who had contributed to the working document for having provided the Committee

with such an exhaustive and clear legal opinion. He referred to the great awareness that the Committee has of its responsibility in protecting World Heritage. He considered that there is agreement that the spirit of the *Convention* gives priority to the protection and conservation of all World Heritage sites. If properties are endangered, the *Convention* has foreseen the List of World Heritage in Danger, as an instrument of solidarity and co-operation. He stated, therefore, that when inscribing a property on this List, the consent and co-operation of the State Party should always be sought, with the exception of cases of urgent need. What is now most important is the definition of what are these cases of urgent need or exceptional circumstances.

27.2 He asked the Committee if there was consensus to make a decision and to adopt the conclusions presented by the Legal Adviser acknowledging that there are exceptional cases which do not require the consent of the State Party. He proposed the creation of a working group to work during the present Committee session and also perhaps after to define cases of urgent need and study the possibility of setting up a special budgetary line related to the List of World Heritage in Danger. With regard to the final decision of the Committee, he suggested that a written proposal be formulated.

28. The Delegate of Egypt expressed his appreciation for all the views presented during the discussion. He proposed that the Committee take note of the working document, rather than accept its conclusions. Although he considered the document very exhaustive and covering several aspects of these issues, he could not accept some of its conclusions, in particular that the consent of State Party is not required when the Committee deletes a property from the World Heritage List. He stated that this issue had not yet been discussed by the Committee, so in his view this part of the working document remains open to question.

29. The Delegate of the United Kingdom expressed her support for some of the aspects mentioned by the Delegate of Egypt. She declared that her country could not agree with the interpretation presented by the Legal Adviser concerning Article 11.4 of the *Convention*. She expressed her concern that the Committee take a decision on this issue and informed the Committee that her delegation was working on what could be a compromise solution. Her delegation believed that the Committee has the right to tell a State Party that a property is in danger, but that States that are opposed to inscription on the List of World Heritage in Danger cannot have their sites inscribed on this List. She concluded by saying that the Committee has the right to delete sites which have lost their outstanding universal value for which they were inscribed on the World Heritage List. Moreover, these changes should be incorporated as amendments to the *Operational Guidelines*.

30. The Delegate of Zimbabwe asked that the debate not be reopened and agreed with the proposal of the Chairperson to create a working group as this would represent an important step forward.

31. The Delegate of Finland expressed his agreement with the proposal of the Delegate of the United Kingdom.

32. With regard to the deletion from the World Heritage List, the Chairperson affirmed that this was a right of the Committee, but that it should try to avoid it as it represents a last resort. As for the inscription on the List of World Heritage in Danger, he considered that this is one of the tools in the hands of the Committee for the conservation and protection of World Heritage sites. He stressed that the Committee has the right to include a property on the List of World Heritage in Danger as an expression of common and shared responsibility. However, the Committee should always seek the consent and co-operation of the State Party, with the exception of cases of urgent need and exceptional circumstances. In these latter cases, there should be very precise definitions of the cases of urgent need and exceptional circumstances. He proposed that a working group should be created exclusively for the purpose of defining urgent need and exceptional circumstances, although the creation of a special budgetary line should not be forgotten.

33. The Delegate of Greece stated that this issue is connected to the revision of the *Operational Guidelines* (Item 18). The creation of the working group would therefore depend on the procedure to be adopted when discussing that agenda item.

34. The Delegate of Egypt did not agree with the idea of creating a working group for the establishment of criteria for cases of urgent need. He said that no matter how the Committee defines cases of urgent need, these criteria would never be comprehensive. These criteria would only restrain the future actions of the Committee. He concluded that cases of urgent need should be examined on a case-by-case basis by the Committee.

35. The Chairperson replied by saying that certain objective indications could be provided by the Committee.

36. The Delegate of Finland agreed with the comments made by the Delegate of Egypt, but suggested that perhaps some general considerations could be established.

37. The Delegate of Saint Lucia stated that she did not think that there was total consensus on both issues. She suggested that before discussing the definition of urgent need, the Committee should decide on what comes first. She therefore recommended that a written text be prepared as a way to reach a conclusion on this agenda item.

38. The Chairperson asked the Secretariat to prepare a draft decision which was presented to the Committee later that day:

### ***Draft Decision***

#### ***Legal Considerations***

##### *The World Heritage Committee:*

1. *Recalls that the World Heritage Convention establishes a system of international co-operation for the protection of the cultural and natural heritage;*
2. *Underlines its responsibility to ensure the conservation of properties inscribed on the World Heritage List;*
3. *Recalls that the inscription of a property on the List of World Heritage in Danger is an expression of international solidarity and should not be considered as a sanction;*
4. *Commits to seek co-operation with States Parties and will establish clearly defined procedures for consultation with States Parties on measures for the protection and conservation of World Heritage properties;*
5. *Decides to give priority and to dedicate resources<sup>2</sup> to properties inscribed on the List of World Heritage in Danger;*
6. *Further decides that:*
  - a) *under ordinary circumstances the inscription of a property on the List of World Heritage in Danger presupposes that a request for assistance has been submitted to the Committee under the Convention. However, if the State Party concerned requests the inscription of a property on the List of World Heritage in Danger it may be considered as equivalent to a request for assistance under the Convention;*
  - b) *in cases of urgent need, the Committee may inscribe a property on the List of World Heritage in Danger without the consent of the State Party. If the State Party concerned expressly objects to such an inscription, the Committee should envisage an appropriate mechanism for obtaining the co-operation of the State Party in the interest of safeguarding the World Heritage property in question. The Committee should establish clear criteria and parameters for defining cases of "urgent need".*

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<sup>2</sup> A separate budget line is recommended in the proposed revised Budget Structure WHC-02/CONF.202/13D Rev.

c) *the Committee has the international responsibility to delete a property from the World Heritage List when the outstanding universal value which justified its inscription is lost. Deletion of a property from the World Heritage List does not require the consent of the State Party concerned nor is it necessary that the property is already inscribed on the List of World Heritage in Danger;*

7. *Invites the Director-General to submit to the 27th session of the World Heritage Committee appropriate amendments to the Operational Guidelines.*

39. The Chairperson invited the Committee to examine this draft decision paragraph by paragraph.

#### **Comments made on paragraph 1 of the Draft Decision**

40. The Delegate of Thailand suggested that the paragraph should read: *Recalls that the World Heritage Convention establishes a system of collective protection and conservation of the cultural and natural heritage of universal outstanding value.*

41. The Delegate of Egypt, with the support of the Delegates of India and Hungary, stated that the word "collective" is redundant and suggested that the word "international" should remain.

42. The Delegate of Thailand recalled that the word "collective" was used several times in the Preamble of the *Convention*.

43. The Delegate of Argentina, with the support of the Delegate of Finland, stated that this paragraph was based on Article 7 of the *World Heritage Convention*. Thus, paragraph 1 should read: *Recalls that the World Heritage Convention establishes a system of international co-operation and assistance for the protection of the cultural and natural heritage.*

44. The Delegate of Saint Lucia suggested that the words "of outstanding universal value" should be added to the end of the paragraph.

45. The Delegate of Greece noted that the right terminology would be "the world's cultural and natural heritage".

46. The Chairperson read the text as amended by the Committee: *Recalls that the World Heritage Convention establishes a system of international co-operation and assistance for the protection of the world cultural and natural heritage;* and noted the consensus on this text.

#### **Comments made on paragraph 2 of the Draft Decision**

47. The Delegate of Thailand suggested that the paragraph should read: *Underlines its responsibility to ensure the protection and conservation of properties inscribed on the World Heritage List;*

48. The Delegate of Greece proposed that the words of Article 6.2 of the Convention "identification, protection, conservation and preservation" should be included.

49. The Delegate of Thailand and the Delegate of Argentina both stressed that Article 6.2 refers to the responsibility of the States Parties and not of the Committee.

50. The Delegate of Finland remarked that the words "the protection and" were not necessary as the sites were already protected when included on the World Heritage List.

51. The Delegates of Egypt and the Republic of Korea spoke in favour of "protection and conservation".

52. The Delegate of Saint Lucia mentioned that the term "conservation" in the 1980 World Conservation Strategy refers to preservation, protection, sustainable use, etc.

53. The Delegate of the United Kingdom cautioned against the danger of selectively quoting from the Convention. He suggested the words "recognising its obligations under the Convention" as they would cover all the concerns expressed by Committee members.

54. The Delegate of Egypt, supported by the Delegate of India, explained that paragraph 1 speaks of "protection" of all the world's cultural and natural heritage, whereas paragraph 2 should include both protection and conservation as the Committee is concerned with sites inscribed on the World Heritage List.

55. The Delegate of Thailand feared that the meaning of paragraph 2 would be lost with the wording suggested by the Delegate of the United Kingdom.

56. The Delegate of Saint Lucia suggested that the paragraph should read: *Underlines its responsibility to ensure the preservation of the integrity of properties inscribed on the World Heritage List;*

57. The Chairperson read the text which most Committee members seemed to adhere to: *Underlines its responsibility to ensure the protection and conservation of properties inscribed on the World Heritage List;* and proclaimed it adopted.

#### **Comments made on paragraph 3 on the Draft Decision**

58. The Delegate of Egypt suggested that the word "considered" should be changed for the word "used".

59. The Delegate of Thailand supported the original text.

60. The Delegate of Mexico suggested the following text: *Recalls that the inscription of a property on the List of World Heritage in Danger is an expression of international solidarity and not a sanction;*

61. The Delegate of Saint Lucia proposed the word "censure" instead of "sanction", but he added that his delegation would accept the view of the majority.

62. The Delegate of Thailand noted that this was not the appropriate wording in legal terms.

63. The Delegate of India suggested that the sentence should stop after "international solidarity".

64. Noting the consensus on this last proposal, the Chairperson read the text as accepted by the Committee: *Recalls that the inscription of a property on the List of World Heritage in Danger is an expression of international solidarity;*

#### **Comments made on paragraph 4 of the Draft Decision**

65. The Delegate of Egypt did not agree with the wording "Commits to seek".

66. The Delegate of Finland proposed to change it for "Reaffirms its co-operation".

67. The Chairperson read the text as accepted by the Committee: *Reaffirms its co-operation with States Parties and will establish clearly defined procedures for consultation with States Parties on measures for the protection and conservation of World Heritage properties;*

#### **Comments made on paragraph 5 of the Draft Decision**

68. The Delegate of Argentina, supported by the Delegate of the United Kingdom, stated that this paragraph did not mention where the resources were to come from and that these resources should not be taken from assistance activities such as capacity-building. She also mentioned that this paragraph might be misunderstood by some countries who might interpret this as an invitation to include their sites on the List of World Heritage in Danger as funding will be provided. She suggested that the paragraph should read as follows: *Considers that the conservation of properties inscribed on the List of World Heritage in Danger should be adequately funded.*

69. The Delegate of Thailand proposed the following text: *Decides to give priority and to allocate its resources to properties inscribed on the List of World Heritage in Danger;*

70. The Delegate of Egypt recommended that another paragraph be added to include mention to a separate budget line being created. He did not consider a footnote sufficient.

71. The Delegate of Saint Lucia did not consider that this was the most appropriate place to decide the creation of a special budget line. She drew the attention of the Committee to the fact that such a budget line was proposed in the new structure of the budget (working document *WHC-02/CONF.202/13 D Rev*). She concluded, receiving the support of the Delegates of Argentina and Nigeria, that this should be addressed during the discussion on the budget.

72. The Chairperson read the text as accepted by the Committee: *Considers that the conservation of properties inscribed on the List of World Heritage in Danger should be adequately funded.*

#### **Comments made on paragraph 6 of the Draft Decision**

73.1 The Delegation of the United Kingdom stated that he had no difficulties with paragraphs 6 (a) or 6 (c). On paragraph 6(b), he stated that his Delegation believes that the wording of the *Convention* gives clear support to the principle of State sovereignty and that the obscure wording of Article 11.4 cannot be considered to be a major derogation from what is clearly established elsewhere in the *Convention* as a principle on which the *Convention* is based. Therefore, he commented that his Delegation could not accept that there is an inscription on the List of World Heritage in Danger when there is an objection from the State Party.

73.2 He acknowledged the different interpretation presented by the UNESCO Legal Adviser. He suggested that the Committee should acknowledge that the Committee has the right to tell any State Party that its sites are in danger, but that the inscription of a site on the List of World Heritage in Danger cannot take place if the State Party expressly objects. Thus, the explicit consent of the State Party is not required, and indeed this would take account of situations where there is a power vacuum in the State Party.

73.3 Therefore, the Delegate of United Kingdom suggested the following drafting for paragraph 6 (b): *In cases of urgent need the Committee may advise a State Party that a site is in Danger, and it may inscribe a property on the List of World Heritage in Danger unless the State Party concerned expressly objects to such an inscription.*

74.1 The Delegate of Nigeria expressed his agreement with paragraphs 6 (a) and 6 (c). However, he commented that paragraph 6 (b) is the core of the discussion and that the issue of State sovereignty was involved here. He commented that his impression was that during the discussion on this subject generally there was consensus

that State sovereignty be respected. At the same time, there is a need for the Committee to ensure that the sites in danger are protected. He remarked that a mechanism for arbitration would be necessary, as mentioned by the Legal Adviser. He said that there is a need to ensure that State Party co-operation is provided. He proposed that the Committee establish clear criteria and parameters for defining cases of urgent need. It is important to determine what is urgent, and the different levels of urgency such as very urgent, casually urgent, ultimately urgent. He asked that the words "without the consent of the State Party" be removed from this paragraph.

74.2 He recommended that this paragraph should be modified according to the proposal made by the Delegate of the United Kingdom and that mention should also be made to the existence of mechanisms which ensure the co-operation and collaboration between the Committee and the State Party before the inscription of a property on the List of World Heritage in Danger. The inscription would only come after this negotiation and not before as this might lead to unnecessary confrontation.

74.3 Thus, he proposed the following text for paragraph 6 (b): *In cases of urgent need, the Committee may draw the attention of the State Party to the World Heritage property which is in Danger and advise the State Party of the procedure to be adopted for the listing on the List of World Heritage in Danger. A mechanism must be prepared and provided for arbitration to ensure that the State sovereignty as well as the principle of preservation are equitably maintained. The Committee should establish clear criteria and parameters for defining cases of urgent need.*

75. The Delegate of Thailand stated that he could not agree nor accept the proposals made by the Delegates of the United Kingdom and Nigeria. If those amendments are accepted then the system of international protection and conservation of cultural and natural property would be ineffective which is contrary to the spirit and the wording of the *Convention*. He suggested that the spirit of paragraph 6 (b) should be kept, although the wording could be changed to make it easier to read.

76. The Delegate of Egypt said that this was not only a matter of legal wording, but that there are political and practical considerations and that the issue of State sovereignty should not be disregarded. He said that the Committee should understand the sensitivity of certain countries as this can sometimes be used as a political issue and as a means of political pressure. He supported the proposal made by the Delegate of the United Kingdom.

77. The Delegate of Greece stated that her Delegation accepted paragraph 6 (b).

78. The Delegate of Portugal proposed that at the end of paragraph 6(c) the following words be added:

*"Whenever possible the State Party should be previously informed of the procedure undertaken."*

79. The Chairperson asked the Committee whether it would be willing to accept paragraph 6(a) as it now stands, without amendment.

80. The Observer of the United States suggested that the first sentence of paragraph 6(a) should read: *Under ordinary circumstances the inscription of a property on the List of World Heritage in Danger presupposes that a request for assistance has been submitted by the State Party to the Committee under the Convention.*

81. The Chairperson asked the Committee whether it would be willing to accept paragraph 6(a) as amended by the Observer of the United States.

82. The Delegate of Egypt asked to see the amendments in written form.

83. The Delegate of India commented that even though the *Convention* requires that the State Party where the site is situated be the one to request assistance, in practice she did not think that in previous cases the sites had been inscribed on the List of World Heritage in Danger following a request from the State Party for assistance.

84. The Chairperson asked the Committee whether it would be ready to accept paragraph 6 (c) including the amendment suggested by the Delegate of Portugal.

85. The Delegate of Egypt stated that the first part of the last sentence of paragraph 6(c) was still a problem. He said that deletion of a property from the World Heritage List must be in concert with the State Party as long as its sovereignty on the property is both *de jure* and *de facto*. If its sovereignty is only *de jure* and not *de facto*, this would be an exceptional case. Therefore, when referring to paragraph 6(b), and specifically to the term "cases of urgent need", he said that he had difficulty understanding what is urgent need, and need for whom and by whom. Moreover, he said that this is not a case of urgent need, it is a case of "exceptional circumstances", as this is opposite of ordinary circumstances. Thus, paragraph 6(c) should start with the words "*In exceptional circumstances*". He stated that the second line of paragraph 6 (b) is also not acceptable to his Delegation.

86. The Delegate of India suggested an amendment to the proposal made by the Delegation of Portugal on paragraph 6(c) so that it reads: *"In all cases the State Party should be previously informed of the procedure undertaken."*

87. The Delegate of Thailand accepted the proposal made by the Delegation of Portugal on paragraph 6(c).



1. The Director introduced the document and recalled the background of the analysis of the World Heritage List and the Tentative Lists, and the decisions taken by the Committee in Cairns (2000) and Helsinki (2001).

2. The representative of IUCN presented the status of its work, highlighting the objective to identify those geographical areas and ecosystems of potential outstanding universal value. This process, involving many partners, includes a review of the World Heritage List by the Udvardy Scheme (realms, biomes and biogeographical regions) as well as through the IUCN theme studies. Phase I covered an examination by 9 biogeographical realms and biome types and concluded that some are poorly represented on the List, such as grasslands and cold deserts. It also covered the IUCN theme studies such as geological/fossil sites, forests, wetlands etc. During Phase II an in-depth analysis and peer review of the global classification will be carried out.

3. The representative of ICOMOS recalled the global study carried out at the request of the Committee by a working group including Greece and the United States of America, which at the time had been poorly received by the Committee. He pointed out that the thematic studies by ICOMOS are available at the ICOMOS web site. He then presented the ICOMOS process of identification of the 13 categories included in document *WHC-02/CONF.202/9* and informed the Committee that Phase II with a multi-category analysis will start after the Budapest meeting, also taking into account results of the Global Strategy and regional thematic meetings organized by the Centre. During this phase, the ICOMOS Steering Committee will, as indicated in the document, be involved. The final analysis will be presented in 2003.

4. The Delegate of Lebanon thanked the Advisory Bodies for tackling such a complex task and pointed out that the identification of the 13 categories by ICOMOS seemed to be mixing chronological factors and types of properties. Therefore, he recommended the adoption of a multiple approach combining (a) geographical, regional and chronological factors, with (b) the diversity of uses (e.g. religious, civil, military etc.) and (c) thematic analysis (e.g. cultural landscapes, urban centres). With this approach, the gaps and underrepresented categories could be clearly identified and a coherent comparative system developed. He also requested to involve more experts with a broader interdisciplinary background.

5. The Delegate of Egypt supported the proposal made by the Delegate of Lebanon and informed the Committee of missing cultural categories such as heritage routes, railways and canals. IUCN should give greater emphasis to the analysis of biodiversity both in terms of qualitative and quantitative richness and endemism and continue with the approach based on realms, biomes and biogeographical regions, taking into account global studies on specific features (e.g. geological/fossil sites).

Categories within each biogeographical unit towards a classification system could then be defined. He furthermore cautioned the Committee not to confuse the issue of underrepresented heritage with “outstanding universal value”; tentative lists should not exclusively include less represented types of heritage. He also pointed out that caves and troglodytic dwellings are important for the history of humanity. He drew attention to the methodological differences between IUCN being concerned with features in space and ICOMOS with features in time.

6. The Delegate of Argentina supported the previous speakers and highlighted the aims of this analysis, namely to assist the States Parties in identifying potential sites for their national tentative lists. She also stated that some types of heritage, such as urban and architectural ensembles, belong to the history of many people and are therefore better represented than others. The selection process needs to be inclusive. The Delegate also pointed out that more resources are required for preparing tentative lists and that this should be addressed through new partnerships.

7. The Delegate of Finland agreed with the statement of the Delegate of Lebanon concerning the selection of categories by ICOMOS.

8. The Delegate of Greece also supported the intervention of the Delegate of Lebanon and recalled the decisions by the Committee in Cairns, requesting that the Advisory Bodies take into account previous studies and reports since 1984. The members of the ICOMOS Steering Committee should not be members of the Committee. She requested to revise the broad categories, clearly defining each of them and to adopt a precise methodology for the identification of underrepresented categories of heritage in conformity with the decision taken by the Committee at its 24th session (Cairns, 2000). She also recalled the decision taken by the Committee at its 25th session (Helsinki, 2001) to halt new thematic studies. Furthermore, she requested that the possibility of developing a methodology for the classification of world cultural heritage, similar to the classification by biogeographical provinces of the world by IUCN, be examined and that the composition of the Steering Committee be enlarged by the participation of representatives of the ICOMOS International Committees. The bibliography (Annex IV of the working document), including references to reports on meetings and studies in conformity with the proposal by the 26th session of the Bureau, should be completed and the existing global study, which is based on major civilizations and Global Strategy results, should be taken into account. She also requested that desk studies by the Centre concerning the analysis should not be continued.

9. The Delegate of Nigeria stated that no categorisation would be perfect, referring to the overlap, for example, between archaeological sites and burial sites.

10. The Delegate of Belgium pointed out that the results and conclusions of the Global Strategy should be presented as the very first step of the analyses and that common cultural and natural criteria should be developed for cultural landscapes. Referring to paragraph 38 of document *WHC-02/CONF.202/9*, she requested that the number of States Parties per region be indicated.

11. The Delegate of Zimbabwe emphasised that this process is within the objectives of the Cairns decision for a more holistic picture of the world's heritage for the World Heritage Committee in the future. Imbalances, both in terms of natural and of cultural heritage, have to be analysed. The issue of the goals also needs to be reviewed.

12. The Delegate of the United Kingdom emphasized that any analysis of gaps is complex, in particular for multi-category analysis and one may end up with too much detail (e.g. for the City of Bath, which could be anything between Roman and Modern). The fundamental concept is that of outstanding universal value.

13. The Delegate of India informed the Committee of their experience at the national level and the benefit of the studies carried out by the World Heritage Centre. The IUCN study focuses on a methodology to identify regions and similarly this has been done on the national level. Concerning ICOMOS, the same approach would not be possible, however, multiple categories could be taken into account, but the most important value has also to be identified. The aim would be to work towards a more inclusive identification of diverse heritage categories. Furthermore, other types of heritage, such as vernacular settlements are very important for local communities.

14. The Delegate of Mexico highlighted the aim of a balanced World Heritage List, and to this end regional thematic meetings could be organized in parallel with the in-depth studies. He informed the Committee about the recently published Tentative List of Mexico.

15. The Delegate of Colombia pointed out that the representativity is also linked to resources, in particular for technical advice, necessary for the submission of tentative lists and nominations.

16. The Observer of Chile supported previous speakers and pointed out that a more detailed analysis was also required to review in greater detail differences within or between regions (e.g. for historic cities).

17. The Observer of Australia recalled the 1994 Global Strategy and addressed these complex issues with an anthropological approach through time, which is particularly important for non-monumental cultures in Africa and the Pacific.

18. The Observer of Israel informed the Committee that the 13 categories have been tested in his country in collaboration with ICOMOS and that many aspects of the

history of cultures have to be included. Other States Parties may also wish to follow this example.

19. The Delegate of Saint Lucia – supported by the Delegates of Lebanon, India, Greece, Argentina, the United Kingdom and ICOMOS – requested a clear decision which should provide guidance to the Advisory Bodies and the Centre, and incorporate the comments made the Committee on Phase I of the analysis.

20. The Delegate of Egypt suggested that the Secretariat and the Rapporteur submit a draft decision before the final adoption of the report.

21. The Chairperson asked the Committee whether a working group should be created. Noting that there was no consensus for that proposal, he requested the Rapporteur to provide a proposal for decision in written form.

22. A draft decision was circulated on Saturday morning, 29 June. The Chairperson invited the Committee members to focus on amendments, if required.

23. The Delegate of Finland suggested to refer under (a), in the paragraph addressed to ICOMOS, to spatial and chronological factors.

24. The Delegate of Greece asked to use the wording of the Committee's decision in Cairns (2000) and to make an explicit reference to it.

25. The Delegate of Argentina proposed a rewording for the second indent of the paragraph addressed to IUCN.

26. The Delegate of Egypt wondered whether it would not be more appropriate to draw the attention of the Advisory Bodies to those points and to delete the second paragraph of the draft decision.

27. The Delegate of India expressed interest in the Finnish proposal and for the bibliography.

28. The Delegate of Saint Lucia recalled how important it was to give precise instructions to the Advisory Bodies and therefore asked not to amend the draft decision in that respect.

29. The Representative of ICOMOS indicated that the analyses as defined in the draft decision represented a lot of work.

30. The Secretariat informed the Committee that the draft decision had been prepared with the help of the Advisory Bodies.

31. The Delegate of the United Kingdom suggested that, given the amount of work required, the results of the analyses be submitted to the 28th session of the Committee rather than to the 27<sup>th</sup> session.

32. Following this debate, the Chairperson declared the draft decision adopted with the amendments of the Delegates of Greece, Argentina and the United Kingdom (decision **26 COM 13**) but he invited the Rapporteur to examine whether the matrix to be used by ICOMOS in its analysis could be clarified with regard to the remarks of the Delegates of Finland and Greece. He then closed the debate on this item.

#### 14 NOMINATIONS TO BE EXAMINED IN 2003 AND 2004

*Document: WHC-02/CONF.202/10 Rev.1 (as amended)*

1. The Director introduced the agenda item by noting that the text of document *WHC-02/CONF.202/10 Rev* contained some small technical errors: five sites in Table B were listed as cultural nominations, when they should have been presented as four mixed properties and one natural property; and one mixed site in Table D was also incorrectly identified as cultural. A revision to this document will be made available on the web site.

##### Status of Nominations

2. The Director of the World Heritage Centre explained that the four tables in document *WHC-02/CONF.202/10 Rev* presented the status of nominations received for 2003 and 2004. Table A showed all nominations that were "full and complete" or "almost complete" on 1 February 2002, which were transmitted to the Advisory Bodies in March 2002. The evaluation mission to all properties in Table A had been or were being scheduled, whether they were "almost complete" or "full and complete". Table B presented all "incomplete" nominations submitted before or on 1 February 2002. Of these, two nominations became "full and complete" after 1 February 2002: **Rock Shelters of Bhimbetka (India)**; and **Takht-e-Soleyman (Iran)**

3. The Director informed the Committee that the State Party of India had indicated that the nomination of **Rock Shelters of Bhimbetka** was its first priority nomination, and now that it was "full and complete", it requested that it replace the "almost complete" nomination of **Champaner-Pavagadh Archaeological Park** in Table A.

4. The Delegate of India thanked the Director for his introduction, and explained why the State Party had submitted two nominations. Their objective had been to follow the recommendation of the 24th session of the Committee in Cairns (December 2000) to nominate under-represented types of sites, of which the **Rock Shelters of Bhimbetka** was a prime example in India. Because of the extensive amount of work involved, however, the State Party also submitted the nomination for the **Champaner-Pavagadh Archaeological Park**, in case they had been

unable to complete work on the **Bhimbetka** nomination in time.

5. The second nomination in Table B which had since been made "full and complete" after the 1 February 2002 deadline was the nomination of **Takht-e-'Soleyman** from the Government of **Iran**. The State Party had requested that it also be presented for review by the Committee in 2003. This nomination, the Director noted, would be the first nomination submitted by the Government of Iran in two decades.

6. The Observer from Iran thanked the Director for his comments, and noted that the nomination had been officially received by the World Heritage Centre in November 2001 and had been the subject of a mission by the Centre in January 2002. Since its submission, there had been numerous discussions between the Centre and the Iranian expert who prepared the nomination in order to make the nomination "full and complete." The Observer recalled that since one of the objectives of the Cairns decision had been to improve the representativity of the List, notably through inclusion of properties from countries that were under-represented, he asked that the Committee include **Takht-e-'Soleyman** among the nominations to be examined by the Committee in 2003.

7. Concerning the nominations presented in the Table D - nominations submitted after 1 February 2002, the Delegate of Zimbabwe noted that the nomination of **Matobo Hills**, received by the World Heritage Centre two weeks after the deadline, had also been made "full and complete" in the weeks since its submission. He added that a first draft had been submitted to the Centre in November 2001 as a natural site but had to be resubmitted as a cultural landscape. Therefore the State Party had not been able to submit the completed nomination until 19 February 2002.

##### Tasks before the Committee concerning this agenda item

8. The Chairperson defined the two tasks that must be accomplished under this agenda item:

- (i) Adoption of the List of new nominations to be examined in 2003, including, if appropriate, the three nominations from India, Iran and Zimbabwe; and
- (ii) A decision on how to manage the nominations for 2003 and 2004.

##### List of Nominations to examine in 2003 - Definition of "complete" and "incomplete" nominations

9. As a preliminary measure, the Chairperson asked ICOMOS whether, should the Committee so decide, ICOMOS could accommodate the additional nominations into its schedule. The Advisory Body representative confirmed that if the Committee decided affirmatively at

this session, they would be able to carry out the new evaluations requested.

10. During the debate, several delegates expressed their opposition to the change in the rule which allowed nominations that were incomplete at the deadline of 1 February to nevertheless be accepted for examination by the Committee. The Delegate of Saint Lucia asked on what ground the exceptions would be made. Delegates of Lebanon, Thailand, Greece and Belgium asked that the principle should be examined before any exceptions be made.

11. The Delegate of India agreed upon enforcing of the rules and procedures but drew the attention of the Committee on the fact that the whole procedure and its implications had not been carefully considered and that there was a lack of clarity. She explained that her request to switch the two nominations was in full agreement with the principle of the Cairns decision to address the issue of underrepresented categories of heritage and that her understanding was that there was enough flexibility to allow this. To the question on what ground exceptions would be made, she replied that it was precisely intended to improve the representativity of the World Heritage List.

12. The Observer from Iran added that the Cairns decision was to be reviewed after two years of its implementation, which is now. He further stressed that enough time should be given to States parties to prepare their nominations.

13. The Delegate of Greece expressed concern about the definition of completeness as it was presented in the working document. "Complete" and "incomplete" were not terms used in the *Operational Guidelines*. In particular, she questioned whether the criterion used to define the difference between "almost complete" and "incomplete" ("without modification to the nomination text") was justifiable. She also called the attention of the Committee to the Working document's reference to a "complete" nomination requiring at least a "draft management plan pending approval". She stressed that the Committee should be presented with a final management plan, and not just a "draft" management plan, as had been the practice in the past.

14. The concerns about the categories "almost complete" and "incomplete" were shared by the Delegates of Thailand and Lebanon. The Delegate of Lebanon proposed to abolish the category "almost complete" in order to avoid similar discussions at all Committee sessions.

15. The Chairperson, noting the difficulties arising, proposed the Committee to abide by its former decision taken in Cairns and asked the Committee if it could accept the list of nominations to examine in 2003 as presented in table A with the three changes as proposed.

16. The Delegate of Nigeria observed that it was precisely the implementation of the Cairns decision causing difficulties. He stressed the importance of understanding the underlying principle in order to avoid problems in the future.

17. The Delegate of Greece warned against any confusion between the established rule requiring that nominations be complete by the 1 February deadline and the so called "Cairns decision" on representativity of the World Heritage List. The latter proposed a priority system for nominations if by the deadline of 1 February there were more than a given number of complete nominations, taking into account that States parties with a property on the List could only submit a single nomination a year. The Delegate of Greece further proposed that as a means of dealing with a transitional period, that the Committee accept the list as proposed in Table A, with the addition, on an exceptional basis, of the three nominations made complete since the deadline. (As this would include a substitution of one nomination of India from Table A, the list would only grow by two.)

18. The Chairperson noted that there were at present three categories ("complete", "incomplete" and "almost complete") and that several nominations had been completed after the 1 February deadline. He asked if the Committee could accept the proposal made by the Delegate of Greece to accept the list in Table A with the three changes as proposed, given that it would thus support the representativity of the World Heritage List.

19. The Delegate of Nigeria noted that additional information was required before the Committee could take a decision.

20. The Delegate of Saint Lucia spoke against making exceptions. The Committee should examine the three nominations separately. Furthermore, if an exception was to be made, the Committee should logically re-examine all nominations to decide whether they were complete or not.

21. The Delegate of Lebanon – with a view to conclude this debate - again suggested to abolish the category "almost complete", supported the proposal made by the Delegate of Greece and invited the Committee to focus rather on the representativity issue.

22. The Director of the Centre explained that the categories "complete" and "incomplete" were based on the Nomination format. The category of "almost complete"<sup>3</sup> as stated in Bureau working document *WHC-02/CONF.201/3* and in paragraph II.1 of the Report of the 26th session of

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<sup>3</sup> See paragraph 65 of the *Operational Guidelines* allowing the Advisory Bodies and the World Heritage Centre to request "complementary data" subsequent to the submission of the nomination.

the Bureau, was developed to allow the Committee to examine more than the seven "full and complete" nominations in 2003. Due to the strict implementation of the rule that nominations be complete by the 1<sup>st</sup> February deadline and the new calendar for statutory meetings<sup>4</sup>, a degree of flexibility would no longer be available. The category "almost complete" could be considered as a transition towards the new, more rigorous, system - in conformity with the spirit of the Cairns decision which was designed to increase the representativity of States Parties, regions and themes on the World Heritage List.

23. The Chairperson proposed the Committee to use only the two categories "complete" and "incomplete" in the future.

24. The Delegate of Thailand recalled the Committee's earlier decision that nominations be complete at the 1 February deadline. Building upon the Chairperson's proposal, he suggested to merge the two categories "complete" and "almost complete".

25. The Director of the Centre recalled that this year only 7 nominations were "complete" by 1 February.

26. The Chairperson emphasised the importance of clear rules. He asked the Committee whether it could agree to use only two categories in the future: "complete" and "incomplete". Taking into account the interventions made by the Delegates of Thailand and Greece, he referred to the application of paragraph 65 of the *Operational Guidelines* requiring that only complete nominations be examined in the following year.

27. The Delegate of India noted that the Committee was facing a difficult situation: the Cairns decision was based on a premise - completion of the analysis of the Lists - that had still not been completed. Consequently, if the Committee were to take the Cairns decision literally, without a certain amount of flexibility, then no nominations should be examined by the Committee until the analysis requested had been completed and approved.

28. The Delegate of Oman was not in favor of delaying for another year the nominations that were now complete.

29. The Delegate of Nigeria supported the intervention of the Delegate of Oman and suggested that the complete nominations be accepted as a way to deal with the transition period.

30. The Chairperson then proposed the following conclusions: all "complete" nominations would be examined in 2003; these nominations would include those of India, Iran and Zimbabwe; in the future only complete

nominations as defined in the *Operational Guidelines* would be examined.

31. The Delegate of Lebanon asked to include in the decision that the "almost complete" nominations listed in table A of the working document were considered as "complete".

32. The Delegate of Saint Lucia asked a clear statement that the three nominations had been included on an exceptional basis in view of the transition period.

33. The Chairperson presented a revised draft decision including those amendments and further asking the Secretariat to keep an updated list of all nominations received with the date of reception, their status "complete" or "incomplete" and the date at which they are considered "complete".

34. The Delegates of Oman, China, United Kingdom, Finland, Nigeria, Russian Federation and Greece expressed their satisfaction with this revised draft decision.

35. The Delegate of Greece asked to include a specific reference to the *Operational Guidelines* with regard to the completeness of all nominations received.

36. The Delegate of Colombia recalled that due to a lack of resources some States parties were not in a position to prepare management plans and finalise their nominations. Her government had refrained from submitting a nomination for this reason. She therefore did not understand the exceptions made and considered that they were unfair.

37. Noting the support for the draft decision, the Chairperson declared it adopted (decision **26 COM 14**).

38. Following this debate, the Delegate of Finland stated that there was an evident need to examine and streamline the procedures.

39. The Delegate of India emphasised that this was a transition period. In her opinion the Cairns decision caused problems and needed to be revised. She explained that her government had only wished to exchange two nomination proposals. She appealed to the Committee to evaluate the system so that the problem would be solved for the nominations to be examined in 2005.

40. During the adoption of the report (item 29) it was agreed that the decision should specify that the total number of new nominations to be examined by the Committee in 2003 would be 28.

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<sup>4</sup> Bureau meeting in April; Committee session in June

### **Ceiling of New Nominations to be examined by the Committee in 2004 and general discussion**

41. The Chairperson then invited the Committee to determine the number of nominations to be examined in 2004 recalling the Cairns decision:

"In order to promote the effective management of the increasing size of the World Heritage List, the Committee at each ordinary session will set the maximum number of nominations to be considered."

42. Considering that the analyses of the World Heritage List and the Tentative Lists were still not available, the Delegate of Lebanon made three proposals. First, the Committee should retain the ceiling of 30 new nominations. Secondly, it should also retain the limit of one nomination per country (unless that country has no sites on the List). Thirdly, he recalled that the maintenance and management of the World Heritage properties is a very large task for countries with many sites on the List; it is thus an appropriate task for them to concentrate their efforts on management and preservation of those properties. The priority should be given to those States parties with no sites on the List. The Cairns decision was taken to address this imbalance.

43. The Delegate of India asked to separate the issues. She recalled that the deadline for nominations to be examined in 2004 was 1 February 2003 and that the results of the analyses would not be available at that time. She wondered therefore how the Committee could take a decision on the number of nominations to examine in 2004. She recalled that the Cairns decision included an evaluation to be made in 2003.

44. The Delegate of Greece proposed to postpone the discussion until it was known how many complete nominations were submitted by 1 February 2003.

45. The Delegate of India noted that the evaluation should be a continuous process. She stated that the restriction of one site per country places unreasonable limits on large States Parties with a diverse heritage.

46. The Delegate of Nigeria raised the question of the regions which heritage was underrepresented on the World Heritage List. If the objective was to address the representativity, underrepresented States parties should be allowed at least two nominations a year.

47. The Delegate of Saint Lucia noted that the Committee could not change the Cairns decision before the two-year cycle had been completed.

48. The Chairperson invited the Committee to focus on the ceiling for 2004.

49. The Delegate of Egypt, while appreciating the work provided by the Advisory Bodies, declared that it was not acceptable to invoke their workload to limit the number of nominations by States Parties. The heritage of many States parties was underrepresented on the World Heritage List and this needed to be addressed. He therefore supported the intervention made by the Delegate of India and expressed his reservation against any ceiling for the nominations.

50. The Delegate of China stated that his delegation fully understood the reasons for limiting the number of nominations, but thought that the problem of an excess workload created by a large number of nominations should be solved through administrative measures available through UNESCO, or other efficiency measures. China's representative held that setting of any ceiling for nominations does not conform with the purpose of the Convention concerning the Protection of World Cultural and Natural Heritage, which actively advocates international co-operation in the rescue of cultural and natural heritages of the whole of mankind. Any consideration of the balance of distribution or representativeness of world heritage should be given to the type, time and characteristics of the heritage itself instead of to a specific country or region whose situation may differ widely from that of other countries or regions, otherwise it may be unscientific, unprofessional, or even unfair. China supported the international community to provide greater assistance so as to help countries not fully developed in the cause of World Heritage protection to improve their unbalanced work in the field. China is also willing to contribute more towards this end. The Chinese Delegation held at the same time, however, that it would be extremely inappropriate to hold back nominations by any country or region under such an excuse, or, even worse, to prevent any sites with due qualifications from due attention or protection by denying them rescue.

51. The Delegate of Greece noted that it was not the appropriate time to reopen the debate on the Cairns decision.

52. The Delegate of Oman however wanted to reopen the debate at a certain time as the Cairns decision was perceived as unfair.

53. The Delegate of Thailand noted that it could not be discussed without a separate agenda item and invited the secretariat to prepare a working document in due time.

54. The Observer of Chile observed that apparently there were some problems related to the implementation of the Cairns decision and supported the intervention made by the Delegate of India.

55. The Observer of France, who had taken part in the preparation of the Cairns decision, expressed his astonishment at the way in which the Cairns decision was being criticized. The purpose of the decision had been to

find a solution to the imbalance between overrepresented and underrepresented countries and regions, and to assist States Parties in redressing that imbalance. After careful consideration, the Committee concluded that the best way of providing better balance and representativity was to have a ceiling. Without a ceiling, the best-represented countries, which have the best capacity to prepare nominations, would continue to submit nominations and the gap between well-represented countries and poorly represented countries would only increase. The Committee had set the limit at 30 nominations in order to concentrate its efforts and those of the World Heritage Centre on the unrepresented countries. He emphasised that the interpretation given to the Cairns decision was absolutely contrary to the Committee's objective and he therefore invited the members of the Committee to reexamine the issue in this perspective.

56. The Chairperson, supported by the Delegate of Nigeria, proposed that the ceiling be raised to 40 new nominations per year. No other delegates advocated this change.

57. The Delegate of Greece objected to this change given that the whole system would be reviewed in 2003. She invited the Committee to define a process for the evaluation rather than modify the ceiling. The ceiling should not be changed every year.

58. The Chairperson reminded the Committee that it was supposed to set a ceiling for the properties to be examined in 2004.

59. The Observer of Australia supported the Observer of France. The so called Cairns decision was not the result of one meeting's discussions but of a series of consultations and meetings of the Committee's Working Group on Representativity with open membership held in Paris in 2000. All States Parties had had opportunities to voice their opinions during the working group sessions.

60. The Delegate of the United Kingdom fully supported the intervention made by the Observer of France. He too was of the opinion that it was too early to proceed to an evaluation of the Cairns decision and supported the earlier intervention made by the Delegate of Greece in this regard.

61. The Delegate of Nigeria also supported the intervention made by the Observer of France, adding that reopening of the decision at this stage would weaken the Committee.

62. The Delegate of India expressed her full understanding and support for the issue of underrepresentation and overrepresentation on the World Heritage List and explained that she did not ask for a new regime. The Committee had adopted the Cairns decision but now it had to look at different modalities for its implementation. She questioned the wisdom of changing

the global ceiling on the number of new nominations each year, as provided by the Cairns decision. Under those circumstances, States Parties would find it difficult to plan their schedule of nominations. The present session might not be the appropriate moment for an in depth discussion on the issue but the Committee should examine it in the near future.

63. The Delegate of Saint Lucia noted that the same Delegates who were complimenting the Cairns decision because it eventually created a mechanism to address the issue of representativity, wanted to undermine it. She asked the Legal Advisor whether the Committee could change the Cairns decision at the present session.

64. The Delegate of Thailand made a point of order. He stated that given the topic was not on the agenda, it was not the appropriate time to review the Cairns decision as such. He therefore asked to close the debate and was seconded by the Delegate of Saint Lucia.

65. The Delegate of Oman spoke against it.

66. The Chairperson declared that a vote must be taken.

67. A point of order was presented by the Delegate of India who sought clarification from the Legal Advisor on the procedure.

68. Following clarification by the Legal Advisor who drew the attention to rule 26 of the *Rules of Procedure*, a vote was taken. The debate was closed by 12 votes in favour, 6 against and 2 abstentions.

69. The Delegate of India began to explain her vote. The Delegate of Thailand presented a point of order noting that the Delegate of India's intervention was not an explanation, but a reopening of the debate.

70. The Delegate of Saint Lucia explained her vote in favour of the closure of the debate because it was not on the Committee's agenda for this session.

71. The Chairperson closed item 14 recalling that at its 28th session, the Committee would have a specific agenda item to deal with the nomination issue and that the secretariat would prepare a working document.

## 15 PROPOSED WORLD HERITAGE VISUAL IDENTITY AND LEGAL PROTECTION OF THE EMBLEM

*Documents:* WHC-02/CONF.202/11  
WHC-02/CONF.202/INF.7  
WHC-02/CONF.202/INF.8

1. The Director of the World Heritage Centre informed the Committee that the Centre had received many comments from States Parties on the proposed visual identity and manual. He further informed the Committee that the Centre had also received new information from the World Intellectual Property Organization (WIPO) confirming that the World Heritage emblem could be protected at no cost under Article 6ter of the Paris Convention for the Protection of Industrial Property. Thus, the Director-General of UNESCO will now be able to make a formal request for the international protection of the emblem which should be effective in approximately one month.
2. Taking note of this new information, the Chairperson proposed that the Committee defer this agenda item to the next Committee session.
3. Concerning the proposed visual identity, the Delegate of Lebanon observed that, in his opinion, the recommended joint presentation of the UNESCO and World Heritage emblems was not appropriate from a purely graphic and aesthetic point of view. He noted however that there was no problem in using the emblems separately.
4. The Delegate of the United Kingdom also expressed difficulty with the proposed visual identity, considering it to constitute a new emblem. The manual should be developed for site managers primarily to provide them with helpful guidance and should not be compulsory. She asked for the legal protection of the World Heritage emblem, the "World Heritage" name and its derivatives.
5. The Chairperson observed that these preliminary comments demonstrated that it was better to postpone further discussion on this item to a later session.
6. The Delegate of Saint Lucia asked the Secretariat not to use the proposed visual identity any more; only the original emblem of the Convention should be used.
7. The Committee adopted the draft decision as proposed by the Chairperson (decision **26 COM 15**).
8. During the adoption of the report (item 29) it was agreed that the following text should be deleted from the decision - "Invites the Secretariat to continue working on the elaboration of the World Heritage Visual Identity and Draft User's Manual".

## 16 DISCUSSION ON THE RELATIONSHIP BETWEEN THE WORLD HERITAGE COMMITTEE AND UNESCO

*Document:* WHC-02/CONF.202/12

1. The Delegate of Nigeria requested the Legal Adviser to provide further information as to the status of the Director-General, of the General Conference and the Executive Board with regard to the Committee.
2. The Delegate of Greece stated that the Committee had not requested further information with regard to the role of the Committee, the States Parties to the Convention and the Secretariat as these were already clear to the Committee. She drew the attention of the Committee to the statement of the former Chairperson of the World Heritage Committee, Professor Francioni (Italy) during the 21st session of the Committee (Naples, 1995) on the relation between the Committee and the UNESCO governing bodies (see *WHC-97/CONF.208/17*, paragraph XI.11 and paragraph 30 of *WHC-02/CONF.202/12*). She emphasized the need to strengthen the collaboration between the Committee and UNESCO governing bodies.
3. The Delegate of Argentina noted that the role of the World Heritage Centre, as described in paragraph 9 of document *WHC-02/CONF.202/12* was not entirely in agreement with Article 14 of the World Heritage Convention. She stated that the World Heritage Centre, being the Secretariat of the Committee, is the organ responsible of implementing the World Heritage Committee's decisions. With reference to paragraph 37 in the document, she declared that the General Assembly of States Parties is a sovereign body with explicit powers and specific duties.
4. The Delegate of Thailand posed the question whether the decision to place the Centre under the authority of the Culture Sector had in any way constrained the work of the Secretariat, in particular regarding human resources. He suggested that if further staff were required for the work of the World Heritage Centre, the Committee could appeal to the Director-General.
5. The Delegate of Saint Lucia considered that the relationship between the World Heritage Centre and the other sectors of UNESCO was an issue that was not within the mandate of the Committee and that its discussion on this item should focus on the relationship between the Committee and UNESCO. She suggested that the Committee should work closely with the Director-General and UNESCO governing bodies in order to improve co-operation in activities relating to World Heritage. She presented a draft decision and asked that it be distributed for discussion: its objective was to invite the Director-General to consult the Committee during the preparation of the C4 and C5.<sup>5</sup>

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<sup>5</sup> C4 Medium-Term Strategy of UNESCO

6. The Director of the Centre informed the Committee that the decision to place the World Heritage Centre under the authority of the Culture Sector had been taken by the Director-General and had been confirmed by the General Conference. He affirmed that in functional terms the decision has not imposed constraints on the Secretariat. He also asked for the support of the Committee concerning the staffing of the Centre and the increase of regular programme funding.

7. The Chairperson drew the attention of the Committee to the fact that as a new system of decision-making was being implemented by the Committee during this session, interim rules should be established for the distribution of draft decisions.

8. The Delegate of Oman noted that the relations between the Centre and other UNESCO units had been debated for a number of years and asked to see the draft decision proposed by the Delegate of Saint Lucia.

9. The Delegate of Saint Lucia noted that if there were no provisions in the *Rules of Procedure* concerning draft decisions, no regulation prevented a delegation from submitting a proposal in order to facilitate decision-making.

10. The Rapporteur noted that the Committee had not adopted a new decision-making system: the Committee had always taken decisions in the past and was supposed to do so at this session as well. The only difference was the presentation of the decisions in a better format.

11. The Director of the World Heritage Centre asked the Committee for clarification of the rules to apply to draft decisions submitted by Committee members. Particular attention should be given to the following questions: Who can propose these draft decisions? With how much time in advance do they have to be presented? At what point do they have to be translated? When are they to be circulated? Moreover, he asked that when the draft decisions were presented that mention be made of the date, time and origin of the text.

12. The Delegate of India warned the Committee against micro-management and asked to see the draft decision.

13. The Delegate of Saint Lucia, while acknowledging that the questions put forward by the Director of the Centre were important, noted that it would be easier to discuss the issue once the draft decision was distributed especially as it was only a request addressed to the Director-General to consult the Committee on the C4 and the C5.

14. The Observer of Chile stressed that this was not only a co-ordination matter, but also a regulatory matter. Contradictions or voids between the different regulations should be addressed. He described the relationship between the Committee and UNESCO governing bodies as a *sui generis* one.

15. The Legal Adviser of UNESCO emphasized that the protection of cultural and natural sites was not only entrusted to the World Heritage Committee. Possible overlapping with different units of UNESCO could occur. He commented that if the Committee would like to address the issue of overlapping or duplication of work between the different UNESCO units and the World Heritage Centre, it could invite the Director-General to address this issue at the General Conference. He recalled that apart from the programme and budget, there were other relevant documents, such as circular letters. With regard to the programme and budget, the Committee could make a proposal to - but not oblige - the Director-General to consult the Committee.

16. The Director of the Centre informed the Committee that consultations for the 32 C/5 had commenced and that the Secretariat would establish a preliminary draft in August. Meanwhile the draft decision of Saint Lucia was distributed in the room:

#### ***Draft Decision presented by Saint Lucia***

##### ***Relations with UNESCO***

###### *The World Heritage Committee:*

1- Having examined document WHC-02/CONF.202/12,

2- Noting Articles 8 to 15 of the Convention underlining the Committee's responsibilities for the Protection of the World Heritage,

3- Recalling the Resolution adopted by the Committee at its 21st Session in Naples (1997),

4- Considering the importance of co-operation between the World Heritage Committee, UNESCO and its governing Organs through appropriate mechanisms ensuring transparency, communication and harmonisation of policies and respect of objectives,

5- Bearing in mind that the World Heritage Committee should be in a position to give opinions on Unesco's activities, initiatives or programmes that affect the very object and purpose of the World Heritage Convention,

6- Recalling the process of consulting the Committee on the Unesco Medium Term Strategy (C/4) in Phuket (1996),

7- Invites the Director-General to consult the Committee prior to the preparation of the relevant

*parts of the Draft C/4 starting with the draft revisions to the 31 C/4 (2002-2007) conceived as a rolling strategy,*

*8- Further invites the Director-General to consult the Committee prior to the preparation of the relevant parts of the Draft Unesco Programme and Budget (C/5),*

*9- Requests the Director-General to clearly define within Unesco's Programme and Budget (C/5) the respective roles of the Centre, the Culture Sector and all other units, so as to avoid overlapping responsibilities in regard to the objectives of the Convention.*

17. The Delegate of the United Kingdom entirely supported the Rapporteur when she affirmed that this decision-making system was not an entirely new one for the Committee as it had always taken decisions. He encouraged the Secretariat to continue facilitating the work of the Committee by preparing draft decisions or resolutions, as it has in the past. He mentioned that the administrative costs of the World Heritage Centre should be financed by UNESCO and not by the World Heritage Fund. He also suggested that there should be an orderly process of consultation between the Committee and the Director-General in matters which were of mutual concern. He further agreed with the proposal of inviting the Director-General to consult the Committee when preparing the Budget and Programmes (i.e. thus going beyond the preparation of the C/4 and the C/5), especially as there is a wide consultation process with States Parties, NGO's and other organisations. He supported the draft decision of Saint Lucia presented to the Committee and recommended that its paragraphs 7, 8 and 9 be amended in order to include reference to all appropriate documents as suggested by the Legal Adviser.

18. The Delegate of India, while thanking the Delegate of the United Kingdom for the clarity of his explanations, stated that further time was required in order to reflect on these issues.

19. This was supported by the Delegate of Nigeria who said that these issues demanded greater attention and that the draft decision would have to be amended in order for it to be adopted by the Committee. He suggested that the draft decision be withdrawn and invited the Secretariat to prepare another decision for the next Committee session.

20. The Delegate of Greece reiterated the importance of the statements made by Professor Francioni in the 21st session of the World Heritage Committee (Naples, 1995).

21. The Delegate of Egypt stressed that this was an important matter and agreed with the proposal made by the Delegates of India and Nigeria that these issues require further consideration.

22. The Delegate of Saint Lucia stated that the draft decision should not be withdrawn and that the Secretariat should not prepare draft decisions when a proposal prepared by Committee members was available.

23. The Delegate of Colombia thanked the Delegate of Saint Lucia for proposing this draft decision aimed at better functioning of the World Heritage Convention. She asked the Committee to approve it, if necessary with some amendments.

24. The Delegate of Oman supported the intervention made by the Delegate of Nigeria.

25. The Delegate of Belgium then requested that document *WHC-02/CONF.202/12* not be made public on the web as it was a preliminary document which was not accurate nor complete.

26. The Delegate of India enquired as to what the standard procedure was when making Committee working documents public (or not make public in this case).

27. The Secretariat recalled that working documents of a Committee session were released only once the report of that session was published.

28. The Delegate of India agreed that it would be better to release the document only once a decision had been taken on this issue.

29. The Delegate of Lebanon, noting that the issues discussed were sensitive, suggested to postpone further discussion to the next session of the Committee and supported the proposal not to release the working document as it was still incomplete.

30. The Delegate of Thailand also agreed that the document would not be made public until the Committee reaches a decision on this matter. He further asked that the draft decision would be examined again at the next Committee session.

31. The Delegate of South Africa noted that most of the draft decision was not controversial. She further noted that one could hardly object to 'invite' the Director-General to consult.

32. The Delegate of the United Kingdom also noted that the draft decision did not include any demanding requests and that no major political decision was required for its adoption. He recalled that the Committee had been consulted in the past. He proposed that the Committee adopt paragraphs 7 to 9 of the draft decision.

33. The Delegate of India restated the need for additional time for reflection on these issues.

34. This last suggestion was supported by the Delegate of Nigeria who put forward that, as far as he knew, it was the first time the Committee examined this issue. More time was needed to look at all the information available.

35. The Delegate of Greece reminded the Committee that not all Member States of UNESCO are States Parties to the World Heritage Convention.

36. The Chairperson concluded that there were two different opinions: first, to adopt paragraphs 7-9 of the draft decision presented to the Committee and second, to postpone the discussion until the next Committee session. The latter solution was approved by the Committee (decision **26 COM 16**).

37. The Delegate of Saint Lucia suggested asking the Director-General if he would agree to consult the World Heritage Committee.

## **17 PROGRESS REPORT ON THE PREPARATION OF THE PROPOSED STRATEGIC OBJECTIVES OF THE WORLD HERITAGE COMMITTEE AND REVISED STRUCTURE OF THE BUDGET OF THE WORLD HERITAGE FUND**

### **17 A STRATEGIC OBJECTIVES**

*Document: WHC-02/CONF.202/13A*

1. In presenting the Strategic Objectives, the Director of the World Heritage Centre recommended adding awareness-building after the other three objectives Credibility, Conservation and Capacity-Building.

2. The Delegates of the United Kingdom, Lebanon, Thailand and Greece expressed their agreement to adopt the Strategic Objectives and recommended the development of performance indicators to measure the success and track progress in the implementation of each of the Objectives. These performance indicators could include indicators such as the number of States Parties, Tentative Lists or properties on the List of World Heritage in Danger for which additional funding had been secured. The Delegations asked that performance indicators be submitted to the Committee for adoption at its next session.

3. The Delegate of Argentina acknowledged that it was necessary to update the 1992 Strategic Orientations. She noted the important links between the different Strategic Objectives. In referring also to document *WHC-02/CONF.202/6*, she welcomed the fact that the analyses of the List, Tentative Lists and Periodic Reports have been integrated into the reform process as a guidance for future action. However, she considered that the nomination selection process should be kept separate. Furthermore,

she noted that international assistance should not be limited to the objective of Conservation as it also relates to the objectives of Credibility of the World Heritage List, Capacity-Building and awareness-building (Communication). She also commented that the protection of the World Heritage Emblem and World Heritage partnerships are related to all of the other Strategic Objectives.

4. A number of Delegates and Observers commented on the objective of Credibility of the World Heritage List and expressed differing opinions on the growth of the World Heritage List and the possibility of considering only a finite number of inscriptions on the List.

5. The Delegate of Lebanon noted that the major increase of the properties on the World Heritage List did not come from States Parties without properties on the World Heritage List but from countries which heritage was already well represented on the List.

6. The Delegate of India noted that “outstanding universal value” is the overriding concern and that the number of properties on the List will have to be kept down to ensure quality. She suggested that there could be a review of properties already on the List that may have lost their value or are now over-represented.

7. The Chairperson proposed to adopt the four revised Strategic Objectives, to ask the Director of the Centre to develop performance indicators and to take into account the remarks made by the Delegate of Argentina. As with regard to a periodic review of the World Heritage List, he suggested that such a review might be envisaged within the framework of the periodic reports.

8. The Delegate of Saint Lucia noted that, according to the Convention, all decisions needed to be addressed to the Director-General of UNESCO.

9. The Delegate of the United Kingdom confirmed that in practice most of the decisions would be implemented by the World Heritage Centre but that formal decisions needed to be addressed to the Director-General.

10. The Delegate of Thailand recalled that although the States Party to the Convention were not the same as the Member States of UNESCO, the administrative costs of the Centre were decided through the C4 and C5. He recalled that the Committee had not addressed its decisions to the Director-General in the past. He noted that the responsibility of implementing decisions belonged to both the Director-General and the Director of the Centre.

11. The Chairperson therefore suggested to address the decision to the Director of the Centre who would be responsible to develop the performance indicators.

12. The Delegate of India asked to abide by the procedures.

13. The Legal Advisor, in referring to Article 14 of the Convention, concluded that the Committee had the choice to address its decisions either to the Director-General either to the Director of the Centre but that the first option was more courteous.

14. The Delegate of the United Kingdom, referring to Article 14.2 of the Convention, noted that the Director-General had the overall responsibility for the implementation of the Committee's decisions. He noted that this was a flexible formula.

15. The Delegate of Nigeria supported the intervention made by the Delegate of the United Kingdom.

16. The Chairman concluded the debate declaring that all decisions would be addressed to the Director-General and that the decision on this item was adopted (decision **26 COM 17.1**).

## **17 B WORLD HERITAGE PROGRAMMES**

*Document:* WHC-02/CONF.202/13B

1. For the evaluation of the four existing Programmes (Sustainable Tourism, Cities, Earthen Architecture and Forests) in terms of their effectiveness in meeting the Strategic Objectives, the Director of the Centre suggested that an initial review be made for consideration by the Committee in 2003 to enable the Committee to decide on the level of budgetary allocations for the 2004-2005 biennium.

2. The Delegate of Saint Lucia agreed to the timetable and stressed the importance of performance evaluation against the Strategic Objectives. She stated that in identifying conservation issues to be addressed through programmes, closer links need to be made to the periodic reporting exercise, rather than only to the state of conservation reports and the analyses of the international assistance. She noted that the periodic reports for the Arab region and Africa were already available. While noting the merits of the thematic approach adopted for the four on-going Programmes, she felt that programmes focused on needs specifically identified through the regional periodic reporting exercise may be more effective, and invited the Centre to develop such programmes for consideration by the Committee at its 27th session.

3. The Delegate of Argentina noted that the approved thematic Programmes have regional components but it may be more beneficial to develop new Programmes to follow-up on the periodic reports and the regional global strategy. In this regard, she stated that in the Latin America and Caribbean region, focus on 19th and 20th century modern heritage would be particularly important.

She supported the Delegate of Saint Lucia for a regional approach for new Programmes with outputs and a timetable in order to measure progress in implementing the Strategic Objectives adopted at the present session.

4. The Delegates of India and Zimbabwe also expressed their support for the approach proposed by Saint Lucia to give focus to the particular problems of the regions.

5. The Delegate of Greece requested the Centre to prepare action plans for the Arab States, Africa and the Asia-Pacific region for consideration by the 27th session of the Committee, with outputs and a timetable in order to measure progress made in achieving the Strategic Objectives adopted at the present session.

6. The Chairperson summarized the debate and proposed a draft decision which was adopted by the Committee (decision **26 COM 17.2**).

## **17 C WORLD HERITAGE PARTNERSHIPS INITIATIVE (WHPI)**

*Documents:* WHC-02/CONF.202/13C  
WHC-02/CONF.202/INF.13

1. The Secretariat presented the proposed World Heritage Partnerships Initiative (WHPI) giving a brief overview of the previous discussions on this issue, both by the World Heritage Committee at its 25th session and by the Bureau at its 26th session. Furthermore, attention was drawn to the preliminary work already undertaken, notably in preparing a preliminary inventory of World Heritage partnerships and regulatory framework for the Initiative, in view of providing the Committee with as much information as possible.

2. Several delegates took the floor to commend the Secretariat for the work achieved and support the proposed Initiative that should be aimed at implementing the Strategic Objectives. The Delegates of Argentina, India, Saint Lucia, Thailand, and Zimbabwe agreed that the WHPI is an effective international co-operation tool to strengthen long-term conservation of both natural and cultural heritage. The Delegate of Zimbabwe and others also recommended to use the periodic reporting exercise for identifying needs in the countries where WHPI can have added value.

3. The Delegate of Nigeria drew particular attention to the need to recognize the support provided to projects by a growing number of countries through Funds-in-Trust programmes. He specifically mentioned the support provided by the Government of Japan, as did the Delegate of India. The Observer of Japan expressed his disappointment with the documents in which the Japanese contribution to the development of the implementation of

the World Heritage Convention through the Japanese Funds-in-Trust was not mentioned.

4. Whilst supportive of the WHPI, a number of Delegates (Argentina, India, Saint Lucia, Thailand, United Kingdom and Zimbabwe), called attention to the need to develop specific standards and guidelines for the selection of World Heritage partners, and to the need to ensure closer coordination between the Secretariat and States Parties concerned in identifying new partners and resources. The Delegate of the United Kingdom also noted that partnerships should serve the approved strategic objectives. Moreover, the Delegates of India, Nigeria and Zimbabwe also referred to the need to promote actively south – south co-operation as well as regional networks, and to seek partners interested in a wide range of action areas.

5. It was also considered important to refine the roles, procedures and regulations for developing and implementing partnerships. The Observer of Canada recalled the need to also refer to existing Guidelines developed specifically for the implementation of the World Heritage Convention, notably the Guidelines and Principles governing the use of the World Heritage emblem (Annex 3 of the *Operational Guidelines*).

6. Delegates agreed that the WHPI should serve to generate additional technical and financial resources, as well as to create networks promoting exchange of knowledge and expertise. As a general rule, financial assistance provided to World Heritage through the WHPI should be channeled through the World Heritage Fund. Several delegates referred also to the need to recover overhead costs for the administrative management of projects entirely in favour of the World Heritage Fund.

7. Concerning the evaluation and reporting schedule of the WHPI, the Delegates of India, Saint Lucia, Thailand, and the United Kingdom supported the proposed timeframe, noting that the WHPI should be tested on an experimental basis up to the end of 2005 rather than the timeframe set out in the working document.

8. In responding to issues raised by the Committee, the Director of the Centre assured that all recommendations would be taken into consideration. In particular, he referred to the nature of the WHPI, specifying that it would be developed as a means of generating additional funding for the Committee's priority action areas and as means of reinforcing management capacities to help achieve long-term conservation of sites. He thanked the Committee for their words of support and confirmed that efforts would be made to ensure the success of the WHPI, notably in developing performance indicators and evaluation mechanisms as requested.

9. Following this debate, the Chairperson asked the Rapporteur and the Secretariat to submit a draft decision in written form, for discussion by the Committee as soon as possible during the present session. He also proposed to

maintain the initial timetable for the examination of agenda items 21 (State of conservation) and 23 (New nominations).

10. A draft decision was circulated and examined on Saturday, 29 June. The Chairperson asked the Committee whether there were any proposals for amendments.

11. The Delegate of Thailand suggested to refer to the oversight "authority" instead of the "oversight responsibility".

12. The Delegate of the United Kingdom supported this proposal and suggested that the regulatory framework for the initiative be added to the Committee's guidelines for the use of the emblem.

13. The Delegate of Saint Lucia requested to add in the decision that the initiative be implemented on an experimental basis.

14. The Chairperson then declared the decision adopted as amended (decision **26 COM 17.3**).

15. During the adoption of the report (item 29) it was agreed that the first paragraph of the decision should make reference to the Committee welcoming the World Heritage Partnerships Initiative as a means to achieve, "on an experimental basis", a new systematic approach to partnerships.

## **17 D REVISED BUDGET STRUCTURE**

*Document:* WHC-02/CONF.202/13DRev

1. Due to time constraints (see also the debate relating to item 26 and the workload during the Committee sessions), the Committee decided to defer the discussion of this agenda item until its extraordinary session in March 2003 (decision **26 COM 17.4**).

## **18 REVISION OF THE OPERATIONAL GUIDELINES**

*Documents:* WHC-02/CONF.202/14A  
WHC-02/CONF.202/14B

1. Due to time constraints (see also the debate relating to item 26 and the workload during the Committee sessions), the Committee decided to defer the discussion of this agenda item until its extraordinary session in March 2003 (decision **26 COM 18**).

## **19 REVISION OF THE RULES OF PROCEDURE OF THE WORLD HERITAGE COMMITTEE**

*Document: WHC-02/CONF.202/15*

1. Due to time constraints (see also the debate relating to items 3, 26 and the workload during the Committee sessions), the Committee decided to defer the discussion of this agenda item until its extraordinary session in March 2003 (decision **26 COM 19**).

## **20 PERIODIC REPORTING: REPORT ON THE STATE OF CONSERVATION OF THE WORLD HERITAGE IN AFRICA**

*Document: WHC-02/CONF.202/16*

1. The Secretariat presented the background to the periodic reporting exercise in Africa, the summary of the findings, the five point Action Plan focusing on networks and co-operation, training, participation, management, scientific and technical research and monitoring of sites and new information concerning the implementation of the World Heritage Convention in Africa.

2. The representative of ICCROM drew the attention of the Committee to activities carried out within the UNESCO-ICCROM-CraTerre Africa 2009 programme which have been addressing, since the launching of the programme in 1998, key concerns identified in the Periodic Report for Africa. ICCROM briefly described the programme's objectives, its partners and its sources of funding support, including the World Heritage Fund, the Swedish International Development Agency (SIDA), the Norwegian Agency for Development Corporation (NORAD), the Ministries of Foreign Affairs of Italy and Finland and ICCROM itself.

3.1 The Delegate of Zimbabwe expressed general satisfaction with the Africa Report stating that it was a considerable improvement over the report presented at Helsinki. He indicated that the report provides a holistic picture and guidelines for future action, and stated that response from 32 out of 40 sites (80% of sites evaluated) was a commendable achievement. He remarked that Africa has the lowest number of properties inscribed on the World Heritage List but has the highest number of sites inscribed in the List of World Heritage in Danger, and that the report will pave the way for future monitoring. He expressed concern that most of the sites were last inventoried in the 1970s and that there was no clear picture of the current situation. Regarding the legal and institutional framework, he stressed the need to formulate general policies on heritage and link them to initiatives where UNESCO is assisting Member States in developing national cultural heritage policies. He commented that the national cultural heritage policies still focus on monuments, antiquities, relics and other similar types of

heritage, and ignore the spiritual heritage, settlements, routes and itineraries, and underlined the need for more emphasis on research studies and programmes.

3.2 Referring to training, the Delegate of Zimbabwe suggested that the States Parties decide on 'training for who and by whom', and that training alone will not help solve site management problems in Africa. He emphasized that career paths and professionalism were needed. He stressed the need for focal points, working closely with the National Commissions for UNESCO. As regard resources for management, he noted that the report identifies the problems but does not adequately emphasize the scope of the problems. He stated that the Report, based largely on the questionnaire and round table discussions, would have benefited from random sampling of sites to fully understand the actual on-ground situations, also in terms of (lack of) equipment.

3.3 In conclusion, the Delegate of Zimbabwe emphasized that this report was a first step in a cycle and he recommended that the Committee approve the Report and the Action Plan and suggested that the Action Plan be restructured in line with Article 5 of the World Heritage Convention.

4. The Delegate of South Africa thanked the Director and his team for the Report stating that it was comprehensive and clear. She also expressed appreciation to the donors for providing extra-budgetary resources and technical co-operation to Africa. Moreover, she thanked ICCROM for its training activities, and the Delegate of Zimbabwe for his analysis and comments on the Report and for sharing his views on the implementation of the Convention in Africa. She emphasized the need for an integrated approach and for greater co-operation between the Centre and the Culture Sector of UNESCO. She informed the Committee that the Parks Congress (Durban, South Africa, 2003) and the African Heritage and Sustainable Development workshop in August 2002 are important events that can contribute towards raising awareness on African heritage. She called for more research on the links between heritage and development and suggested that the possibility of linking the partnership scheme launched by the Centre for heritage conservation and the New Partnership for African Development for sustainable development (NEPAD) be investigated.

5. The Delegate of Egypt commended the Centre and the advisory bodies. He emphasized the link between Egypt, the other Arab countries and Africa stating that Egypt's livelihood depends on the Nile whose roots are in Africa. He referred to the limitations to site management and lack of staff and resources in Africa as causes of great concern. On the Action Plan, he commented that this was the first step on a long road towards conservation and endorsed the remarks of the Delegate from Zimbabwe. He stressed the need to look at such sites as the oases, mountain chains, wetlands, coastal zones, coral reefs as well as the river basins of the Nile, the Congo, the Niger,

and the Zambezi, which he said were the cradle of human civilizations, and that such an approach could promote important networking for heritage sites.

6. The Observer of the Côte d'Ivoire expressed on behalf of African experts, her disappointment in not being called upon by the Centre and the Advisory Bodies to participate in heritage conservation in the region and preparing the periodic report. Informing the Committee of the existence of professional expertise in Africa in natural heritage conservation such as the focal points for the UNESCO MAB Programme as well as for World Heritage, she indicated that IUCN does not adequately resort to experts of the region. She called upon the Committee to involve more national experts in site monitoring and reporting in order to reinforce national capacities.

7. The Delegate of Finland pointed out that special funding for Africa depends on the availability of funding sources other than the World Heritage Fund. She stated that her government could consider supporting cultural heritage conservation activities as a priority if they are prepared and submitted by African States Parties. She informed the Committee that the South African meeting will raise possibilities to link World Heritage with global agendas and programmes such as the Global Environment Facility (GEF), global eco-tourism activities, with other international Conventions as well as with NEPAD. In order to respond to the needs of the African region, she called upon the Committee to take into account new concepts of heritage. In addition to Africa 2009, the Delegate recommended that the Centre develop plans for the implementation of the Convention in Africa that could be supported.

8. The Delegate of Belgium thanked the Centre for the excellent work done in preparing the report, and in outlining the Action Plan. She expressed her support notably for the proposals made by the Delegate of Zimbabwe and the Observer of the Côte d'Ivoire. Furthermore, she requested to bring the Action Plan in line with the new Strategic Objectives adopted by the Committee.

9. The Delegate of India commended the quality of the report. She sympathized with the management problems which she said were in many ways similar to those of the Asian region. She stated that the issues emerging from the regional periodic reports will most likely be similar despite the regional specificities, and that the Committee will need to examine ways of addressing them. With regard to traditional customary law, she stated that rather than research, which she believed existed already, focus should be placed on how research results can be applied to enhance heritage protection. Finally, she expressed her preference for restructuring the Action Plan according to the Strategic Objectives and the Global Strategy.

10. The Delegate of Argentina informed the Committee that the Periodic Report for Latin America is due in 2004 and that the process has commenced. She informed the Committee that a meeting for periodic reporting was held in Montevideo. She commended the Centre for the Africa Report stating that the periodic reporting exercise is of the highest importance as it reflects the situation in the countries. She further endorsed the comments made by the Delegates of Zimbabwe and South Africa.

11. The Delegate of the United Kingdom commented that the Report gives clear direction and commended its excellent quality. Like the Delegates of Zimbabwe and Côte d'Ivoire, he stressed the importance of taking into account the on-ground situations. Referring to both the Africa and Arab Periodic Reports, he noted that there were some commonalities, such as the need to define clear limits of the properties and buffer zones, that the Committee will have to consider at an appropriate time. Regarding the management plans, the Delegate observed that it would not be appropriate to develop a model given the diversity of sites. However, providing examples of methodologies for developing management plans that would guide site managers in preparing their own site specific plans would be useful, as would the development of key indicators for commonalities.

12. The Delegate of Greece congratulated the Centre. As had previous speakers, she asked that the Action Plan be restructured according to the Strategic Objectives, adding that indicators, measurable results and a timetable should be developed. Finally, she questioned whether the Committee was requested to adopt the document as such or only the recommendations it contained.

13. The Delegate of Saint Lucia stated that the Africa report was good and, rather than seeing it as a litany of complaints, positive lessons should be drawn from it and emphasized. She also wondered if the report has been restituted with the States Parties that participated in the exercise, emphasizing that this was most important.

14. The Observer of Israel, while commending the Report emphasized the need for both the top-down and bottom-up approach in conservation activities and in the formulation and implementation of management plans. He further gave examples of types of heritage, some of which linked to cultural criterion (vi), which would allow for the identification of networks of properties for the tentative lists.

15. IUCN supported the Report, particularly the emphasis placed on the key elements of capacity building, career development of the heritage experts and institutional building. IUCN informed the Committee of the Fifth Parks Congress to be held in Africa (Durban, South Africa) for the first time in 2003.

16. The Chairperson proposed to adopt the Action Plan, subject to its restructuring as proposed by several Delegates.

17. The Delegate of Nigeria requested that a progress report on the implementation of the Action Plan be presented to the 27th session of the World Heritage Committee in 2003.

18. The Delegate of India supported the idea of encouraging Afro-Arab co-operation and careful follow-up of the periodic reports.

19. In conclusion, the World Heritage Committee adopted decision **26 COM 20**.

## **21 STATE OF CONSERVATION OF PROPERTIES INSCRIBED ON THE LIST OF WORLD HERITAGE IN DANGER AND ON THE WORLD HERITAGE LIST**

### **21(a) STATE OF CONSERVATION OF PROPERTIES INSCRIBED ON THE LIST OF WORLD HERITAGE IN DANGER**

*Document: WHC-02/CONF.202/18*

#### **NATURAL HERITAGE**

1. The Secretariat informed the Committee that reports on only 12 of the 19 natural properties inscribed on the List of World Heritage in Danger would be presented to the Committee. For the other seven properties no new information was available due to the shortness of time since the twenty-fifth session of the Committee (December 2001).

#### **Srebarna Nature Reserve (Bulgaria)**

1. The representative of IUCN highlighted the improved state of conservation of the property as a success story of the *World Heritage Convention*.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(a)1**).

#### **World Heritage sites of the Democratic Republic of the Congo (DRC)**

##### **Virunga National Park Garamba National Park Kahuzi-Biega National Park Okapi Wildlife Reserve Salonga National Park**

1. The Secretariat highlighted its major concern about encroachments and what appear to be planned settlements in the south of Virunga National Park.

2. The Delegate of Zimbabwe commented on the worsening of the situation at Virunga National Park due to human and natural causes. He expressed his regret that the visit of the Director-General of UNESCO to the DRC had been postponed to 2003. He expressed his concern that the situation at Virunga was worsening at a fast rate. He said that this was cause for very serious concern by the Committee and called for more rapid action. He asked whether administrative problems relating to project management at Kahuzi-Biega National Park had been resolved.

3. The Delegate of Nigeria noted that the situation in the DRC was of very serious concern and that action should be taken immediately. He asked whether any funds had been committed by UNESCO following the disaster in Goma and expressed regret that the Director-General of UNESCO had not yet been able to visit the DRC.

4. The Delegate of Belgium acknowledged the extreme difficulties in the DRC and the importance of conservation action and for the Director-General to visit the country. He suggested that other dignitaries could also visit the country and also negotiate and mediate with neighbouring countries through diplomatic channels to ensure respect of the World Heritage properties. He also asked whether there might be other ways to raise international awareness of the conservation needs at the World Heritage sites in the DRC.

5. The Delegate of Thailand asked whether there was willingness by the State Party and local authorities to assist and co-operate in finding solutions to better protect the World Heritage sites in the DRC.

6. In responding to the expressions of concern from the Delegates of Zimbabwe, Nigeria, Belgium and Thailand, the Secretariat noted that of the five World Heritage sites in the DRC the worsening situation related particularly to transboundary encroachment at Virunga National Park. In answer to the question from the Delegate of Thailand he noted the co-operation of local authorities and an improvement in the situation at Okapi Wildlife Reserve and Garamba National Park. In response to the question from the Delegate of Zimbabwe concerning Kahuzi-Biega he reassured the Committee that the problems of project management had been addressed. He

also informed the Committee that there would be an additional attempt to arrange a visit by the Director-General of UNESCO to the DRC.

7. The Delegate of Zimbabwe acknowledged the magnitude of the problem in the DRC and said that whilst there was no peace in the country the Committee would only be addressing ephemeral issues and not the core of the problem. He commented that there was legitimate reason for the Committee to endorse diplomatic pressure. He therefore called for a visit to the DRC by the Director-General of UNESCO. He said that local action needs reinforcement and commitment from the international community. He also recommended that the Director-General be asked to recommend to the Secretary-General of the United Nations that the World Heritage of the DRC be protected and that calls from the region for more peacekeepers be answered.

8. The Delegate of Thailand suggested that the Committee concentrate on areas not affected by armed conflict. He said that the Committee could not do anything in areas of armed conflict as this needs to be handled by the UN peacekeepers. He recommended that the state of conservation of each site be addressed individually.

9. The representative of IUCN noted the comments made by the Delegates of Zimbabwe, Nigeria, Belgium and Thailand. He emphasized concern over the state of conservation of Virunga National Park. He also stressed the need for clear boundary definition at the site and to improve the livelihoods of local people in the area. He agreed on the need to focus on areas of highest priority, such as the northern section of Virunga National Park.

10. The Secretariat answered the question of the Delegate of Nigeria by informing the Committee that assistance had been provided by the office of the Director-General in response to the emergency in Goma.

11. The Delegate of Nigeria asked for an amendment to the draft decision to state that the Committee "welcomes the forthcoming visit of the Director-General led mission".

12. The Chairperson invited the Committee to take its decision with amendments. He suggested that the decision (i) be divided to separate the situation of Virunga from the other four sites in the DRC, (ii) stress the importance of a visit by the Director-General and invite him to act at the highest diplomatic level and to request action by the Secretary General of the United Nations, (iii) endorse action taken to date and (iv) mandate the Chairperson to send letters to promote further conservation action.

13. The Chairperson noted the Committee's consensus and declared the draft decision as amended adopted (decision **26 COM 21(a)2**).

### **Mount Nimba Strict Nature Reserve (Guinea/Côte d'Ivoire)**

1. The Delegate of Thailand commented on the regional boundary dispute and asked whether this would change the demarcation of the World Heritage property or affect co-operation in the conservation of the site.

2. The Secretariat commented that the difference of opinion on forest boundaries was between local authorities. He noted that the Tri-national (Côte d'Ivoire, Guinea and Liberia) agreement process had established a mechanism for discussion by the two parties. He did not anticipate any changes to the boundary definition or the integrity of the World Heritage property.

3. The Delegate of South Africa congratulated Liberia as a new State Party to the *World Heritage Convention*. She noted the exemplary co-operation between local authorities and the various UN bodies which would help to improve the state of conservation.

4. The Representative of IUCN commented that a workshop held in February had discussed the issue of boundary ambiguity. He also highlighted the positive co-operation between NGOs and the States Parties which had been one of the elements of the success of the process.

5. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(a)3**).

### **Manas Wildlife Sanctuary (India)**

1. The Secretariat and the representative of IUCN informed the Committee that the IUCN mission to the site had taken place.

2. The Delegate of Thailand commented that his overall impression was that the situation at the site had improved. He asked whether rebel activity had expanded or reduced.

3. The Delegate of India confirmed that the area under rebel activity was reduced. She noted the objective and realistic conclusions of the IUCN mission report in a very constructive manner. She asked that the Committee include in its decision reference to some of the recent positive developments at the site including finalization of the site management plan, additional funds and technical support under Project Elephant, and economic development committees involving local communities. She suggested that other avenues for co-operation between India and Bhutan were feasible. She expressed the hope that the trust fund set up would mobilise assistance and international assistance. She asked that enough time now be provided for implementation of the IUCN recommendations before another mission be sent to the site. She suggested a period of four years in order to

evaluate and assess the impact of implementation of recommendations.

4. The Chairperson noted the Committee's consensus and declared the draft decision adopted with the suggested amendments by the Delegate of India (decision **26 COM 21(a)4**).

#### **Aïr and Ténéré Natural Reserves (Niger)**

1. The Delegate of Nigeria asked for an amendment to the draft decision relating to whether funds were being made available at the local level for protection of the sites. He suggested that the text include a specific reference to the management which would read - "as part of the same report the Committee recommends that the State Party address the staffing, infrastructure development and management issues for the site".

2. The Delegate of Egypt supported the comments of the Delegate of Nigeria and asked to add the words "management and security issues" to the decision.

3. The Chairperson noted the Committee's consensus and declared the draft decision as amended adopted (decision **26 COM 21(a)5**).

#### **Ichkeul National Park (Tunisia)**

1. The representative of IUCN informed the Committee that the IUCN Wetlands Programme is working closely with the State Party and that a mission had gone to the site in the previous week. There was agreement on two items: on the workplan to address the management of the entire catchment and on the process to identify and agree on indicators, benchmarks and timetable of work.

2. The Delegate of Thailand asked, in the absence of indicators and benchmarks, if it was possible to determine whether there had been an improvement in the water quality in Lake Ichkeul. He noted that in the draft decision there was text referring to the Committee's satisfaction with the organization of a workshop. He suggested that satisfaction should be expressed once the indicators and benchmarks had been identified as an outcome of the workshop.

3. The Delegate of the United Kingdom emphasized the importance of indicators and benchmarks to the monitoring of many World Heritage sites. He asked for clarification as to the timescale for monitoring of this particular site.

4. The Secretariat referred to fluctuations in salinity and numbers of certain bird species on a year-to-year basis depending on overall rainfall patterns in the area. He therefore indicated the importance of agreed benchmarks

to track changes over a period of time (perhaps five year minimum).

5. The representative of IUCN noted that in the past, the broad indicators of salinity and population of bird species indicated deterioration and led to Committee decisions relating to inscription of the site on the List of World Heritage in Danger. He noted the need for more precise indicators and benchmarks to be evaluated over time with a five year minimum. He stated that the key issues are rainfall and the methods for allocation of water between competing uses such as agriculture, human needs and conservation.

6. The Chairperson suggested adoption of the draft decision with amendments to refer to the Committee's support for the organisation of a workshop and to the need for a monitoring programme over a period of at least five years.

7. The Delegate of Thailand requested that the decision be reworded to refer to results of the workshop and their implementation.

8. The Delegate of Egypt requested access to preliminary results of monitoring in the first year as he considered that waiting for five years was too long. He asked whether data from earlier monitoring exercises would be used and whether financing was available.

9. The Secretariat responded that national monitoring had provided a lot of data. The question related to which benchmarks and indicators needed to be followed. He suggested that this required a minimum period of five years to judge the results. He commented that this was a reasonable duration for an ecosystem rehabilitation project. Intermediate reports would be presented to the Committee on an annual or biennial basis. These details would be refined at the time of the workshop.

10. The Delegate of Egypt asked that the approach recommended by the Secretariat be reflected in the decision.

11. The Delegate of the United Kingdom asked for clarification concerning the financing of the monitoring programme.

12. The Secretariat informed the Committee that the national monitoring programme had been in place for a number of years. He said that it was hoped that a plan for the benchmark monitoring would be developed as a result of the workshop at which time cost implications and financing would be addressed. He recalled the discussion at the twenty-fifth session of the Committee when it was informed that a Global Environment Facility (GEF) project is foreseen for the site, subject to the State Party establishing conditions for preserving the integrity of the site, and noted that the GEF could be one possible source

that may contribute towards financing the implementation of the monitoring plan to be elaborated as an outcome of the workshop supported from the resources of the World Heritage Fund.

13. The representative of IUCN referred to the need for short and long term monitoring. The measure of the overall rehabilitation health of the ecosystem would take time. The most important point was to establish clear indicators. In relation to cost, he confirmed that some external funding was likely to be required. One of the objectives of the workshop is to work further on the GEF project for support of conservation and monitoring within the catchment.

14. The Delegate of the United Kingdom asked that the decision include a request for information on the future implementation of the new monitoring programme developed at the workshop.

15. The Delegate of Egypt asked whether the workshop would be national or international and of what scope.

16. The Secretariat informed the Committee that the workshop would be organized jointly by the State Party, IUCN and the World Heritage Centre and would include national and international experts (including members of the Ramsar Convention Secretariat).

17. The Delegate of Egypt requested that Wetlands International also be invited.

18. The Chairperson noted the Committee's consensus to include the suggested amendments and requests in the draft decision and declared it thus adopted (decision **26 COM 21(a)6**).

#### **Everglades National Park (United States of America)**

1. The Secretariat informed the Committee that for this site and the next site (Yellowstone), the objective was to develop a process leading to agreement with the State Party for indicators and a timetable to help the Committee in determining when one or both of these sites could be removed from the List of World Heritage in Danger. He referred to some positive trends in the conservation of both Everglades and Yellowstone National Parks. To date there is however no definition as to how and when the Committee could consider their possible removal from the List of World Heritage in Danger. He informed the Committee that discussions had taken place with the State Party on the development of such a process in the past and that this would be further developed.

2. The Delegate of Thailand recalled that at the twenty-fifth session of the Committee he had suggested that the State Party consider removing the Everglades from the List of World Heritage in Danger. With reference to

this possibility and the new information in the working document concerning mining he requested clarification from the Observer of the United States of America.

3. The representative of IUCN noted some common elements with the discussion on Ichkeul National Park concerning the need to clarify indicators and benchmarks. He referred to new information concerning limestone quarrying in protected wetlands between the Everglades and Miami. He stated that this area was south of the World Heritage site in the down flow area which would not affect the integrity of the World Heritage site. He commended the State Party for the amount of resources dedicated to the site which he hope would lead to its removal from the List of World Heritage in Danger.

4. The Observer of the United States of America clarified information presented in the working document by informing the Committee that there are plans to improve the Flamingo Waste Treatment system to treat 135,000 gallons (510,000 litres) of water each day. She expressed willingness of National Park Service field staff to meet with IUCN to develop benchmarks and indicators. She informed the Committee that the Everglades Restoration Plan covers a 35 to 40-year timeframe, and that the type of ecosystem would require some time to recover and commented that the conditions for the expeditious removal of Everglades from the List of World Heritage in Danger would not be an easy task. Concerning the permits for limestone quarrying, she stated that both the Department of the Interior and the Environmental Protection Agency (EPA) did object to the issuance of permits. Mining will not take place for three years and the issue of increased seepage from any mining will be examined. As the permits had only been issued by the Corps of Engineers in the last two months, this research was only in the planning phase.

5. The Delegate of Thailand suggested that the draft decision be modified to refer to the new information provided by the Observer of the United States of America.

6. The Chairperson noted the Committee's consensus for this proposal and declared the decision adopted as amended (decision **26 COM 21(a)7**).

#### **Yellowstone (United States of America)**

1. The Observer of the United States of America provided the Committee with clarifications concerning the information presented in the working document. She requested that the document refer to a Draft Supplemental Environmental Impact Statement rather than a Supplemental Environmental Impact Statement. She informed the Committee that 350,000 public comments had been received on the Draft and that these were currently being reviewed. She asked that the second sentence of the draft decision beginning with "the Committee urges the State Party to continue to report on

Yellowstone's snow mobile phase-out" be changed as no decision had yet been taken on the issue.

2. The Chairperson proposed to amend the draft decision accordingly. Noting the Committee's consensus he declared the draft decision adopted as amended (decision **26 COM 21(a) 8**).

## **CULTURAL HERITAGE**

### **Butrint (Albania)**

1. The Secretariat informed the Committee that a "Development Study for the Butrint National Park" has been prepared which includes a vision for sustainable resource use addressing the needs of the visitors and bringing local communities into the development. A number of management actions are in progress, including the draft legislation for the Park, the application for Ramsar status and a Global Environment Facility (GEF) project proposal for the future of the Park and surrounding communities.

2. The Delegate of the United Kingdom welcomed the progress made at the site. However, he mentioned that in the long term the national authorities, rather than the Butrint Foundation, should provide funding for the site. He also suggested that close watch be kept on developments in the local environs to ensure that there are no adverse impacts to the World Heritage site.

3. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(a) 9**).

### **Angkor (Cambodia)**

1. The Secretariat presented the following additional information:

(i) The technical assistance provided by The Agence Française de Développement (AFD) to elaborate a short-term action plan in the field of tourism development will contribute towards the implementation of a tourism policy for site conservation and sustainable development.

(ii) The technical session of the International Coordination Committee for the safeguarding and development of Angkor (CIC) was held at the end of December 2001 at Siem Reap. It was preceded by the Sixth International Symposium on the Bayon organized by the Japanese Team for the safeguarding of Angkor (JSA) in close co-operation with the Authority for the Protection and the Safeguarding of the Angkor Region (APSARA) and UNESCO. These meetings, with the

presence of the President of ICOMOS, helped to facilitate the conservation work at the site.

(iii) Update of new partnerships for the conservation of the site. Switzerland had joined the group of donors supporting Angkor and is financing a government project for the conservation and presentation of the Banteay Srei Temple. In April 2002, India signed an agreement with the Government of Cambodia concerning the conservation project for the Ta Prohm Temple.

(iv) With a view to strengthening the UNESCO/APSARA International Documentation Centre, UNESCO had obtained from the Paris Municipality the secondment of a librarian-documentalist who will commence work in Angkor in July 2002 to run the Centre and contribute towards training young Cambodians.

(v) With respect to illicit traffic, on 27 April 2002, the Royal Government of Cambodia welcomed the return to the National Museum of Phnom Penh of the two Angkorian heads, thanks to the Academy of Fine Arts of Honolulu.

2. The Secretariat read a proposed draft decision for consideration by the Committee.

3. The President of ICOMOS informed the Committee that he had attended the meeting at Siem Reap in December 2001. He underscored the important role UNESCO played in co-ordinating conservation and management activities being undertaken by governments, NGOs, development agencies and authorities. He drew the attention of the Committee to cases of inappropriate tourism development activities and infrastructure (such as a cable-car projects, balloon rides and sound and light shows) in a sacred place that undermine the spiritual values of the property.

4. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(a) 10**).

### **Group of Monuments at Hampi (India)**

1. The Secretariat drew the attention of the Committee to the following new information:

(i) The State Government of Karnataka has passed legislation that established an appropriate site management authority empowered to oversee all conservation and development activities within the World Heritage protected areas. The establishment of this dedicated site management authority, which follows a specific recommendation of the Committee, would facilitate the elaboration and implementation of

a long-term integrated conservation and management plan for the property.

(ii) To increase the capacity of the national authorities to elaborate an integrated conservation and management plan for the property, the Centre has brokered a Study Tour to the United Kingdom for the Hampi site managers with the co-operation of English Heritage. This Study Tour is expected to take place in October 2002.

2. The Secretariat then read a proposed draft decision to the Committee.

3. The representative of ICOMOS informed the Committee that the corrective measures to mitigate the threats facing the property were welcome, in spite of unexpected delays. Nevertheless, as the threats persisted, ICOMOS recommended that the property be retained on the List of World Heritage in Danger, as indicated in the draft decision.

4. The Delegate of India expressed her Government's agreement to the draft decision. She recalled the attention of the Committee to the decision taken by the concerned authorities to demolish the footbridge connecting Hampi and Virapapura Gada Island. The authorities were elaborating plans to deviate the roads leading off the large vehicular bridge connecting Hampi and Anegundi, following the recommendations of the two UNESCO missions undertaken by an international expert. She referred to the sincere efforts being made by the Indian authorities to address the recommendations of the Committee and UNESCO experts. She drew the Committee's attention to the need for international assistance to develop a time-bound Action Plan to remove the ascertained and potential threats facing the property.

5. The Delegate of Thailand reminded the Committee that significant portions of the World Heritage Fund could be allocated to assist States Parties with properties on the List of World Heritage in Danger in elaborating and implementing corrective measures. He expressed his surprise that the State Party had not yet made a request for international assistance for the conservation of the site.

6. The Secretariat informed the Committee that it had undertaken consultations with the State Party for the submission of an international assistance request for elaborating the management plan and to undertake corrective measures and was now awaiting formal submission of this request. However, the Secretariat informed the Committee that the international conservation and rural planning expert missions had been funded from the World Heritage Fund's Reactive Monitoring budget.

7. The Delegate of India requested the Committee to place priority on the international assistance request once

it is submitted in order to meet the conservation and management needs facing the property. She emphasized that it is very important that the Committee allocate sufficient funds to enable undertaking immediate remedial works when it places a site on the List of World Heritage in Danger.

8. The Chairperson noted the Committee's consensus on the new draft decision and declared it adopted (decision **26 COM 21(a) 11**).

9. The Rapporteur asked the Secretariat to read new draft decisions, such as the one presented for this site, very slowly for the purposes of interpretation.

### **Bahla Fort (Oman)**

1. The Secretariat informed the Committee that:

(i) a recent mission to the site had reported slow progress with the preparation of a management plan. Furthermore, the mission reported that the quality and detail of survey work conducted in preparation of the management plan did not meet standards established for the project.

(ii) The Secretariat had recently learned of the resignation of the chief architectural conservator at the site and therefore suggested a revision to the draft decision to refer to the urgent need for technical supervision of conservation measures at the site.

2. The Delegate of Oman informed the Committee that the first phase of the Management Plan had just been completed and would shortly be forwarded to the World Heritage Centre. He considered that the work was progressing well and thanked the Committee and the Centre for their continuous support.

3. The Delegate of Thailand expressed his concern over the construction of a new market and asked whether the Delegate of Oman had information as to whether this would affect the integrity or impact the visual integrity of the site.

4. The Delegate of Oman replied that whilst he did not have any new information, two experts from the World Heritage Centre were visiting the site periodically, and may be able to provide further information in the future.

5. The Rapporteur asked that the revised draft decision be read again.

6. The Delegate of Thailand requested that the Secretariat answer his earlier question and also that the amended draft decision be read again.

7. The Secretariat read the amendments to the draft decision that had been presented in the working document.

On the issue of the new market he informed the Committee that this had been reported to its last session. The representative of the Secretariat recalled that when he had been on mission to the site that a tender was being launched by the Ministry for Trade for the construction of a new market in the village next to the Bahla Fort. The issue reported to the Committee related to the co-ordination between the Ministries of Culture and Trade. The Ministry of Culture had been requested to revise the Terms of Reference for the tender together with two experts sent to Oman by the World Heritage Centre. The Centre is waiting for further information on this matter.

8. The Delegate of the United Kingdom asked whether the new Terms of Reference would include the requirement for an Environmental Impact Assessment of the new market on the World Heritage site.

9. The Observer of Canada suggested adding a request for an assessment of the impact of the new market on the site in the text of the decision.

10. The Chairperson declared the revised draft decision adopted with the two additional amendments suggested (decision **26 COM 21(a) 12**).

#### **Fort and Shalamar Gardens in Lahore (Pakistan)**

1. The Secretariat recommended that the draft decision in the working document include a final sentence to retain the site on the List of World Heritage in Danger.

2. The Delegate of Thailand requested a change to the draft decision to refer to the specific threats to the site.

3. The Secretariat informed the Committee that the corrective measures for the site were elaborated by joint UNESCO/ICOMOS missions in the past and at the time of the inscription of the site on the List of World Heritage in Danger in 2000. The Secretariat suggested that these could be referred to specifically in the decision of the Committee.

4. The Delegate of the United Kingdom commented that the site needs a comprehensive management plan. He referred to this as a trend for many, if not all, sites in Danger. He commented that there is a crucial need for a management plan to be in place and implemented at these sites. This issue should be considered at the time of reviewing nominations for inscription in the World Heritage List.

5. The Chairperson suggested to add to the draft decision a request for a management plan. Noting the Committee's consensus he declared the draft decision adopted as amended (decision **26 COM 21(a) 13**).

#### **Chan Chan Archaeological Zone (Peru)**

1. The Secretariat presented the latest information available provided by the National Institute for Culture (NIC) of Peru:

(i) Following recent coordination activities between the legal bodies, regional police and the Departmental Direction of NIC, a team of mounted police comprising 6 persons carrying out day and night rounds has been established since April 2002. Furthermore, a dozen guards are present at the site, equipped with a small van and walkie talkies. This new presence has had immediate positive effects upon the protection of the archaeological heritage.

(ii) The illegal occupation of land has been completely halted. All the installations, except for those of some small farmers, have been demolished, and a solution is presently being examined to resolve their situation. A draft project aiming at the relocation of the farmers and protecting the site by declaring "a state of emergency" shall very shortly be submitted to the Congress.

(iii) A Master Plan is being established, including the:

- setting up of a security system, mentioned above;
- implementation of emergency preservation projects similar to those carried out for the Uhle Palace, the Virgins Temple and the audience structures of Tschudi;
- improvement of the signposting in the Tschudi Palace and its entrance;
- implementation of protection projects due to El Niño (roof repairs, drainage, protection of the frieze).

(iv) Furthermore, international co-operation projects are ongoing, and the Italian Mission is to carry out topographical recordings to document and protect the site; a preliminary mission took place on 15 May 2002, starting with the study of the Palacio Rivero site.

The Secretariat then proposed a draft decision for consideration by the Committee.

2. The Rapporteur asked for clarification as to when the next progress report would be presented to the Committee.

3. The Secretariat suggested that the progress report be presented to the twenty-seventh session of the Committee in 2003.

4. The Delegate of Egypt made a general remark concerning the presentation of draft decisions by the Secretariat for adoption by the Committee. In most cases reports were requested for presentation to the Committee

in June 2003. However for Bahla Fort (Oman) and the Rice Terraces of the Philippine Cordilleras (Philippines) reports were to be presented to the Bureau in April 2003. He asked whether this was intentional and asked what was the procedure - should reports on the state of conservation of sites first be examined by the Bureau with a recommendation then passed to the Committee for decision?

5. The Chairperson thanked the Delegate for having highlighted this inconsistency and stated that all reports for sites on the List of World Heritage in Danger should be presented directly to the Committee and that this should be reflected in the decisions. Noting the Committee's consensus, he then declared the draft decision on Chan Chan Archaeological Zone adopted (decision **26 COM 21(a) 14**).

### **Rice Terraces of the Philippine Cordilleras (Philippines)**

1. The Secretariat informed the Committee of the major conservation issues relating to this property as presented in working document *WHC-02/CONF.202/18*, in particular the abolition of the Banaue Rice Terraces Task Force (BRTTF) by the order of the President of the Philippines. The momentum following the inscription of the site on the List of World Heritage in Danger could be lost without a permanent site management authority responsible for the management and conservation of this site. The Secretariat proposed a revised wording for the draft decision submitted to the Committee.

2. The representative of ICOMOS underlined the urgent need to take corrective measures to redress the rapid and virtually irretrievable deterioration of the rice terraces within the fragile eco-system. Recalling the statement of the Delegate of the United Kingdom during the examination of the state of conservation of the Fort and Shalimar Gardens of Lahor (Pakistan), he stressed that the comprehensive site management plan was long awaited.

3. The representative of IUCN reminded the Committee of the key findings of the joint IUCN-ICOMOS mission, in particular, highlighting the fact that 25-30% of the rice terraces have already deteriorated. Echoing the concern expressed by the representative of ICOMOS, he underscored IUCN's concern that the early establishment of a permanent, well-resourced management authority and the full engagements of the stakeholders are prerequisites to safeguarding this site. The representative of IUCN expressed the view of IUCN that the draft decision before the Committee was very appropriate.

4. The Delegate of Thailand noted that this property was demonstrative of the need to support traditional management mechanisms which have maintained the rice terraces until now. He recalled that the Committee had approved the emergency technical co-operation assistance

(US\$75,000) at its twenty-fifth session in Helsinki and asked for clarification on the status of implementation of this project. Expressing his Government's hope that this activity would be implemented without further delay, the Delegate of Thailand hoped that international co-operation could be extended in the future, perhaps through the UNESCO Japan Funds-In-Trust Agreement.

5. The Delegate of Zimbabwe, highlighting the delicate balance between human land-use and natural environment in cultural landscapes such as this site, expressed his Government's concern over the continued abandonment of the rice terraces which is a dynamic socio-economic issue which cannot be solved by financial aid alone. He further lamented on the non-compliance of development and construction regulations within the property, which called for urgent attention. He underlined the need to set up a replacement authority in view of the social and economic change as well as the deterioration of the natural environment. He suggested that the Committee should strengthen the draft decision to urge the authorities to take all possible actions to control the illegal construction within the site.

6. The Observer of the Philippines, underscoring that the situation as described by the Secretariat and the representatives of the advisory bodies called for urgent attention, informed the Committee that her Government had recently billed new legislation to establish a new "Ifugao Management Authority" but emphasized that it could take time for the legislation to be passed and to sufficiently empower the authority. She drew the attention of the Committee to the efforts being made by her authorities for the restoration and conservation of the damaged irrigation system, which included the allocation of US\$ 1 million to support 23 restoration proposals. The Observer of the Philippines strongly urged the Committee to support the national efforts for taking corrective measures to remove the threats facing the site as the inscription of the property on the List of World Heritage in Danger was only the first step to mobilizing significant international and technical support. She stated that her Government views the inscription of this property on the List of World Heritage in Danger neither as a sanction nor a national dishonour but as valuable conservation tool intended to focus both national and international attention on the urgent needs of this threatened site. In this regard she commented that her Government is conscious of and sensitive to the complex character of this fragile cultural landscape and is taking the necessary steps to form a proper management authority which can ensure that a holistic approach is taken to address the environmental and cultural threats to the site. Therefore, she appealed to the Committee for further action, in particular to help her authorities formulate a proper Plan of Action and to elaborate a Master Plan for the site. She also requested the Committee to urgently release the US\$75,000 international assistance allocated in December 2001.

7. The Delegate of Zimbabwe invited the Committee to respond to this appeal.

8. The Delegate of South Africa supported the intervention of the Delegate of Zimbabwe. She requested clarification on whether the abandonment of the rice terraces was related to the climate-induced change referred to in the working document.

9. The representative of IUCN replied that the rice terraces have always been vulnerable to cyclones and heavy rains because of their steep slopes. He clarified that destruction of the watershed forests have increased their vulnerability to such normal phenomena.

10. The Secretariat in response to the interventions made by the Delegate of Thailand and the Observer of the Philippines confirmed that there had been delays in releasing the funds for international assistance, also due to the fact that the BRTTF was abolished.

11. The Delegate of Thailand asked why Emergency Assistance was conditional.

12. The Delegate of the United Kingdom requested the Committee to clarify the draft decision. He stated that he understood the temporary arrangement for the management of the site. However, he underscored the urgent need for establishing a management unit for the conservation of the site in light of the information presented to the Committee. He stated that the issue of an effective management authority is perhaps even more important for the implementation of the international assistance activity, especially if the emergency assistance was allocated for use by the previously existing management authority. He stressed the importance of clarifying the situation before implementing the Emergency Assistance.

13. The Delegate of Thailand drew the Committee's attention to the letter of the Governor which responded to the uncertainties raised by the Delegate of the United Kingdom.

14. The Delegate of India, while underscoring the legitimate concerns on the management mechanisms in place, expressed her Government's view that perhaps the release of the Emergency Assistance could step up the work.

15. The Secretariat recalled that the Committee had allocated US\$50,000 under Emergency Assistance for this site at its twenty-second session in 1998. These funds were for establishing a GIS for mapping the rice terraces to define the core and buffer zones of the property. These US\$ 50,000 were to be complemented by another US\$50,000 by the authorities of the Philippines to ensure the implementation of the US\$100,000 GIS project proposal. The authorities were unable to identify the complementary US\$50,000, which resulted in serious

difficulties in completing the activity. Combined with the abolition of the BRTTF, the Secretariat informed the Committee that, to date, unfortunately this GIS activity remained incomplete as baseline maps were prepared but the trained staff to ensure their use have been replaced. The US\$75,000 additional international assistance which was allocated by the Committee in December 2001 was for Emergency Technical Co-operation, subject to the State Party paying its dues to the World Heritage Fund. The Secretariat informed the Committee that constant consultations between the State Party, the Secretariat and the regional Advisor for Culture in the Asia-Pacific Region pointed towards the need for careful monitoring of the use of this US\$75,000 assistance bearing in mind the absence of a permanent and effective management authority.

16. The Delegates of Zimbabwe and the United Kingdom sought clarification on the plan of action and on how the US\$75,000 Emergency Assistance would be used.

17. The representative of IUCN reminded the Committee that a plan of action with a detailed budget was proposed and approved by the Committee in Helsinki based upon the recommendations of the ICOMOS-IUCN mission. He clarified that the question remained on whether or not there was a competent and appropriate authority to whom the funds could be released.

18. The Delegate of Nigeria urged the Committee to adopt the draft decision and release the Emergency Assistance as soon as possible in view of the fact that an action plan was examined and approved at its 25th session in 2001.

19. The Chairperson asked the Secretariat to reformulate the draft decision following this discussion. A new draft decision was submitted to the Committee on Saturday morning.

20. The Delegates of Thailand, India and China, asked to delete the first paragraph related to the BRTTF in order to avoid duplication with paragraph 4.

21. The Delegate of Thailand suggested amendments to the draft to express the wish of the Committee to release the international assistance without further delay.

22. The Delegate of Nigeria, noting that a specific reference was made in the draft decision to the UNESCO Regional Advisor for Culture in the Asia-Pacific Region, requested clarification from the Secretariat on whether or not the involvement of the various UNESCO offices would facilitate or hinder the rapid release of the international assistance.

23. The Secretariat reminded the Committee of Paragraph 121 of the *Operational Guidelines* that includes a provision stating that:

*"States who were in arrears of payment of their contributions to the World Heritage Fund would not be able to receive a grant of international assistance in the following calendar year, it being understood that this provision would not apply in case of emergency assistance and training as defined in these Guidelines".*

In this respect, she informed the Committee that the contribution of the Philippines had not yet been received, and therefore the Emergency Technical Co-operation funds of US\$75,000 could only be released upon receipt of the arrears. In response to the request for clarification by the Delegate of Nigeria, she informed the Committee that the Centre worked in close co-operation with the Regional Advisor for Culture in the Asia-Pacific Region (RACAP), the UNESCO Bangkok office and the other UNESCO regional offices in implementing the decisions of the Committee. With regard to the US\$75,000 Emergency Technical Co-operation grant, she reminded the Committee that it had approved this assistance while requesting the State Party to implement the activity in close co-operation with the Centre and the RACAP. The Secretariat informed the Committee that the co-operation of RACAP was counted upon by the Centre for the implementation of the activity.

24. The Delegate of Thailand noted that the UNESCO regional offices were not in a position to take administrative decisions on whether or not to release the funds.

25. The Observer of the Philippines thanked the Committee for the amendments made to the initial draft decision. She confirmed that the payment of the outstanding contribution - US\$1,445 in 2001 - was under way.

26. The Delegate of Thailand underscored the application of the *Operational Guidelines* and asked that the Technical Assistance be released without delay as soon as the contribution of the Philippines had been received.

27. The Delegates of Nigeria and India, noted that the advice of the UNESCO regional offices to the World Heritage Centre was valuable.

28. The Chairperson, noting the Committee's consensus on the new draft decision as amended, declared it adopted (decision **26 COM (a)15**).

#### **Old City of Zabid (Yemen)**

1. The Secretariat informed the Committee that a mission was currently at the site to review progress with the preparation of an Urban Conservation Plan and read a draft decision for consideration by the Committee.

2. The Delegate of Thailand noted that one of the key problems at the site related to the lack of traditional

bricks. He suggested that the text of the decision include a request for the construction of a kiln for the firing of traditional bricks.

3. The Delegate of the United Kingdom commented that the state of conservation of this site raised classic issues of a World Heritage site where people live and work, where change is necessary for the place to thrive and for the site to be conserved and where change needs to be managed. He emphasized the importance of preserving the character of the town and to record archaeological evidence above and below ground due to any disturbance.

4. The Secretariat informed the Committee that two new kilns producing traditional bricks have been established in Zabid, with support from the Government of the Netherlands, and reassured the Committee on the inclusion, within the Urban Conservation Plan currently being prepared, of measures to preserve the traditional character and to document the features of all of the historic built environment of Zabid. Prescriptions will also be included to ensure that all infrastructure works and excavations within the Old City are monitored by a professional archaeologist.

5. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(a) 16**).

#### **Natural and Culturo-Historical Region of Kotor (Yugoslavia)**

1. ICOMOS informed the Committee that work on the property had been carried out and expressed its readiness to participate in a joint mission to the site as soon as possible.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(a) 17**).

## **21(b) REPORTS ON THE STATE OF CONSERVATION OF PROPERTIES INSCRIBED ON THE WORLD HERITAGE LIST**

*Documents:* WHC-02/CONF.202/17  
WHC-02/CONF.202/2  
WHC-02/CONF.202/INF.9  
WHC-02/CONF.202/INF.10  
WHC-02/CONF.202/INF.11

### **NATURAL HERITAGE**

#### **World Heritage Natural Properties of Australia**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)1**).

2. During the adoption of the report (item 29) it was agreed that the decision should refer to "the Australian Committee of IUCN".

#### **Pirin National Park (Bulgaria)**

*Document:* WHC-02/CONF.202/INF.9

1. The Secretariat informed the Committee of the results of the international mission to the site and highlighted the fact that an immediate response was transmitted by the Government on 29 March 2002, providing a map of the site, an interim report of the Pirin Project and information concerning the proposed extension and the draft version of the management plan to be ready by 2003.

2. The Delegate of Finland agreed with the action proposed, but suggested to change the wording for "restoration of disturbed areas" in order to include the reconstruction of the eco-system as a whole. He furthermore indicated that there is change to the site not only from forest loss by clear cutting, but through renewal by natural processes.

3. The Head of the UNESCO-IUCN mission informed the Committee that the site was inscribed in 1983 and, as with many of these early sites, lacked management plans and precise boundary definitions. The World Heritage site is only a relatively small area (27,000 ha) of Pirin National Park (40,000 ha). In addition to the ski development, it has to be noted that the issue of effective management and management capacity is perhaps even more important, as was indicated in the report and its recommendations. Collaboration with the State Party was very constructive and the reply received in March 2002 positive.

4. The representative of IUCN highlighted the issue of the need for clear boundaries and that expansion of the ski area should not be permitted as it could create a precedent for other ski resort areas within sites. The lack of management planning and resources was also noted.

5. The Chairperson indicated that the periodic reporting will help to identify all problems related to boundaries, buffer zones and the lack of management plans of earlier inscriptions. He noted the Committee's consensus and declared the draft decision adopted with the amendments suggested by the Finnish Delegate (decision **26 COM 21(b)2**).

6. During the adoption of the report (item 29), the Delegate of Finland requested to see the following wording "the restoration of the forest ecosystem of disturbed areas" in paragraph 3 of the decision.

#### **Nahanni National Park (Canada)**

1. The Secretariat informed the Committee that on 13 June 2002, Parks Canada provided information to the Centre concerning the process established under the Mackenzie Valley Resource Management Act (MVRMA) to address any potential impacts that development activities might have on the ecological integrity and the World Heritage values of the site.

2. The Observer of Canada stated that the Government response to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) report is not yet finalized. She also informed the Committee that discussions with the Deh Cho First Nations continue. One possible outcome of these discussions is that new land could be added to the Park.

3. The Delegate of Lebanon recommended the inclusion of a reference in the draft decision concerning the possible extension of the site.

4. The Chairperson noted the Committee's consensus on the draft decision with this addition and declared the decision adopted (decision **26 COM 21(b)3**).

#### **Wood Buffalo National Park (Canada)**

1. The Observer of Canada informed the Committee that she was not able to provide further comments concerning this site while awaiting decisions of the Federal Court.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)4**).

### **Cocos Island (Costa Rica)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)5**).

### **Tai National Park (Côte d'Ivoire)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)6**).

### **Galapagos Islands (Ecuador)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)7**).

### **Caves of the Aggtelek and Slovak Karst (Hungary/Slovakia)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)8**).

### **Sundarbans National Park (India)**

1. The Delegate of India provided the Committee with details of the methodology being used to prepare a tiger census. She stated that any technical or scientific input by the Species Survival Commission of IUCN in relation to tiger census techniques is welcome. She informed the Committee that Tiger Prawn seed collection is strictly prohibited within the Sundarbans Tiger Reserve and the authorities are fully aware of the negative impact of this practice. Concerning the human – tiger conflicts, the following strategy has been adopted: the immobilization and release of stray tigers back into their habitat, sensitive areas are fenced with nylon nets, periodic meetings are held with the local people for suggestions and feedback, regular patrolling is organized in the sensitive areas and financial compensation for human deaths and injury has been enhanced. The management authorities are making necessary efforts to stop infringement of the boundaries of the reserve and to generate awareness amongst the stakeholders and the local people. Awareness raising and eco-development activities have been implemented for socio economic development and biodiversity conservation.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)9**).

3. During the adoption of the report (item 29) it was agreed that the decision should specify that the Committee

recommended the participation of "experts of the Species Survival Commission (SSC) of IUCN".

### **Kaziranga National Park (India)**

1. The Secretariat informed the Committee that new information was received on 23 May 2002 through the Permanent Delegation of India from the Ministry for the Environment and Forests with an update on the situation at Kaziranga National Park, including a report of the recent IUCN mission on a detailed analysis by the Director of Kaziranga National Park addressing some of the issues mentioned in the working document.

2. The Delegate of India informed the Committee that the finalization of the Management Plan has been accelerated and that the Draft Management Plan is complete and awaits the approval of the Assam State Government. He acknowledged the flow of technical and financial support and that a National Wildlife Action Plan has been approved by the national government. The plan provides guidelines for providing technical and financial support to the state governments for the conservation of rare and endangered species and their habitat. The Indian Board for Wildlife chaired by the Prime Minister, has recently adopted a Wildlife Conservation Strategy including capacity building. The Delegate reiterated the request to mobilize international funding support. The Park management has taken adequate steps to control rhino poaching in Kaziranga National Park. The Assam State Government intends to declare the adjoining Karbi Anlong Forests as a sanctuary, which will reinforce rhino protection.

3. The representative of IUCN noted the positive news concerning the addition of the sanctuary area that should reinforce Rhinoceros conservation.

4. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)10**).

### **Komodo National Park (Indonesia)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)11**).

### **Lorentz National Park (Indonesia)**

1. The Delegate of Thailand pointed out that the map provided at the time of the inscription of the site indicates the legal boundaries of the World Heritage area, which have to be upheld by the State Party.

2. The Observer of Indonesia informed the Committee that he had received a letter from his authorities indicating discussions between the Central Government, the oil company Conoco and the local government concerning boundaries. He stated that the map of the World Heritage area would again be provided as the basis of the discussions and that this matter will be reviewed and reported back to the Centre.

3. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)12**).

4. The Secretariat informed the Committee that the map of the site was attached to the Committee report at the time of the inscription in 1999 and that the site was also a case study at the technical workshop on World Heritage and Mining in 2000, the proceedings of which have been published.

#### **Aeolian Islands (Italy)**

1. The Secretariat informed the Committee that on 5 May 2002 the Permanent Delegation of Italy had provided information that the management plan remains in force. New proposals for capacity building and tourism development, including enhancing existing infrastructure are under consideration.

2. The Observer of Italy drew attention to the complexity of the issues involving the local authorities, and informed that the administrative tribunal supported the Landscape Plan. Information on the follow-up, including the constitutional court, will be provided as soon as possible.

3. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)13**).

#### **Mount Kenya National Park/Natural Forest (Kenya)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)14**).

#### **Gunung Mulu National Park (Malaysia)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)15**).

#### **Banc d'Arguin National Park (Mauritania)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)16**).

#### **Sian Ka'an (Mexico)**

1. The Secretariat informed the Committee of the report provided by the State Party on 31 May 2002, which included the regional tourism situation and actions to mitigate impacts and promote sustainable tourism. The Coastal Development Plan for the buffer zone was approved in May 2002, ending a moratorium on construction in coastal areas, administering tourism and real estate development and incorporating transferable property rights to deal with beachfront holdings. The Management Programme also included administrative rules for public use. The Secretariat then read a revised draft decision to the Committee.

2. The Delegate of Mexico informed the Committee of the planning, the leisure activities and the coastal development pertaining to the land use plan of 14 May 2002, the first of its kind in Mexico. It aims at a low-density area at the coast and is very innovative including local landowners and local capacity building, as well as an improvement of the tourism infrastructure and monitoring of tourism measures. This new model is developed in close collaboration with the Ministries of Culture and Tourism and the World Heritage Centre.

3. The Delegate of Thailand asked whether there was an environmental impact assessment for the tourism project and if so, whether the Secretariat had received such an assessment.

4. The Delegate of Mexico informed the Committee that a number of documents were prepared to assess the impact of tourism. These included potential scenarios and impact schemes and were implemented with Mexican research centres.

5. In order to meet the concerns about the environmental impact assessment, the Chairperson suggested to add a specific paragraph to the revised draft decision. Noting the Committee's consensus on this proposal, he declared the revised draft decision adopted as amended (decision **26 COM 21(b)17**).

6. During the adoption of the report (item 29) it was agreed that the text of the decision should acknowledge that the State Party has submitted copies of the maps prepared for the Coastal Development Plan showing how it relates to the World Heritage site boundaries.

## **Royal Chitwan National Park (Nepal)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)18**).

## **Lake Baikal (Russian Federation)**

1. The Secretariat informed the Committee that:

(i) A full mission report was provided to the twenty-fifth extraordinary session of the Bureau in Helsinki (December 2001), which followed the recommendations of the UNESCO-IUCN mission for danger listing. At the twenty-fifth session of the Committee inscription on the List of World Heritage in Danger was postponed, awaiting comments by the State Party concerning the mission report. These were received on 1 February 2002 and provided to IUCN for evaluation and then to the 26th session of the Bureau for review. The Bureau decided to recommend inscription of the site on the List of World Heritage in Danger. No further comment was received from the State Party until this session.

(ii) On 24 June 2002, the Ambassador of Russia informed the Chairperson that the Russian Federation disagreed with the listing of Baikal on the List of World Heritage in Danger, highlighting the official report on progress made dated 1 February 2002. The letter furthermore stated that all the questions raised by the Bureau and transmitted by the Centre by letter of 16 April 2002 "are technical ones and shall not be considered as the motive for inclusion in the List of World Heritage in Danger."

(iii) An additional report was received on 26 June 2002 providing new information on the Baikal Governmental Commission, the new body of the Baikal Federal Environmental Authority, the new conservation scheme, the situation of the seal population and the pipeline construction. The report concluded that there is no reason for Danger listing.

2. The representative of IUCN informed the Committee that IUCN considered that the conditions existed for the site to be inscribed on the List of World Heritage in Danger. He said this would stimulate international support for the conservation of the site.

3. The Delegate of the Russian Federation informed the Committee that all information had been provided by 1 February 2002 and that he would like to provide the following new points:

(i) The Baikal Commission is now reporting to the Federal Government;

(ii) A new government inter-regional body, the Baikal Federal Authority was created in February 2002;

(iii) The Scientific Committee on Lake Baikal resumed its activity;

(iv) Negotiations with the World Bank are underway for the Pulp and Paper Mill;

(v) No gas exploration is taking place and is prohibited in the core and buffer zones;

(vi) No reduction of the seal population has been reported;

(vii) The proposal of construction of a pipeline is not yet approved.

In conclusion, the Delegate stated that the situation has improved and there would be no reason for Danger listing. He furthermore indicated that the State Party would welcome another mission if necessary.

4. The Delegate of Finland stated that no decision could be taken concerning inscription of the site on the List of World Heritage in Danger pending a policy decision as to whether State Party consent was required.

5. The Delegate of India noted that the Committee could take an appropriate decision. The State Party asked not to inscribe the property on the List of World Heritage in Danger and had provided new information.

6. The Delegate of Thailand agreed that given the new information, the property should not be inscribed on the List of World Heritage in Danger. He asked whether the State Party had any further proposals to alleviate problems at the site.

7. The Delegate of China requested that the Committee defer its decision.

8. The Delegate of Lebanon referred to a situation where the Advisory bodies' advice was to inscribe the property on the List of World Heritage in Danger and the Committee's decision was blocked pending resolution of the policy issue.

9. The Chairperson agreed with the analysis made by the Delegate of Lebanon. He proposed to defer the decision on the inscription on the List of World Heritage in Danger but to reinforce the recommendations made to the State Party.

10. The Delegate of Saint Lucia asked for a clear indication as to when the Committee decision would be deferred.

11. The Delegate of Thailand stressed that his statement was not to be linked to the legal issue. He again

acknowledged the new information provided by the State Party and the need to have a clear overview of the corrective measures. He suggested waiting until the next session to again consider the condition of the site.

12. The Delegate of India agreed with pragmatic proposal made by the Delegate of Thailand.

13. The Delegate of Nigeria supported the comments of Lebanon, China and the Russian Federation to defer consideration of inscription on the List of World Heritage in Danger to the next session of the Committee.

14. The Delegate of Egypt agreed with the deferral of a decision of inscription on the List of World Heritage in Danger to the next session of the Committee on the condition that a dialogue be established with the State Party. He recommended that the State Party be informed that inscription on the List of World Heritage in Danger should not be considered as a penalty for the State Party but as a positive measure to benefit from international attention and support. Furthermore, he asked that the State Party provide, within 8 months, further information on measures they were taking to conserve the site following the recommendations of the IUCN mission. At its next session, the Committee would evaluate whether the property was in danger or whether the Committee could close the debate because the property was not in danger.

15. The Chairperson summarized that there seemed to be a consensus concerning the deferral of the decision concerning inscription of the site on the List of World Heritage in Danger by one year, to allow time to review the situation. He also suggested that the Committee decision include reference to the intention of inscription on the List of World Heritage in Danger to bring the benefits of international attention and support to sites under threat.

16. The representative of IUCN recalled that parameters had been defined by the Committee in 2001. He suggested that these parameters and the recommendations of the IUCN mission report could be used to assist the Committee in taking its decision in 2003.

17. The Chairperson concluded the debate and declared the draft decision adopted as amended (decision **26 COM 21(b)19**).

18. During the adoption of the report (item 29) it was agreed that the decision should not imply that the Committee was deferring the "inclusion" of Lake Baikal on the List of World Heritage in Danger until its twenty-seventh session in June/July 2003. The decision should instead clearly defer the "decision" on the inclusion of the site on the List of World Heritage in Danger.

#### **Volcanoes of Kamchatka (Russian Federation)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)20**).

#### **Doñana National Park (Spain)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)21**).

#### **Ngorongoro Conservation Area (United Republic of Tanzania)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)22**).

#### **Serengeti National Park (United Republic of Tanzania)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)23**).

#### **Giant's Causeway and Causeway Coast (United Kingdom)**

1. The Secretariat informed the Committee that the State Party was inviting a mission to the site.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted with an additional paragraph referring to this mission (decision **26 COM 21(b)24**).

#### **St Kilda (United Kingdom)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)25**).

#### **Henderson Island (United Kingdom)**

1. The Delegate of the United Kingdom noted the existence of a draft management plan for the site and informed the Committee that it would be completed following consultation with Pitcairn Islanders. He thanked IUCN for their comments on the draft. With reference to the World Heritage Centre's request for information referred to in the working document he said that his country would be happy to comply with this although they had not yet received a copy of the letter. He suggested that

the decision of the Committee refer to the submission not of a report, but of a progress report by 1 February 2003.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)26**).

#### **Great Smoky Mountains National Park (United States of America)**

1. The Observer of the United States indicated that some technical and factual changes needed to be made to the IUCN report, although it is an accurate summary of the United States submission on this matter. The issue of air pollution was raised on the basis of media reports that derived from the National Park Service monitoring data and was not separately instigated by IUCN before requesting a State Party response. The issue is a serious and complex one and the United States believes it has responded accurately with a full report. The authorities feel that it is important that the scope of the air quality monitoring programme at Great Smokies be understood. The operating budget for the programme, including data collection and analysis, is currently around US\$ 2M per year. There are seven monitoring stations in the Park, which provide continuous information on air quality conditions. Finally, she asked that the Committee decision refer to the Environment Protection Agency (EPA) National Ambient Air Quality Standards.

2. The representative of IUCN noted that experience gained with this important monitoring programme would benefit other World Heritage properties.

3. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)27**).

4. At a later stage in the discussion on this agenda item, the Delegate of India referred to the exemplary work of the United States of America in implementing environmental management standards at this site and at other World Heritage sites in their country. She noted however, that these standards were not applicable when the sites were initially inscribed on the World Heritage List. She commented that this was an even more acute problem in the less developed world. Furthermore she said that the Committee was in a legal vacuum as an international consensus on some of the basic standards did not yet exist. She urged the development of international consensus and in the meantime recommended ensuring implementation of national standards.

#### **Mammoth Cave National Park (United States of America)**

1. The Observer of the United States of America informed the Committee that the report presented to the Committee, while factually accurate, raised undue and untimely alarm about a future potential threat to the site. The impression conveyed by IUCN concerns an entirely privately funded development proposal that is in its very early planning stage, located 12 kilometres away from the boundary of the World Heritage site, which is at least partially located in a separate watershed. This creates the impression of interference in local affairs. She stated that it could be shown that the Park management has been fully cognizant of this proposal and is acting within the scope of its legal authorities, which precludes direct intervention in the project, unless Federal funds are involved. She assured the Committee and IUCN that the State Party would track this evolving issue. She suggested a change to the wording of the draft decision to include reference to the conduct of a research project and to delete reference to the Environmental Impact Statement and approval process.

2. The representative of IUCN noted the concerns raised by the Observer of the United States of America and agreed with the suggested changes to the wording of the decision.

3. The Chairperson noted the Committee's consensus and declared the draft decision adopted as amended (decision **26 COM 21(b)28**).

#### **Ha Long Bay (Vietnam)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)29**).

### **MIXED CULTURAL AND NATURAL HERITAGE**

#### **Kakadu National Park (Australia)**

1. The Secretariat informed the Committee of the receipt of new information from the State Party. This included:

(i) a report from the Supervising Scientist indicating that a new internationally recognized standard for management of the mine will come into force;

(ii) a recent announcement by the Commonwealth Government that there will be an NGO representative on the Alligator Rivers Regional Technical Committee (ARRTC);

(iii) information concerning a new legislative framework for the management of mining in the Northern Territory;

(iv) notification of a technical review of the environmental regulation of the Ranger uranium mine and Jabiluka mine site and an Australian Senate Inquiry to report by the end of 2002;

(v) information on a workshop on cultural heritage management issues with the participation of the Gundjehmi Aboriginal Corporation and Australia ICOMOS with the assistance of Environment Australia.

Finally, the Secretariat informed the Committee that a new draft decision had been prepared in consultations between the State Party, ICOMOS, IUCN and the World Heritage Centre to reflect this new information.

2. The Delegate of Lebanon asked why the new draft decision had been changed substantially from the draft decision presented in document *WHC-02/CONF.202/17*.

3. The representative of IUCN referred to the report presented in document *WHC-02/CONF.202/17* in which IUCN stated that if four issues of concern at the site were not addressed then it might be necessary to reexamine whether the site should be included on the List of World Heritage in Danger. These four issues are:

- (i) effective systems of management and monitoring undertaken to the best international standards;
- (ii) independent scientific oversight;
- (iii) effective engagement of all stakeholders including Traditional Owners;
- (iv) prompt action by the State Party to address failings.

He said that IUCN had agreed with the original wording of the draft decision as presented in the working document. However in light of the new information from the State Party, as presented by the Secretariat, the new decision has a more positive tone reflecting developments over the last few months whilst still expressing concern.

4. The Delegate of Lebanon requested revisions to paragraphs 1 ("stresses" rather than "notes the need for a strict environmental regime") and 3 ("requests" rather than "notes details of new environmental management standards"). In effect this would reinstate the wording of these paragraphs in the draft decision presented in document *WHC-02/CONF.202/17*.

5. The Delegate of Egypt commented that the new draft decision referred to a rather serious situation. He

asked what the Committee was doing in response to the contaminated water leaks at the Ranger and Jabiluka uranium mines and whether the Committee was sending a mission to the site to investigate.

6. The Secretariat informed the Committee that a UNESCO/ICOMOS/IUCN mission had been sent to the site in late 1998. The Secretariat recalled that the State Party regularly provided the Centre with technical reports and other information in response to the decisions and requests of the Committee. All new information was forwarded to IUCN for the preparation of their report presented to the Committee.

7. The Delegate of Egypt noted that the last mission was sent 3 years ago and that a new report had been received from the State Party. Therefore he suggested to send a new mission given the seriousness of the situation at the site.

8. The Delegate of Lebanon stated that it was for the Committee to decide, on the basis of new information, whether a revised decision was required. Furthermore, he requested that a new report be provided to the Committee by IUCN to present an analysis of new information to the Committee. In the Committee's decision, he asked that "notes" be replaced by "requests the State Party" in exactly the same way as in other decisions taken under this agenda item.

9. The representative of IUCN recalled that as a result of the extraordinary session of the Committee in July 1999, an independent international scientific panel was established and presented three reports prior to the Committee session in Cairns (2000). There is a regular and precise follow-up mechanism. With reference to new information, he stated that there had not been time to prepare a formal response.

10. The Delegate of Egypt said that he still thought it was appropriate to send a new mission to the site to investigate the new and serious leakages.

11. The Observer of Australia referred to the many reports on the state of conservation of Kakadu National Park that have been examined by the Committee over recent years. He informed the Committee that the contaminated water leaks had not occurred within the World Heritage property. He reminded the Committee that the Supervising Scientist had concluded that no harm to human health or the environment had occurred as a result of the leaks. Furthermore he commented that the reporting of the incidents by the mining company had been inadequate and that the State Party required them to improve the standards of their operations. He informed the Committee that the Minister for the Environment and Heritage had recently met with Traditional Owners at Kakadu to discuss these and other issues. He concluded by saying that a mission was not appropriate to the circumstances at Kakadu National Park as there was no

urgent need nor was there a request for assistance from the State Party. He said that the State Party would continue to provide regular reports concerning the situation at the site.

12. The Chairperson proposed that the draft decision be adopted with the amendments proposed by the Delegate of Lebanon. Following the request from the Delegate of Egypt he also suggested that paragraph 7 be amended to include a request for a new report on which the Committee could base its future decisions.

13. The Chairperson noted the Committee's consensus and declared the draft decision with the suggested amendments adopted.

14. During the adoption of the report (item 29) the Delegate of the United Kingdom commented on the wording of the last paragraph of the decision and asked that the reference to whether or not to send a mission to the site be removed as it preempted the decision of the Committee at its twenty-seventh session.

15. The Delegate of Egypt noted that his delegation had suggested that a mission be sent to the site.

16. The Observer of Australia said that there was no doubt that the Delegate of Egypt had raised the possibility of a mission during the discussion. He said that there was equally no doubt that in the Chairperson's summary the possibility could be considered at the twenty-seventh session of the Committee in the light of its consideration of the report of the State Party and the assessments made at that time by IUCN and the World Heritage Centre. He suggested that if the Committee agreed to the proposed changes to the decision made by the Delegate of the United Kingdom the outcome of the Committee's discussions would be adequately reflected and would go back to the wording as originally proposed in the working document. He suggested that in addition the comments of the Delegate of Egypt be reflected in the Summary Record.

17. The Delegate of China agreed with the proposals of the Delegate of the United Kingdom and the Observer of Australia.

18. The Delegate of Egypt commented that during the discussion of the state of conservation of the site during agenda item 23, the Committee had taken the matter very seriously. However, he concurred with the request of the Observer of Australia to amend the decision.

19. With this amendment, the Committee adopted decision **26 COM 21(b)30** by consensus.

### **Tongariro National Park (New Zealand)**

1. For the information of the Committee, the Secretariat displayed an explanatory slide showing a

diagram of the management of a potential *lahar* or mudslide at the site.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)31**).

### **Historic Sanctuary of Machu Picchu (Peru)**

*Document:* WHC-02/CONF.202/INF.10

1. The Secretariat informed the Committee that:

(i) since the twenty-sixth session of the Bureau the Chairperson of the World Heritage Committee had addressed a letter to the Ministers of Foreign Affairs, Education, Culture and Forestry expressing the Committee's concern about the state of preservation of the site;

(ii) the National Institute of Culture of Peru (INC) had informed the Centre that the recommendations of the joint mission to Machu Picchu, which took place from 25 February to 1 March 2002, were not yet fulfilled;

(iii) the Machu Picchu Programme, funded under a debt-swap arrangement with the government of Finland, had been suspended in May 2002;

(iv) all works on Aguas Calientes as well as Machu Picchu Pueblo had been halted;

(v) a US\$ 300,000 research project on the landslide risks of the Historic Sanctuary of Machu Picchu to be funded from Japanese Funds-in-Trust was being discussed with the National Authorities and the UNESCO Cultural Heritage Division;

(vi) a new Presidential Decree n° 032-2002-AG dated 25 May 2002 establishes the functions of the Comité Directivo of the UGM (Unidad de Gestión de Machu Picchu). It specifies that the funding sources of the UGM are to come mainly from the income of the Camino Inca and are to be shared between the Instituto Nacional de Recursos Naturales (INRENA) and the INC, thus freeing sufficient resources to implement the above-mentioned recommendations. In addition, this decree defines more clearly the responsibilities of the different public and private actors. This legal instrument shows the State Party's goodwill and should facilitate the implementation of the work required;

(vii) the Sanctuary Lodge on the Machu Picchu site received the approval by the Mayor to use two ground floor spaces to sell artefacts and wool products. The hotel management, which has a thirty-year concession, sublet the shops and the Frente of Defense of the interests of Machu Picchu protested and is now trying

to have this permission revoked. However, since the hotel management wanted to modify what had already been approved, without the proper authorizations, the INC is now following the case and is in the process of taking the appropriate legal measures;

(viii) the INC has appointed a commission to implement the library project and has requested that the Ministry of Education intervene in order to recuperate proof of the illegal conditions under which archaeological material left the country; and,

(ix) the INC, the Municipality and the Ministry of Industry and Tourism now share responsibility for the control of ongoing commercial activity.

Finally, the Secretariat read a draft decision to the Committee

2. The Observer of Peru confirmed the national authorities' political will to preserve the site. He referred to the response sent by the Minister of Foreign Affairs to the previous Chairperson, stressing the State Party's highest level coordination efforts, which lead to the approval of the Presidential Decree on 9 June 2002 and to the above-mentioned results. He also informed that a site manager has been hired, multi-sectorial work with the local stakeholders had begun, involving them in urban, environmental, preventive and other matters and that an information tourist guide would be prepared, specifying access, paths, rules, etc. for the public. In addition, on 7 June 2002, the Finnish Funds had been released and the work on disaster mitigation in the town of Machu Picchu is about to be resumed. Other studies are to take place such as the evaluation of the vulnerability of the Cuenca de los Rios Aguas Calientes and Alcamayo. Finally, he informed the Committee that he had just received a preliminary report announcing that the requirements of the joint IUCN/ICOMOS/WHC mission had been fulfilled.

3. The Delegate of Argentina welcomed the joint mission report and the additional information submitted by the Delegate of Peru. She recalled that Argentina had included the cross-border Camino Inca site on its Tentative World Heritage List and that transborder co-operation would be welcome.

4. The Chairperson noted the Committee's consensus and declared the draft decision adopted with the addition of the comments from the Delegate of Argentina (decision **26 COM 21(b)32**).

5. During the adoption of the report (item 29) the Delegate of Argentina suggested that her comments welcoming transborder co-operation should be included in the Summary Record rather than in the decision, and this proposal was accepted by the Committee.

### **Hierapolis-Pamukkale (Turkey)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)33**).

### **CULTURAL HERITAGE**

#### **Tipasa (Algeria)**

1. The Secretariat informed the Committee that the State Party had confirmed that they would accept inscription of the site on the List of World Heritage in Danger in a letter dated 21 June 2002.

2. The Observer of Algeria, recognizing the gravity of the problems affecting the site, thanked the Committee for its support in its safeguarding and expressed the full readiness of the State Party to cooperate with the Centre with a view to implement the necessary corrective measures.

3. The Delegates of Belgium and Lebanon paid tribute to the constructive attitude of the State Party, which, in accepting the inscription of the property on the List of the World Heritage in Danger, paved the way towards future rehabilitation of the site.

4. The Delegate of Saint Lucia stressed the need for an appropriate remedial plan for the site, including the establishment of a carrying capacity, the implementation of measures to control visitation, the development of an education programme targeting nearby communities and visitors, and the creation of stronger linkages with the communities, including greater benefits to them.

5. The Chairperson noted the Committee's consensus and declared the draft decision adopted with the addition of the proposal from the Delegate of Saint Lucia (decision **26 COM 21(b)34**).

#### **Historic Centre of Vienna (Austria)**

1. The Secretariat recalled the recommendations made by the Committee, at its 25th session, concerning the inscription of the site:

*"... the Committee recommended that the State Party undertake the necessary measures to review the height and volume of the proposed new development near the Stadtpark, east of the Ringstrasse, so as not to impair the visual integrity of the historic town. Furthermore, the Committee recommended that special attention be given to continuous monitoring and control of any changes to the morphology of the historic building stock."*

2. The Secretariat also informed the Committee of:
- (i) detail of the high-rise building project;
  - (ii) the provision of new information from the Planning Bureau of the City of Vienna dated 10 June 2002 with maps and photographs;
  - (iii) information dated 19 June 2002 from the Executive City Councillor for Urban Development, Traffic and Transportation of the City of Vienna indicating progress with the management plan and a consultative committee;
  - (iv) the recent appointment of a new conservator.
3. The Secretariat then read a proposed draft decision for consideration by the Committee.
4. The Delegate of Lebanon emphasized that 6 months after the inscription, the Committee is faced with a serious skyscraper development despite the Committee's specific recommendation made at the time of the inscription. He recalled that this was not the only World Heritage property confronted with the problem of high-rise building projects in the buffer zone. He suggested that if the State Party does not respond positively to the Committee's request made at the time of the inscription on the World Heritage List, the site should be removed from the World Heritage List.
5. The Delegate of Saint Lucia expressed her concern and stated that such a development should not be allowed as these debates should take place prior to the inscription of the site. She concurred with the Delegate of Lebanon.
6. The Delegate of South Africa recalled that the Committee had made a clear recommendation 6 months ago. She noted also with deep concern that exactly the opposite of what had been anticipated was happening.
7. The Delegate of Greece asked whether permission for the construction was given in full conformity with the existing legislation or whether a derogation had been granted for this project? She recalled that the buffer zone was intended to protect the integrity of the site. She asked for clarification from the Advisory Body.
8. The Delegate of Finland expressed his disagreement with the development project and its architectural solution.
9. The Observer of Austria informed the Committee that a letter was written which confirmed the commitment of the city and that the Wien-Mitte project had been indicated in the nomination and the area concerned needed urgent rehabilitation. At the same time it is a major transportation hub for Vienna. The development pressures

of the area were the subject of a controversial debate for 10 years, which concerned three different projects. The redefinition of the volume and the reduction from 6 to 4 towers was a result of the citizen participation process. The land-use plan had been adopted in May 2000 and there is now a legal claim to implement the project. Negotiations would continue with the architects and the developers. He assured the Committee that the authorities would provide all necessary information by 1 October 2002.

10. The Delegate of Egypt pointed out that such matters would need to be solved prior to a nomination and that the Committee should not be facing such a situation. He agreed with the suggestion of the deletion procedure made by the Delegates of Lebanon and Saint Lucia.

11. The Delegate of Thailand asked whether there was a management plan at the time of the inscription or whether the elaboration of such a plan is in progress?

12. The representative of ICOMOS indicated that at the time of the inscription there were clear indications that this development project would be halted. He suggested a firm statement to preserve the silhouette of Vienna and its landmark the Stephansdom, as the Austrian monuments law is limited in this regard.

13. The Delegate of India concurred that the silhouette of Vienna needed to be protected and that this was precisely the function of buffer zones. She stated that such a situation occurred in other parts of the world and emphasised the need to involve the local communities. She pointed out that basic concepts need to be revisited and solutions need to be found for this site.

14. The Delegate of the United Kingdom recalled Paragraph 22 of the *Operational Guidelines* and stated that an action plan needs to be submitted. Concerning Vienna, the tower project clearly posed a threat to the values and integrity of the site and the *Guidelines* need to be vigorously applied.

15. The Delegate of Zimbabwe referred to the previous intervention and in the absence of any results following the Committee's recommendations, agreed with the suggestion to start the deletion procedure.

16. The Delegate of Lebanon asked to make a distinction between the railway station project and the proposed tower buildings which were disturbing the silhouette of Vienna.

17. The Director of the Centre informed the Committee that he had recently visited the site of the project. He confirmed that the area is in a state of deterioration and that an urban rehabilitation project is needed. The impacts of the project are essentially linked to the height of the towers (2 of 97 metres, 2 of 87 metres, 2 of 40 metres). He informed the Committee that one of

the 97-metre towers is already under construction, while the rest of the project has been approved but is not yet under construction. He recommended to urgently open a discussion with the city government to redefine the project.

18. The Delegate of Belgium asked about the architectural quality of the project, an important aspect of the problem which had not been raised yet.

19. The Delegate of Finland noted the importance of the rehabilitation of the area. However, he questioned whether an appropriate architectural solution had been made.

20. The representative of ICOMOS informed the Committee that there was no management plan but that there are management mechanisms in place, which ICOMOS considered acceptable. He confirmed that the project was mentioned in the nomination dossier but that no information regarding height and volume were indicated.

21. The Delegate of Saint Lucia asked whether environmental and social impact assessments had been carried out and if other options had been examined.

22. The Observer of Austria informed the Committee that there was a long debate and that there is a legal case with the Supreme Court. The authorities had involved different experts in the planning phase and in conservation work in Vienna. Following a question from the Chairperson as to whether the project had been stopped, he told the Committee that this was not the case.

23. The Delegate of Belgium suggested to start the same process of dialogue and consultation with the State Party as was the case with the city of Luxembourg, which resulted in a positive solution.

24. The Chairperson noted the consensus of the Committee on the seriousness of the situation, including the corrective measures needed to be taken. He proposed that the Committee's decision should include a strong message addressed to the State Party clearly making a reference to the procedures for deletion from the World Heritage List.

25. The Delegates of Lebanon and Saint Lucia asked that the Committee's decision include a reference to the need to protect the value and integrity of the site recognized at the time of inscription on the World Heritage List and to paragraph 22 of the *Operational Guidelines*.

26. The Delegate of Zimbabwe stressed the importance of a strong decision for the credibility of the World Heritage Convention.

27. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)35**).

28. Following a question from the Delegate of Finland, the Chairperson clarified the objective of the decision being to develop a process of consultation with the State Party and to guarantee that the result will benefit the original inscription of the site on the World Heritage List.

#### **The Walled City of Baku with the Shirvanshah's Palace and Maiden Tower (Azerbaijan)**

1. The Secretariat informed the Committee that the National Commission by letter of 6 June 2002, requested that the state of conservation not be discussed at the twenty-sixth session of the Committee and that consultations are taking place. A mission to the site was welcomed. The Secretariat read a revised draft decision.

2. The Chairperson noted the Committee's consensus on the revised draft decision and declared it adopted (decision **26 COM 21(b)36**).

#### **Ruins of the Buddhist Vihara at Pahapur (Bangladesh)**

1. The Secretariat informed the Committee that:

(i) it was the first time that the Committee would examine the state of conservation of this property since its inscription on the World Heritage List in 1985;

(ii) at the time of the nomination, there were an estimated 2,000 terracotta plaques which adorned the massive brick structure's circumambulatory paths;

(iii) the property has always been threatened by vandalism, theft, natural degradation of the terracotta plaques, and collapse of the Vihara structure through deterioration of the bricks and vegetation;

(iv) a reactive monitoring mission was organized by the Centre following reports from international experts on the serious condition of the property. The findings and recommendations of the April 2002 UNESCO reactive monitoring mission undertaken by a UNESCO international expert who is also a high level ICOMOS expert are presented in the working document;

(v) The Government of Bangladesh transmitted to the Centre on 20 June 2002 a detailed report in response to the recommendations of the UNESCO reactive monitoring mission, stressing that the Department of Archaeology is exerting all its efforts to maintain the site properly with the limited resources available and that should UNESCO provide further support, maintenance of the property could be enhanced;

(vi) The authorities would welcome a follow-up UNESCO mission in July 2002 to examine ways and

means of enhancing conservation and management of the property, including the establishment of inventories of the terracotta plaques.

The Secretariat then presented a draft decision for consideration by the Committee.

2. The Rapporteur noted that coherence on decisions was needed and asked that the Committee clarify whether reports on the state of conservation would be submitted to the Bureau or to the Committee.

3. The Delegate of Egypt underscored that the site urgently needed appropriate protective measures to ensure adequate security of the monumental Vihara and its heritage assets. In order to retain the authenticity of the property, he suggested to add to the proposed draft decision that the original terracotta plaques be re-installed in their original placements within the lower levels of the Vihara walls.

4. The Delegate of India expressed her Government's grave concern and regret that the Committee, UNESCO, and the Advisory Bodies had not examined the state of conservation of the property until after irreversible actions had taken place, threatening the integrity and authenticity of the site. She recommended that the State Party be encouraged to seek international assistance to enhance the protection and conservation of the property through the elaboration of an action plan of corrective measures.

5. The Delegate of Zimbabwe, noting with deep concern that the World Heritage values for which the property was inscribed on the World Heritage List had been damaged, expressed his Government's disappointment that whilst the authorities responsible for the property acted with the best of intentions, the integrity and authenticity of the property was damaged. Underlining that such loss could lead to the deletion of the property from the World Heritage List, he underscored not only the need for training but also the necessity to increase awareness of the authorities concerned on the international conservation standards that should be applied in protecting and conserving the site. The Delegate stressed the need to clarify the distribution of responsibilities within the Sector for Culture of UNESCO in implementing activities in favour of World Heritage properties.

6. The Delegate of Nigeria, recalling that this property was one of the exceptional archaeological remains testifying to the rich cultural heritage of the sub-region of South Asia, recommended that consultations be undertaken between the State Party and UNESCO to determine whether or not the original terracotta plaques could be returned to their original locations on the Vihara walls.

7. The Delegate of the United Kingdom expressed his Government's dismay to learn that the best of intentions to protect the property resulted in damage to the World Heritage values of the property. He stressed the importance of providing adequate technical and financial assistance to the authorities to ensure that appropriate conservation and management planning mechanisms can be elaborated and implemented. Moreover, the Delegate of the United Kingdom underscored the necessity to encourage the authorities to enhance local community awareness on the World Heritage values of the property.

8. The representative of ICOMOS reiterated the need to build the technical capacity of the national and local authorities in increasing protection of the property. He underlined that the fundamental challenge faced by the authorities derives from the lack of financial resources. The representative of ICOMOS recommended that the State Party be consulted on whether or not the authorities wished to nominate the property for inscription on the List of World Heritage in Danger.

9. With reference to the question asked by the Rapporteur, the Chairperson suggested that all state of conservation reports should be submitted to the ordinary session of the Committee.

10. The Delegate of India asked to proceed with caution. She proposed offering international assistance before suggesting an inscription on the List of World Heritage in Danger.

11. The Delegate of Thailand recommended that the State Party be encouraged to submit a technical assistance request to address the conservation and management needs of the site. He also recommended to suggest to the State Party to consider the nomination of the property on the List of World Heritage in Danger.

12. The Chairperson reformulated the draft decision including the amendments suggested by the Delegates of Thailand and India. Noting the Committee's consensus, he declared the draft decision adopted as amended (decision **26 COM 21(b)37**).

#### **Historic Centre of the City of Goiás (Brazil)**

1. The Secretariat provided the following new information:

(i) almost immediately following its inscription on the World Heritage List, Goiás was struck by one of its most devastating floods on 31 December 2001;

(ii) A few days after the flood, the Director-General of UNESCO visited the site;

(iii) During the twenty-sixth session of the Bureau, an emergency request for an amount of US\$ 57,288 was approved by the Chairperson to facilitate exemplary restoration work on approximately a dozen historic monuments in the vicinity of Cora Coraline's House, the Lapa Bridge and the Anhanguera Cross.

The Secretariat read the draft decision for the consideration of the Committee.

2. The Observer of Brazil thanked the Centre for its co-operation and the support given by the Director-General.

3. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)38**).

#### **Historic District of Québec (Canada)**

1. The Secretariat informed the Committee that all measures taken by the authorities were in accordance with the recommendations made by the ICOMOS mission.

2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)39**).

#### **Churches of Chiloé (Chile)**

1. The Secretariat recalled the damage caused to the Churches of Chiloé on 14 March 2002 and informed the Committee that an emergency assistance request for US\$ 50,000 from the World Heritage Fund was in abeyance due to lack of available funds.

2. The Observer of Chile thanked the Centre for its co-operation. He indicated that detailed studies had been carried out with regard to the damage caused, that local and national funds had been identified and that work should begin in June 2002, to be completed in February 2003.

3. The Observer of Argentina, supported by the Delegate of Colombia, requested that the international assistance request be granted as quickly as possible.

4. The Secretariat read a new draft decision for consideration by the Committee.

5. The Chairperson noted the Committee's consensus and declared the new draft decision adopted (decision **26 COM 21(b)40**).

#### **Mausoleum of the First Qin Emperor (China)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)41**).

#### **Historic Ensemble of the Potala Palace, Lhasa (China)**

1. The Secretariat informed the Committee that numerous independent reports concerning continued incidents of demolition of the traditional historic buildings within the protective buffer zone of the Barkhor Historic Area had been received by the Centre since the preparation of the working document. 125 letters were sent to the Director-General of UNESCO expressing concern over the demolition of traditional buildings within the World Heritage protected area. The Secretariat then presented a draft decision to the Committee.

2. The representative of the site management authority of the property, the First Vice Mayor of Lhasa, informed the Committee that the newly constructed 13-storey concrete building within the Public Security Bureau Compound had been approved in 1995, before the World Heritage protected area was extended to include the Jokhang Temple and Nobulingka. This structure is located outside both the core and the buffer zone. He stated that the renovation project of Barkhor, elaborated after careful scientific survey, included:

(i) the restoration of highly important traditional architectural examples using traditional building techniques and material;

(ii) the rehabilitation of ordinary residential Tibetan houses where the external facades will be retained while their interiors will be upgraded to meet the needs of the contemporary lifestyles of the Lhasa citizens;

(iii) the demolition of modern buildings dating from the 1970s which are not harmonious with the surrounding traditional urban fabric and setting and subsequent new construction of Tibetan style houses which are sympathetic to the historic setting of Lhasa;

(iv) the improvement of fire-prevention for the Jokhang Temple through establishment of a two-metre wide fire-fighting passage surrounding the Temple.

3. The Delegate of Thailand asked whether the 13 storey construction was completed or still under construction and if it was still being constructed whether it could now be stopped. He also asked about the potential visual impact of constructions in the buffer zone.

4. The Vice Mayor of Lhasa responded that the construction was completed. He further informed the Committee that his Municipal Government welcomed the proposal for a UNESCO - ICOMOS Reactive Monitoring

Mission to examine the state of conservation of the property and the conservation challenges being addressed by the site-management authorities.

5. The Delegate of Thailand asked the representative of ICOMOS whether at the time of evaluating the extension of the site there were plans for construction at the site.

6. The representative of ICOMOS said that he did not exactly recall whether the construction had been drawn to the attention of ICOMOS at the time of the evaluation.

7. The Delegate of the United Kingdom asked for clarification on the wording of the draft decision. She suggested that the wording include a request that a joint ICOMOS/UNESCO mission would be sent to the site and a report be submitted to the next ordinary session of the Committee.

8. The Delegate of Saint Lucia asked whether an approved building code existed at the site.

9. The Vice Mayor of Lhasa clarified that there were regulations on the control of building height within the protective buffer zone of the site. The 13-storey new building is however located outside the buffer zone. In this context, he was of the view that there should be some modern buildings in the city of Lhasa, which, as in many other parts of the world, is in the process of development. It is impossible for the Tibetan society to function in the traditional historical buildings forever.

10. The Chairperson suggested amending the draft decision as proposed by the Delegate of the United Kingdom while encouraging the State Party to continue the efforts for the conservation of this property. Noting the Committee's consensus, he declared the amended draft decision adopted.

11. During the adoption of the report (item 29) the Delegate of China said that the decision prepared by the Secretariat did not take into account the new information presented by the Vice Mayor of the City of Lhasa. He said that the Committee had not had time to discuss the new draft decision proposed by the Secretariat. He therefore asked that paragraphs 2 and 3 of the decision, related to the presumed destruction of the traditional buildings and the 13-storey new building, be deleted until the mission submitted its report.

12. The Rapporteur questioned whether this request would constitute a change to the decision taken by the Committee and asked the Secretariat to clarify the content of the text of the decision that had been presented to the Committee at the time of discussion under agenda item 21.

13. The Secretariat informed the Committee that paragraphs 1, 3 and 4 were identical to those that had been projected on the screen, and that, following the

discussions, the Committee decided to add the final paragraph related to the joint UNESCO-ICOMOS mission.

14. The Delegate of China agreed that the clarification from the Secretariat was accurate. However, he said that the draft decision had been presented to the Committee before the Vice Mayor of Lhasa had provided new information. He said that the draft decision had been prepared on the basis of information received from sources other than the State Party. Furthermore he asked that a judgement on the state of conservation of the site not be made until a mission went to the site. He said that the retention of paragraphs 2 and 3 would be counter-productive for the authorities concerned, and would cause difficulties for the organization of the ICOMOS-UNESCO mission to the site.

15. The Delegate of Oman agreed with the Delegate of China and asked that paragraphs 2 and 3 be removed.

16. The Rapporteur asked the Chairperson to clarify the decision of the Committee.

17. The Chairperson referred to the time pressure under which the Committee had taken some of its decisions and noted the concerns of the Delegate of China.

18. The Delegate of Saint Lucia acknowledged that a draft decision had been projected on the screen before the State Party had provided new information. She asked whether the Committee had decided to change the draft decision following the presentation of new information.

19. The Delegate of India noted that in many cases the Committee had not reviewed texts of draft decisions following consideration by the Committee. She suggested that the language of paragraphs 2 and 3 be modified to alleviate the concerns of the Delegate of China.

20. The Delegate of China agreed and thanked the Delegate of India for her suggestion. However, he stated that any draft decision which is revised by the Secretariat must be reexamined by the Committee after redrafting.

21. The Chairperson agreed that it was very important for the Committee to see revised decisions before adoption and asked that the discussion on this matter be included in the Summary Record.

22. The Delegate of China agreed with this proposal and again asked for a revised decision.

23. Noting the Committee's consensus the Chairperson declared the decision adopted with amendments to paragraphs 2 and 3 (decision **26 COM 21(b)42**).

### **Colonial City of Santo Domingo (Dominican Republic)**

1. The Secretariat provided the World Heritage Committee with additional information received on 23 June 2002, confirming the halt to hotel construction and an improved use of the Nicolás de Ovando Houses.
2. The Observer of the Dominican Republic confirmed that the building work had been halted. He informed the Committee of the draft law for the protection and safeguarding of monumental heritage that has been finalized and will shortly be examined by the Congress. This project, which is supported by the President of the Republic, demonstrates the commitment of the national authorities to protect the site and all the country's heritage properties.
3. The Secretariat read a proposed draft decision for consideration by the Committee.
4. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)43**).

### **Islamic Cairo (Egypt)**

1. The Secretariat informed the Committee of the recommendations resulting from the International Symposium organized in Cairo in February 2002, and of a project, proposed by the Governorate of Cairo, to execute a new road through the southern sector of Fatimid Cairo, which would presumably have a negative impact on the original urban texture of the city, as well as on a number of important monuments located in the area.
2. The Delegate of Egypt, recognizing that this proposal had raised some concern in Egypt, informed the Committee that the Ministry of Culture is currently negotiating with other concerned institutions in order to find an appropriate solution to the matter.
3. The Secretariat explained that verifications were still under way with the responsible Egyptian authorities and that more details on this issue would be provided to the Committee at its next session.
4. The Delegate of Belgium, referring to discussions held during the 23rd session in Marrakesh, stressed the importance of including in the decision a reference to the involvement of the local population in the conservation policy for Islamic Cairo.
5. The Delegate of the United Kingdom inquired on the current planning system for the site, and emphasized the need for some coordination framework among all concerned institutions.
6. The Delegate of Egypt informed the Committee of the existence, since 1999, of an inter-ministerial Committee for Islamic Cairo with coordinating functions.

7. The representative of ICOMOS, while recognizing the problems affecting the site, underlined the progress accomplished by the Ministry of Culture in the treatment of historic buildings and the enthusiasm of the young professionals working within the Historic Cairo Programme.

8. The Chairperson noted the Committee's consensus and declared the draft decision adopted with the amendment suggested by the Delegate of Belgium (decision **26 COM 21(b)44**).

### **Memphis and its Necropolis – The Pyramid Fields from Giza to Dashur (Egypt)**

1. The Secretariat informed the Committee of a proposed tunnel under the Plateau of the Pyramids, which was recently proposed by the Ministry of Housing allegedly to complete the Ring Road surrounding the city of Cairo, and explained that this information is currently being verified with the Egyptian authorities. The Secretariat presented a draft decision to the Committee.
2. The Delegate of Egypt recalled that the proposal to execute a tunnel, or a highway, across the Plateau had already been put forward and officially rejected by the national authorities on several occasions over recent years, with the support of UNESCO. He stressed the firm commitment of the responsible authorities to protect the integrity of the site and reassured the Committee that this proposal, as for all the previous, would never be implemented.
3. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)45**).

### **City-Museum Reserve of Mtskheta (Georgia)**

1. The Secretariat informed the Committee that a meeting on 4 June 2002 with the Vice Minister of Foreign Affairs took place at UNESCO headquarters who welcomed a mission to the site.
2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)46**).

### **Classical Weimar (Germany)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)47**).

### **Hanseatic City of Lübeck (Germany)**

1. The Secretariat informed the Committee that the authorities had indicated that the building has not been demolished and that the construction project has been delayed.
2. The Observer of Germany confirmed that a working group had been set up and a meeting had taken place in Lübeck from 1 to 2 February 2002 comprising a representative of the Scientific Committee on Historic Towns and Villages of ICOMOS and local and national authorities, as well as local associations. Recommendations were formulated for the use of different materials and the redesign of the roof. She confirmed that the project had been delayed and that the authorities will keep the Committee informed on the situation.
3. The Secretariat read a revised draft decision.
4. The Chairperson noted the Committee's consensus on the revised draft decision and declared it adopted (decision **26 COM 21(b)48**).

### **Acropolis, Athens (Greece)**

1. The Secretariat informed the Committee that on 24 May 2002 the Permanent Delegation of Greece sent a letter to the World Heritage Centre notifying that the building licence for the construction project of a 32-metre high building in the vicinity of the site, had been granted in conformity with the relevant legislation.
2. The representative of ICOMOS underlined that the buffer zone is inadequate according to actual standards and that a redefinition of the buffer zone should be recommended.
3. The Delegate of Greece pointed out that the building is located outside of the historic centre of Athens and outside of the buffer zone. The license had been

granted following the completion of the archaeological excavations.

4. The Delegate of the United Kingdom supported the ICOMOS intervention and stated that buffer zones are important for the protection of the visual integrity. Furthermore, he highlighted that a periodic review should be undertaken of sites and their settings.
5. The Delegate of Thailand suggested that the draft decision include the recommendation of ICOMOS that the buffer zone be broadened.
6. The Delegate of Lebanon suggested that the State Party should undertake a visual impact study.
7. The Secretariat read the draft decision for the consideration of the Committee.
8. The Chairperson proposed that the decision include a specific request for a visual impact study.
9. The Delegate of Saint Lucia supported this proposal.
10. The Delegate of the United Kingdom also recommended that at a general level in the context of the periodic review of sites, that the issue of visual impact be considered.
11. The Delegate of Greece pointed out that a visual impact study would not be realistic given the size of Athens, the number of construction projects and the location of the Acropolis on a hill. She said that it was not possible to extensively extend the site's buffer zone.
12. The Delegate of the United Kingdom emphasized the need to match the size of the buffer zone to the particular needs of each site.
13. The Chairperson noted the Committee's consensus on the draft decision as amended and declared it adopted (decision **26 COM 21(b)49**).
14. During the adoption of the report (item 29) it was agreed that the decision should specify that the Committee noted new information concerning the construction project located "outside of the site, outside the buffer zone and outside of the historic centre of Athens."

### **Ajanta Caves (India)**

### **Ellora Caves (India)**

1. The Delegate of India informed the Committee that:

(i) Appropriate actions are being undertaken following the recommendations of the December 2001 UNESCO international mural painting expert mission to the Ajanta and Ellora Caves properties.

(ii) A meeting of international and national mural painting experts, including those from ICCROM, is being organized to take place in September 2002. During this expert meeting, issues relative to the conservation of the fragile mural paintings within the Ajanta and Ellora Caves and the elaboration of a conservation action plan will be discussed.

(iii) A panel of experts of relevant specialized fields has been constituted to ensure that the properties' site-managers and technical staff are provided with timely and sound advice for conservation interventions to the fragile wall paintings within the caves.

(iv) The Archaeological Survey of India has commenced systematic recording and analysis of the micro-climate and other environmental factors affecting the Ajanta and Ellora Caves.

(v) Environmental assessment studies, including geophysical and geological surveys within and surrounding the caves, have been carried out to identify the characteristics of the vulnerable slopes and water seepage.

(vi) Tourism development is taking place upon careful consideration of the impact visitor activities and tourism industries have upon the properties, under a Department of Tourism programme supported by the Japan Bank for International Co-operation.

2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)50**).

3. During the adoption of the report (item 29) it was agreed that the decision should refer to "the additional information provided by the State Party at this session".

### **Sun Temple, Konarak (India)**

1. The Delegate of India informed the Committee that:

(i) The Archaeological Survey of India (ASI) has elaborated a four-year conservation action plan (2002-2006) which addresses the technical restoration challenges facing the property.

(ii) For ensuring the conservation, management, presentation and development of the property and its environs in an integrated manner, a management plan has been drafted and is expected to be approved by the State Government of Orissa shortly.

(iii) 26.25 acres (11.53 ha) of land surrounding the World Heritage property had been allocated to provide basic tourism amenities and to enhance the protection and presentation of the site.

(iv) Strict regulations were in place to implement all conservation and development activities, co-ordinated within the framework of the Management Plan by the Secretary of Tourism and Culture of the State Government of Orissa.

The Delegate of India also expressed her Government's intention to submit an international assistance request, following the recommendation of the Bureau.

2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)51**).

3. During the adoption of the report (item 29) it was agreed that the decision should refer to "the additional information provided by the State Party at this session".

### **Sangiran Early Man Site (Indonesia)**

1. The Delegate of Thailand asked why the Secretariat had not presented a state of conservation report on the site of Taxila (Pakistan).

2. The Secretariat informed the Committee that no new information had been received but expressed the hope that a report would be submitted in the context of the Periodic Report for Asia and the Pacific in 2003.

3. The Chairperson noted the Committee's consensus on the draft decision related to the Sangiran Early Man site and declared it adopted (decision **26 COM 21(b)52**).

### **Meidan Emam, Esfahan (Iran, Islamic Republic of)**

1. The Secretariat informed the Committee that consultations between the central and municipal governments were continuing with regard to the negative impact caused by the high-rise commercial complex being constructed within the "Conservation Protective Zone of Esfahan Historic City". The Secretariat then presented a draft decision for consideration by the Committee.

2. The Delegate of South Africa, supported by the Delegate of Saint Lucia, requested that, in order to

facilitate the Committee's work, all draft decisions be presented by the Secretariat to the Committee in writing

3. In this regard, the Chairperson formulated a draft decision which was adopted by the Committee (decision **26 COM 21.2**).

4. The Observer of Iran, expressing his Government's appreciation for the Committee's concern for the conservation and management of the Meidan Emam, Esfahan World Heritage property, drew the attention of the Committee to the efforts being made by the Iranian Cultural Heritage Organization to integrate conservation in the management of this historic city. He assured the Committee that his Government would continue its full co-operation with UNESCO and ICOMOS to enhance the state of conservation of this property.

5. The Chairperson proposed to adopt a revised version of the draft decision in order to include a specific reference to the mission scheduled in July 2002. Noting the Committee's consensus, he declared the draft decision adopted as amended (decision **26 COM 21(b)53**).

#### **Town of Luang Prabang (Lao People's Democratic Republic)**

1. The Observer of France invited the Committee to support the process as this would be extremely helpful. With regard to the co-operation project under the France-UNESCO agreement, developed also with the town of Chinon, she noted that it could be considered as a pilot project addressing heritage and development issues. She emphasised that international organisations and co-operation projects should fully integrate the recommendations made by the World Heritage Committee for the World Heritage properties.

2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b) 54**).

#### **Byblos (Lebanon)**

1. The Delegate of Lebanon clarified that the technical documents produced in preparation of the World Bank Project should be provided by the World Bank for the consideration of the World Heritage Committee before their final adoption. On the issue of the proposed underwater jetty to protect the port, he informed the Committee of a request, submitted by the Director-General of the General Directorate for Antiquities (DGA) to the Centre, to obtain the advice of an expert on its feasibility and potential impact on the site. On the subject of capacity building, the Delegate of Lebanon recalled that this issue is addressed within the scope of the World Bank initiative, and that an Institutional Assessment was underway to

determine the appropriate ways and means to strengthen the DGA.

2. The Delegate of the United Kingdom suggested that the Secretariat might adopt a more proactive approach vis-à-vis the World Bank when the latter is involved in projects impacting on World Heritage sites, with a view to establish a clear framework for the procedures, co-operation (including for exchange of information and consultation) and conditions and requirements defined by the Committee for World Heritage properties.

3. The Delegate of India agreed with the proposal to reinforce co-operation with the World Bank but added that State Parties concerned should be fully involved.

4. The Delegate of Lebanon confirmed the enthusiasm of his country for co-operation with UNESCO and the World Bank on this property.

5. The Chairperson noted the Committee's consensus and declared the draft decision adopted with the proposed amendments from the Delegates of Lebanon and the United Kingdom (decision **26 COM 21(b)55**).

6. The Chairperson then proposed that, as a general decision, the Committee should invite the Director-General to seek further coordination, and possibly the establishment of a permanent mechanism of consultation, with the World Bank on projects related to World Heritage properties. Noting the consensus, he declared this general decision adopted (decision **26 COM 21.1**).

#### **Tyre (Lebanon)**

1. The Secretariat informed the Committee that:

(i) the World Bank had confirmed that they would include the preparation of a comprehensive archaeological map as part of the World Bank Project at the site;

(ii) a new Urban Plan had been received and,

(iii) the State Party was reconsidering a new location for the new highway project.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)56**).

### **Curonian Spit (Lithuania/Russian Federation)**

1. The Secretariat informed the Committee that:
  - (i) It had received new information regarding the oil exploration project from Ecodefence who is calling attention to the potential threat of an oil spill on the ecosystem and beaches of the Curonian Spit.
  - (ii) The Vice Minister for Culture of Lithuania, in her written statement, informed the Committee that Lithuania is seriously concerned about the plans for the oil drilling station. Lithuania understands that the project is developed in Russian territory, but it is only 7 kms. from the national border and in the event of an accident, the potential impact on the whole site could be catastrophic as oil cannot be removed from the beach without removing polluted sand. The Ministry of Foreign Affairs of Lithuania had approached the Russian Embassy officially on numerous occasions.
  - (iii) The Russian authorities informed the Centre on 27 June 2002 that the status had not changed and that oil drilling is not executed or planned.

The Secretariat then read a revised draft decision to the Committee for consideration.

2. The Delegate of Saint Lucia asked for clarification as to the words "without delay".
3. The Secretariat suggested a deadline of 1 October 2002 as in the other Committee decisions.
4. The Chairperson noted the Committee's consensus and declared the revised draft decision adopted as amended (decision **26 COM 21(b)57**).

### **City of Luxemburg: its Old Quarters and Fortifications (Luxemburg)**

1. The Secretariat read a draft decision for the consideration of the Committee, acknowledging that the information required from the State Party had been received and the project had been adapted following the Committee's request.
2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)58**).
3. The Observer of Luxemburg expressed his gratitude for the excellent co-operation with the Committee, ICOMOS and UNESCO which had led to a positive outcome and to improve the quality of the project. He stated the willingness of his authorities to continue to provide any information necessary. Concerning the Crypt, his authorities would be happy to receive an expert visit.

### **Ancient Ksour of Ouadane, Chinguetti, Tichitt and Oualata (Mauritania)**

1. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)59**).

### **Historic Centre of Puebla (Mexico)**

1. The Secretariat informed the World Heritage Committee of:
  - (i) a planned construction project for several underground parking lots beneath the Historic Centre of Puebla, at Zócalo, the Santo Domingo atrium and the San Luis and Los Sapos Squares.
  - (ii) An ICOMOS reactive monitoring mission was undertaken to the site from 12 to 14 May 2002.
  - (iii) The Director of the World Heritage Centre received a letter from the Mayor of Puebla on 27 June 2002, confirming that the work had not been started and would only be undertaken once the required studies and authorizations had been undertaken and granted.

2. The representative of ICOMOS informed the Committee of the conclusions of the mission, underlining the need to study alternative solutions, to undertake a study for pedestrian areas, to preserve the centuries-old trees and obtain the agreement of all parties concerned, both governmental and non-governmental.

3. The Delegate of Mexico stated that the discussion referred to a planned project which was still in a very preliminary stage; the Mayor had not yet submitted the project to the competent institution, Instituto Nacional de Antropología y Historia (INAH). Furthermore, he indicated that the work that had commenced at Zócalo had been immediately halted.

4. The Secretariat read a draft decision for consideration by the Committee.

5. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)60**).

### **Ksar of Ait-Ben-Haddou (Morocco)**

1. The Observer of Morocco thanked the Committee for its support in the safeguarding of the site, and informed the Committee of the most recent progress achieved in the implementation of the recommendations made by the Committee at its 24th session in 2000. In particular, she recalled that an inter-ministerial Commission had been established for the protection of the site, and that a number

of actions were being carried out for the rehabilitation of the *ksar* such as legal protection and development of basic infrastructure (water, electricity). On the issue of the management structure, the Observer of Morocco informed the Committee that the preparations for the establishment of a site management Commission, with its own regular budget, were well advanced. Finally, she reiterated the firm commitment of the State Party to the safeguarding of the property.

2. The Chairperson noted the Committee's consensus and declared the draft decision adopted (decision **26 COM 21(b)61**).

### **Lumbini, the Birthplace of the Lord Buddha (Nepal)**

1. The Secretariat informed the Committee that this was the first time the Committee (rather than the Bureau) would examine the state of conservation of the property since its inscription on the World Heritage List in 1997. The Secretariat provided the Committee with the following information:

- (i) the fragile archaeological site of historic significance is a major Buddhist pilgrimage centre;
- (ii) the World Heritage area is composed of a small core zone including the archaeological remains of the Maya Devi Temple and associated structures dating back to the time of Lord Buddha's birth, the Ashoka Pillar, the Shakyas Pond;
- (iii) the core zone is surrounded within a "Sacred Garden" buffer zone, which is part of the Kenzo Tange Master Plan which conceptually laid out the site as a religious centre;
- (iv) the Master Plan was not a comprehensive conservation and management plan;
- (v) there has been regular examination of the state of conservation by the Bureau since 1999;
- (vi) five UNESCO expert missions, an international technical meeting and a non-destructive geophysical and auger survey have been organized between 2001 and April 2002 financed by the World Heritage Fund;
- (vii) as a result of the evolution and transformation of the core zone of archaeological remains and structures, the Bureau had underscored the need for careful assessment and analysis of the heritage assets and usage of the pilgrimage property, prior to the implementation of drainage and construction activities;
- (viii) UNESCO and experts of the Advisory Bodies had informed the Bureau on the necessity to plan intervention only after the non-destructive geophysical

survey, environmental and visitation analyses were complete;

(ix) in order to assist the authorities in finalizing an appropriate design for the remains of the Maya Devi Temple Remains, following receipt of the drawings and plans submitted by the Nepalese authorities, a sixth UNESCO expert mission had been organized and would take place from 25 June - 2 July 2002;

(x) simultaneously, the Centre had received alarming information attesting to the construction of a large and heavy new Maya Devi Temple on the archaeological remains, which necessitated underground digging for placing the steel foundation beams. This action taken by the authorities was unexpected in light of the request by the State Party to the Committee to review and approve the final design for the Maya Devi Temple. Moreover, the executive summary report of the non-destructive geophysical and auger survey had been received by the Centre, which clearly indicated the evidence of sub-surface archaeological deposits, dating possibly to the time of the life of Buddha, in the immediate vicinity of the Maya Devi Temple ruins and the Ashoka Pillar within the World Heritage core zone;

(xi) a report transmitted by the Government of Nepal dated 20 June 2002 stated that the authorities took the decision to construct the new Maya Devi Temple as the Committee did not react to the copy of the final design, taking into account the impatience within which the Nepalese people have been longing for an appropriate place for presenting and revering the Nativity Image and Marker Stone.

2. The Observer from Nepal informed the Committee that his Government continued to be committed to the protection, conservation and presentation of the World Heritage values of this religious centre. He stated that as the Committee did not respond to the final blue prints submitted proposing the new Maya Devi Temple structure construction, his Government understood that the Committee had accepted and approved the proposal.

3. The representative of ICOMOS stressed that faith and conservation were not always compatible since sacred sites attract pilgrimages. He stated that the water logging and conservation of the important archaeological remains have always posed challenges for the site-management authorities. He underlined the importance of research, documentation and excavation prior to intervention through construction of the new Maya Devi Temple, which could result in irreversible damage to the archaeological deposits.

4. The Delegate of Zimbabwe, as a general comment, invited both the Secretariat and the Advisory Bodies to present more factual and clear state of conservation reports with a view to facilitating the

Committee's debate. He asked to clarify the position of the metal structure with regard to the boundaries of the World Heritage property and the archaeological remains.

5. The representative of ICOMOS confirmed that the new metallic structure was within the boundaries of the sanctuary.

6. The Delegate of India expressed her conviction that the State Party made all efforts necessary to enhance the state of conservation of the property.

7. The Delegate of Greece recalled that it was the responsibility of the Committee to defend the exceptional universal values of the properties inscribed on the World Heritage List. In this case, one might question - before examining a possible inscription on the List of World Heritage in Danger - if the property still presented exceptional universal values. The State Party should be urged to increase its efforts towards the protection and conservation of the property.

8. The Delegate of Saint Lucia requested a more detailed answer to the question raised by the Delegate of Zimbabwe on the exact situation of the metallic structure with regard to the archaeological remains. She further asked whether there was a management plan and whether the authorities envisaged more excavations.

9. The Delegate of the United Kingdom expressed grave concern about the archaeological excavation in relation to the foundations of the new building and asked for detailed information.

10. The Observer of Nepal informed the Committee that the newly constructed Maya Devi Temple was to be 28.4 x 23.8 metres, slightly larger than the exposed archaeological remains. The authorities believed that the final design was in compliance with the recommendations of previous UNESCO expert missions and technical meetings, as well as international conservation norms. He requested the Committee to examine, during its 27th session, the findings and recommendations of the UNESCO mission being undertaken this week.

11. The Delegate of Zimbabwe recalled that consideration for possible inscription of the property on the List of World Heritage in Danger had been raised during previous Bureau sessions. He requested to include in the decision a clear reference to this mission and a review of the situation following the findings of the mission at the next Committee session.

12. The Delegate of Saint Lucia recalled that the question on the management plan and possible future excavations was still awaiting an answer.

13. The Observer of Nepal reiterated his Government's commitment to conserve the property following international conservation norms and all the

recommendations of the World Heritage Committee, UNESCO and the Advisory Bodies.

14. The Delegate of India commented that rather than concentrating on technical details, it was important to keep sight of the objective of protecting the site.

15. The Chairperson asked the Secretariat to prepare a decision taking into account all concerns and suggested made by the Committee. The decision was adopted under item 29 (Adoption of the Report), the only amendment being the replacement of "Government of Nepal" by "State Party of Nepal" (decision **26 COM 21(b)62**).

#### **Chavin (Archaeological Site) (Peru)**

1. The Secretariat informed the World Heritage Committee about:

(i) the most recent information available concerning the conservation work undertaken in certain critical zones of the galleries - the Labyrinths, Doble Mensula and Lanzón - as well as the revision of the tourist trail and the continuing research undertaken in co-operation with the Stanford University.

(ii) additional detailed information on measures yet to be undertaken were provided by the National Institute for Culture (INC) on 11 February 2002. They are contained in an emergency plan, and comprise the construction of a wooden walkway for tourists, the reinforcement of some walls and galleries, the removal of layers of alluvium, the drilling of galleries in some walls, the restitution of Lithique elements, the cleaning of drainage pipes, cementing the surface and the walls of the Rio Mosna Dam and the pursuit of conservation studies. Chavin still does not have the requested management plan.

The Secretariat then read a revised draft decision for consideration by the Committee.

2. The Chairperson noted the Committee's consensus on the revised draft decision and declared it adopted (decision **26 COM 21(b)63**).

#### **Historic Centre of Lima (Peru)**

1. The Secretariat provided the following information:

(i) Following the fire of 29 December 2001, which was reported during the 26th session of the Bureau, the Chairperson of the World Heritage Committee granted US\$ 48,000 to Lima to develop a safeguarding plan for the damaged area, including a solution for the rehabilitation of dwellings, the systematic adherence to safety standards for the shopkeepers, and the

implementation of preventive measures for the entire Historic Centre.

(ii) Moreover, the UNESCO Office in Lima informed the Centre that building construction work was being undertaken in the Historic Centre.

2. The Observer of Peru further indicated that an expert workshop would be meeting in July 2002 to establish a pilot project for fire safety measures involving the local populations. It would be targeted for Lima but would also serve for other historic centres.

3. The Secretariat then read a slightly revised draft decision for consideration by the Committee.

4. The Chairperson noted the Committee's consensus on the revised draft decision and declared it adopted (decision **26 COM 21(b)64**).

#### **Auschwitz Concentration Camp (Poland)**

1. The Secretariat informed the Committee of the report received from the State Party regarding the implementation of the recommendations of the international mission to the site in 2001 led by the Chairperson of the Committee.

2. The Observer of Israel inquired about the progress of the management plan and requested that a timetable for the completion of this plan be submitted. Pending the completion of the plan, he suggested to the Committee to request the authorities to halt ongoing projects, which may have an irreversible impact on the site.

3. The representative of ICOMOS fully supported this suggestion.

4. The Observer of Poland clarified the status of the "supermarket" referred to in several newspaper articles. This building was used for commercial purposes 20 years ago. The present owner has obtained the permission to utilize it as a visitor service centre. The Observer further indicated that it is proposed to be managed by the Auschwitz Museum. The Government is in the process of negotiating the purchase of "Visitor's Centre" to be run by the Museum. Furthermore, he informed the Committee that until the elections in October any further actions regarding the buffer zone are on hold. In October/November a working group will be set up to look into the different matters.

5. The Delegate of Saint Lucia requested that an approved management plan be submitted by 1 February 2003.

6. The Chairperson noted the Committee's consensus and declared the draft decision adopted as amended (decision **26 COM 21(b)65**).

#### **Cultural Landscape of Sintra (Portugal)**

1. The Secretariat informed the Committee that a co-ordinating agency, Monte Da Lua, has been created.

2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)66**).

#### **Historic Centre of Sighisoara (Romania)**

*Document: WHC-02/CONF.202/INF.11*

1. The Secretariat informed the Committee on:

(i) the outcome of the mission to the site covering a number of complex issues, including the potential impact of the theme park, which was considered to have less visual but a number of secondary impacts on a small city in a rural environment. A number of social and community issues were taken into account and many meetings held with stakeholders;

(ii) the state of conservation of the World Heritage site;

(iii) comments and observations on the mission report provided by the State Party via letter from the Ministry of Culture dated 14 June 2002.

2. The Observer of Romania thanked UNESCO and ICOMOS for the professional attitude in carrying out the mission, and providing recommendations, which are extremely useful. As already indicated in the letter, the Ministry of Culture is concerned also about the state of conservation of the site and has taken actions, which include the creation of a working group, and an international workshop scheduled for 2003 which involves the civil society. Furthermore, the recommendations were officially transmitted to the Government, which also has received other proposals including from non-governmental organizations. So far no technical documents were forwarded on the theme park for approval by the Ministry, which is foreseen under the Monuments Protection Law. On 26 June 2002, a confirmation was received that the process has started to relocate the project.

3. The representative of the Mihai Eminescu Trust confirmed that a meeting with the Minister of Tourism had taken place on 24 June 2002 about the location of the Dracula Park and that he welcomed the flexibility of the Minister and the Government in agreeing to change the proposed site of the Dracula Park to a place more suited. Furthermore, he indicated that a programme has been

elaborated for the Integrated Development of Sighisoara and the Saxon Villages of Transylvania.

4. The Delegate of Argentina commended ICOMOS and the Centre for the mission report, as well as the Romanian authorities and the representatives of Mihai Eminescu Trust for their efforts. She supported the recommendations of the mission and suggested that the Romanian authorities should continue to work with UNESCO and ICOMOS to address the state of conservation issues and avoid any impacts on the World Heritage site.

5. The Delegate of Lebanon, recalling the Committee's concern for this property, welcomed the mission report and commended the proposed relocation of the park. The State Party should be asked not to locate it near any World Heritage property.

6. The Delegate of Nigeria supported this.

7. The Delegate of Saint Lucia underlined that it was also a question of the scale of such a project.

8. The Delegate of the United Kingdom supported the draft decision but suggested to add that the relocation be warmly welcomed and should not affect any other World Heritage area.

9. The Delegate of Thailand asked for the timeframe for the management plan and actions to be taken.

10. The Delegate of Hungary welcomed the good news and the sensitive support of the State Party in the actions to be taken.

11. The Chairperson thanked the State Party and the Mihai Eminescu Trust for the positive development welcomed by the Committee. He noted the Committee's consensus on the draft decision as amended by the Delegates of Lebanon and the United Kingdom and declared it adopted (decision **26 COM 21(b)67**).

#### **Spissky Hrad and its Associated Cultural Monuments (Slovakia)**

1. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)68**).

#### **Stonehenge, Avebury and Associated Sites (United Kingdom)**

1. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)69**).

#### **Old City of Salamanca (Spain)**

1. The Observer of Spain expressed her gratitude to the ICOMOS mission. She informed the Committee that the local authorities were looking for another location for the auditorium project and that a management plan will be provided as soon as possible.

2. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)70**).

#### **Colonia del Sacramento (Uruguay)**

1. The Secretariat provided the World Heritage Committee with the following information:

(i) this World Heritage historic area is a peninsula that is part of the city of Colonia. It is managed by the Honorary Council for the Preservation of Colonia that formally depends on the Commission for the Cultural Heritage of the Nation (CPCN). Visitation during the week is low, mainly school classes, but very high during the weekends thanks to a fast ferry connection to Buenos Aires. Many of the houses are owned by Argentineans and only occupied during the weekends or holidays;

(ii) the overall state of conservation of the sites is unchanged and relatively good. However, there is an increased intrusion of commercial activities for tourism (restaurants, bars, shops, hotels). As most houses have only one floor, this implies a loss of residential functions and increase of traffic and parking needs;

(iii) a Master Plan for the City of Colonia has been under preparation for the last two years but has not been approved yet. In this plan, the World Heritage area is defined as an '*area de concertación*';

(iv) it seems that the management of the site could be greatly improved by establishing a system in which all parties could feel involved and participate in the definition of policies for preservation and development. The preparation of a specific Master Plan, or, even better, a Management Plan for the World Heritage site is urgently required;

(v) this need is even more apparent in view of a major development project that is proposed by the Buquebus ferry company at the harbour of Colonia that would

include a hotel, casino and the use of the recently restored pier for the ferryboat. This project would have a major impact on the site and clear criteria for its assessment are needed;

(vi) an ICOMOS monitoring mission for advice on the hotel-casino project has taken place in April 2002. The report is to be submitted shortly.

The Secretariat read the draft decision for consideration by the Committee.

2. The Delegate of Egypt commented that after considering the state of conservation of many city centres it was clear that there were many conservation problems and conflicts and differences of views even between local and national authorities. He noted that there had not been time for agreement on what regulations are acceptable in core compared to buffer zones. The degree of commitment of the national authorities was not the same everywhere. He said there was a need for a thematic study and it was necessary to take management issues into consideration at time of nomination. The objective was not to stop change but to manage change.

3. The Delegate of Finland supported this intervention, noting also that States Parties have different working methods and suggested that ICOMOS organize a seminar on town planning problems at World Heritage sites.

4. The Delegate of South Africa recalled the Committee's decision to ask the Secretariat to provide draft decisions in writing (see decision **26 COM 21.2** under the discussion on Meidan Emam, Esfahan, Iran). She requested that the information on the state of conservation also be provided in writing.

5. The Chairperson noted the Committee's consensus on the draft decision relating to Colonia del Sacramento and declared it adopted (decision **26 COM 21(b)71**). Decision **26 COM 21.2** was amended following the suggestion of the Delegate of South Africa.

#### **My Son Sanctuary (Viet Nam)**

1. The Chairperson noted the Committee's consensus on the draft decision and declared it adopted (decision **26 COM 21(b)72**).

#### **General comments <sup>6</sup>**

1. At the conclusion of the discussion on the state of conservation, the Delegate of Belgium made some general remarks. He commented that there had been an impressive number of state of conservation reports presented to the Committee. He stated that the large number of reports was extremely worrying in both quantitative and qualitative terms. Some properties come and go from the agenda item and others appear to be permanently on the agenda. He said that the Committee needs to have an overview of the situation and therefore asked for a report and statistics presenting such an overview.

2. The Chairperson noted the Committee agreement with this suggestion and declared it adopted (decision **26 COM 21.3**).

#### **22 PROGRESS REPORT ON THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION IN AFGHANISTAN**

*Document: WHC-02/CONF.202/19*

1. The Assistant Director-General for Culture and the Director of the World Heritage Centre presented document *WHC-02/CONF.202/19* and additional information on the state of conservation of heritage properties in Afghanistan. The Director of the Centre added that the Committee would be invited to discuss and adopt an action plan under agenda item 24 – Adjustments to the World Heritage Fund budget for 2002 – 2003.

2. The Observer of Afghanistan, the Minister of Information and Culture of the Government of Afghanistan, His Excellency Mr Sayed Makdoom Raheen, expressed the gratitude of his Government to the Committee for assisting his country in implementing the World Heritage Convention. He informed the Committee that the Loya Jirga (General Assembly) had just established a new Government of Afghanistan, and his country was now on its path to reconstruction. Recalling the looting of Kabul Museum and the wilful destruction of the Buddhas of Bamiyan, the Observer drew the attention of the Committee to the 23 years lost in the conservation and recognition of Afghanistan's rich cultural and natural heritage. To recover the lost opportunity in implementing the World Heritage Convention, to which Afghanistan has been State Party since 1979, the Observer appealed to the Committee to support his country both financially and technically. The Observer underscored the necessity to maintain the momentum for national and international

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<sup>6</sup> Two other general decisions were taken; decision **26 COM 21.1** following the discussion on Byblos (Lebanon) and decision **26 COM 21.2** following the discussions on Meidan Emam, Esfahan (Iran) and Colonia del Sacramento (Uruguay)

efforts to conserve and rehabilitate Afghanistan's rich heritage. To this end, he asked the Committee to publicize the overwhelming challenges facing Afghan heritage and to define ways and means to support the national efforts to enhance the protection and revitalization of this heritage.

3. The former Chairperson of the World Heritage Committee, Mr Henrik Lilius, informed the Committee of the optimism and hope of the Afghan citizens which he noted during his participation at the "International Seminar for the Rehabilitation of Afghanistan's Cultural Heritage" (27-29 May 2002, Kabul). Underscoring that vernacular architecture is as important as monumental heritage, he informed the Committee that conservation and rehabilitation of traditional habitat was essential in the reconstruction process of Afghanistan.

4. The President of ICOMOS, Mr Michael Petzet, who also participated at this Seminar, drew the attention of the Committee to its conclusions and recommendations and referred to the contribution from the Government of Germany to ICOMOS for the rehabilitation of Babur Gardens (Kabul) and other properties in partnership with Aga Khan Trust for Culture.

5. The Observer of Iran, expressing his Government's appreciation for the report presented in document *WHC-02/CONF.202/19* and the additional information presented by the Secretariat, supported the recommendations proposed in the document. Drawing the attention of the Committee to the shared heritage and conservation challenges in both Afghanistan and Iran, the Observer informed the Committee that his Government had already organized the training of 15 young conservation experts to commence capacity building for Afghanistan's heritage authorities. He informed the Committee of the willingness of his Government to expand co-operation with the Centre to assist the Afghan authorities in addressing priority issues for the protection of Afghan heritage.

6. Recalling that the Committee had requested IUCN to assist the Afghan authorities in re-establishing national inventories of natural heritage in Afghanistan, the Representative of IUCN informed the Committee that a detailed two-volume report had been compiled and transmitted to the Government of Afghanistan through the Centre. He expressed IUCN's disappointment in not having been able to participate in the UNESCO WHC - ICOMOS Joint Mission to Afghanistan (28 April - 11 May 2002), due to the security and logistical reasons. Consequently, document *WHC-02/CONF.202/19* has limited emphasis on the natural aspects of the implementation of the World Heritage Convention in Afghanistan. The Representative of IUCN emphasized the importance of natural heritage conservation in Afghanistan in the future, in addition to addressing the conservation needs of the cultural heritage of this country. He expressed IUCN's readiness to assist Afghanistan and specifically the Ministry of Agriculture, in the elaboration of a preliminary

action plan for natural heritage, and to assess the state of conservation of the State Party's potential natural World Heritage properties.

7. The Delegate of India expressed her Government's appreciation for the excellent work achieved to assist the Afghan authorities, notably by the Assistant Director-General for Culture and the Centre since the 25th session of the Committee. Noting that difficult tasks have been achieved leading to concrete actions, she recommended that the draft recommendations presented in document *WHC-02/CONF.202/19* be adopted by the Committee with additional emphasis on the mobilization of regional expertise. She also drew the attention of the Committee to the need to emphasize natural heritage aspects.

8. The Delegate of China welcomed the positive actions undertaken by UNESCO and expressed deep appreciation to the Government of Afghanistan for the importance it places on the Afghan cultural and natural heritage. He expressed his Government's support for the rehabilitation of Afghanistan's heritage and his hope that part of the funds carried over to 2002 by the UNESCO Executive Board at its 165th session be utilized to this end. Finally, the Delegate of China recommended that the draft recommendations presented in document *WHC-02/CONF.202/19* be adopted by the Committee.

9. The Delegate of Zimbabwe underlined the importance of assisting the Afghan authorities in elaborating a comprehensive medium- and long-term action plan, otherwise any action would be "*ad hoc*", without sustainable results.

10. The Delegate of Oman, reiterating appreciation to the Assistant Director-General for Culture and the Director of the Centre for their reports and effective actions, expressed his Government's support for the recommendations proposed in document *WHC-02/CONF.202/19*.

11. The Delegate of Thailand joined previous speakers in expressing his Government's appreciation to UNESCO and other States Parties to the Convention for their actions and offered his Government's assistance to the newly established Government of Afghanistan. He stressed the need to demonstrate with actions, the common wish by all States Parties to the World Heritage Convention to support the authorities in their process of rehabilitating the rich heritage of Afghanistan.

12. The Delegate of Greece congratulated the Government of Afghanistan for its efforts to reactivate the World Heritage Convention and expressed appreciation for their commitment to safeguard Afghan heritage. Whilst thanking UNESCO for the report on the actions taken since the 25th session of the Committee, she nevertheless recalled the discussions which took place during that session regarding the possible inscription of the

Monuments and Sites of Bamiyan Valley on the World Heritage List under cultural criterion (vi), as a testimony to the tragic and wilful destruction of the heritage of humankind.

13. The Observer of Chile, expressing appreciation for the remarkable work undertaken by the Government and UNESCO in reactivating the World Heritage Convention in Afghanistan, underscored the importance for the Committee to transmit a strong message demonstrating the solidarity of the international community in supporting the reconstruction of Afghanistan, supported by concrete actions.

14. The Chairperson noted that there was consensus in the room and thanked the Secretariat and the Advisory Bodies. He asked the Committee how to proceed with the recommendations contained in document *WHC-02/CONF.202/19*.

15. The Delegate of the United Kingdom proposed to limit the decisions to operational issues, with a general and a financial section.

16. The Delegate of Saint Lucia, noting that the Committee had to take a decision rather than recommendations supported this proposal. She further observed that the decision needed to be more specific and shorter.

17. The Chairman confirmed first that the Committee was supposed to adopt decisions and not recommendations, second that the financial implications would be considered under item 24.

18. Given the work that the draft recommendations represented, the Delegate of India proposed to adopt a shorter decision and to annex the recommendations to the report.

19. The Delegate of Greece noted that parts of the recommendations – notably section III – paraphrased conclusions of the 25th session of the Committee and requested that in the future decisions be drafted in an unambiguous way.

20. The Chairman summarized the debate and proposed the Committee to adopt a shorter decision and to annex the recommendations to the Report. He thanked the Minister of Information and Culture of Afghanistan for attending the Committee's session.

21. A draft decision was circulated on Saturday morning. The Rapporteur informed the Committee that the draft included not only operational items but also general remarks to bring this draft decision in line with the decisions on the conservation reports (item 21).

22. The Delegate of India reiterated her suggestion to annex the initial recommendations to the Report.

23. The Delegate of Saint Lucia asked to address the decision to the Director-General.

24. The Delegate of Thailand asked to refer to experts from countries in the region (rather than 'regional experts').

25. The Delegate of Greece requested a specific reference to prevention of illicit excavations.

26. The Delegate of Saint Lucia suggested to refer to the recommendations included in document *WHC-02/CONF.202/19* (instead of the 'resolution').

27. The representative of ICOMOS noted that the part on the financing needed to be included in the decision concerning the budget (item 24).

28. Following these suggestions, the Chairperson declared the decision adopted as amended (decision **26 COM 22**).

## **23 INFORMATION ON TENTATIVE LISTS AND EXAMINATION OF NOMINATIONS OF CULTURAL AND NATURAL PROPERTIES TO THE LIST OF WORLD HERITAGE IN DANGER AND THE WORLD HERITAGE LIST**

Documents: *WHC-02/CONF.202/20 Rev*  
*WHC-02/CONF.202/INF.4*  
*WHC-02/CONF.202/INF.4 Add.1*  
*WHC-02/CONF.202/INF.4 Add.2*  
*WHC-02/CONF.202/INF.5*

### **23.A TENTATIVE LISTS**

1. Upon the proposal of the Chairperson, the World Heritage Committee took note of the tentative lists (decision **26 COM 23.1**)

## 23.B NEW INSCRIPTIONS ON THE WORLD HERITAGE LIST<sup>7</sup>

1. The Director of the Centre noted that all nominations comply with the requirement of being included on a tentative list. He also explained that under the procedures adopted by the 24th session of the Committee (Cairns, 2000) none of the nominations which were deferred or referred by the Bureau would be examined at this session. The Committee would only be examining cultural nominations in addition to one extension of boundaries for a nature site already inscribed.

2. The Director further noted three innovations introduced this year to improve the decision-making abilities of the Committee:

(i) A brief technical evaluation for each nomination was included in the nomination document (*WHC-02/CONF.202/20 Rev*), noting the history of the nomination. For serial nominations, a table of all the serial elements was included with relevant details;

(ii) To allow the Committee members to review the nominations prior to the meeting, nominations were made available on line through the Committee's special web site;

(iii) As an experiment this year, the nominations were not brought to Budapest, but were available on publicly accessible computers around the Congress Centre. Should the actual nomination be needed, it could be retrieved from Paris within 24 hours.

3. The Chairperson then announced that he would ask a Deputy Chairperson to lead the debate on the two Hungarian nominations. According to the *Rules of Procedure* of the Committee, this part of the session would be chaired by the Deputy Chairperson from China.

4. The Advisory Bodies presented their internal procedures for the evaluations (see *WHC-02/CONF.202/INF.4 Add 1* and *WHC-02/CONF.202/INF.5*).

5. The Delegate of Greece noted that both Advisory Bodies have different evaluation systems and suggested that they should agree upon a common system.

6. The Chairperson took note of this interesting proposal but noted that cultural and natural heritage had their own specificity. He asked the Committee not to open a debate on this issue at this stage.

<sup>7</sup> The discussions are presented following the alphabetical order of the States Parties submitting the nominations. In the future, the World Heritage Centre and the Rapporteur suggest to list them in the same order as the discussions during the Committee session.

7. For each of the following nominations discussed, the Advisory Bodies gave a brief presentation of the property and their recommendations.

Property	<b>The Minaret and Archaeological Remains of Jam</b>
Id. N°	<b>211 Rev</b>
State Party	<b>Afghanistan</b>
Criteria	<b>C (ii) (iii) (iv)</b>

1. Following the presentation by ICOMOS, the Committee examined the report of Prof. Andrea Bruno, Special Advisor to the Assistant Director General for Culture of UNESCO, who had undertaken numerous missions to and conservation activities in Afghanistan and the Minaret of Jam.

2. The Secretariat informed the Committee of a letter dated 6 May 2002 from the Afghan authorities in which Dr. Sayed Makdoom Raheen, Minister of Information and Culture, requested inscription on both the World Heritage List and the World Heritage List in Danger.

3. The Committee considered that, in view of the exceptional value of the site, its political and symbolic importance, and the assistance needed by the Afghan authorities to protect the site, exceptionally, the Minaret and Archaeological Remains of Jam should be inscribed on the World Heritage List, and on the List of World Heritage in Danger, as had been done at the time of the inscription of Angkor (Cambodia) exactly ten years before.

4. The Observer of France emphasised that Afghanistan had not only been a cross-road where different civilisations met but also a country with autonomous creations which in turn influenced other countries of the region. He, therefore, suggested to include criterion (ii). This proposal was supported by the Delegates of India and Thailand.

5. Noting the consensus, the Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.2**) and on the World Heritage List in Danger (decision **26 COM 23.3**).

6. Following the inscription, a representative of the Secretariat read a letter from the Afghan Minister of Information and Culture, Sayed Makdoom Raheen, expressing the deep gratitude of the Government of Afghanistan for the Committee's support in favour of the heritage in his country.

Property	<b>Cocos Island National Park</b>
Id. N°	<b>820 Bis</b>
State Party	<b>Costa Rica</b>
Criteria	<b>N (ii) (iv)</b>

1. The Delegate of Finland welcomed this extension to protect the marine environment of the site. Recalling the decision of the 25th session of the Committee in Helsinki (2001) to extend the marine zone of the Galapagos Islands (Ecuador), the Delegate observed that it was the second time in the last two years that the Committee had extended the marine zone of an ocean archipelago. Finland favoured the continuation of this policy in the future.

2. The Chairperson noted that there was a consensus to approve the extension of Cocos Island National Park (decision **26 COM 23.4**).

Property	<b>Saint Catherine Area</b>
Id. N°	<b>954</b>
State Party	<b>Egypt</b>
Criteria	<b>C (i) (iii) (iv) (vi)</b>

1. The Delegate of Greece stated that she fully supported the inscription of the site, but recommended that in view of the extraordinary artistic treasures housed in the monastery, criterion (i) also be applied. This position was supported by Delegates from Hungary, Thailand, India, Lebanon, Argentina and Belgium.

2. The Delegate of Nigeria supported the inscription.

3. The Delegate of Mexico also noted that he looked forward to seeing the site also inscribed under natural values, as a mixed site. As noted in working document *WHC-02/CONF.202/20 Rev* and by the Egyptian Delegate, IUCN would be presenting its evaluation of the property's natural values at the 27th session of the Committee in 2003.

4. The Chairperson noted that a majority of the delegates seemed to be in favour of inscription under four cultural criteria (i,iii, iv and vi), and declared the property inscribed decision **26 COM 23.5** with the recommendation noted by the 26th session of the Bureau (decision **26 COM 23.6**).

5. Following inscription, the Delegate of Egypt thanked the Committee for its decision. He noted that the Saint Catherine Area was not only the location of a great monastery in Egypt, but also symbolic of the message of peace between all three great monotheistic religions.

6. The Observer of the Holy See also congratulated the Committee for a truly unique site now inscribed on the World Heritage List.

7. During the adoption of the report (item 29) it was agreed that decision **26 COM 23.5** should refer to the

"rugged" rather than "savage" landscape as part of the justification for inscription on the World Heritage List under cultural criterion (i). Furthermore it was agreed that decision **26 COM 23.6** should include a request for the State Party to "implement" the 1998 sustainable development plan.

Property	<b>Historic Centres of Stralsund and Wismar</b>
Id. N°	<b>1067</b>
State Party	<b>Germany</b>
Criteria	<b>C (ii) (iv)</b>

1. The Committee discussed the recommendation of the Bureau that this property be inscribed as a serial nomination with the Hanseatic City of Lübeck (Germany), inscribed on the World Heritage List in 1987.

2. The Delegate of Belgium noted that the chain of Hanseatic cities was much longer than Lübeck, Stralsund and Wismar and that such a serial nomination could be extended to include towns throughout the region as a testimony of exchanges, economic and artistic. The Delegate of Finland agreed with the proposal.

3. The Delegate of India, however, questioned whether entire town centres could be brought on to the list as extensions of earlier nominations. Such serial extensions might introduce complicated questions of management.

4. The Delegate of Lebanon said that the idea of a serial nomination with Lübeck should be considered.

5. In response, the representative of ICOMOS recommended the Committee exercise caution in extending a Hanseatic serial nomination too far: many Hanseatic towns represent different aspects, and do not necessarily make a single serial nomination.

6. The Delegate of the United Kingdom also expressed caution: the extension of a property as a serial nomination could not be a simple "paper exercise." It was particularly important that any such extension include a management component, applicable to all elements of the inscribed site, examining all the issues of a modern urban site.

7. The Delegate of Thailand agreed that such a serial extension could not be undertaken at this session but should be a recommendation of the Committee.

8. In its presentation, the representative of ICOMOS had called attention to new development, which in some areas is beginning to impact on the historic fabric of the two cities. The Bureau had taken note of the concerns and had recommended to the Committee that "special attention be given to the regulation of the design of modern details and the appropriate use of materials and technology in the

rehabilitation of historic structures. The height and design of any new building or addition considered as essential within the historic core area and in its surroundings should respect the traditional skyline and character of the historic town."

9. The Delegate of Greece recommended in this instance, as in other issues generally, that a long-term follow-up process should be put in place. In this case, the ICOMOS recommendation was not precise enough: what "special attention" should be given? The Delegate would have preferred a specific recommendation, such as a call for special regulations on design. The ICOMOS recommendation had also noted heavy automobile traffic. What was the specific ICOMOS recommendation for addressing this issue? Recalling her earlier request during the last session of the Bureau, the Delegate of Greece said that the Committee should have "benchmarks" that allow it to determine whether its recommendations are being followed. A procedure for tracking Committee recommendations should be part of the revised *Operational Guidelines*.

10. The Delegate of Thailand agreed that a follow-up mechanism of the Committee's recommendations needed to be put in place.

11. The Delegates of Lebanon and Saint Lucia also noted the concerns expressed in the ICOMOS report concerning large-scale construction projects, obstructions to the historic skyline, and the lack of a licence requirement for architects engaged in historic rehabilitation. The Delegate of Saint Lucia also suggested to include the recommendations concerning the newly-inscribed properties in the list of decisions, with a view to facilitating the monitoring by the Committee of their implementation.

12. The representative of ICOMOS called attention to the serious commitment being made by local authorities in recent years, which was beginning to address these issues. A management plan had been adopted in 2000 for the two cities.

13. The Chairperson noted the consensus to inscribe the property on the World Heritage List (decision **26 COM 23.7**). He further reminded the Committee that it must not neglect to monitor the follow-up of its decisions as highlighted by several delegates<sup>8</sup>. In order to address the issues related to the conservation and building regulations a specific decision was adopted (decision **26 COM 23.8**).

14. Following inscription, the Observer of Germany thanked the Committee for its decision. She highlighted the enthusiasm of the two cities not only to protect and preserve their own communities, but also to promote the World Heritage Convention. To this end, they had

<sup>8</sup> The new system of separate numbered decisions as suggested by the Committee (see decision **26 COM 3.2**) is intended to facilitate this process.

established a foundation, the "Foundation for the Support of the World Heritage Concept", to assist Eastern European countries in the preparation of nominations and management plans for World Heritage sites.

15. During the adoption of the report (item 29) it was agreed that the Committee would not include in its decision an encouragement to the German authorities to continue the consultation process with the Stralsund, Wismar and Lübeck with a view toward a future serial nomination of the three towns. The Committee considered that more reflection was needed on the concept of serial nominations.

Property	<b>Upper Middle Rhine Valley</b>
Id. N°	<b>1066</b>
State Party	<b>Germany</b>
Criteria	<b>C (ii) (iv) (v)</b>

1. The Delegates of Zimbabwe and Greece asked for clarifications related to the management plan.

2. The Delegate of Egypt noted that the first recommendation to differ the nomination had been changed to a positive recommendation. He asked what the arguments were for this change.

3. The Committee debated the nature of management plans in the Rhine Valley, where several different legal jurisdictions had authority. Under these circumstances, the representative of ICOMOS noted, a single management plan with legal authority was impossible. Nevertheless, the ICOMOS representative explained, a complex coordinating mechanism had been set up, which ICOMOS considered was an effective management structure within the meaning of the requirement of the *Operational Guidelines*.

4. The Delegate of Saint Lucia asked if there was no "charter" of co-operation that all authorities of the region might sign on to?

5. Several delegates expressed concern that the Committee was being inconsistent, rejecting in one case a common owner as management body, but accepting in another case a common "management structure."

6. The Delegate of Zimbabwe suggested that the Committee should define more precisely what the objectives of a management plan are, and what it should consist of, taking into account that the context and structure differ from country to country.

7. The Delegate of the United Kingdom noted that in a complex region an overarching management plan was even more important than for single monuments or areas, since it was the management plan that would define for all authorities the World Heritage values and define the

conservation and protective measures that could be used in every part of the site.

8. The Delegate of Belgium asked for the clarification of the concept "management plan" noting that daily management can be more effective than a never implemented "Management Plan". She recalled that there seemed to be an inherent contradiction in the *Operational Guidelines*, and the revision to the *Guidelines* should examine this issue.

9. The Chairperson asked the Observer of Germany to answer the questions raised by the Committee. The Observer explained that not only was there a coordinating Secretariat, as described by ICOMOS, but there was also a charter of sustainable development that all of the cities in the region had subscribed to.

10. On a procedural point, the Delegate of Egypt stated that it was preferable to address all questions to the Advisory Bodies as some States Parties having put forward nominations might not be present at the meeting.

11. The Chairperson gave the floor to ICOMOS who confirmed that the management system was effective.

12. The Chairperson concluded that the proposal made by the Egyptian Delegate was very important for future discussions of the Committee. There being no further objections, the Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.9**).

13. Following inscription, the Observer of Germany thanked the Committee, noting that the communities of the region would continue to work for sustainable development and the conservation of the World Heritage values for which the site had been inscribed.

Property	<b>Budapest, the Banks of the Danube and the Buda Castle Quarter</b>
Id. N°	<b>400 Bis</b>
State Party	<b>Hungary</b>
Criteria	<b>C (ii) (iv)</b>

1. As announced by the Hungarian Chairperson, the debate was chaired by the Deputy Chairperson from China for the two Hungarian nominations.

2. The Delegate of Lebanon noting that Andrassy Avenue was Budapest's Champs d'Elysees, welcomed the proposal for the extension as it would illustrate the union of Buda and Pest in a coherent way. He expressed concern, however, that World Heritage status might accelerate the process whereby residential quarters were being converted to offices. Automobile traffic was also expanding in the area. He urged that some measures be considered that might stimulate the retention of residences in the World Heritage area and improve the public space and street

amenities. Finally, he suggested encouraging the Hungarian authorities to extend the buffer zone of the World Heritage area to the western side of the existing property, on the Buda side of the town.

3. The Delegate of the Russian Federation supported the nomination.

4. The Delegates of India and Saint Lucia, while endorsing the inscription, shared the concerns expressed by the Delegate of Lebanon.

5. The acting Chairperson declared the extension approved (decision **26 COM 23.10**) with separate decisions to address the specific recommendations for Andrassy Avenue (decision **26 COM 23.11**) and the Buda Castle area (decision **26 COM 23.12**)

6. Following inscription, the Delegate of Hungary expressed his gratitude to the Committee for its decision, and invited the delegates to the tour of the city which would take place on Saturday morning.

Property	<b>Tokaji Wine Region Cultural Landscape</b>
Id. N°	<b>1063</b>
State Party	<b>Hungary</b>
Criteria	<b>C (iii) (v)</b>

1. In the discussions which followed the presentation of this site by ICOMOS, several States Parties voiced unhappiness over the contradictory texts provided by the Advisory Body in January and in April, when it changed its recommendation. The ICOMOS representative explained that following the Bureau meeting, the Bureau recommendation had replaced the ICOMOS recommendation, although it had not been adequately identified as such in the revised ICOMOS evaluation.

2. Although as ICOMOS had noted, the comparative study on vineyards had not yet been completed, delegates recalled the decision of the 26th session of the Bureau that it would be unfair to a State Party to defer the nomination pending the results of a comparative study when a vineyard in Portugal had just been inscribed in December 2001. However, they agreed that the Tokaji vineyard landscape should be the last such vineyard landscape to be inscribed until the study had been completed.

3. The Delegate of Argentina noted that the comparative studies of the Advisory Bodies were not a prerequisite for nominations. She also recalled that in 1918 when the "Tokaji" appellation had been established, the region included parts which today are part of Slovakia. For that reason, she reminded delegates, the Committee should encourage the Slovakian authorities to present a transboundary extension of the property. As an extension, it should be considered an exception to the rule of halting the

inscription of vineyard landscapes pending the results of the comparative study.

4. Delegates of South Africa, Republic of Korea, United Kingdom, Saint Lucia, Thailand, Portugal, the Russian Federation, Greece, China, Nigeria, India, Egypt, Finland, Colombia and Lebanon all supported this proposal.

5. The Delegates of India and Finland noted that the extension of the property with the Slovakian part of the Tokaji nomination region should not be a reason to defer the nomination for the Hungarian part.

6. The Delegates of Thailand and the Republic of Korea emphasised the complexity of the management of the property, the latter asking for regular monitoring

7. During the discussion of the nomination, several delegates expressed disappointment that they seemed to be discussing the same issue that they had already discussed during the Bureau session.

8. The Delegate of the United Kingdom called for a streamlining of the procedures.

9. The Delegate of Saint Lucia requested that the Committee should discuss the mandate of the Bureau.

10. The Delegate of Egypt, while noting that the Bureau should not replace the Committee, suggested that perhaps the Advisory Bodies should present their evaluations only to the Bureau, and the Bureau in turn would pass on its recommendations to the Committee in written form.

11. On the other hand, suggested the Delegate of Lebanon, the Committee should not be a rubber stamp for the conclusions of the Bureau.

12. Noting the consensus concerning the nomination, the acting Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.13**). The possible extension was addressed in a specific decision (decision **26 COM 23.14**).

13. Following inscription, the Delegate of Hungary thanked the Committee for its decision, and made the following statement: "Hungary has engaged for several decades now in intensive negotiations with the Slovakian State Party. Some of those negotiations have been intensified by now. The State Party of Hungary expresses its wish to keep the spirit of co-operation with Slovakia in the future too."

Property	<b>The Mahabodhi Temple Complex at Bodh Gaya</b>
Id. N°	<b>1056 Rev</b>
State Party	<b>India</b>
Criteria	<b>C (i) (ii) (iii) (iv) (vi)</b>

1. The Delegate of Thailand recommended that, in view of the immense importance of the temple, constructed of brick, criterion (i) also be applied to this site. The proposal was supported by the Delegates of China, Hungary, Argentina, Republic of Korea, the United Kingdom, and Nigeria.

2. Several delegates including Saint Lucia, Argentina, and the United Kingdom noted the concern expressed by ICOMOS that the site is experiencing strong pressures from increasing tourism and pilgrimage. The Delegates of Saint Lucia and the United Kingdom asked the representative of ICOMOS what had been done in response to these pressures.

3. The Delegate of India responded that the management authorities had taken note of these well-intentioned concerns. They are currently considering ways of maintaining the integrity of the site while providing for the legitimate interests of pilgrims to the site. The State Party was committed to taking appropriate measures.

4. Much of the discussion concerned the nature of the management regime at the site. Although the representative of ICOMOS explained that a "management structure" existed as well as a master plan for the city itself, delegates asked for additional details with a view to safeguarding the spiritual values of the site.

5. The Delegate of Saint Lucia asked if the management plan considered the site's "carrying capacity?" Was there a monitoring plan in place?

6. The spokesperson of ICOMOS assured the Committee that there was a management plan but that regular monitoring would be advisable. He also indicated that the management authority, being the owners of the site, might be tempted to give a higher priority to development than to conservation.

7. The Delegate of the United Kingdom reminded the Committee that that morning they had heard numerous examples of threats to World Heritage properties which lacked adequate management plans. In this case, did a management plan exist, and was it in place? A management structure was often not sufficient to guarantee that the values of a site would be adequately protected, and a development plan could even be counter-productive. The Delegate urged that the Committee make a strong recommendation that the current management authorities put in place a management plan as a matter of urgent priority, with a strong provision for monitoring.

8. These views were supported by the Delegate of Zimbabwe.

9. In conclusion, the Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.15**) with a specific decision to address the management plan issues (decision **26 COM 23.16**).

10. Following inscription, the Delegate of India thanked the Committee for its decision.

Property	<b>The Late Baroque towns of the Val di Noto (South-eastern Sicily)</b>
Id. N°	<b>1024</b>
State Party	<b>Italy</b>
Criteria	<b>C (i) (ii) (iv) (v)</b>

1. In the discussion following the presentation of this property, several delegates expressed surprise that eight towns were being inscribed simultaneously, and the Delegates of India and Zimbabwe asked for clarification.

2. Both the Delegates of Finland and Thailand noted that although this was a serial nomination of several towns, it amounted to a single nomination, as was provided under paragraph 19 of the *Operational Guidelines*.

3. The Indian Delegate noted that while she supported the concept of serial nominations, such a nomination posed questions, not only in terms of numbers of sites but especially concerning the management of the eight towns.

4. The Delegate of Lebanon strongly endorsed the concept of serial nominations as a means of limiting the size of the list, while at the same time allowing many sites which might belong to the same thematic group, to be inscribed.

5. The Delegate of Saint Lucia also supported the Thai and Lebanese positions.

6. The Delegate of Portugal supported the nomination.

7. The Delegate of Greece asked ICOMOS for clarification concerning the management plan.

8. Both the Delegates of the United Kingdom and Lebanon noted the complexity of applying a single management plan to a group of eight towns. While, collectively, the eight towns represented a unique response to a natural disaster, and so were appropriately considered as a serial nomination, they did present a difficult management challenge. It was important that a unified, overarching management plan should not only define the World Heritage values for which the site was inscribed, but it must also provide the plan by which these values are protected. The Delegate of the United Kingdom, while supporting the nomination, emphasised the need for an integrated management plan. The representative of ICOMOS, he noted, had assured the Committee that that work was in progress.

9. The ICOMOS spokesperson noted that the second phase of the management plan had only recently been received, but ICOMOS was well satisfied that a comprehensive management plan was being put in place.

10. There being no further discussion, the Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.17**).

11. Following inscription, the Observer of Italy expressed his gratitude to the Committee for its decision.

Property	<b>The Ancient Maya City of Calakmul, Campeche</b>
Id. N°	<b>1061</b>
State Party	<b>Mexico</b>
Criteria	<b>C (i) (ii) (iii) (iv)</b>

1. The Delegates of Finland, Hungary, India, Argentina, Egypt, Nigeria and Belgium spoke in favour of this inscription.

2. During its presentation, the representative of ICOMOS drew the attention of the Committee to the presence of trees growing throughout the site, which could be dangerous to the stability of the structures. Several delegates spoke to the issue.

3. The Delegate of India noted the commendable state of conservation and suggested that if the monument had successfully withstood several centuries of tree growth, perhaps the retention of trees within the site was not of great importance.

4. The Delegate of Lebanon saw no difficulty with the trees, so long as they did not put the structures of the site itself in jeopardy. If the trees were to become a danger to the structure, then the authorities would have to address the issue.

5. The Delegate of Belgium agreed with the concerns expressed by ICOMOS, and suggested that as excavations progressed, the management authorities should reassess any damage that might be caused by the trees.

6. The Delegate of Thailand, while agreeing with the inscription of the property on the basis of criteria (ii), (iii), and (iv), recalled the concern he expressed at the 26th session of the Bureau concerning the application of criterion (i). The Committee must be consistent in the application of criteria.

7. The Delegate of Finland noted that criterion (i) could well be applied to the artistic achievement of the many commemorative stelae at Calakmul.

8. The Delegates of Finland, Hungary, Lebanon, and Colombia spoke in favour of inscription on the basis of all four cultural criteria.

9. The Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.18**). He asked that the concerns expressed by the Delegate of Thailand, that the criteria be consistently applied, be kept in mind. The concerns regarding the presence of trees on the property were addressed in a specific decision (decision **26 COM 23.19**).

10. Following inscription, the Delegate of Mexico thanked the Committee for its decision. The Observer of Italy also praised Mexico for having proposed the site.

Property	<b>The Historic Inner City of Paramaribo</b>
Id. N°	<b>940 Rev</b>
State Party	<b>Suriname</b>
Criteria	<b>C (ii) (iv)</b>

1. There being no questions raised, the Chairperson declared the property inscribed on the World Heritage List (decision **26 COM 23.20**).

2. The Delegate of Suriname thanked the Committee for its decision recalling that it was the second site for his country to be inscribed on the World Heritage List.

Property	<b>Wooden Churches of Southern Little Poland</b>
Id. N°	<b>1053</b>
State Party	<b>Poland</b>
Criteria	<b>DEFERRED</b>

1. The Committee debated the need for a comparative study, which had been requested by the 25th session of the Bureau. While ICOMOS was satisfied that the comparative study submitted by the State Party in October 2001 was sufficient to recommend inscription of six medieval churches, the larger study of wooden churches in the region of the Carpathian Mountains had not yet been completed.

2. The Delegate of Greece noted that in other cases ICOMOS had recommended to defer a nomination until the accomplishment of the comparative study.

3. Some delegates considered that the Committee had not been consistent in the past in its demand for comparative studies, and as a result it could not now hold the State Party responsible without establishing a "double standard."

4. The Delegate of South Africa reminded the Committee that at its 25th session in Helsinki, the Committee had decided that the absence of a comparative study should not be a reason for deferring a site.

5. The Delegates of Zimbabwe and India agreed that the State Party could not be faulted for the absence of a study if it was not a requirement of the *Operational Guidelines*. The Committee must send a consistent message before it could require a thematic or comparative study.

6. Other delegates (including Lebanon, United Kingdom and Thailand ) considered that the absence of a complete study made the evaluation of the proposed churches difficult. While a thematic study might not be necessary for churches inscribed under criteria (i) or (vi), said the Delegate of Lebanon, it would be extremely difficult to justify the use of criteria (iii) or (iv) without such a comparative study. The Delegates did not reach consensus on the requirement of a comparative study, but agreed that rules should be unambiguous.

7. The representative of ICOMOS also noted in his opening presentation that although no published management plan existed for the nominated property, it was satisfied that the management requirements of the *Operational Guidelines* were met by the owner, the Roman Catholic Church, by the regional monuments service, and by the land-use master-plans of the local communes.

8. Delegates, however, expressed doubt that these provisions satisfied the requirements of the *Operational Guidelines*. The Delegate of the United Kingdom noted that dual secular and ecclesiastical management of active religious structures often led to management conflicts that could defeat conservation goals. He noted that the Committee should prefer a plan in place that would clearly state the long-term goals and protective measures for the group of churches as a whole.

9. The Delegate of Finland noted that at its last meeting, the Drafting Group on the revision of the *Operational Guidelines* had agreed that no site should be inscribed without a management plan in place.

10. Concerning management plans, the Delegate of Lebanon agreed: the Committee and its requirements for nominations had evolved; the Committee must be more demanding.

11. The Delegates of Thailand, Colombia, and the Republic of Korea concurred.

12. In turn, the Delegate of Belgium read out the text (in French) of paragraph 21 of the *Operational Guidelines*:

"States Parties are encouraged to prepare plans for the management of each natural site nominated and for the safeguarding of each cultural property nominated. All information concerning these plans should be made available when technical co-operation is requested",

emphasising that the use of the conditional tense in the *Operational Guidelines* means that there is not at present an

obligation for the State Parties to submit a management plan with a nomination.

13. The Delegate of Thailand read out the text of paragraph 6(v) from the *Operational Guidelines*:

"Inscriptions of sites shall be deferred until evidence of the full commitment of the nominating government, within its means, is demonstrated [:].... relevant legislation, staffing, funding, and management plans ..."

The credibility of the Committee would be at stake, the Delegate said, if the nomination was allowed to be inscribed.

14. A proposal of the Chairperson to inscribe the property with the condition that the State Party presents a management plan by a certain deadline was not acceptable for most of the Committee members.

15. The Delegate of Saint Lucia asked for clarification as to the other option and asked what would be the deadline?

16. The debate was closed at the request of the Delegate of South Africa.

17. In an effort to reach consensus rather than having to vote, the Delegate of Nigeria suggested to defer the nomination.

18. The Delegate of Korea noted that he was unclear about the deadline.

19. The Delegate of Zimbabwe noted that there was no consensus.

20. The Delegate of Saint Lucia asked what would happen if the management plan was not ready? Would it result in the inscription on the World Heritage List in Danger?

21. The Delegate of India asked how much time would be needed to prepare a management plan?

22. The Polish Observer stated that each church had a separate plan and that it would be possible to produce an integrated plan in time for the next Committee session.

23. However, the Delegates agreed that to inscribe a site "conditionally" on the promise of a management plan would set an undesirable precedent; and that ultimately the Committee could be faced with the need to delete a site which had not complied with such a conditional requirement. If the State Party could produce the required plan by the next Committee session then why should the Committee not defer the nomination now and inscribe the site at the 27th session of the Committee in 2003?

24. The Chairperson concluded that there was now consensus on deferral of this nomination (decision **26 COM 23.21**).

Property	<b>The Sacri Monti of Piedmont and Lombardy</b>
Id. N°	<b>1068</b>
State Party	<b>Italy</b>
Criteria	<b>DEFERRED</b>

1. Following the deferral of the nomination of the Wooden Churches of Southern Little Poland (Poland), over the absence of a comprehensive management plan, the Committee considered that it had little choice but to defer the nomination of the *Sacri Monti*.

2. To be useful for the management of a serial nomination, noted the Delegate of the United Kingdom, a management plan should present common objectives and define common values.

3. The Chairperson asked the Observer of Italy whether there was a comprehensive management plan for the area. The Observer replied that there was not a management plan but a "management mechanism". Such an overarching management plan, the representative of ICOMOS explained, did not exist for the *Sacri Monti* of Piedmont and Lombardy.

4. The Delegate of Lebanon noted that while a certain amount of flexibility could be expected in the application of this rule toward non-western cultures, the State Party in this case should be able to provide a common framework, a degree of consistency.

5. The representative of ICOMOS indicated that the management regime of the *Sacri Monti* amounted to "traditional management".

6. The Delegates of India and Thailand, however, had difficulty applying that reasoning in a European context.

7. The Delegates of Saint Lucia and South Africa considered that the Committee must be consistent in the application of its management standard: the same rules should be applied to all nominations. Without this consistency, the Committee would be applying a double standard.

8. The Chairperson concluded that there was consensus on deferral of this nomination (decision **26 COM 23.22**).

### **23.C NEW INSCRIPTIONS ON THE LIST OF WORLD HERITAGE IN DANGER**

1. With decision **26 COM 23.23**, the World Heritage Committee recalled its earlier decisions **26 COM**

**21 (b) 24 and 26 COM 23.3** to inscribe Tipasa (Algeria) and the Minaret and Archaeological Remains of Jam (Afghanistan) on the List of World Heritage in Danger.

2. Agenda item 23 was concluded by the announcement by Mr M. Petzet, President of ICOMOS, that Mr Henry Cleere was retiring as ICOMOS Co-ordinator for World Heritage. On behalf of the World Heritage Committee and all States Parties to the Convention, the Chairperson thanked Mr Henry Cleere for his commitment to the Convention.

3. The Chairperson also thanked the Deputy Chairperson from China for having elegantly replaced him during the debate on the Hungarian nominations.

## **24 ADJUSTMENTS TO THE WORLD HERITAGE FUND BUDGET FOR 2002-2003**

*Document: WHC-02/CONF.202/21*

1. The Chairperson invited the Committee to take note of the accounts for 2000-2001 (decision **26 COM 24.1**). He then invited the Committee to consider the proposed budget adjustments for the World Heritage Fund for the biennium 2002-2003. He gave the floor to the Director of the World Heritage Centre who presented to the Committee the proposed budget adjustments totalling an increase of US\$ 607,745 to be covered by new voluntary contributions, notably from Greece for an approximate amount of US\$ 100,000, and a decrease of the Contingency Reserve of US\$ 500,000.

2. The Delegate of Thailand requested whether in the light of this Committee session's decision to replace the next Spring Bureau meeting with an extraordinary session of the Committee,<sup>9</sup> there would be a budget increase for the participation of experts to statutory meetings, Chapter I.1.

3. The Director of the World Heritage Centre informed the Committee that this had been already anticipated as an extra cost in the adjusted budget and therefore no additional adjustment was necessary.

4. The Delegates of Thailand, India and United Kingdom questioned the annual rhythm of expenditure linked to a biennial budget and concluded that the budget should be spent on a biennial basis without allocation to any particular year of the biennium under consideration.

5. The Director of the World Heritage Centre concurred and informed the Committee that the matter would be further studied.

6. The Delegate of Finland and later the Observer of Canada questioned the uniform amount allocated to each Advisory Body whereas there were more cultural than natural or mixed sites to be evaluated.

7. ICOMOS supported this idea and further mentioned that the fees in the past had been larger and should be reinstated to their former level.

8. The Director of the World Heritage Centre responded that the fees budgeted not only concerned the remuneration for evaluating sites but also other services. Notwithstanding, the Director proposed that under chapter II.3 of the budget a new budget line for "Additional services ICOMOS/IUCN" for an amount of US\$ 20,000 be created in order to address additional workload. ICOMOS and IUCN agreed that this new budget line be linked to the workload and allocated on the basis of a detailed workplan.

9. The Delegate of India requested whether under chapter IV.2 "Support to State Parties for submission of periodic reports" the amount allocated included the cost of regional meetings.

10. The Deputy Director of the World Heritage Centre informed the Committee that the cost of such meetings was provided under International assistance recorded under chapter III of the budget.

11. The Delegate of Saint Lucia requested explanations as to the reduction of the original amount provided for the Global Strategy (chapter II.1 of the budget) for the Caribbean when it was common knowledge that the region was under-represented on the World Heritage List.

12. The Committee agreed that the original amount for the biennium should be reinstated for the Caribbean.

13. The Delegate of Thailand enquired why the amount allocated to Preparatory Assistance under chapter III.1 was increased for 2003 when nominations for 2003 were likely to be fewer than previously.

14. The Director of the World Heritage Centre responded that this budget line covered anticipated assistance for sites not only to be proposed for the year under review but also for future years and that new states parties or states parties not yet represented on the list were encouraged to propose requests for preparatory assistance.

15. The Delegate of Saint Lucia questioned whether the cost of the thematic study concerning vineyards had been budgeted under Chapter II.3.

16. The Director of the World Heritage Centre indicated that the study was financed under the appropriate budget line.

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<sup>9</sup> See debate concerning agenda item 26.

17. The Delegate of South Africa asked whether the amount foreseen under Chapter IV.3 increased by US\$ 10,000 covered the regional meetings related to the follow-up of periodic monitoring.

18. The Director of the World Heritage Centre replied that these amounts represented seed money for extra-budgetary funding towards these activities. The Deputy Director confirmed that this budget covered consultancy fees.

19. The Delegate of India questioned the nature of the thematic studies foreseen under chapter II.2 of the budget.

20. The Deputy-Director explained that the Advisory Bodies had the list of such studies.

21. The Delegate of Saint Lucia asked how the themes of the studies were chosen.

22. The Deputy-Director explained that they were chosen after consultations between the Advisory Bodies and the World Heritage Centre.

23. The Delegate of Mexico underlined the necessity to bring to conclusion thematic studies under way as they influenced the tentative lists.

24. IUCN and ICOMOS confirmed that priority was being given to regions under represented, following the global strategy objectives.

25. The Delegate of Greece recalled the Committee's decision not to undertake new thematic studies before the conclusion of the analyses of the World Heritage List and the tentative lists (Helsinki, 2001, paragraph IX.4).

26. The Delegate of Thailand suggested that US\$28,000 from the amounts foreseen under chapter I.3 for the follow-up and dissemination of the operational guidelines/legal analysis be transferred to chapter budget lines II.3 "Advisory Bodies" or II.2 "Thematic Studies" to compensate their respective increases.

27. The Director of the World Heritage Centre pointed out that an allocation of US\$150,000 was proposed for Afghanistan from the Emergency Reserve Fund to finance activities to support national efforts for rehabilitating Afghan cultural and natural heritage. He then proposed to allocate an amount of US\$ 150,000 from the 2003 Emergency Reserve Fund in favour of the protection of the cultural heritage of the Palestinian Territories to support actions envisaged therein: firstly the definition of a detailed plan of action for the implementation of the foreseen activities, and the establishment of an inventory of the cultural and natural heritage of potential outstanding universal value with the Palestinian Territories; the assessment of its state of conservation and the identification of measures for its preservation and rehabilitation; as well as the training and

capacity-building of Palestinian specialists in the field of preservation and safeguarding of cultural and natural heritage and heritage information management. Selected conservation measures could also be included into the Plan of Action.

28. In conclusion, the Chairperson declared the adjustments to the World Heritage Fund budget for 2002-2003 adopted as amended by the Committee (decision **26 COM 24.2**). He noted the Committee's agreement to decrease in consequence the Contingency Reserve Fund (decision **26 COM 24.3**).

29. At the conclusion of the discussion on this agenda item, the Director of the World Heritage Centre informed the Committee that the Centre's Administrative Officer, Mrs Josette Erfan would soon be retiring from UNESCO. In so doing he paid tribute to her valuable contribution to the work of the Centre.

## **25 INTERNATIONAL ASSISTANCE REQUESTS**

*Document: WHC-02/CONF.202/22*

### **25.1 INTERNATIONAL ASSISTANCE REQUESTS APPROVED BY THE BUREAU**

1. The Secretariat provided the Bureau with new information concerning two of the international assistance requests.

2. With reference to the request from Niger for the preparation of the nomination file of the City of Agadez, the Secretariat informed the Bureau that a new budget breakdown had been provided and ICOMOS has expressed its support for the preparation of a management plan to be submitted as part of the nomination dossier. Therefore the Bureau was requested to approve US\$ 30,000 for the preparation of management plan.

3. The Secretariat informed the Bureau of new information concerning the Emergency Assistance request for the elaboration of an Emergency Rehabilitation Plan for Tbilisi Historic District in Georgia following the earthquake of 25 April 2002. Members of the ICCROM Council and ICOMOS Executive Council visited the property in May 2002 to evaluate the scale of the damage from the earthquake. Furthermore the State Party informed the Centre on 17 June 2002 that further budget details would be forthcoming. The Bureau was requested to take a decision based on the recommendation presented in the working document.

4. The Chairperson invited the Bureau to approve the requests as set out in Part I of document *WHC-02/CONF.202/22*, taking into account the new information provided by the Secretariat.

5. The Bureau adopted the draft decisions without amendment (decisions **26 COM 25.1.2**, **26 COM 25.1.3**, **26 COM 25.1.4** and **26 COM 25.1.5**) and agreed to amend the draft decisions related to the requests from Niger and Georgia as suggested by the Secretariat (decisions **26 COM 25.1.1** and **26 COM 25.1.6**).

6. The Chairperson then asked the Bureau to make recommendations concerning requests for international assistance for approval by the Committee - Training Assistance and Technical Co-operation requests above US\$30,000 and Emergency Assistance requests above US\$75,000, presented in Part II of document *WHC-02/CONF.202/22*.

7. The Secretariat provided new information to the Bureau concerning the request from Colombia concerning the Preparation of the Management Plan for Los Katios National Park. The State Party had submitted a detailed budget breakdown and activity workplan that will be transmitted to IUCN. IUCN had provided its in-principle support of this request. The Secretariat suggested that the Bureau transmit this request to the Committee with a favourable opinion but subject to a positive recommendation from IUCN concerning the budget breakdown and activity workplan.

8. The Secretariat also provided new information to the Bureau concerning the Training Assistance request from Uzbekistan for the restoration of the medersa "Rachid" at Bukhara and creation of an international training centre for the conservation of architectural heritage. This request had been examined by the 26th session of the Bureau in April 2002 and sent back to the State Party for reformulation in co-operation with the Advisory Bodies. A new request for US\$53,960 had been submitted. ICOMOS had provided their support for this request.

9. The representative of ICCROM expressed ICCROM's support for the first well detailed part of the request for US\$21,960. He commented that the second part of the request for US\$32,000 was not detailed, did not provide a budget breakdown and was not clear whether the request was for training or technical co-operation. He therefore recommended approval of US\$21,960 and suggested that the State Party be asked to provide further explanation concerning the request for the additional US\$32,000. ICOMOS supported this view.

10. The Chairperson proposed that the Bureau adopt the decision on the basis of the recommendation from ICCROM.

11. The Delegate of Thailand asked what further details ICCROM was recommending.

12. The representative of ICCROM commented that the State Party request was not clear as to whether the

US\$32,000 would be used for restoration activities or for the organization of training activities.

13. The Chairperson proposed that the Bureau approve the request on the condition that further detail be provided by the State Party as to the proposed use of the US\$32,000.

14. The Delegate of Thailand expressed his concern that the Centre and the Advisory Bodies had not asked for this information at an earlier date.

15. The Secretariat informed the Bureau that the State Party had been unable to provide further information to date. The Centre and the Advisory Bodies had done all they could to gain further information from the State Party. The Secretariat agreed with the comments made by the representative of ICCROM and emphasized the importance of providing support to training activities at the site.

16. The Chairperson noted that with this clarification it was possible for the Bureau to recommend to the Committee approval of all of the requests presented in Part II of the document *WHC-02/CONF.202/22* taking into account the recommendation of ICCROM concerning the request from Uzbekistan.

## **25.2 INTERNATIONAL ASSISTANCE REQUESTS APPROVED BY THE COMMITTEE**

1. The Chairperson asked the Committee whether it could approve all of the international assistance requests presented in Part II of document *WHC-02/CONF.202/22* as recommended by the Bureau.

2. Decision **26 COM 25.2** was approved without further debate.

3. The Secretariat informed the Committee that the international assistance requests presented in Part III of the working document would be submitted for the consideration of the Chairperson.

## **25.3 GENERAL ISSUES**

1. The Delegate of Saint Lucia pointed out - as a general issue - that some of the projects funded under Emergency Assistance were not emergencies. She asked how to define emergencies and requested that the Secretariat provide the Committee with criteria for Emergency Assistance.

2. The Director of the Centre informed the Committee that emergency situations are clearly defined in the *Operational Guidelines*. He commented that the problem exists with the interpretation of the criteria and noted the rather broad application of the criteria. He

suggested that the Committee apply the criteria included in the *Guidelines* to avoid use of Emergency Assistance for non-emergency situations to ensure that funds were available when real emergencies arise.

3. The Delegate of Saint Lucia recalled that the strict application of the criteria in the *Operational Guidelines* for Emergency Assistance should start at the Centre before the requests were put before the Committee for decision.

4. The Delegate of the United Kingdom commented that the mechanism for responses to requests for International Assistance was inefficient. She pointed out that the international assistance system does not match the Committee's Strategic Objectives and said that its revision would be the next stage in ensuring a more logical basis of the Committee's work. She said that given that the Committee meets just once each year, a better procedure should be applied. She proposed that the Director-General be requested to propose a better procedure based on clear criteria derived from the Committee's Strategic Objectives - Credibility of the World Heritage List, Capacity-Building of States Parties, Conservation of World Heritage properties and Communication so that minor decisions could be delegated to the Director of the Centre. She further expressed her slight concern that the Advisory Bodies were close to usurping the role of the Committee in decision making concerning International Assistance. She said that whilst their comments are valuable and they are a huge source of expertise it was not clear that making such recommendations was in conformity with the role of the Advisory Bodies defined by the Convention.

5. The Chairperson asked whether the Committee wished to take a decision on this matter.

6. The Delegate of Argentina recommended that the issue be examined as part of the revision of *Operational Guidelines* to be examined at the extraordinary session of the Committee in 2003.

7. The Delegate of the United Kingdom indicated that she did not propose a debate on the proposal at this session.

8. The Delegate of Greece supported the statement of the Delegate of Argentina. She noted that the draft revised *Operational Guidelines* included a new annex on International Assistance.

9. The Delegate of India indicated her support for the comment of the Delegate of Argentina and the clarification of the Delegate of the United Kingdom.

10. Noting the consensus in the light of these clarifications, the Chairperson suggested to adopt a decision on this matter (decision **26 COM 25.3**). The Committee agreed and the Chairperson then closed the debate.

## **26 PROVISIONAL AGENDA FOR THE 27TH SESSION OF THE BUREAU OF THE WORLD HERITAGE COMMITTEE (UNESCO HEADQUARTERS, PARIS, MARCH 2003)**

*Document:* WHC-02/CONF.202/23

1. On Friday morning, 28 June, the Chairperson recalled that his predecessor, Mr H. Lilius, had suggested to organize an extraordinary Committee session in order to finalize all reform processes. Referring to the current situation, the Chairperson proposed to the Committee to replace the April Bureau session by an extraordinary session of the Committee. He recalled the wish of several Committee members to avoid unnecessary repetitions of discussions at both the Bureau and the Committee sessions.

2. The Delegate of Thailand wondered whether the Committee could not – at least for some agenda items – take note of the information provided without debate.

3. The Legal Advisor confirmed that according paragraphs 2.2. and 9.3. of the *Rules of Procedure*, the Committee could convene an extraordinary session in order to discuss the specific items for which the meeting was convened.

4. At the request of the Delegate of India, the Chairperson repeated the procedure for convening an extraordinary meeting.

5. The Delegate of Finland fully supported the Chairperson's proposal and asked that all pending reform issues be examined at this extraordinary session.

6. The Delegate of the United Kingdom supported the proposal, emphasizing that the extraordinary session of the Committee would replace the Bureau session.

7. The Chairperson responded to the Delegate of South Africa that the extraordinary session could be held at the beginning of April. If needed, the Bureau could meet during the same week to examine international assistance requests and other issues. The Chairperson concluded the debate at that stage by inviting the Secretariat to prepare a draft agenda for an extraordinary session.

8. The discussion was resumed in the afternoon. The Director of the Centre informed the Committee that the extraordinary session could be organized at UNESCO headquarters in Paris from 17-22 March 2003, if the Committee so decided. He recalled that in addition to meetings of the World Heritage Committee and its Bureau in 2003, the 14th General Assembly of States Parties would meet in October/November 2003.

9. The Delegate of Saint Lucia commented that there would be no new documents to be prepared for the

extraordinary session of the Committee as all items were being deferred from the current session of the Committee.

10. A number of Committee members noted that it was important to ensure enough time between the extraordinary and ordinary sessions of the Committee to allow time for applying the new budget structure - to be approved at the extraordinary session (March 2003) - to the new biennial budget for 2004-2005 – which in turn needed to be approved at the ordinary session of the Committee (June-July 2003).

11. The Delegate of Egypt stressed the importance of including a mechanism to evaluate the Strategic Objectives included in the Budapest Declaration on World Heritage at future sessions of the World Heritage Committee. He also expressed his concern about the potential additional cost of the extraordinary session of the Committee and recalled his earlier request to extend ordinary sessions rather than organize extra sessions of the Committee.

12. The Delegate of India considered it important for the policy/legal issues concerning inscription of properties on the List of World Heritage in Danger and deletion from the World Heritage List to be deferred to the extraordinary session of the Committee. She suggested that the discussion on the working methods (to be considered as part of the revision of the *Rules of Procedure*) should be guided by the objectives of achieving simplicity and a reduction of work. She commented that ample time would be required for the revision of the *Operational Guidelines*.

13. The Chairperson invited the Secretariat to include in the draft agenda for the extraordinary session of the Committee the revision of the budget structure and the agenda items the Committee could not examine at this session due to time constraints. He recalled that the number of new documents would be limited and that the extraordinary session would replace the ordinary session of the Bureau.

14. A draft agenda for the possible extraordinary session of the Committee prepared by the Secretariat, was circulated on Saturday 29 June along with a draft agenda for the Committee's ordinary session. The Director of the Centre asked that this session would be organized mid March at the latest in order not to disturb the normal cycle and distribution of the documents of the ordinary session of the Committee.

15. The Delegate of South Africa recalled that as no new documents were required the session could be organized even before mid March.

16. The Delegate of Belgium noted that amongst the different agenda items, the revision of the *Operational Guidelines* would in itself require several days.

17. The Director of the Centre further recalled that the deadline for the nominations being 1 February, the

Secretariat needed enough time to establish the list of all nominations received with their status 'complete' or 'incomplete'. If more than 30 complete nominations were received by that date, taking into account the limit of one nomination per State Party already represented on the list, the Committee would have to decide which nominations to examine in 2004 at its extraordinary session in 2003.

18. The Delegate of Egypt reiterated his concerns about the costs of an additional meeting.

19. The Delegate of the United Kingdom recalled that the extraordinary meeting would replace the Bureau session.

20. The Delegate of Saint Lucia supported the proposal to organize the extraordinary session as soon as possible after 1 February, so that the revised structure for the budget could be implemented starting the biennium 2004-2005. She also asked when the Committee would look again at the item "Relations with UNESCO".

21. The Secretariat recommended to limit the number of agenda items for the extraordinary session and suggested to include the Relations with UNESCO in the agenda item on the preparation of the General Conference.

22. The Delegate of Egypt noted however that it was a specific issue to deal with. He asked also when the Bureau would meet.

23. The Director of the Centre recalled that the Bureau would meet during the extraordinary Committee session.

24. The Chairperson concluded that there was a consensus to convene an extraordinary session of the Committee as soon as possible after 1 February with the proposed agenda (decision **26 COM 26**).

## **27 PROVISIONAL AGENDA FOR THE 27TH SESSION OF THE WORLD HERITAGE COMMITTEE (SUZHOU, CHINA, 30 JUNE - 5 JULY 2003)**

*Document:* WHC-02/CONF.202/24

1. The Chairperson of the Committee recalled that at the 23rd session of the Committee in Marrakech in 1999, the Delegate of China informed the Committee that his Government wished to host the Committee session in 2003.

2. The Delegate of China confirmed that his authorities would be honoured to welcome the Committee to China.

3. The Chairperson then drew the attention of the Committee members to the draft agenda for the next session (*WHC-02/CONF.202/24*).

4. The Delegate of Saint Lucia requested that the items concerning the implementation of the Convention be included early in the Agenda of the meeting. She also requested that an item on the "Relationship between the World Heritage Committee and UNESCO" be included.

5. The Delegate of Greece asked to bring the agenda in line with the newly adopted Strategic Objectives, with a view to facilitate monitoring of progress made in their implementation.

6. The Delegate of Argentina requested that the Committee have the opportunity to discuss the Agenda items on the "Report of the Secretariat" and "Ways and means to reinforce the implementation of the World Heritage Convention".

7. The Delegate of the United Kingdom supported the proposal to put all agenda items related to the implementation of the Convention early in the Agenda. He further requested that the item concerning the analyses of the World Heritage List and Tentative Lists be deleted from the Agenda and included on the Provisional Agenda for the 28th session in 2004 as decided in decision **26 COM 13**.

8. Following a question from the Delegate of Greece concerning the tools for the implementation of the 2002 World Heritage Strategic Objectives, the Delegate of India commented that the tools (Principles/Guidelines, Programmes and Partnerships) will be essential to put into operation the Strategic Objectives. She agreed with the proposal made by Argentina and recalled that the Cairns decision on new nominations needed to be reexamined.

9. The Chairperson closed the debate and declared the provisional agenda adopted as amended (decision **26 COM 27**).

10. The Delegate of China made a short video presentation on Suzhou, the next venue of the Committee.

## **28 OTHER BUSINESS**

1. The Delegate of the United Kingdom asked the Secretariat to update the *Operational Guidelines* with the decisions of the 24th session of the Committee (Cairns, 2000), and in particular with the new deadlines and timetable of the Committee sessions.

2. The Delegate of Saint Lucia warmly supported this proposal while regretting that it had not been done immediately implemented after the Cairns session of the Committee.

3. The Chairperson noted that all Committee members seemed to welcome this proposal and declared it accepted (decision **26 COM 28**).

4. The Chairperson declared the debates closed at 2:30 pm and reconvened the meeting in the evening for the adoption of the Report.

## **29 ADOPTION OF THE REPORT<sup>10</sup>**

*Document:* *WHC-02/CONF.202/25*

1. The draft report (List of Decisions) was submitted to the Committee on Saturday evening. Upon request of the Chairperson, the Rapporteur invited the Committee to propose amendments if required.

2. With regard to the substantial amendments asked for by the Committee, the Rapporteur indicated that those discussions would be reflected in the Summary Record as suggested by the Chairperson<sup>11</sup>. The linguistic amendments suggested by the Delegates will be integrated in the final version of the Decisions. In addition, the Rapporteur noted that the Secretariat and herself would finalise the concordance check between the two linguistic versions of the Report and ensure coherence in linguistics, meaning, numbering, annexes etc.

3. With those amendments, the Chairperson declared the Report (List of Decisions) document *WHC-02/CONF.202/25* adopted (decision **26 COM 29**).

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<sup>10</sup> For the debate on the new format of the report, see agenda item 3 where it was discussed.

<sup>11</sup> For a better understanding of the final decisions, those discussions are integrated at the end of the relevant agenda item.

## 30 CLOSURE OF THE SESSION

1.1 In closing the session, the Chairperson referred to the long and busy week of work. He noted the Committee's commitment to the protection of cultural and natural heritage. He commented that an improvement in the working methods of the Committee will strengthen this protection in the future. He commented that the Committee session had been a worthy celebration of the 30th Anniversary of the World Heritage Convention. He thanked the former Chairperson of the Committee Mr Henrik Lilius (Finland) who had suggested that the Committee convene an extraordinary session in 2003. He commented that this should allow the Committee to move forward on reform.

1.2 The Chairperson referred to some of the highlights of the meeting: the importance of strict evaluations of sites prior to their inclusion on the World Heritage List, the protection of heritage in Afghanistan and the Palestinian Territories and the adoption of the Budapest Declaration on World Heritage. He referred to them as important decisions for international solidarity. He concluded by thanking the members of the World Heritage Committee, the Centre and all who worked with such devotion during the week. Finally, he thanked the interpreters and the Spanish authorities for having provided interpretation for those participants with Spanish as their mother tongue.

2. The Delegate of Saint Lucia thanked the Chairperson and the Hungarian authorities for their hospitality. She thanked the Secretariat for having worked to achieve a transition in working methods and the Rapporteur for her work.

3. The Delegate of Egypt thanked the Hungarian authorities for their generosity, hospitality and kindness. He thanked the Chairperson for his patience, perseverance and good humour. He also thanked the Rapporteur, the Assistant-Director-General for Culture, the Director and staff of the World Heritage Centre, the representatives of the Advisory Bodies and the interpreters and technicians.

4. The Delegate of India, speaking on behalf of the Asia-Pacific group offered her most sincere thanks for those who had organized the 30th Anniversary session of the World Heritage Committee. She referred to the fast deliberations of the Committee and thanked the Rapporteur and the Assistant Director-General of UNESCO.

5. The Delegate of Nigeria, speaking on behalf of the Africa group referred to the success of the meeting. He mentioned his particular satisfaction with the Periodic Report on Africa. Finally he thanked the Rapporteur for her help in getting the Committee to focus on decisions.

6. The Delegate of Oman joined with other members of the Committee in thanking the Chairperson.

7. The Director of the World Heritage Centre offered his thanks to the Committee for the memorable session and thanked all those involved in the preparation and conduct of the session.

8. The Chairperson then declared the 26th session of the World Heritage Committee closed.

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