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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Sixth extraordinary session
Paris, UNESCO Headquarters, Room II
17 – 22 March 2003

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

Draft Decision on Policy/legal issues concerning inscription of properties on the List of World Heritage in Danger and the potential deletion of properties from the World Heritage List

This document consists of two Sections:

SECTION I: BACKGROUND
SECTION II: DRAFT DECISION

For further background on this agenda item, see also:

WHC-02/CONF.202/INF.15 Item 12 of the Summary Records of the 26th session of the World Heritage Committee, including Draft Decision on this Item (see Item 12, paragraph 38)

WHC-03/6 EXT.COM/INF.4A Legal considerations concerning the inscription of properties on the List of World Heritage in Danger and the deletion of properties from the World Heritage List (formerly WHC-02/CONF.202/8)

WHC-03/6 EXT.COM/INF.4B IUCN Analysis of the legal issues in the Draft *Operational Guidelines* (formerly WHC-02/CONF.202/INF.12)

WHC-03/6 EXT.COM/INF.4C Priority recommendations from the WHC/IUCN Workshop on "The Role of the World Heritage in Danger Listing in Promoting International Co-operation for the Conservation of World Natural Heritage", Amman (2000)

WHC-03/6 EXT.COM/INF.4D Report of the 30th Anniversary workshop "The Legal Tools for World Heritage Conservation", Siena (11 - 12 November 2002)

I. BACKGROUND

1. At the 26th session of the World Heritage Committee (Budapest, June 2002) UNESCO presented a paper on legal considerations concerning the inscription of properties on the List of World Heritage in Danger and the deletion of properties from the World Heritage List (see WHC-03/6 EXT.COM/INF.4A). IUCN also presented an "Analysis of the Legal Issues in the Draft *Operational Guidelines*" (see WHC-03/6 EXT.COM/INF.4B).

2. The Committee discussed the legal paper presented by UNESCO at some length and examined the draft decision presented to the Committee (see WHC-02/CONF.202/INF.15, Item 12, paragraph 38). However, as the Committee did not reach consensus on this issue it decided to defer further discussion on this Item to the 6th extraordinary session of the Committee. A detailed account of the debate by the Committee, the draft decision presented to the Committee and specific comments made on the draft decision, are presented in Item 12 of the Summary Records of the 26th session of the Committee (WHC-02/CONF.202/INF.15).

II. DRAFT DECISION

3. In an effort to facilitate the decision-making of the 6th extraordinary session of the Committee, the Secretariat has prepared the following Draft Decision. The Draft Decision builds upon the original draft presented to the 26th session of the Committee in June 2002 and takes into account the ensuing debate by the Committee. Furthermore, the Draft Decision has been prepared in the context of the revision of the *Operational Guidelines* (see WHC-03/6 EXT.COM/5) including a thorough review of existing provisions and gaps in the July 2002 *Operational Guidelines* and proposals included in Section III (Protection and Conservation of World Heritage Properties) of the revised *Operational Guidelines* (see WHC-03/6 EXT.COM/5B).

**Draft Decision presented to the 6th Extraordinary session of the
World Heritage Committee (March 2003)**

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The World Heritage Committee,

1. *Taking into account the "Legal Considerations concerning the inscription of properties on the List of World Heritage in Danger and the deletion of properties from the World Heritage List" presented by UNESCO to the 26th session of the World Heritage Committee (Budapest, June 2002, see document WHC-03/6 EXT.COM/INF.4A) and acknowledging the existence of other opinions as expressed during this same session;*
2. *Recalling 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 reaffirming its co-operation with States Parties for this purpose;*
3. *Further recalling the principle of **preventive action** and considering that all possible measures should be taken to protect a property;*
4. *Reasserting its commitment to protect threatened heritage, not included on the World Heritage List, but of unquestionable outstanding universal value, through **emergency inscription** on the World Heritage List and, when considered necessary, on the List of World Heritage in Danger;*
5. *Recalling that the inscription of a property on the List of World Heritage in Danger is an expression of international solidarity that can be used to **mobilize assistance** to protect the property;*
6. *Decides that the revised Operational Guidelines should provide clear procedures on the steps to be taken in the following processes:*
 - (i) *Emergency nominations to, and inscriptions on, the World Heritage List and, when considered necessary, the List of World Heritage in Danger;*
 - (ii) *Reactive monitoring;*
 - (iii) *Development, implementation and regular monitoring of a programme of corrective measures for properties under threat according to a defined timetable;*
 - (iv) *Inscription on the List of World Heritage in Danger;*
 - (v) *Deletion from the World Heritage List; and,*
 - (vi) *Priority assistance from the World Heritage Fund for properties on the List of World Heritage in Danger.*
7. *Furthermore decides to maintain in the revised Operational Guidelines **existing text** from the July 2002 Operational Guidelines concerning:*
 - (i) *reactive monitoring (paragraph 68),*

- (ii) *the development of a programme of corrective measures (paragraphs 22, 46b, 86, 87 and 89),*
- (iii) *inscription on the List of World Heritage in Danger (paragraphs 80-93) and,*
- (iv) *possible deletion from the World Heritage List (paragraphs 46-56).*

*In maintaining these paragraphs, the role and functions of the Bureau will need to be consistent with the decision **6 EXT. COM 3** (concerning the revision of the Rules of Procedure).*

8. *Requests the World Heritage Centre, in collaboration with the Advisory Bodies, to further develop, for inclusion in the revised Operational Guidelines (see decision **6 EXT. COM 5**):*

- (i) *procedures for emergency nominations to, and inscriptions on, the World Heritage List and the List of World Heritage in Danger (Section II and Annex 6 of the revised Operational Guidelines) and emergency procedures for the assessment of state of conservation (Section III of the revised Operational Guidelines); and*
- (ii) *criteria for cases of "urgent need" (Article 11.4 of the World Heritage Convention) taking into consideration the following elements:*
 - (a) *in cases of urgent need, the Committee shall advise a State Party that a property is in danger and it may proceed to inscribe the property on the List of World Heritage in Danger without the consent of the State Party at any time. If the State Party concerned expressly objects to such an inscription, the inscription shall be held in abeyance for a period determined by the Committee while an appropriate mechanism for obtaining the co-operation of the State Party in the interest of safeguarding the World Heritage property in question is sought.*
 - (b) *the following circumstances would constitute a case of urgent need which would in turn necessitate or justify urgent action:*
 1. *When the threats to a property that place it under potential or ascertained danger, and which could lead to severe and/or irreversible damage, are not addressed or removed within the timeframe established by the Committee;*
 2. *When there exists fundamental and/or continuing lack of co-operation from the State Party (also resulting from the absence of State authority), including the sustained objection of the State Party to the programme of corrective measures; or*
 3. *Other factors which the Committee considers as having an urgency and/or an imminence of damage that necessitate urgent action.*

9. *Reaffirms that the Committee has the responsibility to delete a property from the World Heritage List when the outstanding universal value that 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 does it require that the property already be inscribed on the List of World Heritage in Danger. Whenever possible, prior to the deletion of a property from the World Heritage List, the State Party should be informed of the procedures that will be taken.

10. Commits to reviewing the state of conservation of each of the properties inscribed on the List of World Heritage in Danger at each of its ordinary sessions and to assess the mechanism and effectiveness of its co-operation with the State Party;

11. Requests the World Heritage Centre to present an information document to the 27th session of the World Heritage Committee (Suzhou, China, 29 June - 5 July 2003) that will provide an "at-a-glance" statement of the status of state of conservation reporting for the entire World Heritage List;

12. Decides to allocate 25% of the World Heritage Fund each biennium to the protection of properties on the List of World Heritage in Danger.

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