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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 3 of the Provisional Agenda: Revision of the *Rules of Procedure*

**Revision of the *Rules of Procedure* of the World Heritage Committee
(formerly WHC-02/CONF.202/15)**

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WHC-02/CONF.202/15
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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**

Item 19 of the Provisional Agenda: Revision of the Rules of Procedure of the World Heritage Committee

SUMMARY

This document considers possible revisions to the Rules of Procedure in light of:

- (i) a proposal made by the Delegate of Lebanon to not allow **interventions by Observers** during examination of a nomination (see section III);
- (ii) the need to clarify the procedures and timing of the **elections of the Committee and its Bureau** with reference to changes to the timing of the meetings of the Committee and its Bureau following decisions made at its 24th session (Cairns, 2000) (see section IV);
- (iii) proposed revisions concerning the **selection of the Chairperson** (see section V); and,
- (iv) the need to clarify the **functions of the Bureau** and the **timing and duration of the Bureau meetings** (see section VI).

Furthermore, this document includes a proposal to prepare a **Handbook of the World Heritage Convention** following adoption by the Committee of revised Operational Guidelines and revised Rules of Procedure (see section VII).

Action required:

The Committee is requested to take decisions as indicated in paragraphs 10, 20, 22, 32 and 37.

I. BACKGROUND

1. The Rules of Procedure were adopted by the Committee at its first session (Paris, 1977), and amended at its second (Washington D.C., 1978), third (Luxor, 1979), twentieth (Merida, 1996), twenty-fourth (Cairns, 2000) and twenty-fifth (Helsinki, 2001) sessions.¹
2. The agenda item on the revision of the Rules of Procedure was included on the Provisional Agenda for the 26th session of the World Heritage Committee following a request by the Delegate of Lebanon at the 25th session of the Committee (Helsinki, 2001).
3. As requested by the 13th General Assembly of States Parties to the World Heritage Convention (October 2001), proposed revisions to the Rules of Procedure of the General Assembly will be examined by the World Heritage Committee at its 27th session in 2003.

II. STRUCTURE OF THIS DOCUMENT

4. This document considers possible revisions to the Rules of Procedure in light of:
 - (i) a proposal made by the Delegate of Lebanon to not allow **interventions by Observers** during examination of a nomination (see section III);
 - (ii) the need to clarify the procedures and timing of the **elections of the Committee and its Bureau** with reference to changes to the timing of the meetings of the Committee and its Bureau following decisions made at its 24th session (Cairns, 2000) (see section IV);
 - (iii) proposed revisions concerning the **selection of the Chairperson** (see section V); and,
 - (iv) the need to clarify the **functions of the Bureau** and the **timing and duration of the Bureau meetings** (see section VI).
5. Furthermore, this document includes a proposal to prepare a **Handbook of the World Heritage Convention** following adoption by the Committee of revised Operational Guidelines and revised Rules of Procedure (see section VII).

III. INTERVENTIONS BY OBSERVERS

6. As noted in paragraph 2 above, the item on the revision of the Rules of Procedure was included on the Provisional Agenda for the 26th session of the World Heritage Committee following a request by the Delegate of Lebanon at the 25th session of the Committee (Helsinki, 2001):

¹ The Rules of Procedure of the World Heritage Committee can be found in the following web page:
<http://whc.unesco.org/rules.htm>

"The Delegate of Lebanon requested inclusion of an item on the agenda on changes to the Rules of Procedure to not allow Observers to make interventions during examination of a nomination. The Delegate of the United Kingdom commented that in the case of Observers who were experts, they were often in a position to provide information to help the Committee make an informed decision".²

7. The current version of the Rules of Procedure includes the following rule (Rule 22.3) concerning the right of observers to address a meeting of the Committee :

"The representatives of organizations, individuals and observers referred to in Rules 6, 7 and 8 may address the meeting with the prior consent of the Chairperson."

8. Paragraphs 62 and 109 of the March 1999 Operational Guidelines include provisions indicating that representatives of a States Party, whether or not a member of the Committee, shall not speak to advocate the inclusion of a property on the World Heritage List or the approval of an international assistance request submitted by that State.

9. The texts referred to above are maintained in the proposed revisions to the Operational Guidelines³.

10. ***Decision required:***

The Committee may wish to:

- (i) ***reaffirm that representatives of a State Party, whether or not a member of the Committee, shall not speak to advocate the inclusion in the World Heritage List of a property nominated by that State, but only to deal with a point of information in answer to a question as stated in the March 1999 Operational Guidelines.***
- (ii) ***maintain the current wording of Rule 22.3 of the Rules of Procedure and paragraphs 62 and 109 of the March 1999 Operational Guidelines / paragraphs II.G.1 and IV.D.1 (see side notes) of the proposed revisions to the Operational Guidelines.***

² Report of the 25th session of the World Heritage Committee (Helsinki, 2001), XX.3

³ See 3rd Draft Annotated Revised Operational Guidelines, paragraphs II.G.1 and IV.D.1 (see side notes) (WHC-02/CONF.202/14B)

IV. ELECTIONS OF THE WORLD HERITAGE COMMITTEE AND ITS BUREAU

11. At its 24th session the World Heritage Committee (Cairns, 2000) established new dates for the Bureau and Committee sessions (i.e. April and June rather than June and December) and abolished the extraordinary sessions of the Bureau and the Committee.

12. In view of the above, Rule 12.1 of the Rules of Procedure requires revision. The current Rule 12.1 reads as follows:

"The Committee, at the beginning of each ordinary session, shall elect a Chairperson, five Vice-Chairpersons and a Rapporteur, who shall remain in office until the beginning of the next ordinary session. When its December session precedes the year when the General Assembly will be held, the Committee will decide to meet very briefly in an extraordinary session at the end of the General Assembly in order to elect its new Bureau, so that this Bureau can meet the following month prior to the Committee, in all legality."

13. As the General Assembly no longer precedes the ordinary session of the Committee, it is necessary to clarify when the elections for the Bureau will take place and when the newly elected Committee members will be eligible to become Bureau members. A simple amendment to Rule 12.1 is proposed below:

The Committee, at the beginning of each ordinary session, shall elect a Chairperson, five Vice-Chairpersons and a Rapporteur, who shall remain in office until the beginning of the next ordinary session. ~~When its December session precedes the year when the General Assembly will be held, the Committee will decide to meet very briefly in an extraordinary session at the end of the General Assembly in order to elect its new Bureau, so that this Bureau can meet the following month prior to the Committee, in all legality.~~

14. This proposed revision to Rule 12.1 of the Rules of Procedure has significant advantages:

- a) it establishes a 12-month term for the Bureau (including the Chairperson) (i.e. from one ordinary session of the Committee (June) to another (June)), thus providing a clear and equal time frame for each term of the Bureau;
- b) it abolishes the extraordinary session of the Committee that followed the General Assembly, thus implementing the decision taken by the 24th session of the Committee (Cairns, 2000);
- c) since there is no longer an extraordinary session of the Committee following the General Assembly, newly elected Committee members must wait at least 8 months until the next session of the Committee for a new election of the Bureau. This period should provide the newly elected Committee members with useful experience prior to possible election to the Bureau.

15. The attention of the Committee is drawn to one additional point. When electing its new Bureau (Chairperson, 5 Vice-Chairpersons and a Rapporteur) the Committee should be aware of the length of the terms of office of the Committee members.
16. The current terms of office of the 21 members of the Committee are as follows:
- until the end of the 32nd session of the General Conference of UNESCO (**October-November 2003**): Finland, Greece, Hungary, Mexico, Republic of Korea, Thailand and Zimbabwe.
 - until the end of the 33rd session of the General Conference of UNESCO (**October - November 2005**): Argentina, Belgium, China, Colombia, Egypt, Lebanon, Nigeria, Oman, Portugal, Russian Federation, Saint Lucia, South Africa and the United Kingdom.
 - until the end of the 34th session of the General Conference of UNESCO (**October-November 2007**): India.
17. In the case where a State Party offers to host a Committee session, that State Party must be part of the Bureau and be elected Chairperson, as has become the common practice. Now that the Committee session is held in June rather than December, this poses certain difficulties. If, for instance, a member of the Committee (whose term expires at the end of 2005) offers to host the Committee session in June 2005, that State Party would need to be re-elected to the Committee at the 14th General Assembly (October-November 2005) for at least 2 years. This would ensure that State Party a 12 month period as Committee Chairperson. Another possibility, would be that a new election for the Bureau will be required following the General Assembly in 2005 and that State Party would only be Chair for 6 months. This would require an extraordinary session of the Committee.
18. Nevertheless, if the Committee is already aware of situations such as the one described above (paragraph 17), it might be easily avoided in the future.
19. Particular attention will also be required when electing the other members of the Bureau, namely the 5 Vice-Chairpersons and the Rapporteur, as their term of office as Committee members should not expire before the General Assembly session when their 12 month term runs out.
20. ***Decision required:***
- The Committee may wish to:***
- (i) amend Rule 12.1 so that it reads:***

Rule 12.1: The Committee, at the beginning of each ordinary session, shall elect a Chairperson, five Vice-Chairpersons and a Rapporteur, who shall remain in office until the beginning of the next ordinary session.

(ii) pay particular attention when electing the Bureau (and in choosing a host country for a future Committee session) so that the office terms of the Bureau members do not extend beyond their term as Committee members.

V. SELECTION OF THE CHAIRPERSON

21. During the process of revising the March 1999 Operational Guidelines it was recommended that elements of paragraph 126(e) be included in the Rules of Procedure.⁴ Paragraph 126 (e) (i) reads :

"The Committee, deeply concerned with maintaining a balance in the number of experts from the natural and cultural fields represented on the Bureau, urges that every effort be made in future elections in order to ensure that:

(i) the chair is not held by persons with expertise in the same field, either cultural or natural, for more than two successive years; "

22. ***Decision required:***

The Committee may wish to:

(i) reaffirm that, in electing the Committee and Bureau members, a balance between natural and cultural heritage experts should be ensured.

(ii) include wording from paragraph 126 (e)(i) of the March 1999 Operational Guidelines in the Rules of Procedure of the Committee. The proposed amendment is as follows:

Rule 12.4: In electing the Chairperson, every effort shall be made in order to ensure that the chair is not held by persons with expertise in the same field, either cultural or natural, for more than two successive years.

⁴ See 3rd Draft Annotated Revised Operational Guidelines, I.D.9 (see side notes) (WHC-02/CONF.202/14B)

VI. THE FUNCTIONS OF THE BUREAU

Applicable Regulations

23. There is no reference to the Bureau of the World Heritage Committee, nor to the Chairperson, Vice Chairpersons or the Rapporteur in the text of the World Heritage Convention.
24. The current version of the Rules of Procedure includes provisions concerning the composition (Chairperson, 5 Vice-Chairpersons and a Rapporteur) and election of the Bureau of the World Heritage Committee (see Rules 12 and 13). Concerning the role of the Bureau, it is stated that the Bureau "shall co-ordinate the work of the Committee and fix the dates, hours and order of business of meetings" and that the "date and/or place may be modified, if necessary, by the Bureau, in consultation with the Director General".⁵ This is the only mention to the nature of the Bureau's role and conduct of work in the Rules of Procedure.
25. The March 1999 Operational Guidelines indicate that:

"The Bureau shall meet twice a year, once in June/July and a second time immediately preceding the Committee's regular session. The newly elected Bureau shall meet as necessary during the Committee's regular session".⁶

Moreover, further reference in the March 1999 Operational Guidelines is made to the roles and functions of the Bureau in relation to:

- (i) the process of examining nominations of properties for inclusion in the World Heritage List (paragraphs 57-63 and 65-67),
- (ii) reactive monitoring (paragraph 68),
- (iii) the procedure for the eventual deletion of properties from the World Heritage List (paragraphs 46-56), and
- (iv) decisions concerning the granting of International Assistance (paragraphs 94-116).

Finally, the Operational Guidelines also include reference to the Committee's desire to improve the balance between the cultural and natural heritage in the implementation of the Convention, by, for example, maintaining a balance in the number of experts from the natural and cultural fields represented on the Bureau (paragraph 126).

⁵ See Rules 4.1 and 13 of the Rules of Procedure

⁶ Paragraph 132 of the March 1999 Operational Guidelines

Discussions by the Committee

26. In 2000, the **Task Force on the Implementation of the Convention**⁷ made the following recommendations concerning the Bureau:

"The Bureau is intended to take pressure off Committee meetings by preparing its work, but Committee meetings duplicate the work of the Bureau because there is no real delegation. (...) The responsibility of the Bureau (to simplify the work of the Committee by undertaking detailed preparatory work) is not always being met as content is often recycled through the Bureau and then the Committee and discussed at length. The valuable time of Bureau and Committee members as well as advisory bodies is not utilised effectively, as presentations are repeated up to three times over the course of an annual meeting cycle".⁸

27. The Task Force commented that

"desiring on the one hand to reduce the number of statutory meetings which constitute a *useless and heavy burden* and on the other hand to facilitate the work of the Committee by preparing it efficiently, the Bureau recommends to the Committee a system of subcommittees ... meeting only once a year just before the meeting of the Committee (to commence during 2001). (Note: some suggested 2002, and others that Bureau members as sub-chairs, could chair sub-committees).⁹

28. The proposal to establish sub-committees was discussed at the Special Session of the Bureau (Budapest, October 2000). A feasibility study was subsequently prepared by the World Heritage Centre¹⁰ for examination by the 24th extraordinary session of the Bureau (Cairns, 2000).

29. The **24th session of the Committee** (Cairns, 2000) decided not to establish sub-committees (although foreseen by paragraph 131 of the March 1999 Operational Guidelines), to abolish extraordinary sessions of the Bureau and to hold the ordinary Bureau session for 6 days in April (approximately 8 weeks prior to the Committee session)¹¹.

30. At the **25th session of the Bureau of the Committee** (June 2001) the following discussion on the role of the Bureau took place.

"With only 8 weeks between the Bureau and the Committee as of 2002, the Director of the Centre suggested that there was a need to better differentiate between the role of the Bureau and the Committee. The same documents will go to the Bureau and the Committee with the only new document for the Committee being the Report of the Rapporteur of the Bureau. He queried whether all nominations should go straight to the Committee. He recalled that the Committee had requested that an Item A and B system of decision-making be introduced (A: items which are the subject of consensus for adoption and B: items requiring discussion by the Committee). (...)

⁷ Established by the 23rd session of the World Heritage Committee (Marrakesh, 1999)

⁸ Report of the Task Force for the Implementation of the Convention, 1.2 (WHC-2000/CONF.204/INF.7)

⁹ Report of the Task Force for the Implementation of the Convention, 1.2.4 B (WHC-2000/CONF.204/INF.7)

¹⁰ See document (WHC-2000/CONF.203/6)

¹¹ In 2002, the Bureau met for 6 days at UNESCO Headquarters (8 - 13 April 2002).

The Director of the Centre completed his presentation by referring to Rule 13 of the Rules of Procedure that defines the composition and role of the Bureau. He commented that this Rule indicated a limited role for the Bureau as being to co-ordinate the work of the Committee. In contrast Bureau meetings are being attended by more than 200 people with substantial debate and there are no separate Rules of Procedure. He referred to legal advice from the UNESCO Office for Legal Affairs that had stated that from a legal point of view, neither the World Heritage Convention nor the Rules of Procedure provide for the Bureau to deal with policy matters.

In conclusion, the Director underscored the fact that these grey areas arising from the reform programme agreed to in Cairns would be gradually addressed. (...) [On] the differentiation between the Bureau and the Committee (...), the Delegate of Morocco stated that the latter was not a point of discussion as the division of labour is clear - as the Bureau prepares the work of the Committee."¹²

Proposed revisions to the Operational Guidelines

31. The proposed revisions to the Operational Guidelines include a separate section outlining the functions of the Bureau. The text, based on paragraphs 126 and 132 of the March 1999 Operational Guidelines states that

"The Committee organizes its work by delegating tasks to its Bureau. The Bureau co-ordinates the work of the Committee and fixes the dates, hours and order of business of its meetings. The Bureau consists of the Chairperson, the five Vice-Chairpersons and the Rapporteur. The Vice-Chairpersons and the Rapporteur shall assist the Chairperson in carrying out his/her duties. It is preferable that States Parties appoint cultural and natural experts for the Bureau meetings.

The Bureau normally meets once a year, in April preceding the Committee's session. The Bureau may meet as necessary during the Committee's session".¹³

32. ***Decision required:***

In view of the decision of the 24th session of the World Heritage Committee (Cairns, 2000) to change the cycle of World Heritage meetings and based on the experience in 2002, the Committee may wish to:

(i) clarify the functions of the Bureau (to prepare the agenda of the Committee) and schedule its meetings for 2 days shortly before the annual meeting of the Committee.

(ii) affirm the role of the Bureau as indicated in the proposed revisions to the Operational Guidelines.

¹² See Report of the Rapporteur of the 25th session of the Bureau of the World Heritage Committee, III.26, III.30, III.31 and III.53

¹³ See 3rd Annotated Revised Draft of the Operational Guidelines, I.D.20-21 (WHC-02/CONF.202/14B)

VII. RECOMMENDATION TO PREPARE A HANDBOOK TO THE WORLD HERITAGE CONVENTION

33. In 1996 a proposal for the preparation of a "Manual on the implementation of the World Heritage Convention" was made. The proposed Manual was to subsume the content of the Operational Guidelines and provide a logical presentation of the different steps and different "actors" involved in the nomination, evaluation and conservation of World Heritage properties. The draft outline of the Manual was prepared by the World Heritage Centre using the *Manual of the Ramsar Convention* as a model and was at the time sent to the Advisory Bodies for comment. The preparation of the Manual did not proceed beyond that point.
34. In March 2002, in commenting on the 2nd draft revisions to the Operational Guidelines (15 March 2002), the Delegation of Belgium made a proposal for the development of the "Basic Texts of the World Heritage Convention". The Table of Contents for this proposal is presented in Figure 1 below.
35. The Drafting Group for the revision of the Operational Guidelines (March 2002) considered the proposal made by the Delegation of Belgium for all fundamental texts relating to the Convention to be published in one volume. However, the Drafting Group deemed that the process of revising the Operational Guidelines was too far advanced to change the approach as had been suggested by the Delegation of Belgium.
36. Following receipt of the proposal from the Delegation of Belgium, the World Heritage Centre has reviewed examples of other manuals and handbooks of other environmental Conventions. The *Handbook of the Convention on Biological Diversity* first published in the United Kingdom and the United States of America in 2001 by Earthscan Publications Ltd. is a useful model. The table of contents of the Handbook is reproduced in Figure 2.¹⁴
37. ***Decision required:***

The Committee may wish to request the World Heritage Centre, in consultation with interested States Parties, the Advisory Bodies and the Secretariats of other relevant environmental conventions, to develop an outline, publication plan (including budget and potential publisher) and a proposal for financing a Handbook on the World Heritage Convention in English and French for presentation to the 27th session of the World Heritage Committee in 2003.

¹⁴ The full text of the Handbook is available on-line at <http://www.biodiv.org/handbook/>

FIGURE 1: PROPOSAL FROM THE DELEGATION OF BELGIUM (FEBRUARY 2002)

**World Heritage Convention
Basic texts**

[2003] Edition

Table of Contents

A. Convention concerning the protection of the world cultural and natural heritage (Paris, 1972)

- Annex 1 State of Ratifications, Adhesions and Acceptance at 13 February 2002
Annex 2 Model instrument for Ratification/Adhesion/Acceptance

B. Operational Guidelines for the Implementation of the World Heritage Convention¹⁵

- Annex 1 Timetable
Annex 2 Format for submitting a Tentative List
Annex 3 Format for nomination of properties for inscription on the World Heritage List
Annex 4 Format for the evaluations by the Advisory Bodies (ICOMOS, IUCN, ICCROM)
Annex 5 Format for periodic reporting on the implementation of the World Heritage Convention in States Parties

C. Guidelines and principles for the Use of the World Heritage Emblem

D. Rules of procedure of the World Heritage Committee

E. Rules of procedure of the General Assembly of States Parties

G. Financial regulations of the World Heritage Fund

H. [Action programme adopted by the Committee at the occasion of the 30th anniversary of the Convention "CAP 2007" (Budapest, June 2002)]

- Annex 1 Resolution of the General Assembly of States Parties (1999)
Annex 2 Resolution of the General Assembly of States Parties (2001)

I. The concepts of authenticity and integrity with regard to the Convention

J. Principles for the protection and conservation of properties inscribed on the World Heritage List and interventions situated within their buffer zone¹⁶

K. Bibliography & WWW and Internet Resources

L. List of acronyms

M. Index

¹⁵ Under revision

¹⁶ To develop following a proposal made by Ms C. Cameron at the extraordinary Committee session in November 2001 in her capacity as chair of the World Heritage Committee.

FIGURE 2: CONVENTION ON BIOLOGICAL DIVERSITY HANDBOOK**INDEX**

Contents

Foreword from Hamdallah Zedan

How to use this handbook

Introduction: The operations of the Convention on Biological Diversity

Accronyms and abbreviations

Section I	Convention on Biological Diversity
Section II	Cartagena Protocol on Biosafety to the Convention on Biological Diversity
Section III	Rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity
Section IV	Modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice
Section V	Financial rules for the administration of the Trust Fund for the Convention on Biological Diversity
Section VI	Guide to the Decisions of the Conference of the Parties Articles of the Convention on Biological Diversity and Thematic work programmes
Section VII	Status of signature, ratification, accession, acceptance and approval Convention on Biological Diversity and Cartagena Protocol
Section VIII	Declarations
Section IX	Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity
Section X	Decisions of the Conference of the Parties: (with relevant SBSTTA recommendations) First meeting of the Conference of the Parties Second meeting of the Conference of the Parties Third meeting of the Conference of the Parties Fourth meeting of the Conference of the Parties First part of the first extraordinary meeting of the Conference of the Parties Resumed session of the first extraordinary meeting of the Conference of the Parties Fifth meeting of the Conference of the Parties
Index of key terms	
Index of articles, decisions and recommendations	