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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 of the World Heritage Committee, 17 - 22 March 2003
Twenty-seventh session of the Bureau of the World Heritage Committee, 18 March 2003
Paris, UNESCO Headquarters**

SUMMARY RECORD

The *Decisions* of the 6th extraordinary session of the World Heritage Committee and those of the 27th session of its Bureau are available as *WHC-03/ 6 EXT COM/8*. The current document is the *Summary Record* prepared in accordance with Rule 47 of the *Rules of Procedure*. It aims to provide a clear and concise picture of the debates, summarizing ideas expressed by speakers, recounting steps of discussion and indicating decisions adopted. The interventions of all speakers are summarized and are not presented *in extenso*.

TABLE OF CONTENTS

	Page
Agenda	6
Timetable	7
6th extraordinary session of the World Heritage Committee	
Monday 17 March 2003, 10.15 am - 1.15 pm	
1. Opening of the session	9
2. Adoption of the Agenda	10
3. Revision of the <i>Rules of Procedure of the World Heritage Committee</i>	13
Monday 17 March 2003, 3.15 pm – 6.00 pm	
3. Revision of the <i>Rules of Procedure of the World Heritage Committee</i> (continued)	16
4. Policy and legal issues concerning inscription of properties on the <i>List of World Heritage in Danger</i> and the potential deletion of properties from the <i>World Heritage List</i>	22
Tuesday 18 March 2003, 3.20 pm– 6.30 pm	
4. Policy and legal issues concerning inscription of properties on the <i>List of World Heritage in Danger</i> and the potential deletion of properties from the <i>World Heritage List</i> (continued)	23
27th session of the Bureau of the World Heritage Committee	
Tuesday 18 March 2003, 6.30 pm– 7.15 pm	
Only Item on the Agenda: International Assistance Requests	31
(Continued) 6th extraordinary session of the World Heritage Committee	
Wednesday 19 March 2003, 9.50 am– 1.00 pm	
5. Revision of the <i>Operational Guidelines for the implementation of the World Heritage Convention</i>	33
Wednesday 19 March 2003, 3.45 pm - 7.00 pm	
5. Revision of the <i>Operational Guidelines for the implementation of the World Heritage Convention</i> (continued)	40

	Page
Thursday 20 March, 10.15 am - 1.00 pm	
Jeudi, 20 mars 2003, 10h15 - 13h00	
5. Revision of the <i>Operational Guidelines for the implementation of the World Heritage Convention</i> (continued)	48
Thursday 20 March , 3.45 pm - 8.00 pm	
3. Revision of the <i>Rules of Procedure of the World Heritage Committee</i> (continued)	56
6. Revised structure of the budget of the <i>World Heritage Fund</i>	66
Friday 21 March 2003, 10.20 am– 1.00 am	
Vendredi 21 mars 2003, 10h20 – 13h00	
5. Revision of the <i>Operational Guidelines for the implementation of the World Heritage Convention</i> (continued)	67
Friday 21 March 2003, 2.30 pm– 6.15 pm	
4. Policy and legal issues concerning inscription of properties on the <i>List of World Heritage in Danger</i> and the potential deletion of properties from the <i>World Heritage List</i> (continued)	76
7. Nominations to be examined by the World Heritage Committee in 2004	92
Saturday 22 March 2003, 4.00 pm –6.30 pm	
8. Adoption of the Report of the session	96
9. Closure of the session	99

AGENDA

6th extraordinary session of the World Heritage Committee 17-22 March 2003

1. Opening of the session
2. Adoption of the Agenda
3. Revision of the *Rules of Procedure of the World Heritage Committee*
4. Policy and 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*
5. Revision of the *Operational Guidelines for the implementation of the World Heritage Convention*
6. Revised structure of the budget of the *World Heritage Fund*
7. Nominations to be examined by the World Heritage Committee in 2004
8. Adoption of the Report of the session
9. Closure of the session

27th session of the Bureau of the World Heritage Committee 18 March 2003

Only Item on the Agenda: International Assistance Requests

TIMETABLE

	MONDAY 17	TUESDAY 18	WEDNESDAY 19	THURSDAY 20	FRIDAY 21	SATURDAY 22
Prior to the meeting	BUREAU 9:00 - 10:00		BUREAU 9:15 - 9:45	BUREAU 9:00 - 10:00		
Morning	6 EXT.COM 1. Opening of the session 2. Adoption of the Agenda 3. Revision of the <i>Rules of Procedure</i>	Information Meeting on the <i>Draft Declaration on the intentional destruction of cultural heritage</i>	6 EXT.COM 5. Revision of the <i>Operational Guidelines</i>	6 EXT.COM 5. (continued) Revision of the <i>Operational Guidelines</i>	6 EXT.COM 5. (continued) Revision of the <i>Operational Guidelines</i>	
Lunch Break		BUREAU 12:30 - 13:30	Drafting Group/ Groupe de rédaction 4. Policy and legal issues	Drafting Group/ Groupe de rédaction 4. (continued) Policy and legal issues		
Afternoon	6 EXT.COM 3. (continued) Revision of the <i>Rules of Procedure</i> 4. Policy and legal issues	6 EXT.COM 4. (continued) Policy and legal issues	6 EXT.COM 5. (continued) Revision of the <i>Operational Guidelines</i>	6 EXT.COM 3. (continued) Revision of the <i>Rules of Procedure</i> 6. Revised structure of the Budget of the <i>World Heritage Fund</i>	6 EXT.COM 4. (continued) Policy and legal issues 7. Nominations to be examined by the Committee in 2004	6 EXT.COM 8. Adoption of the Report of the session 9. Closure of the session
Evening		27 BUR International Assistance Requests	Drafting Group 4. (continued) Policy and legal issues	Drafting Group/ Groupe de rédaction 4. (continued) Policy and legal issues		

6th extraordinary session of the World Heritage Committee

Monday 17 March 2003, 10.15 am - 1.15 pm

1. OPENING OF THE SESSION

Document: WHC-03/6 EXT.COM/1

1.1 The Chairperson of the World Heritage Committee, Mr Tamás Fénérdy, welcomed the participants to the 6th extraordinary session of the World Heritage Committee and invited the Director-General of UNESCO to give his address.

1.2 The Director-General of UNESCO, Mr Koïchiro Matsuura, welcomed all delegates and observers and thanked the Chairperson of the Committee for his exemplary work over the past year. The Director-General also registered his deep and enduring respect for the Committee's work and achievements.

1.3 He commented that through the *Budapest Declaration*, the Committee had emphasized the need to ensure that the *World Heritage Convention* be applied to heritage in all its diversity as an instrument for the sustainable development of all societies through dialogue and mutual understanding. It had committed itself to co-operating with all interested parties to promote the strengthening of the Credibility of the World Heritage List; ensuring the effective Conservation of World Heritage properties; promoting the development of effective Capacity-building measures; and increasing public awareness of, involvement in and support for World Heritage.

1.4 The Director-General noted that at the celebratory events in Venice marking the 30th anniversary of the *World Heritage Convention*, experts from around the world had praised the accomplishments of the *Convention* and also outlined the challenges faced in conserving the cultural and natural environment. Recalling the emphasis of the Venice Congress on the development of existing and new partnerships for World Heritage, he said that such partnerships were vital for bringing fresh perspectives as well as additional support, resources and expertise. The Director-General thanked the Italian Government for having made the Congress such a memorable occasion.

1.5 The Director-General said that together, the *Budapest Declaration* and the Venice Congress provided a valuable framework of objectives, principles and strategic orientations for shaping the debates during this and future sessions of the Committee. This framework would be reinforced in all of UNESCO's World Heritage actions in the next biennium, as proposed in the *draft 32C/5 Programme and Budget*.

1.6 He commented that the 6th extraordinary session of the Committee was crucially important for the future of World Heritage. Most of the issues to be discussed revolved around the process of revising the *Operational Guidelines for the Implementation of the World Heritage Convention*. The process of revising these *Guidelines* had been a very long one and represented a vast amount of work and dedication by many experts and the Secretariat. The Director-General hoped that the Committee's deliberations over the coming days would provide clear policy directions to enable the Secretariat to finalize the *Guidelines* for adoption in the near future. Revised *Guidelines* would provide the policy framework for work by States Parties for the protection of World Heritage.

1.7 One of the issues the Director-General stressed as requiring further clarification was the modality for inscribing World Heritage sites on the *List of World Heritage in Danger* and the deletion of sites from the *World Heritage List*. It was now important to ensure that procedures for In Danger Listing and deletion were included in the *Guidelines*. In light of the *Budapest Declaration*, it was vital that the credibility of the World Heritage system be reinforced in this way and that full use be made of all the tools given by the *Convention* for the conservation of World Heritage.

1.8 The Director-General noted with satisfaction that during the Committee's discussions on this issue in Budapest, repeated mention had been made to allocating a certain proportion of the *World Heritage Fund* for assistance to sites inscribed on the *List of World Heritage in Danger*. This proposal reasserted that inscription on the *List of World Heritage in Danger* is a call for special measures to safeguard a property. It should also ensure the necessary resources for this purpose. This was very much in line with the positive conservation benefits that the drafters of the *Convention* had in mind for the *List of World Heritage in Danger*. This greater focus on World Heritage properties in Danger must be accompanied by the Committee's continuing efforts and attention to preventive measures and mitigation work. Continuing, the Director-General highlighted the importance of elaborating clear procedures for emergency nominations to, and inscriptions on, the *World Heritage List* and if necessary the *List of World Heritage in Danger*. When the world required urgent action to save its treasures, it must know that UNESCO would be ready to move swiftly and efficiently. This could only be achieved if streamlined and mutually agreed operating procedures were at its disposal.

1.9 The Director-General also mentioned that the Committee's adoption of the revised *Rules of Procedure* and the examination of the revised budget structure of the *World Heritage Fund* should also result in a more streamlined and efficient system.

1.10 The Director-General said that UNESCO was at an important historical phase. It was engaged in an intensive process of strengthening existing instruments for the protection of cultural heritage and embarking on the development of new instruments to protect heritage in its diversity. For example, UNESCO was preparing for the *2nd Protocol of the 1954 Hague Convention* to enter into force when the required number of ratifications had been met. The 2nd Protocol would provide "*enhanced protection*" in addition to the existing protection of the 1954 Hague Convention. The "*enhanced protection*" would be offered to that part of cultural heritage that qualifies as "*cultural heritage of the greatest importance to humanity*".

1.11 Recalling that in December 2002, the Belgian Government had hosted a meeting of experts to prepare a *Draft Declaration on the Intentional Destruction of Cultural Heritage*, the Director-General noted that this Declaration would be presented to the 167th session of the Executive Board in September 2003 and to the General Conference in October. Though not a binding instrument, the Declaration would reinforce existing fundamental principles preventing and prohibiting the intentional destruction of cultural heritage in both wartime and peacetime.

1.12 Intangible cultural heritage was another field of importance concerning the protection of heritage referred to by the Director-General. The Second Session of the Intergovernmental Expert Meeting for the drafting of a *standard-setting instrument for the Protection of Intangible Cultural Heritage* had recently taken place. It was increasingly recognized that the lack of juridical coverage for intangible heritage, a field essential for the continuity of cultural identities and the protection of cultural diversity, was an anomaly that must be addressed. The Director General expected to present a Draft Convention to the Member States for their consideration at the next General Conference.

1.13 Furthermore, the Director-General said that approaches to heritage were evolving and interest in heritage spreading. For example, an informal meeting had recently been held at UNESCO on the theme of "*Cultural Heritage: Anchoring Cultural Diversity in Sustainable Development*". This inter-agency working meeting had taken place under the rubric of activities for the *UN Year for Cultural Heritage 2002*. The Director-General himself had been invited to address the 58th session of the United Nations General Assembly by presenting a report on the UN Year for Cultural Heritage. The success of that Year could be attributed to everyone's active participation, not least that of the World Heritage Committee, whose support had been essential.

1.14 In concluding, the Director-General reiterated the importance of the work facing the Committee over the coming week and wished it every success.

1.15 The Chairperson of the Committee thanked the Director-General of UNESCO for his encouraging words and underlined the responsibilities facing the Committee during the 6th extraordinary session.

1.16 The Chairperson thanked the Chairperson of the Executive Board, Mrs Aziza Bennani, for her presence and the interest that she takes in the work of the World Heritage Committee.

1.17 He also thanked the former Chairperson of the World Heritage Committee, Mr Henrik Lilius, who was the first to put forward the idea of an extraordinary session of the Committee devoted exclusively to the examination of the *Guidelines* and other strategic matters. He emphasized, however, that there remained much work to be done between now and the the 27th session of the Committee planned for Suzhou, China in June/July 2003.

1.18 The Chairperson then asked if the Committee would authorize the persons and representatives of the organisations mentioned in the document *WHC-03/6 EXT.COM/1* to attend the meeting as observers. No objections having been raised, the Chairperson declared the list of observers adopted (decision **6 EXT.COM 1**) and welcomed them.

2. ADOPTION OF THE AGENDA

Documents:

WHC-03/6 EXT.COM/2 Rev.1

WHC-03/6 EXT.COM/INF.2 Rev 1

2.1 The Chairperson went through the points adjourned at the 26th session of the World Heritage Committee (Budapest, 2002) indicating that the working documents for the 26th session would be re-used. In order to make things easier for the Committee, the Secretariat had drawn up some new documents in close collaboration with him. The Chairperson pointed out that he had spent two weeks in February 2003 in Paris to prepare this Extraordinary session, during which he was able to consult both the Members of the Committee and the Secretariat.

2.2 The Chairperson explained that for each item on the agenda, a draft decision is submitted; this is either the draft decision presented in Budapest, or a new draft decision.

2.3 The Chairperson drew the Committees's attention to the change in the numbering of documents, which now corresponds to that of the items on the agenda.

2.4 Running through the agenda for this extraordinary session, the Chairperson stressed that Items 3 (Revision of the *Rules of Procedure*), 4 (Policy and legal issues concerning the inscription of properties on the *List of World Heritage in Danger* and the potential deletion of properties from the *World Heritage List*), 5 (Revision of

the *Operational Guidelines*) and 6 (Revised structure of the budget of the *World Heritage Fund*) on the agenda are closely linked to each other and he asked the Committee to take account of this.

2.5 The Chairperson insisted on the responsibility of the Committee, which must take decisions on each of the items on the agenda. It was therefore necessary to lay down a procedure for presenting the decisions. He added that it was necessary to decide immediately if it was necessary to create one or more working groups to facilitate the Committee's work.

2.6 The Chairperson then mentioned a number of other points for the purposes of information:

- a short meeting of the Bureau, about assistance requests whose amount exceeds the prerogative of the Director of the World Heritage or of the Chairperson, would take place on 18 March at 6.30 pm;
- the Bureau would meet daily and the Chairperson would report to the Committee;
- An Information Meeting concerning the *Draft Declaration on the intentional destruction of cultural heritage* would be held this 18 March 2003 from 10 am to 12.00 and the Members of the Committee were invited to take part.

2.7 The Assistant Director-General for Culture, Mr Mounir Bouchenaki, gave more details on the context of this Draft Declaration. Having been obliged to conclude, following the destruction of the Bamiyan Buddhas (Afghanistan) in March 2001, that no normative instrument covered such cases, the General Conference of UNESCO asked the Secretariat to draw up a Draft Declaration ('soft law'), which will be presented at the 32nd session of the General Conference of UNESCO (October 2003).

2.8 The Delegation of Zimbabwe requested clarification about this invitation and in particular whether the Committee session would run in parallel with the Information Meeting on the *Draft Declaration on Intentional Destruction of Cultural Heritage* or whether in fact the Committee would reconvene on Tuesday afternoon.

2.9 The Chairperson clarified the proposal, that is to say that there would be no plenary meeting on 18 March in the morning in order to enable the members of the Committee to take part in the Information Meeting. The Bureau's daily meeting would be held after the information meeting.

2.10 The Delegation of Saint Lucia agreed that it would be important to attend the Information Meeting concerning the *Draft Declaration on Intentional Destruction of Cultural Heritage* but requested clarification about how the Committee would recuperate the half day from its calendar in the course of the week.

2.11 The Chairperson noted that there may be a need for an evening session of about 2 hours but that no proposal had yet been made. This evening session would make up for the half-day missed because of the Information Meeting on the *Draft Declaration on the intentional destruction of cultural heritage*.

2.12 The Chairperson then went over the different items on the agenda:

- Item 4 (Policy and legal issues concerning the inscription of properties on the *List of World Heritage in Danger* and the potential deletion of properties from the *World Heritage List*) had already been the subject of a long discussion in Budapest, but the Committee had not been able to reach a consensus. He proposed that the final decision on this agenda item be integrated into the *Operational Guidelines*.
- For Item 5 (Revision of the *Operational Guidelines*) the Secretariat had prepared a Technical Annex to the Draft Decision intended to facilitate the examination of the *3rd draft of the revised Operational Guidelines*.
- The new budgetary structure to be examined in Item 6 (Revised structure of the budget of the *World Heritage Fund*) is the result of a cooperation between the Secretariat and a working group. This new structure takes account of the Committee's strategic objectives and aims to ensure coherence between the World Heritage Fund, the UNESCO's ordinary programme and the extrabudgetary sources of funding.
- As far as Item 7 (Nominations to be examined in 2004) is concerned, the Chairperson underlined the need to improve the criteria used to decide if a nomination is complete or not.
- Concerning Item 8 (Adoption of the Report of the session), he recommended that the Committee adopt the new format separating the *Decisions* and the *Summary Record*.

2.13 The Chairperson thanked Mrs Bénédicte Selfslagh, Rapporteur, saying he hoped that the report of this 6th Extraordinary session would continue in the same vein as that of Budapest. The decisions of this Extraordinary session of the Committee will be adopted in English and in French on 22 March 2003. He informed the Committee that the record of each intervention would be written up in the language in which it was pronounced. The Draft *Summary Record* would only be translated after the Delegations had corrected their own interventions. He wondered if the *Summary Record* should be adopted on 22 March. Finally, the Chairperson expressed his satisfaction at the strengthening of the Secretariat's French-speaking personnel.

2.14 The Delegation of Saint Lucia expressed its gratitude to the Rapporteur and to the Secretariat for the work undertaken over the past months, which had resulted in a good set of working tools. However, it questioned

whether both the Committee's *Decisions* and the *Summary Record* of its discussions had to be adopted at the end of the session, stating that it would save time and money if the *Summary Record* was adopted at the subsequent session. The *Decisions* were what the Committee needed. The Delegation of Saint Lucia was of the view that it was not necessary for the *Summary Record* to be distributed at the end of the session.

2.15 The Chairperson agreed that it was important to adopt precise decisions during the meeting. However, the *Summary Record* was a useful tool in preparing for the following session and it was to be hoped that Committee members would be able to make any corrections of their interventions promptly.

2.16 The Director of the World Heritage Centre recalled that the reformed method for producing the record of discussions had substantially simplified the work of the Secretariat. The new system would continue the tradition of producing the *Summary Record* during the session but only in the language in which the various interventions were made. It would subsequently be translated after the session. The *Decisions* however, would be presented for adoption in the two working languages at the end of the session.

2.17 The Delegation of Thailand recalled that the intention in adopting new modalities had been to adopt those of the Executive Board, whereby only the *Decisions* were adopted at the end of the session, and the *Summary Record* at a later stage.

2.18 The Delegation of South Africa requested clarification about the placement of Item 3 (Revision of the Rules of Procedures) in the Agenda and in particular whether it would be necessary to return to it subsequently if questions affecting a decision already taken arose during discussion of Items 4 (*Policy and 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*), 5 (Revision of the *Operational Guidelines*) or 6 (Revised structure of the budget of the *World Heritage Fund*).

2.19 The Chairperson said that it may be necessary to return to items during the course of the week. Final decisions would only be adopted at the end of the session.

2.20 The Delegation of India underscored the importance of clear cut decisions but at the same time supported the idea of adopting the *Decisions* and the *Summary Record* during the session. The Committee's deliberations were of direct and immediate relevance to an actual program of work and the many stakeholders. It further commented that it would be helpful to have information about the practice of other inter-governmental programs, for example the International Oceanographic Commission (IOC).

2.21 The Delegation of the United Kingdom supported the comments of the Delegations of Saint Lucia and Thailand. It fully appreciated the work of the Secretariat in producing the *Summary Record* but commented that whereas it was imperative that the *Decisions* made by the Committee be adopted during the session, it was not similarly essential to finalize the *Summary Record*.

2.22 The Chairperson indicated that thanks to Spain's aid, speakers wishing to express themselves in Spanish were able to do so, and he warmly thanked the Spanish authorities.

2.23 The Delegation of Lebanon made the three following suggestions. The order of examination of Items 3 (Revision of the *Rules of Procedure*), 4 (Policy and legal issues concerning the inscription of properties on the *List of World Heritage in Danger* and the potential deletion of properties from the *World Heritage List*), 5 (Revision of the *Operational Guidelines*) et 6 (Revised structure of the budget of the *World Heritage Fund*) should be looked at again, for it would be more sensible to start with Item 4 in order to integrate the conclusions in the examination of the other items on the agenda. The *Summary Record*, if it is effectively presented at the closing session, should only be the subject of amendments transmitted in writing, so as not to prolong this session. The Delegation of Lebanon spoke in favour of allowing one week for amendments to be sent to the Secretariat. Finally, it asked when the working document concerning Item 7 (Nominations to be examined in 2004) would be distributed.

2.24 The Chairperson insisted on keeping the planned order for the examination of the items, but agreed not to close them before they had all been examined, this because they were so closely related to each other. He pointed out that it was possible to form one or more working groups, which would provide the freedom to deal with the agenda items as the Committee wished. He therefore asked the Committee to retain the proposed agenda. He deemed the Delegation of Lebanon's proposal to grant a period of one week to send amendments to the *Summary Record* to the Secretariat rational, and noted the Committee's agreement on this point.

2.25 The Director of the World Heritage Centre pointed out that the working document *WHC-03/6 EXT.COM/7 Rev* concerning Item 7 (Nominations to be examined by the Committee in 2004) was now available on the Internet and would be distributed in the room during the day.

2.26 The Delegation of Hungary was of the opinion that the agenda should be adopted without modifying it, whilst trying to establish the link between the different items.

2.27 The Delegation of Oman expressed its full support for the proposals made by the Delegation of Lebanon, in particular those aimed at discussing policy and legal issues before other items.

2.28 The Chairperson proposed that the Committee begin its deliberations with Item 3 (Revision of the *Rules of Procedure*) and take subsequent items in the order suggested so that it could approach its work holistically.

2.29 The Delegation of Thailand commented that while it would be content to adopt the majority view, the suggestions made by the Delegations of Oman and Lebanon had both merit and logic, particularly in light of the fact that one of the reasons for convening the extraordinary session had been to focus on the *Operational Guidelines*.

2.30 The Delegation of South Africa sought clarification about whether all Draft Decisions, including the Draft Decision on Item 2 (Adoption of the Agenda), were to be provided in writing, in line with the decision adopted in Budapest.

2.31 The Chairperson commented that the Draft Decision on Item 2 was the only one to be presented on the screen and not in a document. All other Draft Decisions had been presented in writing.

2.32 The Delegation of Saint Lucia expressed its support for the proposal made by the Delegation of Lebanon and already supported by the Delegations of Oman and Thailand. It further questioned whether a decision was necessary for the adoption of the Agenda of an extraordinary session.

2.33 The Chairperson, whilst stressing the holistic view of the framed presentation of the document, proposed to the Committee that it open each item as proposed in the agenda and that it come back to one or other of the items if necessary. He also recalled that the Committee set up create working groups if it so wished.

2.34 The Delegation of the United Kingdom expressed its support for the proposed methods of working and commented that it was important that the Committee should move quickly to discuss the essential issues before it.

2.35 The Chairperson asked the Committee to adopt the Agenda as proposed but incorporating the deferral of the morning session on 18 March. The Chairperson underscored again that it would be possible to open a number of agenda items without having previously concluded preceding items. Noting that a consensus had emerged on this method of working, the Chairperson declared the agenda adopted (Decision **6 EXT.COM 2**) and thanked the Committee for its flexibility and confidence.

3. REVISION OF THE RULES OF PROCEDURE OF THE WORLD HERITAGE COMMITTEE

Documents:

WHC-03/6 EXT.COM/3

WHC-03/6 EXT.COM/INF.3

Rules of Procedure of the World Heritage Comité

(Note: the Rule-numbers are the ones used in the documents mentioned above; for the correspondance between old and new Rule-numbers, see Annex II of document *WHC-03/6 EXT.COM/8*)

3.1 The Director of the World Heritage Centre presented document *WHC-03/6 EXT.COM/3* and drew the Committee's attention to Draft Decision **6 EXT.COM 3** contained therein.

3.2 The Chairperson pointed out that the Committee had been invited give its opinion on the proposed amendments contained in the working document, and where appropriate, on the different alternatives. He asked the Committee if they wished to examine these points only in plenary or whether they would prefer to form a drafting group to work on the basis of the discussions held in the plenary session.

3.3 The Delegation of Lebanon opposed the formation of several working groups that would work in isolation, for there would be no coherence between their work. It emphasized its wish to see Item 4 (Policy and Legal Issues) examined first of all, as this was the basis for the examination of the other items.

3.4 The Chairperson expressed his agreement with this approach: it would be more useful to create a drafting group only after the discussion in plenary and the setting up of a working group for each item on the agenda was perhaps not productive.

3.5 The Delegation of the United Kingdom expressed its support for discussing the *Rules of Procedure* in plenary, and drew attention to **Rule 36** which required that the Committee adopt its *Rules* by a two-thirds majority of the States Parties present at the meeting.

3.6 The Delegation of Finland also supported the view of the Delegation of Lebanon. There was no need for the creation of a working group.

3.7 Noting the consensus on working in plenary, the Chairperson committed the Committee to examining the proposals contained in the document *WHC-03/6 EXT.COM/3* paragraph by paragraph.

I. MEMBERSHIP

3.8 The Delegation of Belgium suggested including in **Rule One** that the Committee is comprised of 21 members.

3.9 The Delegation of the United Kingdom commented that it saw no need for this change nor for a new Rule as the text of the *Convention* clearly sets out that the Committee is comprised of 21 members.

3.10 The Delegation of Belgium then drew the attention to the **new Rule X (Committee Members)**, proposed in Part **III (PARTICIPANTS)**, specifying that the Committee is comprised of 21 States Parties. It concluded that this **new Rule X** would also be redundant.

3.11 The Chairperson suggested maintaining **Rule I** unchanged and not integrating the **new Rule X**.

3.12 The Delegation of Egypt commented that maintaining the Committee at 21 members as prescribed in the *Convention* was an anomaly that should be addressed in the near future. The world had changed over the past 30 years and the *Convention* needed to adapt to reflect such change.

3.13 The Chairperson pointed out that this type of issue could not be examined at this session and that it necessary to concentrate on the revision of the *Rules of Procedure*.

3.14 The Delegation of India, while associating itself with the intervention made by the Delegation of Egypt, stressed that this matter would need to be taken up later. It further supported the position of the Delegation of the United Kingdom.

3.15 The Delegation of Argentina supported the views expressed by the Delegations of the United Kingdom and India. It further expressed its gratitude to the Government of Spain for facilitating translating, thus providing the possibility to speak in its native language.

3.16 The Chairperson requested that only the paragraphs for which changes have been proposed be debated.

II. SESSIONS

3.17 The Delegation of Belgium wondered about the relevance of **Rule 3.1** which deals with the Committee's very first meeting.

3.18 In reply to the Chairperson's request for clarification about whether it was necessary to keep **Rule 3.1**, the Legal Advisor noted that there was no legal necessity but that if it were deleted it would also be necessary to amend the first words of **Rule 3.2**.

3.19 The Delegation of Russia was of the opinion that the items not including any proposed changes should not be examined, as time was too limited.

3.20 The Chairperson was of the opinion that the discussion had been opened and that he therefore wished to have the Committee's opinion.

3.21 The Delegation of India supported the proposal made by the Belgian Delegation to delete **Rule 3.1** and commented that for absolute clarity and precision it would be helpful, in light of the changed calendar of meetings, to amend **Rule 3 (Convocations)** to refer only to the annual session of the Committee.

3.22 In reply to the Chairperson's request for clarification, the Legal Advisor drew the attention of the Committee to the fact that the last sentence of **Rule 3.3** dealt with extraordinary sessions.

3.23 The Chairperson noted the consensus to delete **Rule 3.1** and to adapt **Rule 3.2** accordingly.

III. PARTICIPANTS

3.24 The Chairperson invited the Committee to consider **Rule 5 (Delegations)** and the proposed **new Rule X (Financial assistance)** which were linked to the *Operational Guidelines*.

3.25 Concerning the **new Rule X (Financial assistance)**, the Delegation of the United Kingdom commented that, as a procedural point, the proposed new Rule should form a financial annex to the *Rules of Procedure*.

3.26 The Delegation of Thailand recalled that while there was virtue in such a provision, it had previously questioned whether the Committee could, legally, use the *World Heritage Fund* to support the travel expenses of experts to its meetings, as this was not specified in the *Convention* itself, in particular in its Article 22 which set out the criteria under which International Assistance could be granted.

3.27 The Chairperson pointed out that this provision featured in the 3rd draft of the revised *Operational Guidelines* but that it was more a matter for the *Rules of Procedure*

3.28 The Delegation of Argentina asked to include in **Rule 5.2** on the composition of the Delegations that a balance between experts on cultural and natural heritage was needed. Such a provision was proposed in **paragraph I.D.17** of the *Draft Revised Operational Guidelines* but should be dealt with in the *Rules of Procedure*. The Delegation recalling that Article 7 of the *Convention* set out to establish international co-operation and assistance for the protection of World Heritage, commented that the provision of financial assistance to experts from Less

Developed Countries was a logical component of that Article and vitally important both to the work of the Committee and the implementation of the *Convention* in States Parties. It thus fully supported **new Rule X** and said that, of the two options offered for **Rule X.1**, it had a marginal preference for Option B.

3.29 The Delegation of Lebanon supported the position of the Delegation of Argentina: this provision allowed representatives of countries who would not be able to attend sessions of the Committee and therefore be elected to it, to come to the sessions thanks to this form of assistance. It requested that the terminology referring to countries whose representatives might benefit from this assistance be checked. Should it be the less advanced countries? The less developed ones? How could they be defined? Furthermore, the expression "*if the budget allows it*" implies a notion of priority whose legal framework would need to be clarified.

3.30 The Delegation of Saint Lucia supported the statement made by the Delegation of Argentina and expressed a preference for Option B.

3.31 The Delegation of Zimbabwe drew attention to the *Convention* in its totality. The preamble underscored the importance of international assistance and co-operation to ensure that heritage was looked at from a variety of perspectives. Facilitating the participation in Committee sessions of experts from Less Developed Countries was an important part of that system. It further expressed a preference for Option B and commented that it would be important to clarify the terminology to be used in such discussions and in the *Rules of Procedure*.

3.32 The Delegation of Thailand recalled that the critical question at stake was the use of the term "*assistance*" in the *Convention*. The Committee should not exceed what was expressly permitted therein. Article 22 and following of the *Convention* gave a clear and precise definition of what forms assistance might take.

3.33 The Delegation of Egypt expressed a preference for Option B with some modifications, in particular by deleting "*and cultural*" from "*geographical and cultural areas*". It further suggested changing the wording from "*Less Developed Countries*" to "*developing countries*", although the reference to "*Less Developed Countries*" would be acceptable if discussing the possibility of providing assistance to non-Committee members. For clarity, the reference to GNP should be expanded to read "*GNP per capita in increasing order*". It further suggested deleting "*primarily for one representative of each State*" as this contradicted the subsequent sentence, which left open the possibility of assisting up to two representatives per State.

3.34 The Delegation of India commented that the proposed rule should address the needs of both developing and Less Developed Countries. It also supported the

proposal made by the Delegation of Egypt to remove "*and cultural*".

3.35 The Observer Delegation of New Zealand recalled the importance of financial assistance to States Parties, in particular Pacific Island countries. The provision of such assistance added significant value to the work of the Committee and to the implementation of the *Convention* in recipient countries. It expressed a preference for Option B and further commented that it would be useful to adopt the terminology of the United Nations as a whole in describing those countries eligible to receive assistance.

3.36 The Delegation of Nigeria commented that there might be value in retaining the term "*geographical and cultural areas*" as the two were not necessarily the same. The Delegation also expressed a preference for Option B.

3.37 The Delegation of the Republic of Korea expressed sympathy with the statement by the Delegation of Thailand but commented that facilitating the participation of experts in this way enhanced the capacity of the Committee to safeguard World Heritage. On the question of the terminology used to describe potential recipient countries, it would be helpful to agree to a definition so that it would be possible to predict which countries would be eligible to apply rather than dealing with the matter on a case by case basis.

3.38 The Chairperson of the Committee concluded that the Committee had shown a preference for **option B**. As for the reference to "*the different regions and cultures of the world*", he recalled that these words were used in the *Convention* (note: article 8.2 of the *Convention*).

3.39 In the interests of everyone and in order to facilitate the drafting of the report of the session, the Rapporteur requested that the timing of sessions be respected.

Monday 17 March 2003, 3.15 pm - 6.00 pm

3. (Continued) REVISION OF THE RULES OF PROCEDURE OF THE WORLD HERITAGE COMMITTEE

Documents:

WHC-03/6 EXT.COM/3

WHC-03/6 EXT.COM/INF.3

Rules of Procedure of the World Heritage

(Note: the Rule-numbers are the ones used in the documents mentioned above; for the correspondance between old and new Rule-numbers, see Annex II of document WHC-03/6 EXT.COM/8)

(Continued) **III. PARTICIPANTS**

3.40 Concerning **Rule 6 (Organizations attending in an advisory capacity)**, the Chairperson emphasized that the amendment as proposed was a technical proposal: the changing of the name of "*International Union for the Conservation of Nature and Natural Resources*" into "*World Conservation Union*".

3.41 The Delegation of Thailand made the legal remark that the amendment as proposed involves a change in the wording of Article 8.3 of the *Convention*. Originally, IUCN was known under a different designation, and therefore the Delegation wished to bring to the attention of the Committee whether this amendment was necessary and advisable.

3.42 The Chairperson indicated that the wording in the *Rules of Procedure* could be revised, with a note indicating that this change will not affect the wording of the *Convention*.

3.43 The Delegation of the United Kingdom supported by the Delegation of Egypt proposed that rather than deleting the old name of IUCN, as proposed, the original name could be put in brackets indicating that it was "*formerly known as the International Union for Conservation of Nature and Natural Resources, IUCN*".

3.44 ICCROM indicated that it was referred to in the *Convention* as the "*Rome Centre*" and that this had been changed into ICCROM without causing any inconvenience.

3.45 The Chairperson proposed to accept the proposal of the Delegation of the United Kingdom for **Rule 6 and all subsequent Rules referring to IUCN**.

3.46 The Delegation of Egypt agreed with the wording proposed by the Delegation of the United Kingdom, insisting that after "*World Conservation Union*", it should be indicated in brackets that it was "*formerly known as the International Union for Conservation of Nature and Natural Resources, IUCN*".

3.47 The Chairperson confirmed that this was indeed the proposal of the Delegation of the United Kingdom. The Chairperson asked the Committee if it could accept the changing in the title of **Rule 8** to "**Observers**" as well as the additions to the two first paragraphs intended to fill the gaps and make the paragraphs clearer.

3.48 The Delegation of Egypt wondered if other consultative organizations, mentioned in **Rule 6 (Organizations attending in an advisory capacity)**, may participate in sessions of the Committee at the request of one or a majority of States Parties.

3.49 The Delegation of Lebanon indicated that Article 8.3 of the *Convention* answered this question and that the

Committee had no mandate to renegotiate the provisions of the *Convention*.

3.50 The Chairperson asked that the interventions concentrate on the revision of the *Rules of Procedure*.

3.51 The Delegation of Egypt noted that there was a difference between making amendments to the *Convention* and explaining its text. The Delegation noted that in this particular case, a clarification was necessary.

3.52 The Chairperson remarked that the two interventions were correct, but that this was neither the time nor the place to deal with this type of subject. He concluded that there no amendments proposed for **Rule 7 (Invitations for consultation)** and that there was a consensus on the proposal to amend the title of **Rule 8 (Observers)**. He then invited the Committee to give its opinion on the proposed amendments to **Rule 8.1**.

3.53 The Delegation of Egypt proposed that the reference "*to the sessions of the Committee*" in the last sentence of **Rule 8.1** be replaced by "*to its sessions*" in order to avoid pointless repetition.

3.54 The Rapporteur thanked the Delegation for this observation, adding that several rules were not written symmetrically. She suggested that the adjustments to the form be made by the Secretariat and examined at the second reading of the document by the Committee.

3.55 The Chairperson agreed with this, insisting that the purpose is precision and clarification.

3.56 Concerning **Rule 8.2**, the Delegation of the United Kingdom said that the last sentence should be deleted; otherwise it appeared as though other representatives or observers may vote.

3.57 The Chairperson noted that there was consensus about the deletion proposed by the Delegation of the United Kingdom and declared **Rule 8 (Observers)** adopted as amended.

IV. AGENDA

3.58 The Chairperson noted that no amendments were proposed to **Rule 9 (Provisional Agenda)**, **Rule 10 (Adoption of the Agenda)** and **Rule 11 (Amendments, deletions and new items)**, with the exception of the reference to the new name of IUCN – a technical change the Committee had already agreed upon.

V. OFFICERS

3.59 The Chairperson remarked that **Rule 12 (Elections)** dealt with a fundamental and complex issue, that of the elections to the Bureau, and that different options were proposed in the working document.

3.60 The Delegation of Lebanon stressed that the proposed amendments followed on from the decision taken by the Committee at Cairns (24th session, 2000) to change the dates of its meetings. It also noted that there was a link between the proposed amendment and the habit recently established by a majority of States Parties on the Committee of reducing their term to 4 years instead of 6. It pointed out that some of the options proposed could pose numerous problems: countries wishing to host the Committee would have only 6 months to prepare their candidature, which is not enough. The Delegation pointed out that this problem was not the exception, but a recurrent one and this every 4 years: in 2005, 2009, 2013. The Delegation indicated its preference for options C or D. Option D would be the best as the Chairperson would be elected at the end of each ordinary session and not at the beginning. However, the Committee would have to find a transitional arrangement between the old and the new system.

3.61 The Chairperson pointed out that it would be very useful for the newly elected Chairperson to be able to prepare the session of the Committee he is required to chair. He noted that this also applied to the Rapporteur and to the other members of the Bureau.

3.62 The Delegation of the United Kingdom remarked that Option D seemed better because it had the merit to facilitate the work of the Chairperson. At the same time, it believed that there was a need for an interim arrangement.

3.63 The Delegation of Thailand expressed its adherence to the rule of the minimum wording, preferring Option A, which leaves only the first sentence, as in the original text. Referring to Option C, favoured by the Delegation of Lebanon, the Delegation of Thailand believed that the second sentence would present difficulties to the Committee.

3.64 The Delegation of Belgium supported the intervention made by the Delegation of the United Kingdom. It proposed to specify that the Committee elects the Bureau *"from amongst those members whose term continues through the next ordinary session"*.

3.65 The Delegation of Finland supported the proposal made by the Delegation of the United Kingdom and the Chairperson, as it seemed eminently logical that the Chairperson should be able to preside the session in a proper manner. It was looking forward to a suitable transition arrangement.

3.66 The Delegation of Saint Lucia also supported the proposal made by the Delegation of the United Kingdom as amended by the Delegation of Belgium.

3.67 The Delegation of Egypt stated that when a person attends the meeting as a member of a delegation, it is as a representative of his State Party. When being elected for the Bureau, it is a personal election, not as a

representative. It should therefore be the same person, first elected as a representative of the State Party, once part of the Bureau on personal basis. The Delegation made a reference to the *Man and Biosphere Program*, where the members of the Bureau are elected in their personal capacity. The person remains a member of the Bureau independent of the country, even when the country is no longer a member.

3.68 The Chairperson considered this an interesting proposal, while noting that in the Bureau of the World Heritage Committee only the Chairperson and the Rapporteur were elected in their personal capacity.

3.69 The Delegation of Egypt considered that there could not be two categories of participants within the Bureau.

3.70 The Chairperson asked the Legal Adviser for clarification on this issue.

3.71 The Legal Adviser confirmed that the Chairperson and the Rapporteur are chosen in their personal capacity, while the five Vice-Chairpersons are State Party representatives.

3.72 The Delegation of Hungary supported Option D, but remarked that a transition arrangement should be sought.

3.73 The Delegation of Zimbabwe underlined that Option D would not only be appropriate in ensuring that the Chairperson is involved in preparing the next session, but also in producing good results. It further supported the amendment as proposed by the Delegation of Belgium.

3.74 The Chairperson remarked that the majority of the delegations supported Option D as amended by the Delegation of Belgium, provided that there would be a satisfactory interim arrangement. The Chairperson closed the first reading of **Rule 12.1** and invited the Bureau members to prepare a proposal for such an interim arrangement. Concerning the proposed **new Rule 12.4**, the Chairperson indicated that the question concerning 'culture' and 'nature' as indicated in the morning session by the Delegation of Argentina, required discussion (*note: see paragraph 3.28 of the Summary Record*).

3.75 The Delegation of Zimbabwe, supported by the Delegations of South Africa, Thailand, Saint Lucia, Lebanon and the Russian Federation, clearly indicated its preference for Option C - no new Rule, the reason being that it is not essential for the Chairperson to be an expert in one or other of the fields: only the quality of the candidate was important and not his/her academic qualifications per se.

3.76 The Observer Delegation of Morocco supported the intervention made by the Delegation of Zimbabwe indicating that the former Chairpersons of the Committee

were not necessarily specialists in the cultural or natural heritage: eminent personalities from the legal or diplomatic world had thus been able to contribute to solving complex problems.

3.77 The Observer Delegation of Italy also supported the intervention made by the Delegation of Zimbabwe and agreed that the quality of the Chairperson was an important factor and that freedom of choice by the Committee should not be limited.

3.78 The Chairperson closed the debate by indicating that consensus was reached on **Rule 12.4** by choosing Option C – no new Rule.

3.79 Concerning the proposed **new Rule 13.2** related to the **Bureau**, the Director of the World Heritage Centre drew attention to an error in footnote 32, wherein it is stated that the Delegation of the United Kingdom did not support the inclusion of a new Rule.

3.80 The Delegation of the United Kingdom took the floor and said that it could live with Option A.

3.81 The Delegation of Egypt also supported Option A because it added a new dimension to **Rule 13.1** by giving the Bureau the freedom to meet as frequently as deemed necessary. New **Rule 13.2** could be merged with **Rule 13.1**, but as a separate Rule it had more effect.

3.82 The Delegation of Finland remarked that by including the word "ordinary" in Option A, the Bureau could only meet in connection with ordinary sessions. The word "ordinary" needed to be deleted for it to apply to extraordinary sessions as well.

3.83 The Chairperson agreed that it was better to delete the word "ordinary" in **Rule 13.2**.

3.84 The Delegation of Belgium recommended caution and proposed that **Rule 13.2** be limited to the following sentence: "*The Bureau shall meet during the sessions as frequently as deemed necessary*".

3.85 The Chairperson asked the Committee whether it could agree with this last proposal.

3.86 The Delegation of Thailand was in agreement.

3.87 The Observer Delegation of Morocco supported the solution recommended by the Delegation of Belgium whilst noting that the expression "*in anticipation*" proposed in Option A could lead to confusion.

3.88 The Chairperson announced that a consensus seemed to be being reached.

3.89 The Delegation of Egypt wondered about the use of the word "*session*": does the Bureau meet between or during the sessions of the Committee? It supported the

deletion of the word "ordinary" and proposed to replace "*during the session of the Committee*" with "*in connection with the sessions of the Committee*".

3.90 The Delegation of Finland remarked that the Bureau meets whenever the Committee wants it to meet.

3.91 The Delegation of the Russian Federation remarked that the difference between the "*sessions*" and the "*meetings*" was clearly defined in the text (*note: Rule 3 concerning the convening of sessions and Rule 13.1 relating to the Bureau's term of office*).

3.92 The Chairperson added that the word "*during*" in the second sentence of Option A could also create confusion and could be replaced by "*at the time*".

3.93 The Delegation of Thailand believed that this was confusing, and preferred to use the word "*during*". It agreed upon the deletion of the word "ordinary".

3.94 The Delegation of Nigeria said that the first sentence of Option A was not needed.

3.95 The Chairperson concluded that the debate turned to the initial Belgian proposal. Therefore a consensus was reached to adopt **Article 13.2** as proposed by the Belgian Delegation.

3.96 Concerning **Rule 14 (Replacement of Chairperson)**, the Delegation of Egypt wondered if it was necessary to add "*commencing with the first letter of the alphabet*", noting that the first letter of the alphabet was always A.

3.97 The Chairperson explained that it had to be decided whether to commence with the first letter of the alphabet (always A) or from the name of the Chairperson's country.

3.98 The Delegation of Belgium pointed out that it should be read "*in the English alphabetical order of States members of the Bureau, commencing with the country of the Chairperson*".

3.99 The Delegation of the United Kingdom proposed that it should be in alphabetical order commencing with the State Party following the country of the Chairperson.

3.100 The Chairperson noted the consensus of the Committee on these proposals and pointed out that they also applied to **Rule 15 (Replacement of the Rapporteur)**. He noted that there were no amendments proposed to **Rule 16 (Duties of the Chairperson)**.

VI. CONDUCT OF BUSINESS

3.101 The Chairperson observed that **Rule 17 (Quorum)** was not the subject of any proposed amendments. Referring to **Rules 18 (Public meetings)** and

19 (Private meetings), he again noted the difference between "*the meetings*" and "*the sessions*".

3.102 Concerning **Rule 18 (Public meetings)**, the Delegation of Egypt noted that it was important to specify that the "*Committee meetings*" were public.

3.103 The Chairperson pointed out that these rules applied to all meetings, but he sought confirmation from the Legal Adviser.

3.104 The Legal Adviser drew attention to **Rule 21 (Subsidiary bodies)**. He also referred to Rule 97 of the *Rules of Procedure* of the General Conference, stating that the *Rules* of the General Conference should be applicable *mutatis mutandis* to other meetings. The Committee may wish to adopt a similar rule.

3.105 The Chairperson proposed to retain the wording of **Rule 18** as it was. For **Rule 20.2 related to the Consultative bodies**, the Chairperson indicated that the proposal was to ensure consistency between the English and the French versions. As the Committee had no comments, he declared that the proposed amendment was accepted.

3.106 Concerning **Rule 21.1 related to the Subsidiary bodies**, the Delegation of Egypt said that there was too much repetition "*by the Committee*". It suggested for one of the sentences the following rewording: "*These bodies can only be constituted from amongst State members of the Committee*".

3.107 The Delegation of Thailand apologized for returning to **Rule 20 (Consultative bodies)** but said that there was a connection with **Rule 21**: the nature of the consultative bodies related to that of the subsidiary bodies. In **Rule 21.1** it should not say "*consultative body*" but "*subsidiary body*".

3.108 The Delegation of the United Kingdom raised two questions related to **Rule 21**. In line 6, where it reads "*by states*", it should read "*among states*". Secondly, the rules of the Committee should only apply for subsidiary bodies, not consultative. Therefore, it should say "*subsidiary*" and not "*consultative*".

3.109 The Delegation of Saint Lucia believed that when mentioning "*consultative bodies*", the text is referring to working groups established on an ad hoc basis and for a limited period of time. Such working groups may include non-members of the Committee. The Delegation gave the example of the Drafting Group for the revision of the *Operational Guidelines* that included non-members of the Committee.

3.110 The Chairperson clarified that consultative bodies may include non-Committee members.

3.111 The Delegation of Saint Lucia indicated its understanding that "*subsidiary*" referred to more permanent bodies that the Committee may wish to create.

3.112 The Chairperson recognized the logic of this remark. He wondered whether changing the name "*consultative bodies*" into "*working groups*" would be helpful for the purpose of clarification and requested the opinion of the Legal Adviser.

3.113 The Legal Adviser explained that the distinction between both categories had existed in the *Rules* for quite a long time. Subsidiary bodies are necessarily composed of Committee members. It would be advisable to say "*from amongst Committee members*". Consultative bodies may be composed of Committee members or not, like a working group. If the name would be changed into "*working group*", it would be limitative, as one could create a 'technical group' that is not a working group. He said that the difference was quite clear for historical reasons, and that there was no problem in legal terms.

3.114 The Delegation of Thailand remarked that the term "*consultative bodies*" should not be changed as Article 10.3 of the *Convention* uses it. The Delegation proposed to include a qualifying phrase, for instance about the composition of the body, and suggested that the Secretariat or the Rapporteur help the Committee in redrafting the text.

3.115 The Chairperson passed on this request to the Secretariat and the Rapporteur.

3.116 The Observer Delegation of Morocco remarked that there was a contradiction between what was proposed in **Rule 21.1** for the Subsidiary Bodies and **Rule 19** concerning private meetings. Indeed, **Rule 21.1** stipulates that the subsidiary bodies shall only be composed of States members of the Committee; on the other hand, **Rule 19** allows the presence of representatives of States non-members of the Committee at private meetings. The Delegation pointed out that this subject had been discussed ever since the session of the Committee in Marrakech (23rd session, 1999). With a view to facilitating matters and out of a spirit of solidarity with all the States, it suggested that non-member States be able to take part in meetings of the subsidiary bodies, but without taking part in the decisions.

3.117 The Chairperson concluded by saying that the difference between the consultative and subsidiary bodies lay in the tasks, composition and working methods. The States non-members of the Committee needed to be able to assist in the work of these bodies. A new version of **Rules 20 (Consultative bodies)** and **21 (Subsidiary bodies)** would be proposed to the Committee at the second reading.

3.118 Concerning **Rule 22 (Order and time-limit of speeches)**, the Delegation of Egypt suggested that the proposed addition to **paragraph 3** be deleted due to the

fact that this question had already been dealt with in several previous Rules.

3.119 The Delegation of the United Kingdom pointed out that the Committee had already dealt with it under **Rule 8.2** related to the Observers, and that it was agreed not to discuss it further.

3.120 The Chairperson noted the agreement to delete the proposed sentence in **Rule 22.3**, as it is evident that only Committee members have the right to vote.

3.121 The Delegation of Argentina agreed with the Delegation of the United Kingdom and the Chairperson concerning paragraph 3 of **Rule 22**. However, the provision referred to in footnote 40 of the working document, now included in the existing *Operational Guidelines*, should be integrated in the *Rules of Procedure*. Therefore the Delegation proposed to add it in a separate paragraph.

3.122 The Delegation of Belgium expressed its agreement with the proposal of the Delegation of Argentina. The Delegation of Belgium indicated that these provisions must also apply to the other observers mentioned in **Rule 8**.

3.123 The delegation of Saint Lucia supported the proposals of the Delegations of Argentina and Belgium. It remarked that from **Rule 23 (Points of order)**, there were gaps in the *Rules of Procedure*, such as the submission of Draft Decisions already mentioned by the Director of the World Heritage Centre, or other rules of procedure. It indicated that it would be a good idea to take inspiration from the *Rules of Procedure* of the General Conference and of the Executive Board of UNESCO in order to fill the gaps in the *Rules of Procedure* of the Committee. Thus, the Delegation suggested that several technical amendments be made by the Secretariat to this text in view of its second reading by the Committee.

3.124 The Chairperson concluded that a new paragraph would be included in **Rule 22** as suggested by the Delegations of Argentina and Belgium. It also invited the Secretariat to make proposals to fill any gaps in the procedures; their examination would take place at the second reading by the Committee. Then the Chairperson invited the Committee to examine **Rules 23 to 27**, indicating that at this stage no amendments had been proposed. He noted the consensus for transferring **Rule 28 (Working languages)** to Section **VIII (REPORTS AND WORKING LANGUAGES)** and took note that no amendment was proposed for **Rule 29 (Voting)**.

3.125 For **Rule 30 (Voting on amendments)**, the Rapporteur informed that there were some errors in the French version and suggested to check the text with the *Rules of Procedure* of the Executive Board.

3.126 The Chairperson noted that there was an agreement on this proposal and that there were no proposals for amendment relating to **Rule 31 (Voting on proposals) and Rule 32 (Withdrawal of proposals)**. In **Rule 33 (Decisions and Records)**, he noted the technical change with regard to the new name of IUCN in paragraph 2, which the Committee had already agreed upon.

VII. SECRETARIAT OF THE COMMITTEE

3.127 Concerning **Rule 34 (Secretariat)**, the Chairperson stated that there being no other proposals for amendment, there was only the technical change with regard to the new name of IUCN.

VIII. REPORTS AND WORKING LANGUAGES

3.128 The Chairperson indicated that in the title of Section **VIII "AND WORKING LANGUAGES"** was added, following the integration in this section of **Rule 28 (Working languages)**.

3.129 The Delegation of Belgium proposed that the word "*speeches*" used in Paragraph 2 of **Rule 28** be replaced by "*interventions*" and that the word "*simultaneously*" be added before "*in English and in French*" in paragraph 4 of the same Rule.

3.130 The Delegation of Argentina commented that 30 years after the adoption of the *Convention*, Spanish was still not used as a working language. This has become of special concern to the Spanish-speaking community, which follows with increasing interest the work of the Committee.

3.131 The Delegation of Oman responded that this was also the case for the Arab States and expressed the hope that Arabic could be used in the future – provided that financial resources were available.

3.132 The Chairperson said that UNESCO only has two working languages, French and English, and that the other languages, such as Spanish or Arabic, are official languages of the Organization.

3.133 The Observer Delegation of Italy had a minor remark concerning the title. Following the order of the text, the title should say "*Working Languages and Reports*" instead of "*Reports and Working Languages*".

3.134 The Chairperson concluded that the remark of the Observer Delegation of Italy would be integrated.

3.135 Concerning **Rule 35 (Reports to the General Conference)**, the Delegation of Saint Lucia stated that before speaking about the reports to the General Conference of UNESCO, the Committee should first speak about reports to its own General Assembly.

3.136 The Chairperson responded that this proposal could be integrated for the second reading, and that there was no doubt that there was a gap in the text. The Chairperson pointed out that due to the changes made, the numbering of the paragraphs would have to be adapted. He asked if the Committee had any other remarks to formulate at the end of this first reading.

3.137 Referring to paragraph 4 of **Rule 28 (Working languages)**, the Delegation of the United Kingdom asked whether the Committee had agreed to include the term "*simultaneously*". It expressed its concern concerning delays in the distribution of the documents.

3.138 The Secretariat replied that when writing first in English and translating it afterwards to French or vice versa, the concordance check process has been useful to fine tuning the text. The delays caused by translation were normally one week or ten days maximum.

3.139 The Delegation of the United Kingdom said if the word "*simultaneously*" was maintained, then the Secretariat would always be obliged to do it.

3.140 The Chairperson remarked that both languages were equal.

3.141 The Delegation of Lebanon noted that it would no doubt be necessary to come back to the text of the *Rules of Procedure* for new additions resulting from the debate on the *Operational Guidelines*.

3.142 The Chairperson concluded that "*simultaneously*" would be maintained in **Rule 28.4** and confirmed that other topics could be discussed during the second reading.

3.143 The Delegation of Egypt shared the concerns of the Delegation of the United Kingdom. It is important for the Committee to receive reports when they are ready.

3.144 The Rapporteur confirmed that the simultaneous publication of the working documents would improve the quality of the documents produced. In this respect, she expressed her satisfaction at the measures taken recently by the Centre to reinforce, by persons with English or French as their mother tongue, the capacities of the Unit in charge of the statutory meetings. She noted, however, that numerous documents, in particular the reports of the General Assembly and of the ordinary and extraordinary sessions of the Committee only appeared in their English version on the web whereas these documents existed in French. She proposed to the Committee to support the Centre's efforts in this field.

3.145 The Delegation of Belgium pointed out that it was necessary to ensure that two-speed debates were not established, excluding some States Parties.

3.146 The Observer Delegation of Morocco observed that the non-English speaking States Parties and members

of the Committee had suffered a great deal from the fact that certain texts were not available in French and that this problem still arose regularly. Praising the initiative of Spain to make the interpreting of Spanish possible at the sessions of the Committee, it proposed that the same thing be asked of other countries, perhaps including France in order to help resolve this problem by following the Spanish example.

3.147 The Chairperson insisted that the situation was quite different now. Only the two working languages were considered, French and English, and there would always be problems with other languages.

3.148 The Delegation of China asked for clarification concerning **Rule 12 (Elections)**. If the elections were to be held at the end of the session, which session of the Committee was referred to?

3.149 The Chairperson responded that at present the Committee was going through a transitional period, and that while the new procedure proposed would elect a new Chairperson at the end of the meeting, the existing procedure would be applied for the 27th session to be held in China.

3.150 The Delegation of China replied that it could not agree with Option D for **Rule 12**, and that it would prefer to leave the text as it stood.

3.151 ICCROM referred to **Rule 21 (Subsidiary bodies)** and said that it might be useful to insert a line wherein there is mention of the Advisory Bodies, so that they may participate in the meetings of the subsidiary bodies.

3.152 The Chairperson stated that the Advisory Bodies could never participate as members, but could participate in the same quality as they do in the Committee sessions.

3.153 ICCROM agreed with this statement.

3.154 The Delegation of India said that after listening to the Delegation of China, Option D was only chosen during the first reading of the text. In principle, the Delegation would have difficulties with any abrupt change of the chairmanship, and that therefore it wished to express its reservation concerning Option D.

3.155 The Chairperson recalled that the Committee would have a possibility to look again at the text during the second reading. He therefore invited the Committee to focus on issues that had not yet been discussed.

3.156 The Delegation of Lebanon, referring to paragraph 4 of **Rule 28 (Working languages)**, underlined that a text is often improved when it is translated into another language, the concordance check between the two versions allowing the text to be refined.

3.157 The Director of the Centre pointed out that there were two types of documents, information documents, for the most part the reports of missions, which are only available in one language and working documents, which are translated. He pointed out that a change to this rule would lead to either a reduction in the documents distributed to the Committee or to an increase in the budget set aside to this effect.

3.158 The Chairperson observed that it was necessary to strive to eliminate the disadvantages of the current system whilst attempting to maintain its advantages. Returning to **Rule 12 (Elections)**, the Chairperson emphasized that it was essential to begin the 27th session of the Committee in Suzhou by the elections. Nevertheless, he recalled that at transitional solution would still have to be found.

4. POLICY AND 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

Documents:

WHC-03/6 EXT.COM/4

WHC-03/6 EXT.COM/INF.4A

WHC-03/6 EXT.COM/INF.4B

WHC-03/6 EXT.COM/INF.4C

WHC-03/6 EXT.COM/INF.4D

4.1 The Secretariat introduced Item 4 of the Agenda drawing the Committee's attention to Draft Decision **6 EXT.COM 4** which builds upon the original Draft Decision presented to the Committee at its 26th session (Budapest, 2002) and takes into account the ensuing debate by the Committee and the variety of opinions expressed during the discussion at that session. The Secretariat recalled that Item 4 is closely linked to the revision of the *Operational Guidelines*. Draft Decision **6 EXT.COM 4** proposes to:

- Maintain in the revised *Operational Guidelines* some of the existing texts;
- Include procedures for emergency nominations to and inscriptions on the *World Heritage List* and the *List of World Heritage in Danger* in the revised *Operational Guidelines*;
- Include criteria for 'urgent need' in the revised *Operational Guidelines*;
- Allocate 25 % of the *World Heritage Fund* to the protection of properties on the *List of World Heritage in Danger*.

4.2 The Chairperson thanked the Secretariat and recalled the importance of reviewing the documents prepared for previous sessions. The Chairperson stated that since the questions raised by the Secretariat were very closely linked to the *Operational Guidelines* that the Committee would discuss the next day, he suggested that all discussions be held in plenary meetings. The need for

drafting groups could be decided subsequently. The Chairperson also remarked that, as the Delegation of the United Kingdom had pointed out, there were procedural differences with previous agenda items: e.g. for the revision of the *Rules of Procedure* a two-thirds majority was required.

Tuesday 18 March 2003, 15h20 - 18h30

The Chairperson presented to the Committee the results of the Bureau's informal meeting. He indicated that the Rapporteur had presented the progress in the work done since the previous day's meeting on Item 3 on the agenda concerning the revision of the *Rules of Procedure*. He also informed the Committee that the Bureau had decided to prepare a transitional solution for the Bureau elections and that the latter would be submitted to the Committee as soon as possible.

4. (continued) POLICY AND 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

Documents:

WHC-03/6 EXT.COM/4

WHC-03/6 EXT.COM/INF.4A

WHC-03/6 EXT.COM/INF.4B

WHC-03/6 EXT.COM/INF.4C

WHC-03/6 EXT.COM/INF.4D

4.3 The Chairperson opened the debate on Item 4 of the agenda by pointing out that the first part of the discussion would be devoted to comments of a general nature and the second part to the examination of Draft Decision **6 EXT.COM 4**.

4.4 The Delegation of Argentina remarked that they had already presented their position concerning the inscription of sites on the *List of World Heritage in Danger* and concerning deletion from the *World Heritage List* at the 26th session of the Committee in Budapest (2002), as stated in pages 27-28 of the English version of the *Summary Record* of that session. The Delegation indicated that it was prepared to work towards achieving consensus. It underscored that there was a need for a clear and practical procedure to deal with this matter. The procedure had to take into account the following two elements:

- a) In the last instance, it was the responsibility of the Committee to decide about the inscription on the *List of World Heritage in Danger* or its deletion from the *World Heritage List*; and
- b) The State Party on whose territory such property is located should be given every reasonable possibility to state its case concerning such inscription or deletion;

In conclusion, the Delegation suggested that a working group could be set up to try to develop the procedures referred to and move this debate forward.

4.5 The Chairperson asked the other members of the Committee to give their opinions on this last proposal whilst remarking that it was better, at this stage, to work in plenary.

4.6 The Delegation of Mexico supported the proposal of the Delegation of Argentina of setting up a working group, and expressed its willingness to participate in such a group.

4.7 The Delegation of Finland recalled that it had chaired the second Drafting Group for the *Operational Guidelines* and at that time it had considered this question to be political. Nevertheless, the Delegation now believed that it should be discussed in plenary to clarify the notion of the *List of World Heritage in Danger* and its purpose. The issue has become an increasingly political question, and therefore the credibility of the *World Heritage Convention* will depend greatly on the decisions taken by the Committee.

4.8 The Delegation of Finland stated that this intergovernmental Committee has the responsibility of the maintenance of the outstanding universal value of a World Heritage property, even when this is primarily the State Party's responsibility. The Delegation expressed the hope that the *List of World Heritage in Danger* be considered as a warning/alert to the State Party to address the problems in maintaining this value. Therefore, reactive monitoring and state of conservation of sites should be discussed, as these had been discussed many times for sites without reaching a solution. The Delegation stated that the credibility of the Committee was at stake. The question is how to find a solution to the conservation problems if the State Party does not act.

4.9 The Chairperson pointed out that **paragraph 6 of Draft Decision 6 EXT.COM 4** contained good sequences for conservation, presented in a logical order to protect the outstanding universal value of the sites.

4.10 The Delegation of the United Kingdom remarked that, like the Delegation of Argentina, it had made known its legal position at the Budapest session. It indicated that a decision needs to be taken, as the Committee cannot continuously debate these questions. The position of the United Kingdom in this debate is very clear: the inscription of properties on the *List of World Heritage in Danger*, can only be done with State Party consent; however, when it comes to deletion, the agreement of the State is not needed. The Delegation reiterated its readiness to participate in a working group to preserve the integrity of the *Convention*.

4.11 The Delegation of Lebanon underscored that it agreed with the principle of setting up a working group but

that it was important to hold a first debate in plenary in order to be able to get to know the different positions of the States. The Delegation reaffirmed its own position by emphasizing that **Article 11.3** of the *Convention* states that the inscription of a property on the *World Heritage List* can only be done with the consent of the State in question and that **Article 11.4** relating to the *List of World Heritage in Danger* gives examples of serious, specific threats. The Delegation of Lebanon pointed out that the last sentence of this article says that "*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*" (note: underlined by the Delegation). It remarked that if the authors of the *Convention* had wanted the inscription on the *List of World Heritage in Danger* to be subject to the consent of the State concerned, they would have put it in writing, which is not the case. The Delegation of Lebanon informed that it had also consulted a legal adviser and that it had defined that inscription on the *List of World Heritage in Danger* supposes a consultation of the State Party and not its consent.

4.12 Concerning the deletion of a property from the List, the Delegation of Lebanon pointed out that **Article 11.2** of the *Convention* refers only to an 'updating' of the List, with the *Operational Guidelines* providing, in **paragraph 46 and following**, the conditions and the procedure for this deletion. In fact, the Delegation noted that the Committee could decide to delete a property from the List without the consent of the State concerned. Nevertheless, it pointed out that this would have to be done in consultation with the State whilst remembering that a consultation is not the same as consent. The Delegation of Lebanon moreover remarked that the inscription of a property on the *List of World Heritage in Danger* was still seen by many States as a sanction and not as a call to safeguard the property, a mobilization to save the property. It mentioned that this notion of safeguarding should be reflected in the *Operational Guidelines* by means of adequate procedures. Finally, the Delegation proposed that the States whose sites are in danger benefit from aid (financial, technical, experts) in order to be able to remove these properties from this List.

4.13 The Chairperson expressed his satisfaction with this declaration, noting that it reflected more or less the content of the Draft decision.

4.14 The Delegation of Zimbabwe, speaking from the perspective of the continent with the fewest number of sites on the *World Heritage List* but the largest number of sites on the *List of World Heritage in Danger*, questioned the circumstances leading to the inscription of a property on the *List of World Heritage in Danger*, as well as the effects of such an inscription. The *Convention* itself is the result of common sense concerning the preservation of heritage. Notwithstanding that the *Convention* states that it is the State Party's responsibility to maintain the sites, the Delegation believed that it was also the Committee's responsibility to ensure the conservation of the site, thus to

recognize the need of a consultation process with the State Party concerned. The main objective of the *Convention* is the conservation of the sites. Regarding the intervention of the Delegation of Lebanon, the Delegation of Zimbabwe said that consent is always desirable. If consent is not forthcoming, safeguarding heritage should be given priority, and therefore, with or without consent, a property could be put on the *List of World Heritage in Danger* or deleted from the *World Heritage List*. The Delegation said that there were a number of positive components in Draft Decision **6 EXT.COM 4** and added that it shared the position of the Delegation of the United Kingdom concerning the need to find a lasting solution.

4.15 The Delegation of Thailand remarked that this topic had been discussed many times and therefore should not be discussed again in plenary; but agreed with the Delegation of Lebanon that the comments of the members of the Committee should be given in plenary before the topic is sent to a drafting group. The Delegation recalled that the same argument was put forward in 1991 concerning In Danger Listing in 1992 of properties in the Balkans, and Croatia, including Dubrovnik, to draw public attention to the threat of armed conflict existing at that time. The Delegation said that the Committee had the right to inscribe properties on the *List of World Heritage in Danger* without consulting or having the consent of the State Party. The Delegation insisted that the same point was made during the Kyoto session (22th session, 1998) concerning mining activities for a particular site. For this case, the Delegation stated that it considered that the danger was not great enough to warrant its inscription on the *List of World Heritage in Danger*. The Delegation stressed that in such cases both sides of the argument should be heard. It remarked that its position had been the same in all cases since 1991 (14th session, Banff), and that it was not a political issue but a legal issue. The Delegation added that in general, consent is desirable, and that in the spirit of the *Convention* the States Parties should be consulted. However, the Committee has the right to decide alone, as in **Article 11.4** of the *Convention*, it is clearly written that: "*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.*"

4.16 The Delegation of Thailand continued by saying that although in other parts of the *Convention* consent is needed, in this particular context this was not the case, as the Delegation of Lebanon had already remarked. Here, we are referring to urgent need, which is why consent is not needed. If there is no urgent need, then the Committee must consult the State Party. According to the Delegation of Thailand, its argument supports the implementation of the *Convention*. It must deal with this as a legal issue rather than as a political one. The Delegation noted that inscription on the *List of World Heritage in Danger* should not be seen as a punishment because it is foreseen as such in the *Convention*, and it is the responsibility of the Committee to address the needs (like funds) that are

required for conservation of the property and to bring the endangered property to the attention of the world.

4.17 The Delegation of the Republic of Korea stated that they were neither for nor against the requirement of consent. Like the Delegation of Finland, their concern was the protection of heritage. On the content of **Article 11.4**, it was important to further elaborate on the notion of urgent need. Tension with the State Party concerned can be reduced to the minimum through clearer procedures. The Delegation said the recommendations made at the workshop in Amman 2000 were important aspects to be considered. According to the Delegation, a positive result can only be reached through consultation and co-operation with the State Party concerned.

4.18 The Delegation of South Africa remarked that they supported the idea of a working group, but found the discussion in plenary very useful. Therefore, perhaps consensus in plenary could be achieved. Like the Delegation of the United Kingdom, the Delegation of South Africa believed that consent of the State Party was needed for inscription on the *List of World Heritage in Danger*, but not for deletion. Referring to the *List of World Heritage in Danger*, the Delegation of South Africa remarked that it strongly supports consultation with the States Parties concerned. Whenever a site is included on the *List of World Heritage in Danger*, the perception is always that it is a sanction. The Delegation therefore feels that it is necessary to move forward by adopting a procedure that includes the following points: 1) timeframes, 2) measurable progress, 3) benchmarks; and 4) strong co-operation and assistance, including financial assistance. If the State Party does not react, the Committee could set down criteria for appropriate procedures. Should the State Party not comply with these criteria, the property could be inscribed on the *List of World Heritage in Danger*.

4.19 The Delegation of Greece underlined that the ultimate goal of the *Convention* was the protection of the heritage and that it was therefore necessary to adopt an effective means of achieving that. It noted that if the Committee thought that the site was under threat, a consultation must be undertaken with the State concerned, proposing, for example, measures to protect the site as well as a timeframe for their implementation.

4.20 The Delegation of China underscored that on the one hand, the management of a property involves many factors, which are not necessarily under the control of the central government, but mostly of the local authorities or private sector. On the other hand, the State Party is committed to ensure the management of the site, and it is up to the State Party to resolve the problem of an endangered site. The Delegation proposed that seeking consent should be the principle but that the Committee could consider the possibility of giving the State Party a period of time to remove the threats affecting the property.

4.21 The Delegation of Egypt remarked that the discussion of this topic would be a lengthy process, and therefore, it would propose a number of principles to guide the Committee's path through all the documents under consideration. The first principle refers to the **preamble** of the *Convention* itself, where it is stated that in view of the magnitude of the dangers, the Committee could participate in and complement the intervention of the State Party. The Delegation of Egypt stated that the State Party has full sovereignty. Secondly, in **Article 11.3** of the *Convention*, the consent of the State Party is dealt with. The Delegation remarked that the States Parties present the nomination files and that the Committee establishes the criteria for inscription on the *World Heritage List*. That is why only the States can delete a site from the *World Heritage List*. Otherwise, it would be an attack on the sovereignty of the States. The Delegation recalled that UNESCO is a place of peace and of conciliation. The Delegation insisted that laws are made for Man, and that therefore the *Convention* is there to support the State Party. The Delegation stated that it was not worried about the credibility of the State Party, but about that of UNESCO: what would be the reaction of the citizens of a State Party when UNESCO deletes a property in their country from the *World Heritage List*?

4.22 The Delegation of Saint Lucia questioned the purpose of the *Convention*: to conserve sites for future generations, or use it for developing tourism? The Delegation believed that the *Convention* is a mechanism for preservation, and that therefore the Committee had to focus on the process to be followed for inscribing a property on the *List of World Heritage in Danger* and to assist the State Party in its efforts for conservation. The Delegation also proposed that the Committee should have references and criteria to know when a property should be listed on the *List of World Heritage in Danger*. Therefore the proposal of the Delegation of South Africa seemed to be a useful procedure to follow. The World Heritage Committee consults with the State Party, elaborates an action plan, including a timetable, so that the State Party could not continue indefinitely to avoid the issue. The Delegation remarked that the State Party must be concerned about integrity, and asked the Committee: if the *List of World Heritage in Danger* is a means of attracting funds and technical expertise, and if a property is not inscribed in this List, how could funds be mobilized quickly to address the threats to the property? If the State Party does not react, the Committee should provide an action plan. When the State Party does not comply with this action plan, the property can then be inscribed on the *List of World Heritage in Danger*. The Delegation stressed that benchmarks and timelines are needed, including steps to be followed once funds start to flow. If the State Party does not react, then deletion can be considered.

4.23 The Delegation of Belgium stated that it was not keen to take the floor because its country had asked in the past for legal advice. The Delegation expressed its full agreement with the Delegation of Thailand who had

emphasized that this was a legal issue. The Committee received a legal advice, different studies were available, the issue had been discussed at length at the workshop in Siena; they all came to the same conclusion. The Delegation was nevertheless very sensitive to the arguments put forward by the Delegation of Zimbabwe - namely that the ultimate goal was conservation and there must be a process of consultation. The Delegation therefore stated that Draft Decision **6 EXT.COM 4** as it stood was acceptable.

4.24 The Delegation of Nigeria referred to the question posed by the Delegation of Egypt: whether the law is there for Man or Man for law. A professional, legal interpretation of it, as put forward by the Delegation of Saint Lucia, is that in cases of crisis, what the *Convention* needed is a consultation mechanism, not consent. What is the future of the *Convention* if sites continue to deteriorate? The duty of the Committee is to ensure the safeguarding of the universal value for which the property was inscribed on the *World Heritage List* and to find the means to persuade States. The Delegation ended its intervention by saying that laws are made by Man, not for Man.

4.25 The Delegation of Federation of Russia, giving the example of the Lake Baikal site, pointed out that without the consent and cooperation of the State Party the situation of the site could not improve. However, if the Committee wished to place a site on the *List of World Heritage in Danger*, this would have to be accompanied by a management plan and specific financing. It gave a second example, in Siberia, for which it intends to request an inscription on the *List of World Heritage in Danger*. The Delegation of Federation of Russia declared itself opposed to **paragraph 9** of Draft Decision **6 EXT.COM 4**. It pointed out that it favoured the creation of a working group in order to find a compromise and to reinforce the permanent consultation that should be established with the State whose site is endangered.

4.26 The Delegation of India asked if the Members of the Committee had the right to intervene again during the debate.

4.27 The Chairperson responded in the affirmative.

4.28 The Delegation of Thailand commented that the Committee, before inscribing a property on the *List of World Heritage in Danger*, should assist the State Party to remove the threats to the property. According to **Article 20** of the *Convention*, the Committee should also do so once the property has been inscribed on the List in Danger. Both benchmarking and a better description in the *Operational Guidelines* should be provided.

4.29 The Observer Delegation of Italy indicated that it shared the opinion expressed by the Delegation of Thailand regarding the legal side of this question. It underlined that the *World Heritage Convention* was an international treaty

which, as indicated in the 2002 Siena Workshop Report (document *WHC-03/6 EXT.COM/INF.4D*), is aimed at reconciling opposing interests and that on the one hand, it took into consideration the concepts of national sovereignty, national legislation and national identity. On the other, it enhanced the values of common heritage of humankind, international solidarity and universality.

4.30 The Observer Delegation of Italy noted that in the interpretation of a treaty, account must be taken of the ordinary meaning of its provisions, in the light of the object and purpose of the treaty itself and that in the case of the *World Heritage Convention*, it was also within the object and purpose of the treaty to strike a balance between the role granted to national interests and the role attributed to the international aim pursued by the Parties as a whole. The Delegation underlined that this implied a limitation of national sovereignty, which is inevitable, and that every treaty entailed, up to a certain extent, a limitation of national sovereignty as a consequence of the obligations voluntarily accepted by the Parties. It recalled that if a State did not want to limit its sovereign prerogatives, it should not enter into international commitments.

4.31 The Observer Delegation of Italy noted that each State Party submitted a Tentative List of properties situated on its territory and suitable for inclusion in the *World Heritage List* (**Article 11.1**). It underlined that the inclusion in this List "*requires the consent of the State concerned*" (**Article 11.3**); however, in the case of the endangered heritage, it is the competence of the Committee to "*establish, keep up to date and publish (...) the 'List of World Heritage in Danger'*" (**Article 11.4**). The Observer Delegation of Italy stated that it was not within the mandate of this session to change the balance of responsibilities established by the *Convention* itself.

4.32 Regarding other legal questions, the Observer Delegation of Italy informed that it fully shared the conclusions presented in document *WHC-03/6 EXT.COM/INF.4A* and that, while co-operation and consultation between the State concerned and the Committee was always welcome, it would be contrary to the *Convention* to require in any case the consent of the State concerned for inclusion of properties in the *List of the World Heritage in Danger*. The Observer Delegation of Italy also underlined that the establishment of any procedure of consultation based on progressive steps and time frames should not prejudice **Article 11.4** of the *Convention* that allowed for immediate action by the Committee in case of urgent need.

4.33 Concerning the question of deletion from the *World Heritage List*, the Observer Delegation of Italy stated that the consent of the State concerned should not be necessarily required and that, while inscription is decided by the Committee on the objective condition of the outstanding universal value of a property, this situation might change as a consequence of exceptional and unpredictable circumstances which should also be evaluated by the Committee. The Observer Delegation of Italy mentioned that also in this case,

co-operation and consultation with the State concerned were highly desirable.

4.34 The Observer Delegation of the United States of America presented a statement and requested that the formal U.S. position be annexed to the record of the meeting. The Observer Delegation noted that the United States was the only developed nation with sites on the *List of World Heritage in Danger*. The Observer Delegation informed the Committee that the U.S. position was that a *World Heritage In Danger* Listing cannot and must not occur without the consent of the State Party on whose territory the property is situated. The Observer Delegation underlined that they made it clear during the drafting of the *Convention* that nothing in the text should result in the loss of a nation's sovereign control over the resources within its borders.

4.35 The Observer Delegation of the United States of America recalled that the World Heritage Committee argued that an inscription on the *List of World Heritage in Danger* is not to be considered a sanction against a State Party. However, the Observer Delegation pointed out that when a State Party opposes to an inscription on the *List of World Heritage in Danger*, inevitably this listing would be perceived as a sanction. According to the Observer Delegation, the international community cannot contribute towards the conservation of a site without the State Party's consent.

4.36 The Observer Delegation of the United States of America underlined that co-operation and collaboration with the State Party should also be sought in the reactive monitoring process. The Committee's recommendations need to be based on facts and peer review. The Observer Delegation of the United States of America concluded by saying that co-operation of the Committee, the State Party, the World Heritage Centre and the Advisory Bodies is essential to ensure the conservation and preservation of the heritage.

4.37 The Observer Delegation of Australia agreed the *Convention* could only achieve its objectives through cooperation and drew the attention of the Committee to two facts: on no occasion had the Committee included a property on the In Danger List where the State Party had objected; this practice reflected an interpretation of the *Convention* that State Party consent is required before In Danger Listing. It stated that contrary to the interpretation given by the Delegation of Lebanon, **Article 11.4** was very clear in requiring State Party consent, noting its own legal advice confirmed that before In Danger Listing could occur, **Article 11.4** required the relevant State Party to first request assistance under the *Convention*. In addition, while the last sentence of **Article 11.4** provided for the Committee to act in situations of urgent need, it did not dispense with the need for State Party consent.

4.38 If clarification was needed, the Observer Delegation of Australia noted that the *Vienna Convention*

on the Law of Treaties directed States to the working papers of a convention, or the *travaux préparatoires*. In the *travaux préparatoires* of the World Heritage Convention, the drafters of the Convention state that the meaning of **Article 11.4** was "the inclusion of a property in these lists (that is the World Heritage List and the List of World Heritage in Danger) requires the consent of the State Party concerned. ...[A] request by the latter will be necessary before a property may be included in the 'List of World Heritage in Danger'." It said they found it perplexing how these very clear and unambiguous words could be interpreted to mean the opposite.

4.39 The Observer Delegation of Australia added that for reactive monitoring to achieve best practice, it needed to be undertaken in close consultation and cooperation with the relevant State Party, be based on clear, accurate and verified facts not emotive claims, give due consideration of the views of the State Party, include agreement on the nature and scale of the threat and agreement on a process to address the threat. It noted that State Party consent was not required for the Committee to delete a property from the *World Heritage List*. It requested their statement be attached to the record of the meeting.

4.40 The Chairperson asked the Committee if it could agree with the proposals made by the Observer Delegations of the United States and of Australia to annex their interventions in extenso to the *Summary Record* of the meeting.

4.41 The Delegation of Egypt fully supported the inclusion of both interventions as annexes, because they threw much light on the topics being debated. The Delegation proposed to set up a drafting group to work on seeking a consensus. Concerning the intervention of the Delegation of Zimbabwe, proposing a detailed action plan, the Delegation of Egypt reminded the Committee that inscription of a property requires the consent of the State Party. Therefore, the same authority needs to give its consent for deletion. The Committee should not acquire new functions, and the sovereignty of the State should not be touched.

4.42 The Delegation of Saint Lucia stated that concerning the annexing of the interventions of the Observer Delegations of the United States and of Australia, the Committee had already decided to use a new format for the reports, called the *Summary Record*, wherein all interventions are treated in the same way. Concerning the proposal of the Delegation of Egypt to establish a drafting group, the Delegation of Saint Lucia said that it was not opposed, but that there was first a need to reach an agreement in plenary. The drafting group should not become a negotiating group.

4.43 The Delegation of India took the floor with regards to the request to annex interventions to the *Summary Record* and stated that they should be not

annexed but be summarized in the *Record*. As much progress had been made in plenary, the Delegation also supported the proposal to continue debating in plenary before passing the work to a drafting group.

4.44 The Delegation of Lebanon pointed out that it shared the point of view of the Delegations of Saint Lucia and India: there was no reason to add any annexes to the *Summary Record* and the same rule must apply to everyone. The Delegation underlined that the Committee's prerogative in inscribing the property on the *World Heritage List* or not could also be considered as a breach of national sovereignty, whilst noting that it did not think this was the case. The Delegation pointed out that in its opinion, a State that was signatory to an international treaty must respect its rights but also its duties. The Delegation of Lebanon also pointed out, moreover, that if the Committee considered that a property was in danger, it then had the right to inscribe it on the *List of World Heritage in Danger*. If this was not the case, the Committee would be reduced to a "recording machine" inscribing sites on the *World Heritage List* for eternity. What was at stake was the credibility of the *Convention*.

4.45 The Chairperson, considering the time available, asked that the interventions of Delegations should be as brief as possible.

4.46 The Delegation of Zimbabwe reiterated that this debate had taken place very frequently. The Delegation agreed with the Delegations of Saint Lucia, India and Lebanon concerning the need for all interventions to be treated equally. It stated that the essence of World Heritage was at stake and wondered what the value of conservation reports and Periodic Reporting was, when no action is taken in respect of the outcome of these reports. Notwithstanding the sovereignty of States Parties, the Delegation believed that the Committee should recognize that it is meeting to discuss the very core elements of heritage and not political issues. Finally, the Delegation agreed that the debate should continue in plenary, but felt that the Committee should move on as there was too much repetition of statements by delegations.

4.47 The Delegation of Thailand noted that there are two different lists mentioned in the *Convention*. The *World Heritage List* itself is considered in **Article 11.3**, while **Article 11.4** deals specifically with the *List of World Heritage in Danger*. As the Observer Delegation of Italy had already stated, the Committee may at any time, when there is an urgent need, inscribe a property on the *List of World Heritage in Danger*. This means that consent must be given for an inscription on the *World Heritage List*, but once it has been given, the mechanism of the *Convention* takes over, and no consent is required for specific cases.

4.48 The Observer Delegation of the Philippines said that its Government had asked to place the Rice Terraces of the Philippine Cordilleras on the *List of World Heritage in Danger*. It was felt that consultation was not needed

because the Government of the Philippines came itself to the conclusion that the site would be better preserved once inscribed on the *List of World Heritage in Danger*. A process of consultation and dialogue with the State Party should be engaged when the State objects to the inscription of a site on the *List of World Heritage in Danger*. Therefore, the Delegation supported the proposals made by South Africa and Saint Lucia concerning a plan of action with specific benchmarks and time limits. The Delegation stated that a drafting group, and not a working group as proposed by the Delegation of Argentina, should be constituted.

4.49 The Delegation of Oman also supported the proposal of South Africa and Saint Lucia to establish a set of procedures and mechanisms to facilitate listing or deletion of properties.

4.50 The Observer Delegation of France brought its support to the interventions of the Delegation of Thailand and the Delegation of Lebanon maintaining that the *Convention* allowed the inscription of a property by the Committee on the *List of World Heritage in Danger* without the prior consent of the State Party. It pointed out that the notion of international solidarity as it is contained in **Article 7** of the *Convention*. Furthermore, it pointed out that a refusal by the State concerned could lead to a stalemate that would be harmful to the credibility of the Committee, the *Convention* and UNESCO.

4.51 IUCN recalled **Article 14.2** of the *Convention* wherein it is stated that the Secretariat should make full use of its Advisory Bodies. IUCN has long experience in international environmental law and assisted in the drafting the *World Heritage Convention* and the *Convention on Biological Diversity*. It supported the Delegations of Argentina, Belgium, South Africa, Saint Lucia and Zimbabwe in defining a clear process for inscription on the *List of World Heritage in Danger*, and it welcomed the constructive way these problems were reflected in the Draft Decision. As the Delegation of Thailand indicated, this had been the practice of the *Convention* for many years, and not an exception. IUCN believed that the credibility of the *Convention* was based on maintaining the ability of the Committee to take these decisions. If, despite all the efforts made, the state of conservation of a property had not been improved, it should be inscribed on the *List of World Heritage in Danger*. This is based on previous practice of the *Convention*.

4.52 ICOMOS supported IUCN's intervention and stated that the *Convention* establishes an effective system of protection. The Committee has the power to inscribe a property on the *List of World Heritage in Danger* without the consent of the State Party. In the *Convention*, only consultation is required, not consent. This practice has been very useful to protect World Heritage as it has influenced public opinion in several cases. If this is changed, it would jeopardize the ability of the Committee

to respond to cases of urgent need. ICOMOS believed that in certain cases, the possibility of deletion helps to protect sites. There were no relevant examples, but even the threat of deletion had already been efficient. ICOMOS also supported the Draft Decision as it stood.

4.53 The Observer Delegation of Italy required that, if the requests of the Observer Delegations of the United States and of Australia were approved, its intervention also be annexed.

4.54 The Delegation of the United Kingdom requested clarification in relation to the proposal of the Delegation of South Africa of having benchmarks. Would these benchmarks lead to inscribing a property on the *List of World Heritage in Danger*, or to deletion from the *World Heritage List*?

4.55 The Delegation of South Africa responded that its proposal was specifically aimed at the *List of World Heritage in Danger*, which is the most complicated issue. Of course, the Delegation continued, a procedure should be set up once the Committee had reached a certain point, before deletion.

4.56 The Delegation of India stated that the discussion had clarified the issue: there was a division between those who believe that only pressure works, and those who believe persuasion works. The Delegation of India believes in persuasion and hence in consultation with the State Party, in the spirit of the *Convention*. The intention of the authors of the *Convention* was clearly to introduce the concept of the *List of World Heritage in Danger*. This implies providing assistance, even without it having been requested. It is necessary to define the meaning of urgent need as specified in **Article 11.4**. After thirty years, the Committee is using its authority for co-operation with the States Parties. Therefore, the Delegation of India supported the proposal of Delegation of South Africa for a timeframe, a phased approach in different stages.

4.57 The Observer Delegation of Germany fully supported the interventions of the Advisory Bodies, IUCN and ICOMOS.

4.58 The non-governmental Observer Organization, Bird Life International, reminded the Committee that it should not allow its deliberations to be dictated by short-term considerations. The Committee should retain its authority bestowed by the *Convention*, and not surrender to political interests. The Observer urged that the Committee carefully consider the steps it was taking, bearing in mind the interests of concerned ordinary people all over the world.

4.59 The non-governmental Observer organization, The Wilderness Society of Australia, called attention to the high regard with which the *World Heritage Convention* was held in Australia and worldwide. It recalled that the inscription of the Tasmanian Wilderness in Australia had

been a victory for conservation that would be long remembered. Civil society looked to the World Heritage Committee to uphold these conservation values.

4.60 The Chairperson thanked the delegations for the constructive debate. Concerning the annexing of interventions, he noted that the *Summary Record* system did not provide for this, but since they had been so pertinent, he recommended that they be circulated in the room with the help of the Secretariat.

4.61 The Observer Delegation of the United States of America agreed with this suggestion.

4.62 The Delegation of India approved the proposal made by the Chairperson.

4.63 The Delegation of Madagascar noted that it would be enriching if the interventions of the States who wished it were circulated in the room.

4.64 The Delegation of Lebanon stated that it was not against the circulation of the texts of the interventions but that it could add to the Secretariat's excessive workload. It proposed that each delegation wishing to see its intervention circulated, enter it into the computer itself and circulate it in the room.

4.65 The Chairperson noted the consensus on the proposal formulated by the Delegation of Lebanon. Then, he proposed that a drafting group be created with as its working base Draft Decision **6 EXT.COM 4** – which reflects more or less all the interventions – as well as the proposals made by the Delegation of South Africa and supported by the other delegations.

4.66 The Delegation of Egypt suggested that the group constituted be more a drafting group than a working group and that it include a limited number of member States.

4.67 The Delegation of Lebanon supported the principle of the working group having a precise mandate.

4.68 Noting that there was a consensus on the group's mandate, the Chairperson proposed that it comprise a limited number of members of the Committee, that it be chaired by the Delegation of Argentina and that the Rapporteur be South Africa. The work would be open to all the Delegations.

4.69 Invoking a point of order, the Delegation of Egypt observed that it was for the working group to elect its own Chairperson and Rapporteur.

4.70 Upon request from the Chairperson, the Legal Advisor explained that the subsidiary bodies must be created in accordance with **Rule 21** of the *Rules of Procedure*. The Rule authorizes the Committee to establish them as it deems necessary for the conduct of its work, and each of them is given the authority to elect its own

Chairperson and Rapporteur. When appointing the members of these subsidiary bodies the Committee must consider equal representation of regions and cultures of the world.

4.71 The Chairperson concluded that the Delegation of Egypt was right and asked the members of the Committee whether they wished to participate in the work of this subsidiary body.

4.72 The Observer Delegation of the United States of America asked whether non Committee members could attend the meetings of this subsidiary body.

4.73 The Chairperson recalled that membership was restricted to Committee members but all States parties could attend the meetings.

4.74 The Delegation of Egypt proposed the Delegation of Zimbabwe.

4.75 The Delegation of Lebanon proposed the Delegations of Thailand and Saint Lucia.

4.76 The Chairperson noted the interest of ICCROM to participate in the work of the group.

4.77 The Delegation of Egypt questioned whether the Advisory bodies could participate as full members or as observers.

4.78 The Delegation of Oman proposed the Delegation of Egypt.

4.79 The Delegation of the Republic of Korea nominated the Delegation of India.

4.80 The Delegation of India accepted and asked if there was equal geographical and cultural distribution.

4.81 The Delegation of Thailand also asked that the geographical distribution be taken into account and suggested that the group should not be too large.

4.82 The Chairperson, taking into account that some Delegations had shown their interest by show of hands, indicated the group was composed of the following ten States Parties: 3 from Europe, (Belgium, Finland, United Kingdom), 2 from Africa (South Africa and Zimbabwe); 1 from the Arab States (Egypt); 2 from Latin America/Caribbean (Argentina and Saint Lucia); and 2 from Asia (India and Thailand).

4.83 The Chairperson requested the Secretariat to propose when and where the meetings should take place.

4.84 The Secretariat proposed two possibilities: to work in parallel with the plenary or after the plenary meetings.

4.85 The Delegation of Argentina preferred not to have parallel sessions due to the limited number of members in several delegations. Furthermore, it agreed with the Delegation of Egypt on the responsibility of the Drafting Group to elect its Chairperson.

4.86 The Delegation of Egypt drew the attention of the Committee to the fact that what was being constituted was a drafting group and not a working group.

4.87 The Delegation of the United Kingdom expressed its concern about the time available for the Committee session, if time was taken from the plenary for the proposed drafting group.

4.88 IUCN shared the concerns expressed by the Delegation of the United Kingdom. It noted that time would also be necessary for the drafting group to make its

report. It asked for clarification about the participation of the Advisory Bodies in the drafting group.

4.89 The Chairperson responded that the Committee meeting could start at 9.30 am instead of 10.00 am to make up time. Concerning the participation of Advisory Bodies, he underlined that in accordance with the Committee's *Rules of Procedure*, they would have the same status as in the Committee sessions.

4.90 The Observer Delegation of the United States of America asked for clarification on the difference in status between Advisory Bodies and Observers.

4.91 The Chairperson replied that while both could attend the meetings, their status was similar but not quite the same, noting that the role of the Advisory Bodies is specifically mentioned in the *Convention*.

27th session of the Bureau of the World Heritage Committee

Tuesday 18 March 2003, 6.45 pm - 7.15 pm

Only Item on the Agenda - REQUESTS FOR INTERNATIONAL ASSISTANCE

Document: WHC-03/27.BUR/1 Rev

1. The Chairperson opened the session, noted that all Bureau members were present and immediately invited the Secretariat to present the first international assistance request.

PREPARATORY ASSISTANCE

CULTURAL (Niger) Consultation meeting in view of the inscription of the "The Great Salt Road" on the World Heritage List
US\$ 30,000 for funding in 2003

2. The Secretariat reminded the Bureau that the two requests to be presented were within the ceiling set by the *Operational Guidelines* for approval by the Bureau. It then presented the request from Niger "*Consultation meeting in view of the inscription of the "Great Salt Road" on the World Heritage List*" totaling US\$ 30,000.

3. ICOMOS commented that the request was good 'in principle' but expressed concern because there was no programme attached. ICOMOS also expressed the wish to participate and to be consulted concerning the experts taking part in the meeting.

4. ICCROM also gave its support 'in principle' for this meeting but also pointed out the necessity to have a programme. ICCROM welcomed the fact that a more detailed budget was now available.

5. The Secretariat confirmed that they had been working with the State Party to present the detailed budget and that their intention was to do the same for the programme.

6. The Delegation of Belgium gave its support in principle to this international assistance request, but said that it wished to receive confirmation from the Secretariat that the two international experts provided for were not members of the staff of the World Heritage Centre.

7. The Director of the Centre argued in this respect that the expertise was precisely at the Centre.

8. Whilst recognising the Centre's expertise, the Delegation of Belgium observed that the travelling and staff expenses of the Centre had to be covered by the Centre's ordinary budget and could not be charged to the international assistance granted to the States Parties. It asked the Secretariat to look at this point again.

9. The Chairperson observed that the experts should be of high quality and agreed that the question posed by the Delegation of Belgium should be reexamined.

10. The Delegation of South Africa supported the intervention made by the Delegation of Belgium and, in addition, urged the Centre to always draw, to the extent possible, the experts from the region benefiting from the International Assistance and in this case at least one expert.

11. The Delegation of Egypt asked whether there was one road or a network of roads for the salt trading. Upon confirmation by the Secretariat that it was a network of roads, the Delegation remarked that the title should read "*Consultation meeting in view of the inscription of the "Great Salt Roads" on the World Heritage List*", roads in plural.

12. The Chairperson then acknowledged the approval of the request by the Bureau pending the remarks made by the Advisory Bodies, the Delegations of Belgium, Egypt and South Africa (decision **27 BUR 1.1**).

TRAINING

MIXED (Russian Federation) Organization of an International Training Workshop for the Specialists of the CIS and the Baltic State involved in the preparation of the Periodic Reporting US\$ 29,390 for funding in 2003

13. In presenting the request of the Russian Federation for the *Organisation of an International Training Workshop for the Specialists of the CIS and Baltic States involved in the preparation of the Periodic Reporting* totaling US\$ 29,390, the Director of the Centre highlighted that this project would be jointly financed by the Russian authorities and the World Heritage Fund.

14. IUCN was happy to support the project provided that there would be a similar workshop for specialists of natural sites.

15. ICCROM expressed its concern about the integration of the workshop in the Periodic Reporting exercise for the European/North American region. It observed that the countries included in the workshop did not include Latvia but did include Turkmenistan and Uzbekistan; the latter being Central Asian countries, their Periodic Reports should be included in the Periodic Report for the Asia/Pacific region. Some budget items such as number of days of workshop also needed clarification and the per diems should be rationalised. Those elements should be clarified before signing the contract.

16. ICOMOS supported the observations made by ICCROM. It informed the Bureau that Latvia, initially not invited, had decided not to attend this workshop. ICOMOS also asked whether State employees would receive any fees through this technical assistance project.

17. The Secretariat informed the Bureau that at the request of the State Party, one of the trainers should come from the World Heritage Centre and that Estonia confirmed its participation in the workshop. In response to the question of IUCN, the Secretariat stated that the Russian Federation intended to carry out a similar workshop on natural sites with financing from Germany. With regard to the question raised earlier by the Delegation of Belgium, the Secretariat noted that indeed travel expenses for the Centre were included in the budget. Finally, the Secretariat was happy to inform the Bureau that the Russian Federation would participate in the workshop of the HEREIN network in Nicosia on the Periodic Reporting for Europe. The workshop in the Russian Federation is thus to be considered as a follow-up of the Nicosia workshop.

18. The Delegation of Egypt commented that the workshop in its aim to train on Periodic Reporting issues was a brilliant idea and regretted that such workshops had not preceded the Periodic Reports for the Arab and African regions. It also pointed out that the budget provided did not include participants from ministries concerned with natural issues.

19. The Secretariat acknowledged that it initially shared this concern but that it would be better to have a separate workshop, provided that links would be established between the two. It noted that the Delegation of the Russian Federation might wish to provide additional information in this regard.

20. The Delegation of the Russian Federation explained that all countries invited shared Russian as a common language. Most of those countries did not have natural sites inscribed on the *World Heritage List* and were only concerned with cultural sites. The Delegation of the Russian Federation would, as reported by the Secretariat, hold a natural site workshop using finance to be provided by Germany. It also noted that the initial date for the workshop for cultural experts would be changed to June.

21. ICCROM commented that the strength of the *Convention* was to link natural and cultural issues and that, as a general rule, it would be opportune to better integrate natural and cultural issues.

22. The Delegation of Belgium expressed its satisfaction regarding the interaction between this workshop and the meeting in Nicosia. It requested that there also be coordination between the representatives of the States Parties taking part in the Nicosia meeting and the managers of the sites taking part in the workshop organized by the Federation of Russia.

23. The Chairperson noted the consensus on this request subject to the taking into account of the observations formulated, and declared it approved pending these conditions (Decision **27 BUR 1.2**).

6th extraordinary session of the World Heritage Committee

Wednesday 19 March 2003, 9.50 am - 1.00 pm

When opening the working session of the World Heritage Committee, the Chairperson informed the Committee that the transitional solution for the Bureau elections would be presented to him as soon as the consultation with the States Parties directly concerned were finished.

5. REVISION OF THE OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION

Documents:

WHC-03/6 EXT.COM/5

WHC-03/6 EXT.COM/INF.5A

WHC-03/6 EXT.COM/INF.5B

Operational Guidelines for the implementation of the World Heritage Convention du patrimoine (WHC-2002/02)

5.1 The Chairperson informed the Committee that the Bureau had recommended that morning to have a full debate on the revision of the *Operational Guidelines* in plenary as it would be the very first time that the Committee would discuss the *Operational Guidelines*. He recalled that the objective was to provide clear indications to the Secretariat but not to draft in plenary.

5.2 The Secretariat referred to the substantive material produced since the decision of the Committee to revise the *Operational Guidelines* and to produce a user-friendly version reflecting the World Heritage cycle. The production of the 3rd draft of the revised *Operational Guidelines* tried to keep pace with the overall reform momentum. The remaining issues concern the legal and policy aspects, the role and functions of the Bureau and the emergency nominations. The Secretariat drew the attention of the Committee to Draft Decision **6 EXT.COM 5** and its Technical Annex. It informed the Committee that further background information could be provided on request.

5.3 The Chairperson thanked the Secretariat for its explanations and recalled that Item 5 (Revision of the *Operational Guidelines*) represented the fundamental work of this extraordinary session of the Committee, especially given that the other items on the agenda were linked to it. He hoped that the Committee would be able to give instructions to the Secretariat that were precise enough for it to finalize the drafting of the *Operational Guidelines* so that when it met in Suzhou (China) in June/July 2003 the Committee would only have to adopt the *Operational Guidelines*. Consequently, he asked the Committee not to lose itself in searching for the best formulation, but rather to give clear directives to the Secretariat for the final drafting.

5.4 The Chairperson concluded by indicating that the most important document was the document *WHC-03/6 EXT.COM/INF.5B*, which the Committee was going to examine chapter by chapter jointly with the Technical Annex to Draft Decision **6 EXT.COM 5**, which appears at the end of the document *WHC-03/6 EXT.COM/5*. II

5.5 The Chairperson opened the debate by asking the Committee if it agreed with **paragraph 1** of the Technical Annex.

5.6 The Delegation of the United Kingdom expressed its wish to add a number of general points valid throughout the text: to check the implementation capability, the consistency with the *Convention*, to delete reference to the Bureau and to remove information which is not relevant, such as reference to the General Assembly, and not to reproduce the *Convention* and the *Rules of Procedure*.

5.7 The Chairperson said that this would be taken into account and asked the Delegation of the United Kingdom to repeat this proposal. It did so.

5.8 The Delegation of Egypt supported this suggestion but stated that the *Operational Guidelines* should be a self-contained document and that a balance needed to be reached between giving adequate references and repeating texts. The target groups are not only the States Parties but also other partners in conservation, stakeholders and the general public, also tour operators for example.

5.9 The Chairperson indicated that it would be better to annex the *Operational Guidelines* to the *Convention* and underscored the importance of producing a user-friendly version.

I. INTRODUCTION

5.10 The Secretariat then introduced Chapter I (INTRODUCTION), giving an overview of its structure. It noted that additional material was added under Section **I.A (Purpose of the Operational Guidelines)** and that material that used to be in **paragraph 6** of the July 2002 *Operational Guidelines* was now in Section **I.B (Introduction to the Convention)**. It was also noted that Section **I.D** was renamed from "*Obligations*" to "**Roles and Responsibilities**". The original proposal to include here information on financial assistance to developing countries will now be included in the *Rules of Procedure*. As stated in **paragraphs 2 and 3** of the Technical Annex to Draft Decision **6 EXT.COM 5**, the Secretariat proposed to revise the text based on the final decisions on Agenda Items 3 (Revision of the *Rules of Procedure*) and 4 (Policy and Legal Issues) and to reinstate some elements of **paragraphs 122 to 125** of the July 2002 *Operational*

Guidelines that might have been lost in the drafting process.

5.11 The Chairperson asked to examine each paragraph of the Technical Annex to Draft Decision **6 EXT.COM 5** separately.

5.12 The Delegation of Belgium observed that the adaptation of the *Operational Guidelines* in line with Decisions **6 EXT. COM 3** and **6 EXT.COM 4** is proposed in almost **every paragraph** of the Technical Annex. It proposed that this adaptation be requested only once for the whole of the document.

5.13 After having obtained the agreement of the Committee on this proposal, the Chairperson asked the Secretariat to amend **paragraph 2** of the Technical Annex accordingly and to integrate it into the first part entitled "*In all the text*". He asked the Committee if it accepted the terms of **paragraph 3** of the Technical Annex and noted the agreement of the Committee. Then, he invited the Committee to examine section **I.A (Purpose of the Operational Guidelines)**.

I.A Purpose of the Operational Guidelines

5.14 The Delegation of Egypt requested to add "*UNESCO National Commissions*" to paragraph **I.A.3**.

5.15 The Delegation of India proposed to accept for paragraph **I.A.1** the alternative text proposed by the Secretariat and to add after "*the World Heritage List*" also "*the List of World Heritage in Danger*".

5.16 The Delegation of Finland agreed with this proposal.

5.17 The Delegation of Thailand remarked that both the Delegations of Egypt and Thailand were on the Drafting Group and, to avoid lengthy discussions, should refrain from making new suggestions as they already came to an agreement on the proposed wording. On the point raised by the Delegation of Egypt, it suggested to add at an appropriate place, the notion of a 'National Committee for World Heritage' as a focal point for the *Convention* rather than the UNESCO National Commission.

5.18 The Delegation of Saint Lucia supported this suggestion.

5.19 The Delegation of Egypt remarked that the Drafting Group session was held in March 2002 and that since then new ideas might have come up. It welcomed the suggestion of the Delegation of Thailand to add the notion of 'National World Heritage Committees'.

5.20 The Chairperson said that this was an interesting suggestion.

5.21 The Delegation of India agreed with the Delegation of Thailand that only relevant suggestions should be made and considered the suggestion by the Delegation of Egypt as very relevant since there is a need for focal points.

5.22 The Delegation of Zimbabwe endorsed the concept of 'focal points' and agreed it should be included in the *Operational Guidelines*.

5.23 The Delegation of the United Kingdom remarked that whilst agreeing with the idea of 'focal points', this was not relevant to this paragraph. It pointed out that National Commissions are not always responsible for World Heritage issues and if mentioned, the term "*as appropriate*" should be added.

5.24 The Delegation of China supported the views of the Delegations of Egypt and India.

5.25 The Chair proposed to go through the *Draft Revised Operational Guidelines* and the Technical Annex to the Draft Decision paragraph by paragraph.

5.26 The Observer Delegation of Morocco expressed its wish that the *Operational Guidelines* be at once clear and easy to use. It stated that it went along with the Delegation of the United Kingdom, as the National Commissions do not have the same powers in every country. The expression "*the States Parties*" used in paragraph **I.A.3 (i)** already includes everything that concerns world heritage; mentioning National Commissions could create problems. The Delegation expressed its agreement as far as mentioning focal points in the States Parties was concerned.

5.27 The Delegation of Thailand pointed out that adding National Commissions is a problem for its country since they have a focal point.

5.28 The Delegation of the United Kingdom agreed to the views on national focal points but repeated that this did not belong in this paragraph. The issue was already dealt with in paragraph **I.D.5**.

5.29 The Delegation of Egypt proposed to add "*and establish focal points*" in **I.D.1**.

5.30 The Chairperson noted that there was agreement on the concept of 'national focal points' and proposed to go to Section **I.B**.

I.B Introduction to the World Heritage Convention

5.31 The Delegation of Zimbabwe proposed, in the light of the common concern to simplify the *Operational Guidelines*, to abbreviate paragraph **I.B.2** as follows: "*To ensure, as far as possible, the proper identification, protection, conservation and presentation of the world's heritage, the Member States of UNESCO adopted the*

World Heritage Convention in 1972. The Convention complements heritage conservation programmes at national levels and provides for the establishment of the World Heritage Committee and a World Heritage Fund".

5.32 The Chairperson noted agreement on this proposal and moved to paragraph **I.B.3**.

5.33 The Delegation of the United Kingdom remarked that although they were sympathetic to the concept of sustainable development as stated in paragraph **I.B.3**, they did not think it belonged into the *Operational Guidelines*.

5.34 The Delegation of Egypt pointed out that it is relevant since it corrects the view that conservation means that no development is allowed.

5.35 The Delegation of Argentina insisted in keeping paragraph **I.B.3**, since the concept of sustainable development is also legitimated by the *Budapest Declaration*. However, it did not agree with the additional text provided by the Delegation of Egypt in 2002.

5.36 The Delegation of Finland agreed with the Delegation of Argentina and pointed out that this issue was discussed at length in the Working Group and that it puts the work of the *Convention* in a broader social and economical context.

5.37 The Chairperson suggested that the paragraph was very important but could be moved to Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)** of the *Operational Guidelines*.

5.38 The Delegation of Mexico insisted that it be maintained for the reasons set out by the Delegation of Finland.

5.39 The Delegation of Saint Lucia supported the views expressed by the Delegations of Argentina and Finland.

5.40 The Delegation of South Africa wanted the paragraph maintained in its current place since it sets the scene for World Heritage in the 21st century.

5.41 The Delegation of Portugal agreed to a paragraph on sustainable development, however suggesting adding it to paragraph **I.B.1**.

5.42 The Delegation of the United Kingdom noted that the concept of sustainability is important but it would be better placed in Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)**. The current wording of the paragraph is stating that the protection of heritage is a contribution to sustainability. The protection of natural and cultural heritage should be used towards sustainable development.

5.43 The Chairperson concluded the discussion by proposing that the Secretariat redraft paragraph **I.B.3** in order to balance 'conservation' and 'sustainable development'.

5.44 On paragraph **I.B.4 (i)**, the Delegation of India suggested to replace the word "*protection*" by "*conservation*" since it reflects better the current view on heritage management.

5.45 IUCN referred to the change proposed by the Secretariat to paragraph **I.B.4 (iv)** to replace "*its values*" by "*its outstanding universal value*". IUCN supported this but said that there should also be a reference to the conditions of integrity.

5.46 The Delegation of Egypt pointed out that paragraph **I.B.4 (i)** could not be changed since it refers to the title of the *Convention*, which refers to "*protection*".

5.47 The Delegation of Thailand agreed and pointed to the legal aspect of the word "*protection*", therefore requested it to be retained.

5.48 The Chairperson asked whether the Committee could accept the wording of paragraph **I.B.4 (i)** as proposed in the working document.

5.49 The Delegation of the United Kingdom underlined Article 5 and the Preamble of the *Convention* and pointed out that even if the word "*protection*" is in the title, there are numerous other places in the text of the *Convention* that refer to "*protection*" and "*conservation*". Since the idea of "*conservation*" is in the *Convention*, there is no objection to its use.

5.50 The Delegation of Saint Lucia agreed with the Delegation of the United Kingdom and IUCN.

5.51 The Delegation of India stated that the idea of "*conservation*" incorporated protection and management.

5.52 The Chair proposed to use both words "*protection*" and "*conservation*".

5.53 The Delegation of Zimbabwe recalled that in Article 5 of the *Convention* both "*protection*" and "*conservation*" are used.

5.54 The Delegation of Finland agreed that "*protection*" is a legal term. The protection of a site needs to be ensured before its conservation is possible.

5.55 The Delegation of Zimbabwe proposed to use "*protection, conservation and presentation*" for the sake of consistency.

5.56 The Delegation of Hungary commented that these concepts are difficult to translate into national languages

and there is therefore a need to determine exactly what they mean.

5.57 The Chair again proposed to use both words "*protection*" and "*conservation*".

5.58 The Observer Delegation of Morocco, referring to paragraph **I.B.4 (ii)** concerning "*the eliminatory criteria and conditions*" said that it wished to know its definition.

5.59 The Delegation of Lebanon stated that neither in the *Convention* nor in the *Operational Guidelines* had the term "*eliminatory*" been used. It expressed its wish to return to the original formulation.

5.60 The Chairperson asked the Committee if it had any further remarks to make on paragraph **I.B.4**.

5.61 The Delegation of Belgium said that it wished the last sentence of paragraph **I.B. 4 (iii)** to be deleted, as it considered it repetitive.

5.62 The Observer Delegation of Australia expressed its view on the use of the word "*values*" in paragraph **I.B.4 (iv)**: although at a national level States Parties are managing all the values of a site, the *Convention* is only concerned with the management of its universal outstanding values.

5.63 The Chairperson proposed to delete the last sentence of paragraph **I.B.4 (iii)** as it was redundant.

5.64 The Delegation of India proposed to include in paragraph **I.B.4 (iv)** the term "*appropriate policy*" to include all the necessary measures.

5.65 The Delegation of Belgium wondered about the possibility of including a reference to the text of the Resolution of the General Assembly in 1999 instead of citing the whole text in paragraphs **I.B.4 (vii) and (viii)**.

5.66 The Chairperson considered that the inclusion of the text of the resolution was useful for this text was not as accessible as that of the *Convention* for example.

5.67 The Delegation of Thailand supported the statement of the Chairperson on the purpose of the *Operational Guidelines* as a self-contained document.

5.68 The Delegation of Mexico agreed with the Delegation of India on its suggested change in paragraph **I.B.4 (iv)**.

5.69 The Delegation of Lebanon supported the intervention of the Delegation of Thailand saying that as the General Assembly Resolution is difficult to find, paragraphs **I.B.4 (vii) and (viii)** should be kept as they are.

5.70 The Delegation of South Africa concurred with the statement as it concerned general principles.

5.71 The Delegation of India requested clarification on the inclusion of paragraphs **I.B.4 (vii) and (viii)** as, although it recognizes the resolution of the 1999 General Assembly, this is on-going work.

5.72 The Delegation of Saint Lucia supported the point of view of the Delegations of South Africa and Lebanon. Paragraphs **I.B.4 (vii) and (viii)** only refer to general principles and do not forcibly limit the number of sites that a State Party can nominate.

5.73 The Delegation of China agreed with the Delegation of India that it is premature to include paragraphs **I.B.4 (vii)** in the *Operational Guidelines* as the situation is very different in each country. It raised the question who will decide which country is well represented, the country itself or the Committee, and on the basis of which criteria.

5.74 The Chairperson pointed out that paragraph **I.B.4 (vii)** clearly states that it is up to the countries to decide, and not the Committee.

5.75 The Delegation of Saint Lucia agreed that paragraph **I.B.4 (vii)** is on a voluntary basis.

5.76 The Delegation of Thailand agreed that it is an on-going process but since the *Operational Guidelines* can be revised at any moment, this should not be a reason to omit it.

5.77 The Delegation of Argentina supported the remarks made by the Delegations of Lebanon, Saint Lucia and South Africa and stated that paragraph **I.B.4. (vii)** reflects the discussion in the Committee as endorsed by the General Assembly. It insisted to maintain the paragraph.

5.78 The Delegation of Lebanon recalled that the Committee had devoted several years to rebalancing the *World Heritage List*. It indicated that if the Committee did not include these texts in the *Operational Guidelines*, it would be neglecting one of its major tasks, even if these were general principles. It requested that the text of the 1999 Resolution be maintained.

5.79 The Chairperson concluded that it would not be useful to draft a new text for paragraphs **I.B.4 (vii) and (viii)** given that this is a Resolution adopted by the Assembly of States Parties; it was therefore necessary to keep the text as it stands.

5.80 The Delegation of Finland agreed with the Chairperson and argued that since this is an essential part of the *Global Strategy for a Balanced Representative and Credible World Heritage List*, it should be retained.

5.81 The Delegation of Zimbabwe agreed and reinforced the point made by the Delegation of Finland by recalling that this principle is also in the *Budapest*

Declaration and was agreed at the meeting in Cairns (24th session, 2000).

5.82 The Delegation of Portugal also agreed with this view, noting that this was important information for the target audience.

5.83 The Delegation of Hungary referred to paragraph **I.A.2** (the periodical review of the *Operational Guidelines*) and the resolutions adopted by the General Assembly.

5.84 The Delegation of India stated that it was not questioning the Cairns decision but that in its understanding, it is not necessary to include all resolutions of the General Assembly in the *Operational Guidelines*. It had no objection to paragraph **I.B.4. (viii)** but thought that inclusion of paragraph **I.B.4 (vii)** is premature. However, it could agree with it since it is possible to revise the *Operational Guidelines*.

5.85 The Delegation of Oman stated that it is in favour of retaining paragraphs **I.B.4 (vii) and (viii)**.

5.86 The Delegation of Greece was of the opinion that the paragraphs should be retained.

5.87 The Observer Delegation of Italy voiced its doubt on paragraph **I.B.4 (vii)** and believed it should be reconsidered by the General Assembly. It stated that it is an obligation of all States Parties to the *Convention* to propose nominations of their heritage of universal value and the obligation of the Committee to inscribe them on the List. Therefore, paragraph **I.B.4 (vii)** is contradictory to the *Convention* as it tends to slow down what is an obligation. The Observer Delegation of Italy believed that the problem of representivity has to be solved by accelerating nominations from underrepresented regions and by strengthening capacity building, as Italy was fully committed to do.

5.88 The Delegation of Lebanon considered that this debate was misplaced for this session was not the appropriate place and the Committee could not re-discuss a resolution of the General Assembly. It stated that this was a non-executory description. The only question was whether the Committee wished to include this resolution in the *Operational Guidelines* or not. As the majority of the members of the Committee consider that it is an important resolution, it should be included in full.

5.89 Referring to paragraph **I.B.4 (ix)**, IUCN commented that the proposed wording was not in line with the *Convention*, under which deletion may only occur when a property had lost the outstanding universal values for which it had been inscribed. This was a point that should be taken into account by those in charge of finalizing the draft.

5.90 The Delegation of France supported the Delegation of Lebanon's proposal and said it was surprised to see the Committee going back over this work that was accomplished long ago. It underlined that it did not understand the position consisting of ignoring such an important question, all the more so as the text is incitative and not normative and constitutes the outcome of collective work.

5.91 The Chairperson stated that he wished to conclude this debate.

5.92 The Delegation of Nigeria reiterated the point made by IUCN concerning paragraph **I.B.4 (ix)** about the need to align the text of the *Operational Guidelines* with that of the *Convention*.

5.93 The Chairperson concluded that this concern would be taken into account and closed the discussion on Section **I.B (Presentation of the World Heritage Convention)**.

I.C Definition of World Heritage

5.94 The Chairperson invited comments on Section **I.C**. There being no comments, he declared the section adopted.

5.95 The Rapporteur wished to clarify for the drafting of the *Decisions* and the *Summary Record* that the paragraphs of the *Operational Guidelines* are adopted subject to the integration of the amendments requested by the members of the Committee.

5.96 The Chairperson confirmed that the Rapporteur's interpretation was correct.

5.97 The Secretariat, while accepting the general principle of not repeating in the *Operational Guidelines* what was already set out in the *Convention*, recalled that the Drafting Group on the revision of the *Operational Guidelines* had specified that the definition of World Heritage did bear repetition (paragraph **I.C.1**).

5.98 ICCROM supported this view.

I.D Roles and Responsibilities

Ratification of the *World Heritage Convention*

5.99 The Chairperson invited comments on paragraphs **I.D 1, I.D. 2 and I.D.3**.

5.100 The Delegation of Egypt recalled that it may be worth expanding the first sentence of paragraph **I.D.1** to read: "*States are encouraged to become party to the Convention and to establish focal points for its ratification*".

5.101 The Delegation of the United Kingdom recalled that the ratification of an international treaty was a matter for national parliaments and foreign offices. It further questioned the need for these paragraphs to be included in *Operational Guidelines*.

5.102 The Delegation of Zimbabwe suggested that, depending on the expected lifetime of the *Operational Guidelines*, it may be prudent to revise the references to the website in paragraphs **I.D. 1**, **I.D.3** and **I.D.5**, and to add in those paragraphs "*as amended from time to time*".

5.103 Returning to its earlier remarks on paragraph **I.D. 1**, the Delegation of Egypt clarified that it had intended to suggest the establishment of focal points for the *Convention's* implementation.

5.104 The Delegation of Saint Lucia pointed out that it would be content to retain the paragraphs concerning ratification but that the question about establishing focal points was not relevant in the context of this section.

5.105 The Chairperson, noting that this was not a major issue, asked the Committee whether it wanted to maintain the three paragraphs.

5.106 The Secretariat recalled that the *Convention* was very successful and had reached almost universal coverage. Some 20 States had not yet acceded to it. The Committee may wish to decide to leave the paragraph as drafted until the point of universal coverage had been reached.

5.107 The Chairperson thanked the Secretariat for this suggestion, which the Committee accepted.

States Parties

Responsibilities of States Parties to the *World Heritage Convention*

5.108 The Chairperson invited comments concerning paragraph **I.D.4**.

5.109 The Delegation of Lebanon had noticed the redundancy between paragraphs **I.D.4** and **I.D.7 (xv)** and requested the deletion of paragraph **I.D.4**.

5.110 The Delegation of Egypt commented that while there was an obvious value in encouraging non-members of the Committee to attend its sessions, the same did not necessarily apply to meetings of the Bureau, which was a smaller body. There was a risk that its work would be adversely affected and slowed down by the interventions of observers.

5.111 The Delegation of Saint Lucia commented that it believed that all meetings of the Committee and its Bureau should be open unless the Committee decided otherwise

for specific reasons and circumstances. Indeed, observers could sometimes make very significant contributions.

5.112 The Delegation of Hungary supported the comments of the Delegation of Egypt.

5.113 The Delegation of Argentina suggested that the content of paragraph **I.D.4** should be transferred to the *Rules of Procedure*.

5.114 The Chairperson underscored that it was a matter of principle identified during the examination of the Revision of the *Operational Guidelines*.

5.115 The Delegation of Russia expressed its agreement with the Delegation of Egypt's proposal to eliminate the reference to the Bureau. It noted the lack of efficiency generated by the possibility of observers taking part in Bureau meetings; it also wished to eliminate paragraph **I.D. 7 (xv)**.

5.116 The Observer Delegation of Italy supported the view that observers should be allowed to attend meetings of the Bureau as they could make significant contributions to the discussions. It was not likely that a great number of observers would attend the meetings. But, in any event, it should be possible to overcome any practical problems.

5.117 The Delegation of the United Kingdom recalled that the Secretariat had been remitted to draft the *Guidelines* in line with the *Rules of Procedure* and encouraged it to do so.

5.118 The Observer Delegation of Morocco agreed with Italy as it judged that the contribution of observers to the work of the Bureau added to the quality of the debates.

5.119 The Chairperson proposed to the Committee that paragraph **I.D.4** be deleted and paragraph **I.D.7 (xv)** be retained.

5.120 The Delegation of Egypt agreed that this was a matter of principle, the risk being that the work of the Bureau and that of the Committee might be invaded by the interventions of the observers. It judged that the observers will in turn one day be members of the Committee. It proposed that the number of observers admitted to participate in the work of the Committee and the Bureau be equal to that of the members of the Committee and the Bureau, on the basis of the 'first come first served' principle.

5.121 The Chairperson asked the members of the Committee not to invent new rules and to respect the established principles of cooperation and transparency of the work.

5.122 The Secretariat clarified that the rules concerning the role of observers would be revised in the *Rules of Procedure*. It further recalled that, as part of the process of

reform, the working group convened by former Ambassador of France, Mr Jean Musitelli, and leading to the Committee session in Cairns (24th session, 2000), had examined the question of the size of the Committee and how it could involve more States Parties in its work. Since it was impossible to amend the *Convention* at the present time, it may be that a cross-reference to the *Rules of Procedure* would be necessary.

5.123 The Delegation of Belgium supported the intervention of the Delegation of Argentina. It requested that the text of the *Operational Guidelines* be adapted in line with the *Rules of Procedure*, whilst reiterating the principle that the sessions of the Committee and the Bureau be open to the participation of observers.

5.124 The Chairperson declared the debate on paragraph **I.D.7 (xv)** closed and invited the Committee to examine paragraph **I.D.8**.

5.125 Concerning paragraph **I.D.7 (viii)**, the Delegation of Zimbabwe requested that the paragraph be amended to read more proactively as follows: "*take measures to prevent deliberate measures that directly or indirectly damage....*".

5.126 The Delegation of India suggested that a reference to the need for States Parties to establish national focal points could perhaps be included in this section.

5.127 ICCROM recalled that paragraph **I.D.5** already provided for this.

General Assembly of States Parties

5.128 Concerning paragraph **I.D.8**, the Delegation of the United Kingdom commented that it saw no obvious relevance to the *Operational Guidelines* but that if it were to be kept, then the final sentence should be amended to read "*General Conference*" instead of "*General Assembly*".

5.129 The Secretariat recalled that this paragraph had taken into account of the work of two working groups, in particular that convened under the former Chairperson of the Committee, Ms Cameron. In adopting its Strategic Operational Guidelines in 1992 (16th session, Santa Fe), the Committee had decided that the General Assembly would receive the Committee's activities report. However, this did not accord with the *Convention*. This was an issue that would bear re-examination.

5.130 The Rapporteur draw the attention to Rule 35 (Reports to the General Conference) of the *Rules of Procedure* and suggested that this matter be debated when Item 3 (Revision of the *Rules of Procedure*) on the agenda was taken up again.

5.131 The Delegation of Thailand supported the view that the text be re-examined.

5.132 The Delegation of Saint Lucia commented that the issue was really one for the *Rules of Procedure* and not the *Operational Guidelines*. It further commented that whether the Committee reported to the General Assembly or the General Conference, the text should be revised and expanded so that the form of what was presented was not limited to a report on activities.

5.133 The Chairperson agreed on the need for clarity, suggesting to delete the final sentence in paragraph **I.D.8** and to leave it to the *Rules of Procedure*.

5.134 The Delegation of Thailand commented that as paragraph **I.D.8** referred to the General Assembly of States Parties to the *Convention*, the last sentence should be retained.

5.135 Responding to the Chairperson's invitation to clarify, the Secretariat suggested that it should re-examine what had been said in 1992.

5.136 The Delegation of Oman commented that providing information to the General Assembly was a useful exercise.

World Heritage Committee

5.137 The Chairperson invited the Committee to examine paragraphs **I.D.9 to I.D.13**

5.138 The Delegation of Russia suggested adding "*for an ordinary session*" at the end of paragraph **I.D.9**. It also raised the possibility of indicating the month of the year when this session takes place.

5.139 The Delegation of Saint Lucia commented that the Committee risked repeating the *Rules of Procedure* in the *Operational Guidelines* and urged the Committee to avoid this, especially if the suggestion to publish both in a *World Heritage Handbook* was taken forward.

5.140 The Delegation of Zimbabwe commented that the idea was to ensure that as broad a constituency as possible was aware of the key issues.

5.141 The Delegation of Finland recalled that the *Operational Guidelines* were intended to be an information document for site managers and as such needed to include descriptions of how the various organs worked.

5.142 The Delegation of the United Kingdom supported this view. Section **I.D (Roles and Responsibilities)** as drafted, presented a mixture of provisions from the *Rules of Procedure* that may not all be of interest to a site manager in order to carry out his/her responsibilities. A way forward would be:

– to maintain paragraphs **I.D.9, I.D.14, I.D.15** and **I.D.16** in the *Guidelines*,

- to include the other provisions in the *Rules of Procedure*, and
- to cross reference the *Rules of Procedure* for those who wished to see more detail.

5.143 The Delegation of Thailand supported the logic of previous interventions but noted that it had been agreed that the *Operational Guidelines* would be a self-contained document.

5.144 The Delegation of Zimbabwe, recalling the discussions of the previous day, emphasized that the document had to reach as broad an audience as possible.

5.145 The Rapporteur stated that her concern was to reflect faithfully, in the *Decisions* and the *Summary Record*, all the options taken by the Committee concerning the revision of the *Rules of Procedure* and the *Operational Guidelines*. She said that she needed clear instructions from the Committee in order to be able to submit the *Decisions* to the Committee for approval before the closure of the session.

5.146 The Delegation of India supported the intervention made by the Delegation of Zimbabwe, and also agreed with the suggestion by the Rapporteur to be consistent and avoid confusion.

5.147 The Delegation of South Africa commented that the problem of repetition occurred only in the absence of the proposed *Handbook* embracing all the texts. If that were to materialize, then the suggestion of the Delegation of Saint Lucia was very relevant and there would be no need to duplicate the *Rules of Procedure* in the *Operational Guidelines*. Cross-referencing would suffice.

5.148 The Delegation of Oman supported the idea of a single *Handbook* and the interventions made by the Delegations of Zimbabwe and Saint Lucia.

5.149 The Secretariat commented that it would take a pragmatic approach and seek to find the middle ground and avoid duplication, while keeping an eye on the realization of a *World Heritage Handbook*.

5.150 In closing this section of the debate, the Chairperson clarified that the Committee agreed on the desirability of a *World Heritage Handbook*, the outstanding issues only being its timeframe and format. Meanwhile, the way forward was crossreferencing, as suggested by the Delegation of the United Kingdom.

5.151 The Delegation of Egypt thanked the Secretariat for its efforts in seeking a compromise. It was of the opinion that there were different target audiences and that the *Operational Guidelines* could be a self-containing document by adding some sentences.

5.152 The Chairperson concluded that there were different levels of information and that a *World Heritage Handbook* would respond to the needs of all.

Wednesday 19 March 2003, 3.45 pm - 7.00 pm

5. (continued) REVISION OF THE OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION

Documents:

WHC-03/6 EXT.COM/5

WHC-03/6 EXT.COM/INF.5A

WHC-03/6 EXT.COM/INF.5B

Operational Guidelines for the implementation of the World Heritage Convention (WHC-2002/02)

5.153 The Chairperson recalled the Committee's decision to present all basic texts on World Heritage in one single volume. The *Operational Guidelines* should not repeat existing texts - a good balance was needed - and they should be userfriendly. He then asked the Secretariat to give an introduction on paragraphs **I.D.20** and **I.D.21** (Bureau of the World Heritage Committee).

Bureau of the World Heritage Committee

Financial assistance for participation of experts from developing countries

5.154 The Secretariat stated that both paragraphs had to be seen within the context of the Bureau meeting in April 2002. The question is whether these paragraphs should be included here or in the *Rules of Procedure*.

5.155 The Chairperson noted that this issue had not yet been discussed at length in plenary under Agenda Item 3 (Revision of the *Rules of Procedure*). A decision had to be taken on whether or not the Bureau could have separate meetings from the Committee.

5.156 The Secretariat informed the Committee that it was preparing together with the Rapporteur the *Draft Revised Rules of Procedure* in order to submit them to the Committee for a second reading. The *Draft Revised Rules* would offer much more clarity. It was also the case for paragraphs **I.D.22** and **I.D.23** (Financial assistance for participation of experts from developing countries).

5.157 The Delegation of Lebanon noted that the presentation of the roles and functions of the different bodies - General Assembly, Committee, Bureau - was logical, but it had to be succinct. The provisions concerning financial assistance were not in their place here.

5.158 The Chairperson proposed to maintain a reference to the Bureau in the *Operational Guidelines* and to

postpone the discussion on all the issues related to the Bureau until the second reading of the *Rules of Procedure*.

5.159 The Delegation of India was ready to wait for the second reading, but was worried about the possibility of the *Rules of Procedure* not meeting the Committee's concerns. The Delegation also asked for clarification concerning the working methods of the Bureau.

5.160 The Chairperson responded that the appropriate time for debating on these issues would be during the second reading of the *Rules of Procedure*.

Advisory Bodies of the World Heritage Committee Other Organizations

(note: title corrected in the French version to avoid confusion between the "Organisations consultatives" (Advisory bodies) in the sense of Article 8.3 of the Convention and the "Organes consultatifs" (consultative bodies) that the Committee may create under Article 10.3 of the Convention)

5.161 The Secretariat introduced paragraphs **I.D.24-I.D.28** (Advisory Bodies of the World Heritage Committee) and paragraph **I.D.29** (Other Organizations).

5.162 The Chairperson noted that there were no comments from the Delegations on those paragraphs.

Partners in the Protection of World Heritage

5.163 The Chairperson invited the Secretariat to introduce paragraphs **I.D.30 and I.D.31**.

5.164 The Secretariat explained that these paragraphs were based on existing ones in the *Operational Guidelines* and that they had already been amended several times to indicate that the Committee had a broad range of partners. The Secretariat suggested that the last sentence of paragraph **I.D.30** might require discussion by the Committee as might the distinction between partners related to World Heritage properties and fund-raising partners. The Secretariat indicated that in paragraph **I.D.31**, additional text on nomination management and monitoring had been included, based on existing text in the *Operational Guidelines*.

5.165 Coming back to paragraph **I.D.29**, the Delegation of India proposed to add "*of competence and expertise*" after "*non-governmental organizations*".

5.166 The Chairperson noted the consensus on this proposal.

5.167 Concerning paragraph **I.D.30**, the Delegation of India asked to redraft the paragraph in order to clarify that the partners involved are linked to the conservation of the properties inscribed.

5.168 The Observer Delegation of Madagascar wondered about the Advisory Bodies presented in paragraph **I.D.24**. It remarked that only three organizations were mentioned in it and asked if this was the current list or a definitive closed list and if – particularly if one of the three organizations were to disappear – other organizations could have this status.

5.169 ICOMOS indicated that its organization was mentioned in the *Convention* and that thus no change could be envisaged. It also remarked that the organisation existed for a long time and was continuously improving its work.

5.170 The Chairman agreed that no discussion was needed on the status of the Advisory Bodies.

5.171 The Secretariat indicated that pursuant article 13.7 of the *Convention* the Committee might call on governmental and non-governmental organizations, in particular ICCROM, ICOMOS and IUCN, for the implementation of programmes and projects.

5.172 The Observer Delegation of the United States of America proposed to include in the 4th line of paragraph **I.D.30** the word "*ownership*" before "*interest*".

5.173 The Delegation of the United Kingdom remarked that the final sentence of the paragraph was not sufficiently clear, in particular with regards to the use of article 10.2 of the *Convention*.

5.174 The Delegation of India said that the text concerning partnerships had to be very carefully reviewed. In any case, the partners (both stakeholders and local communities) must show a clear commitment to the (ideals of) partnership.

5.175 The Chairperson reminded the Committee of the proposal made by the Observer Delegation of the United States of America and asked whether it could accept them.

5.176 Concerning partnerships, the Delegation of Lebanon suggested that the Secretariat take inspiration from the results of the Urbino workshop (November 2002) devoted to this subject, in particular as far as the identification of different types of partners and participation is concerned, in order to flesh out paragraphs **I.D.30 and I.D.31** which do not really have any content. It pointed out that content needed to be added rather than technical aspects.

5.177 IUCN, referring to the proposal made by the Observer Delegation of the United States of America for paragraph **I.D.30**, expressed its disagreement with specifying that the interest referred to in the paragraph had to be "*ownership interest*". This would be too limited, as it would exclude organizations that cannot prove a clear ownership of the property. When saying "*interest and*

involvement", as the text was stating, much more could be included.

5.178 The Observer Delegation of the United States of America responded that organizations not having ownership should deal with their national governments. If the possibility was given here to these organizations to be partners of the Committee, a whole football stadium would be needed to contain them.

5.179 The Observer Delegation of Italy expressed its doubts about the proposal made by the distinguished representative of the United States of America. Article 13.6 of the *Convention* states that the Committee should co-operate with international governmental and non-governmental organizations that have similar interests to those of the Committee. Therefore participation should not be limited by the ownership character of the partner.

5.180 The Delegation of Lebanon declared itself in agreement with the position of the Observer Delegation of Italy and noted that it was not convinced by the Observer Delegation of the United States' proposal to restrict partners to ownership rights.

5.181 ICCROM noted that paragraphs **I.D.30 and I.D.31** did not grant a particular right to anyone, but indicated the range of possible partners. It proposed that "*partners...are those*" be changed to "*partners...can be those*".

5.182 The Chairperson asked the Committee if the proposals of IUCN and ICCROM could be adopted.

5.183 ICOMOS underscored that the *Convention* did not mention ownership, but indicated that the partners should be qualified in the field of natural or cultural conservation.

5.184 The Chairperson noted that a consensus had been reached on this topic.

5.185 The Observer Delegation of Madagascar suggested reversing the order of paragraphs **I.D.30 and I.D.31**, paragraph **I.D.31** being more general than paragraph **I.D.30**.

5.186 The Chairperson remarked that this was a good suggestion.

Secretariat of the World Heritage Committee

5.187 The Secretariat introduced paragraphs **I.D.32 and I.D.33**. Points a) to j) provided a whole list of the tasks of the World Heritage Centre, but did not include a provision about the Secretariat working according to the decisions taken by the Committee.

5.188 The Delegation of Saint Lucia expressed its satisfaction with paragraph **I.D.32** but suggested adding

the notion of 'reporting on and execution by' the Secretariat of the decisions made by the Committee.

Other Conventions and Recommendations

5.189 The Secretariat introduced paragraphs **I.D.34 to I.D.37**.

5.190 The Delegation of Argentina underscored the importance of considering the concept of co-ordination between the *1972 Convention* and other UNESCO instruments for the protection of cultural heritage. Therefore a specific mention should be made in paragraphs **I.D.34 and I.D.35** of other conventions, in particular of the *Second Protocol of the Hague Convention on the Intentional Destruction of Cultural Heritage*. The Delegation also considered that a reference to the web address of these conventions was insufficient, and stressed the need for site managers to be informed about the relation between the different legal instruments.

5.191 The Delegation of Lebanon supported the position of the Delegation of Argentina which was more coherent and more constructive.

5.192 The Delegation of the United Kingdom said that it fully supported the co-operation and liaison with other conventions, but it should be recalled that not all the States Parties to the *1972 Convention* are also parties to the other conventions. To accept the proposal by the Delegation of Argentina could cause significant confusion.

5.193 The Delegation of Thailand said that in an earlier intervention it did not specify the name of the *Second Protocol of the Hague Convention* as it knew that several State Members were not party to it.

5.194 The Chairperson proposed to include a list of the instruments with note indicating that it did not concern all States party to the *Convention*.

5.195 The Secretariat recalled that the Committee had earlier asked it to prepare a comparative table with States party to different conventions which could be a useful tool. (*note: Decision 26 COM 11*)

5.196 IUCN proposed that the Secretariat should deal with other conventions, as this was not possible for the Committee.

5.197 In response to the concern of the Delegation of the United Kingdom, the Delegation of Argentina proposed to include the term "*as appropriate*". Referring to IUCN, the Delegation agreed that it was important to trust the Secretariat in this, but above all it was important to have a specific mention of these instruments in the *Operational Guidelines*.

II. ESTABLISHMENT OF THE WORLD HERITAGE LIST

II.A Global Strategy for a Balanced, Representative and Credible World Heritage List

5.198 At the invitation of the Chairperson, the Secretariat gave a detailed introduction on Section **II.A** recalling that such provisions did not exist in the current *Operational Guidelines*.

5.199 As there were no comments on Section **II.A**, the Chairperson invited the Secretariat to introduce Section **II.B**.

II.B Tentative Lists

The Secretariat stated that paragraph **II.B.1** was the result of a long debate. It drew the attention of the Committee to paragraph **II.B.6**, recalling that according to the existing *Operational Guidelines* it is not compulsory that natural properties be included in the Tentative Lists: the existing *Operational Guidelines* are behind the decision Committee had taken at its 24th session (Cairns, 2000).

5.200 The Chairperson thanked the Secretariat for the introduction to the different sections of the 3rd Draft of the revised *Operational Guidelines*, insisting on how useful those comments were for the first debate of the Committee in plenary on the *Guidelines*.

5.201 The Delegation of Mexico expressed its satisfaction with the improvements concerning the Tentative Lists and the objective of geographical distribution as required by the *Global Strategy*. However, the extension of some World Heritage properties and the separation of World Heritage properties whose criteria have become ambiguous should also be considered in the *Guidelines*.

5.202 The Chairperson remarked that the Periodic Reports would allow the Committee to revise this and asked the Secretariat for its comments.

5.203 The Secretariat reminded the Committee members that according to the *Convention* (article 11.1), States Parties had to submit Tentative Lists and that so far only two thirds of the States Parties had submitted a Tentative List.

5.204 The Chairperson said that apparently the intervention of the Delegation of Mexico had not been transmitted clearly to all participants, due to technical problems.

5.205 The Delegation of Mexico said that it would submit its intervention in written form.

5.206 The Delegation of India commented that one of the difficulties the Delegation of Mexico was referring to

was that some properties had been listed under a wrong category or criterion: was it the intention that this could be rectified between the Centre and the State Party only ?

5.207 With regards to paragraph **II.B.7**, the Delegation of Thailand stated that the format for submitting properties for the Tentative List was almost as complicated as for a real nomination, and that it had heard States Parties complain about this. Therefore requirements should be less stringent and assistance should be given to the States Parties.

5.208 The Chairperson drew the attention of the Committee to the last sentence of paragraph **II.B.4** which referred to technical assistance.

5.209 In the view of the Delegation of the United Kingdom, the Tentative List form was very simple compared to the one for real nominations. It stated that the inclusion of brief descriptions was essential for comparison.

5.210 The Secretariat pointed out that the Tentative List can be updated and that the Secretariat is at the disposal of the States Parties to assist them.

5.211 The Chairman underscored this.

5.212 The Delegation of India asked for clarification on the word "harmonize" in paragraph **II.B.4**. With regards to paragraph **II.B.5**, it requested a redrafting in order to emphasize that "*preferably one year before*" means that it is not compulsory.

5.213 Concerning paragraphs **II.B.2** and **II.B.4**, the Delegation of the United Kingdom suggested that it would be more accurate to say "*assistance may be requested*" than "*assistance is available*".

5.214 The Chairperson invited the Committee to concentrate first of all on paragraphs **II.B.1** to **II.B.3**.

5.215 The Delegation of Lebanon underlined that the text included linguistic errors and that certain paragraphs were barely comprehensible, paragraph **II.B.3** in particular. The Secretariat would need to re-examine the text.

5.216 The Chairperson took note that a linguistic check of the text was necessary. Then, he asked for the Committee's opinion on paragraph **II.B.4**.

5.217 The Delegation of India again requested to clarify the meaning of "*harmonization in a regional context*".

5.218 The Delegation of Finland shared the concerns of the Delegation of India. It is a question of typology, as the categories in the text are not sufficiently specific. It suggested that the Committee reexamine this issue.

5.219 The Delegation of India added that there were no clear criteria for regional harmonization.

5.220 The Delegation of Lebanon noted that the use of the term "*harmonize*" within the context of the Tentative Lists was a fundamental problem. It indicated that in certain regions, it is possible to "*harmonize*" the Tentative Lists; it quoted the example of Gothic churches. In other regions, the heritage was more diverse, more contrasted. Consequently, the Delegation proposed to replace the term "*harmonize*" with "*cooperate*".

5.221 The Delegation of Thailand supported the interventions made by the Delegations of India and Lebanon. It proposed to delete the second sentence of paragraph **II.B.4** referring to regional harmonization, as the original idea was that the Secretariat could organize regional meetings, but the States Parties were not obliged to have regional Tentative Lists.

5.222 The Delegation of Nigeria proposed to change the sentence into "*States Parties are encouraged to harmonize their tentative lists at regional level*", because of the importance of transboundary nominations.

5.223 The Delegation of Thailand stated that for cultural properties - eg. Hindu, buddhist - it might still be difficult to do so.

5.224 The Delegation of Egypt remarked that the wording of paragraph **II.B.4** was correct, and that a month ago in a regional meeting in Cairo the tentative lists for natural properties were harmonized.

5.225 The Delegation of India suggested inviting the Secretariat to propose a redrafting, using the term "*cooperation*" or the wording suggested by the Delegation of Nigeria.

5.226 The Delegation of Lebanon indicated that this was a scientific matter. The use of the term "*harmonization*" could be simplistic. As an example, it mentioned that it was not possible to harmonize the Greco-Roman sites in the Arab world without studying the other Greco-Roman sites in the Mediterranean region. The Delegation noted that more flexibility was needed.

5.227 The Secretariat proposed to be pragmatic. It suggested focusing on policy issues - such as criteria, nomination format, and the revision of the criteria - and not repeating the drafting process.

5.228 The Observer Delegation of France pointed out that the harmonization of the Lists could not be a negative thing. It was a useful mechanism which must be opened up to dialogue depending on the objects being studied. Cooperation between countries that have certain types of heritage in common is very useful for the operation of the *Convention*.

5.229 The Delegation of the United Kingdom agreed with the Secretariat in changing the working methods given that the Committee was not a drafting group.

Principles for comparative assessment

5.230 The Chairperson invited the Committee to examine paragraph **II.B.9**.

5.231 The Observer Delegation of Israel remarked that, when talking about a chronological, geographical, typological and thematic basis of the comparative analyses, there was no indication made of categories. It also stated that the results of the comparative studies should be made available to the States parties.

5.232 IUCN indicated that line 8 of paragraph **II.B.9** could lead to misunderstandings, as for all nominations a comparative analysis is required, and proposed to delete "*where no comparative analysis has been undertaken*".

5.233 The Chairperson noted the agreement on both proposals.

Capacity Building for States Parties whose heritage is not represented or under-represented on the World Heritage List

5.234 At the invitation of the Chairperson, the Secretariat introduced paragraphs **II.B.10** and **II.B.11**, underscoring that paragraphs **II.B.9** to **II.B.11** might alleviate the concerns of the Delegation of India with regards to the 'harmonisation' of the Tentative Lists.

5.235 The Delegation of India stated that it was not sure about the outcome of that discussion.

5.236 The Secretariat proposed that it would improve the drafting of paragraph **II.B.9**.

5.237 The Delegation of India asked what would happen when there are no comparative studies.

5.238 The Secretariat stated that the interventions of IUCN and of the Delegation of India clarified the issue and that it would come up with a revised draft.

5.239 The Chairperson closed the discussion on Section **II.B (Tentative Lists)**.

II.C Criteria for the inclusion of properties on the World Heritage List

Criteria for determining outstanding universal value

5.240 The Secretariat, providing a detailed introduction, reminded the Committee that a decision was needed on 1) the merging of the cultural and natural criteria; and 2) the possible revision of **criteria (v) and (vi)**. The second issue

was dealt with in **paragraph 5** of the Technical Annex to Draft Decision **6 EXT.COM 5**.

5.241 The Chairperson asked the Committee members whether they had any comments on paragraphs **II.C.1 and II.C.2**.

5.242 The Delegation of the United Kingdom supported the merging of the criteria and proposed that in paragraph **II.C.2 criterion (v)**, the phrase after "*(or cultures)*" should be deleted because the words "*vulnerable*" and "*irreversible*" could create problems. In **criterion (vi)** the word "*with*" should be deleted before "*ideas*", "*believes*" and "*artistic*". It raised the question why **criterion (vi)** should only be used in exceptional circumstances and in conjunction with other criteria.

5.243 The Chairperson asked if there was consensus about merging the criteria.

5.244 The Delegation of Zimbabwe agreed with the Delegation of the United Kingdom and stated that **criterion (vi)** could stand by itself, provided that the outstanding universal value had been proven.

5.245 The Delegation of Nigeria also agreed with the Delegations of United Kingdom and Zimbabwe and drew the attention of the Secretariat to a possible grammatical error in the English text related to the (absence of) correspondence between verbs and nouns. It was of the opinion that "*represents*" in **criterion (i)** should be replaced by "*is*".

5.246 The Chairperson took note of the statements related to the criteria and said that the Secretariat would clean up the text.

5.247 The Delegation of Thailand wanted to intervene on **criteria (v) and (vi)**

5.248 The Chairperson invited the Committee first to decide on the merging of the criteria.

5.249 The Rapporteur reminded the Committee that it must take its decision whilst being aware that merging the criteria would lead to a temporary overload of work for the Secretariat for the publication of the new edition of the *World Heritage List*.

5.250 The Chairperson indicated that it was also important to take the technical implications into account.

5.251 The Delegation of Thailand asked IUCN to inform the Committee once again about their position on merging the cultural and natural criteria. Were there any arguments to keep the criteria separate?

5.252 IUCN answered that since the meeting in Amsterdam in 1998 on this topic, IUCN had already said that it agreed with the merging of the criteria. It added that

a repositioning of the natural criteria would also take place: **former natural criterion (iii)** becomes **criterion (vii)**, the first of the 'natural' criteria in the new list of the 10 criteria.

5.253 The Chairperson concluded that there was a consensus to merge the criteria and to invite the Secretariat to publish the *List of World Heritage* using the new criteria numbers.

5.254 ICOMOS, referring to the proposal of the Delegation of the United Kingdom to delete the wording in **criterion (v)** on vulnerability, remarked that it had always been part of **criterion (v)**. It was important to maintain it because it refers to outstanding examples of dying forms of traditional land use.

5.255 Concerning **criterion (v)**, the Delegation of Lebanon underlined that it was necessary to extend the "*territory*" to the "*sea*", whilst specifying that only territorial waters should be taken into account in order to respect maritime law.

5.256 The Chairperson asked the Committee if it wished to retain or delete the last part part of **criterion (v)** "*especially when it has become vulnerable under the impact of irreversible change*".

5.257 The Delegations of Finland and Thailand, as well as ICCROM supported the intervention of ICOMOS.

5.258 The Secretariat agreed, and remarked that **criterion (v)** had to refer as well to "*sea-use*", not only "*land-use*", as the Delegation of Lebanon had underscored.

5.259 The Delegation of India also agreed that this clarification was needed.

5.260 The Delegation of Saint Lucia wondered whether the new wording for **criterion (v)** presupposes that all forms of traditional land-use were not sustainable.

5.261 The Chairperson said that the concept of sustainable land-use would be difficult to include. He noted that the majority of the Committee members seemed to be in favour of the new wording for **criterion (v)** as proposed, while extending "*land-use*" to "*sea-use*".

5.262 ICOMOS stated that traditional land-use might be of outstanding universal value but not necessarily sustainable.

5.263 The Delegation of India, answering to the intervention of the Delegation of Saint Lucia, supported the intervention made by ICOMOS. It noted however that traditional forms of land-use are in a way 'sustainable' because otherwise they would not have survived for centuries.

5.264 The Delegation of Egypt said that there was no contradiction between sustainability and vulnerability, as traditional land-use is sustainable as long as modern production forms do not overwhelm it.

5.265 The Secretariat informed the Committee that it had taken note of the different opinions expressed. It suggested including the concept of 'sustainability' raised by the Delegation of Saint Lucia in the section **III.A** on management.

5.266 The Chairperson asked the delegations to intervene on **criterion (vi)**.

5.267 The Delegation of Thailand reminded the Committee that UNESCO was preparing a *Draft Convention on Intangible Heritage* and remarked that **criterion (vi)** could only be applied in conjunction with other criteria.

5.268 The Delegation of Zimbabwe informed that it was also member of UNESCO's Drafting Group for the *Convention on Intangible Heritage*. This Drafting Group was sparing no effort to avoid duplication with other conventions. The *World Heritage Convention* does not deal with intangible heritage in its own context but in the context of tangible heritage. The Delegation remarked that out of all the sites in Africa inscribed on the basis of **criterion (vi)**, only one, Robben Island, could stand alone on **criterion (vi)**. The other (cultural landscapes) were all linked to other criteria as well.

5.269 The Delegation of Thailand responded that the *Convention* was referring in its Articles 1 and 2 to cultural and natural properties. These are physical and not intangible entities. Therefore, **criterion (vi)** had to be associated with physical, and not intangible, entities.

5.270 The Delegation of the United Kingdom agreed with the reference to the physical entities. However, it remarked that some proposed sites are of outstanding value because they are associated with intangible values. Therefore it believed that **criterion (vi)** can stand on its own, as will be always the case for properties associated with particular events that took place.

5.271 The Delegation of Zimbabwe responded that 'Oral masterpieces' is another programme of UNESCO, and that the inscription of Robben Island on the *List of World Heritage* was possible by linking **criterion (vi)** with **criterion (iii)** because the Committee at the time would not accept an inscription on the basis of **criterion (vi)** alone. It should be recognized that this site could never stand on physical criteria alone.

5.272 The Delegation of Nigeria agreed with the Delegation of the United Kingdom and underscored that sacred sites have a spiritual value and that they should qualify, even when they are not large enough to be inscribed as cultural landscapes.

5.273 The Delegation of Finland also agreed with the Delegation of the United Kingdom, and proposed to sharpen the criterion by deleting the last words "*and preferably in conjunction with other criteria cultural or natural*".

5.274 The Observer Delegation of Italy stated that **criterion (vi)** should not be changed. Inclusion in the List should remain linked to the intrinsic value of a property and its physical qualities. Otherwise the true meaning of the *Convention* could be affected.

5.275 The Delegation of Belgium supported the interventions of the Delegations of Zimbabwe and Nigeria stating that **criterion (vi)** could be used alone. It underlined that it was, however, necessary to avoid any interference with the future *Convention on Intangible Heritage*.

5.276 The Delegation of the United Kingdom remarked that Article 1 of the *Convention* was already supporting **criterion (vi)** but the associations have to be of outstanding universal value.

5.277 The Delegation of Lebanon underscored that **criterion (vi)** was ambiguous and that it would be necessary to take account of the conclusion of the discussions on the *Draft Convention on Intangible Heritage*. Given that this draft refers to the places associated with the intangible heritage, the risk of duplication with the *World Heritage Convention* is a real one. It added that according to the wording proposed for **criterion (vi)**, a tangible property only had value on account of its intangible nature.

5.278 ICCROM supported the interventions of the Delegations of Zimbabwe and Nigeria. It stated that intangible values had to be associated with a physical site under the *World Heritage Convention*. The question is important because intangible values are very important to numerous communities around the world. There is no overlap with other conventions. Like in the case of natural sites, which are often covered by several conventions, there is no problem here with intangible values.

5.279 The Delegation of Zimbabwe remarked that whereas the 1972 *Convention* was already in place, the *Draft Convention on Intangible Heritage* was still at the formulation stage and therefore should not affect the decision of the Committee as yet.

5.280 ICOMOS clarified that the difference between tangible and intangible was evident. It is important to realize that the Committee is now talking about the spiritual dimension of properties, like a place of memory, and that is the reason why **criterion (vi)** is needed.

5.281 The Observer Delegation of France supported the intervention of the Delegation of the United Kingdom

concerning the autonomy of **criterion (vi)**. It reasserted that the historical significance of a property alone could legitimize the use of **criterion (vi)** ; for certain places not covered by other criteria, it was important to be able to apply this criterion on its own.

5.282 The Chairperson noted that a majority of Committee members seemed to be in favour of an autonomous **criterion (vi)**. This was the way it had been drafted in the first version of the *Operational Guidelines*; the other considerations had been added later.

5.283 The Delegation of Thailand, trying to find a compromise, proposed to add "*preferably*" before "*in conjunction with other criteria*".

5.284 The Delegation on China remarked that several sites had been listed only on the basis of **criterion (vi)**. It supported the Delegation of Thailand by preferring **option 3** in the right column of document *WHC-03/6 EXT.COM/INF.5B*.

5.285 The Delegation of Zimbabwe stated that it should read "*preferably in conjunction with other criteria where they exist*", which means that **criterion (vi)** could stand alone.

5.286 The Chairperson proposed to maintain two options - leaving it as it stands or adding "*preferably*"- and to discuss it again at the next Committee session of June/July.

5.287 The Delegation of Finland said it had an amendment for **criterion (vii)**.

5.288 The Delegation of Zimbabwe reminded the Committee it had made a draft proposal.

5.289 The Delegation of the United Kingdom said that this issue had already been debated very often, and that it was better to come to a decision.

5.290 The Chairman proposed therefore that the word "*preferably*" be added, which he noted was accepted to be the basis for any further discussion.

Qualifying conditions - authenticity and integrity

Test of authenticity

Conditions of integrity

Legal/Management Requirements

5.291 The Chairperson first drew the attention of the Committee to **paragraph 6** of the Technical Annex to Draft Decision **6 EXT.COM 5** in relation with **paragraph 25** of the July 2002 *Operational Guidelines*. Noting the consensus on **paragraph 6**, he declared it adopted.

5.292 The Secretariat then introduced **paragraph 7** of the Technical Annex to Draft Decision **6 EXT.COM 5**, stating that some adjustments might be required in **paragraph 7** and in paragraph **II.C.3** (Qualifying conditions - authenticity and integrity): "*qualifying conditions*" could just be "*conditions*".

5.293 Concerning paragraphs **II.C.4 to II.C.10** (Test of Authenticity), the Secretariat reminded the Committee that it was agreed at the 1998 Amsterdam meeting that authenticity and integrity were both important, for natural and cultural properties. The *Nara Document on Authenticity* was previously annexed to the Nomination Format; it was now proposed to be an Annex to the *Operational Guidelines*.

5.294 Concerning paragraphs **II.C.11 to II.C.18** (Conditions of Integrity), the proposed text derived from **paragraph 44** of the existing *Operational Guidelines* with contributions from IUCN.

5.295 The Secretariat recalled that paragraphs **II.C.19 to II.C.24** dealt with legal and management requirements. For this part of the text, the Committee might want to look again at some provisions of **paragraph 44** of the existing *Operational Guidelines*.

5.296 The Chairman suggested that the Committee should not enter in a new drafting process and proposed whether it could agree with the proposals made in **paragraph 7** of the Technical Annex to Draft Decision **6 EXT.COM 5**.

5.297 The Delegation of Finland remarked that it had problems with the wording in paragraph **II.C.7**, as in the proposed list, one term was implying the other; other terms should be reversed.

5.298 The Chairperson said that this would be taken into account.

5.299 The Delegation of India feared that it would not be possible to apply **criterion (x)** in the cases of endangered species if the three qualifying conditions of paragraphs **II.C.2 (x)**, **II.C.3** and **II.C.11** were to be applied in conjunction.

5.300 The Delegation of Belgium pointed out that the formulation in French of paragraph **II.C.9** was incomprehensible. It also observed that paragraph **II.C.21** mentions the possibility of establishing a "*buffer zone*". As for paragraph **II.C.24**, it stipulates that in certain circumstances there cannot be a "*management plan*" at the time of the inscription of the property and that this plan must be introduced in the future. The Delegation wondered what action would be undertaken if the State Party were not to meet this obligation. It asked if "*buffer zones*" and "*management plans*" were optional or obligatory ?

5.301 The Delegation of Argentina stated that it was necessary to see how paragraphs **II.C.19 to II.C.24** on Legal/Management Requirements would exactly look after being redrafted by the Secretariat.

5.302 The Delegation of Saint Lucia asked to delete the word "*traditional*" in paragraph **II.C.13** as it would create problems.

5.303 ICOMOS underlined that it agreed with paragraphs **II.C.4 to II.C.10** concerning authenticity as well as with paragraphs **II.C.11 and II.C.12** concerning integrity and informed the Committee that the organisation already applied these principles in its work.

5.304 ICCROM highlighted that the organization was very pleased with application of the criteria for authenticity and integrity for both the natural and the cultural properties.

5.305 The Observer Delegation of the United States of America remarked that there was an inconsistent use of terminology throughout the document: the word "*value*" was used sometimes in singular and other times in plural. A clear distinction should be made between "*outstanding universal value*" and other values.

5.306 IUCN recalled what it had said earlier about considering the conditions of integrity when inscribing properties on the *List of World Heritage in Danger*. It specified that it was not values but properties that were inscribed.

Thursday 20 March, 10.15 am - 1.00 pm

1. The Chairperson proposed to the Committee the working method developed by the Bureau which had met in the morning. The aim would be to finish the examination of Item 5 on the agenda before the end of the day, with the exception of Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)**. He asked the Secretariat when the revised draft of the *Rules of Procedure* would be circulated for a second reading.

2. The Secretariat replied that this document would be circulated during the morning at the same time as a Draft Decision concerning the transitional provisions for the elections of the Bureau.

3. The Chairperson underlined the importance of the work of the Drafting Group on Item 4 (Policy and legal issues) and informed the Committee that he will try to participate in the work of that group in the afternoon.

5. (continued) REVISION OF THE OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION

Documents:

WHC-03/6 EXT.COM/5

WHC-03/6 EXT.COM/INF.5A

WHC-03/6 EXT.COM/INF.5B

Operational Guidelines for the Implementation of the World Heritage Convention (WHC-2002/02)

(Continued) Conditions of integrity

5.307 The Chairperson requested that the Committee Members' interventions be restricted to issues and questions of content and that editorial suggestions be handed over directly to the Secretariat in written form. He said that he would not entertain any questions from the floor that question the articles of the *Convention*.

5.308 The Chairperson then referred to the Secretariat's presentation on paragraphs **II.C.3 to II.C.19** and recalled that the Committee had already agreed on paragraph **II.C.3**. He said that discussions on paragraphs **II.C.4 to II.C.10** (Test of authenticity) had benefited from significant contributions from the Delegation of Finland and were also accepted. He invited comments from the Committee Members on paragraphs **II.C.11 to II.C.13**.

5.309 The Delegation of Egypt proposed that the paragraphs **II. C.13 to II.C.18** be placed under a separate sub-section entitled "*Natural Heritage Sites*". It said that this sub-section was necessary because the natural heritage criteria that were separate from cultural heritage criteria in the past, were now being referred to as **criteria (vii), (viii), (ix) and (x)** and that paragraphs **II.C.13 to II.C.18** apply only to these four criteria.

5.310 The Chairperson agreed and said that this was a user-friendly approach.

5.311 Concerning paragraph **II.C.12**, the Delegation of Mexico pointed out that, together with the Advisory Bodies, it had in the past already raised questions concerning potential World Heritage properties such as routes and itineraries which may include both cultural and natural areas. It indicated that the last sentence of paragraph **II.C.12** may need to be reviewed at some point in the future.

5.312 The Chairperson asked the Delegation of Mexico to submit a concrete solution.

5.313 The Delegation of Mexico suggested that ICOMOS be given the task of proposing the appropriate wording.

5.314 ICOMOS agreed to prepare a draft for consideration.

5.315 The Chairperson asked the Committee to comment on paragraphs **II.C.14 à II.C.19** and observed that no comments had been formulated by the delegations.

Legal/Management Requirements

5.316 The Chairperson moved on to the examination of paragraphs **II.C.19 to II.C.24** and asked the Secretariat to introduce these paragraphs.

5.317 The Secretariat recalled that paragraphs **II.C.19 to II.C.24** were the result of two Drafting Group sessions and took into consideration existing *Operational Guidelines* text. It drew the attention of the Committee to **II.C.19 and II.C.20**, both paragraphs providing key elements. The Secretariat observed that the provisions contained in these paragraphs determine what goes into nomination documents and should therefore be cross-referenced, as appropriate, with the text in the Section **II.D (Nominations to the World Heritage List)** and **Annex 6 (Guidelines and Format for Nominations)**.

5.318 The Delegation of Egypt had no objections to the texts proposed and indicated that they provided guidelines for the management of the sites. It indicated two issues not covered by paragraphs **II.C.19 to II.C.24**:

- Should the regulation of the number of visitors to the sites be left to the site management or should a specific provision for this be included in the *Operational Guidelines*?
- Concerning scientific research, in particular excavation and research on fossils as well as collections within the sites, scientists may be concerned that the World Heritage designation may prevent them from collecting fossils in the area. The Delegation suggested addressing this issue by including a provision clarifying the possibility of continuing scientific activities, but preventing souvenir collections and similar activities.

5.319 The Chairperson agreed that these were important issues and asked where they should be addressed, in Chapter **II (ESTABLISHING THE WORLD HERITAGE LIST)** or in Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)**.

5.320 The Secretariat pointed out that the nomination format includes sections where information on visitor facilities and statistics are requested. It noted that questions of scientific research, particularly those concerning excavation in fossil sites, are important but may not be addressed at this point of time. However, there are other guidelines and principles that are used for these types of specific issues and the Committee may also have to develop such specific guidelines in the future.

5.321 The Delegation of India agreed with the important points raised by the Delegation of Egypt. It believed that

excavation should be allowed as long as it is not for commercial purposes.

5.322 The Delegation of Egypt recalled that during its participation in a Drafting Group meeting in March 2002, it had suggested that a special non governmental organisation such as the International Geological Association, be contacted for advice on those specific matters. The Delegation expressed the belief that the number of nominations of geological and fossil sites will increase in the future.

5.323 The Delegation of Hungary raised again the question with regard to paragraph **II.C.24**: what would be the consequences if the State Party does not provide a management plan by the requested time?

5.324 IUCN pointed out that the issues raised by the Delegations of Egypt and India should be addressed in the management plan and indicated that IUCN could provide examples to illustrate such management plans and assist States Parties in their preparation. The *Operational Guidelines* can only provide general guidance. Concerning the possible delay in submitting a management plan, a situation paragraph **II.C.24** referred to, IUCN stated that the problem could be solved through cooperation: international assistance has been granted in the past for the preparation of management plans, eg for the Galapagos Islands.

5.325 The Delegation of the United Kingdom agreed with IUCN, adding that the *Operational Guidelines* could not cover all issues. The management plan should specify the outstanding universal values of the site and how they should be protected.

5.326 The Delegation of Finland recalled the concerns it had expressed regarding the absence of management plans for a nominated site. It indicated that most of the sites discussed in the "State of Conservation Reports" during ordinary Committee sessions or inscribed on the *List of World Heritage in Danger* do not have management plans. The Delegation concluded that it would be preferable to complete the plan before the inscription of a property on the *World Heritage List*.

5.327 ICOMOS agreed with IUCN and noted contradictions between the need to attach a management plan as part of the nomination dossier and the possibility allowed in paragraph **II.C.24** that the management plan may not be ready at the time when the site is nominated. It should be clarified whether a nomination dossier without a management plan is considered incomplete. ICOMOS further noted that management plans were hardly dealt with in Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)**. It also suggested to streamline the terminology used: "*management plans*", "*management systems*" etc.

5.328 The Secretariat noted that there are cases where a 'management plan' may not be there but a 'management system' may be present. With regard to the position expressed by the Delegation of Finland, it indicated that the text of paragraph **II.C.24** had been agreed upon by the Drafting Group that had been meeting over the last two years. The Secretariat pointed out that the Committee needs to decide whether it wants to set up hard-and-fast rules or retain a certain amount of flexibility so that it would have greater opportunities to include as many properties containing outstanding universal values in the *World Heritage List* as possible. The Secretariat agreed that inconsistencies existed in the nomination format.

5.329 The Delegation of the United Kingdom stressed that ideally all sites should have a management plan at the time of inscription. Paragraph **II.C.24** is a compromise between the paragraphs that were in the existing *Operational Guidelines* and the ideal situation. The date of completion of the plan should be defined and if the plan is not ready by that time then other provisions of the *Operational Guidelines* should become effective.

5.330 ICCROM observed that the proposed paragraphs **II.C.19 to II.C.23** concerning management plans did not apply to cultural heritage earlier sites. As the Committee is now combining natural and cultural heritage criteria, some provisions are beginning to be applied to cultural heritage the way they were applied to natural heritage in the past.

5.331 The Delegation of Saint Lucia expressed agreement with the position of the Delegation of the United Kingdom that a timetable for the completion of the management plan should be submitted at the time of the nomination. New provisions should be included in the *Operational Guidelines* to deal with the situation where a management plan has not been submitted by the deadline.

5.332 IUCN agreed with the Delegations of the United Kingdom and Saint Lucia and with the observations of ICCROM. It noted that paragraph **II.C.24** provided opportunities to help preparing and implementing a management plan. IUCN indicated that it would be able to define criteria to determine when a site without a management plan could be acceptable.

5.333 The Delegation of Thailand observed that the role of traditional land-use had not been explicitly mentioned and asked whether the Committee was doing away with traditional land-use as a management system; if so, that position should be put on the record..

5.334 The Chairperson asked whether that was indeed the intention of the Committee.

5.335 The Delegation of the United Kingdom pointed out that paragraphs **II.C.23** and **II.C.24** make reference to "*management systems*" as well, which cover traditional land-use. It noted that there will always be sites that will be managed traditionally.

5.336 The Observer Delegation of Morocco supported the intervention of the Delegation of the United Kingdom. It judged that the question of integrity raised by the Delegation of Egypt was also of great importance (*note: paragraph 5.276 of the Summary Record*) and referred to the responses made by IUCN. The Delegation was of the opinion that it was necessary to allow a certain flexibility, whilst placing the States Parties before their responsibilities.

5.337 ICCROM noted that paragraph **II.C.24** could be misinterpreted and suggested to replace "*in some circumstances*" in the first line by "*in exceptional circumstances*".

5.338 The Chairperson asked the Committee whether it agreed upon this last proposal.

5.339 The Observer Delegation of Italy urged that paragraph **II.C.24** be accepted as proposed in the draft.

5.340 The Delegation of the United Kingdom noted that many of the concerns expressed are covered under Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)**, in paragraph **III.A.5** (Diversity of management systems). Hence paragraph **II.C.24** could be adopted as proposed in the working document.

5.341 The Chairperson, expressing his wish to obtain a consensus on paragraph **II.C.24**, asked what the Committee felt about the change proposed by ICCROM.

5.342 The Delegation of Argentina stressed that paragraph **II.C.24** should be left as it was.

5.343 The Chairperson concluded that there was consensus on accepting paragraph **II.C.24** unamended.

5.344 The Rapporteur asked the Committee to clarify what would need to be done if a State Party did not provide a management plan within the time allocated.

5.345 The Chairperson reiterated the question asked by the Rapporteur in order to complete the provisions of paragraph **II.C.24**.

5.346 The Delegation of Argentina insisted to leave paragraph **II.C.24** as it was. Any new texts to be added should be reviewed by the Committee first.

5.347 The Chairperson asked the Committee if it agreed that the Secretariat should draft a text which would be submitted to it later for examination and noted that the Committee accepted this proposal.

5.348 The Delegation of the United Kingdom agreed with the Delegation of Argentina in maintaining paragraph **II.C.24** unchanged, while provisions for dealing with cases

in which management plans are not completed on time, should be dealt with elsewhere. The Delegation referred to **paragraph 22** of the existing *Operational Guidelines*.

5.349 The Observer Delegation of the United States of America quoted paragraph **II.C.19**: "*Management of World Heritage properties should ensure that their condition at the time of inscription, will be maintained or enhanced in the future*", stating that in many cases it was difficult to maintain the condition of a natural property at the time of inscription. It proposed the insertion of the word "*cultural*" between "*World Heritage*" and "*properties*".

5.350 The Delegation of India agreed to approve paragraph **II.C.24** as proposed but said that the meaning would improve if wording concerning agreed timeframes were introduced at a later time. These additions should not be sanction-oriented.

5.351 The Secretariat proposed having a reference to the timeframe, making a cross reference to Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)** and drew attention of the Committee to **paragraph 22** of the existing *Operational Guidelines*.

5.352 The Chairperson agreed with the proposal of the Secretariat and returned to paragraph **II.C.19**. He suggested changing "*condition*" to "*outstanding universal value*" to meet the concerns expressed by the Observer Delegation of the United States of America.

5.353 IUCN agreed with the Observer Delegation of the United States of America that change at sites is inevitable but stated that management had the responsibility to maintain not only outstanding universal value but also the property's integrity. It said that the Chairperson's proposal may be acceptable and IUCN was also willing to propose a new draft for paragraph **II.C.19**.

5.354 The Observer Delegation of the United States of America accepted the proposal of the Chairperson.

5.355 ICOMOS noted that conservation and protection are management goals and hence accepted the Chairperson's proposal to replace the word "*condition*" with "*outstanding universal value*".

5.356 ICCROM noted that according to paragraph **III.A.1** "*The purpose of effective management of a World Heritage property is to ensure the protection of the outstanding universal value (...)*", hence the need to improve the consistency.

5.357 The Chairperson asked the Committee if the change of the word "*condition*" to "*outstanding universal value*" was accepted.

5.358 The Delegation of Saint Lucia disagreed, stating that if the focus was only on outstanding universal values, the integrity of sites could be threatened by interventions. That is why baseline data, monitoring and other requirements were needed.

5.359 IUCN agreed with the Delegation of Saint Lucia stressing the importance of integrity, whose maintenance should be the purpose of management.

5.360 The Observer Delegation of New Zealand recalled that one of the New Zealand properties is an active volcano which made it impossible to guarantee the maintenance of that property's conditions as at the time of inscription.

5.361 The Delegation of Thailand agreed with the point raised by the Observer Delegation of New Zealand.

5.362 The Delegation of Saint Lucia stated that a volcano is a natural phenomenon and is subject to change; hence, the word "*condition*" as it occurs in paragraph **II.C.19** does not apply to that case.

5.363 The Delegation of Egypt proposed replacing the word "*condition*" with "*character*" since it better accommodates changes in natural phenomena.

5.364 The Chairperson observed that the word "*character*" is not a very good alternative.

5.365 The Secretariat pointed out that when a property is inscribed it undergoes the test of integrity and criteria of outstanding universal value are determined. It recalled the position of the Observer Delegation of the United States of America concerning the need for consistency in terminology. The Secretariat proposed that "*outstanding universal value and integrity*" replace the word "*condition*".

5.366 The Delegation of India referred to the intervention of the Delegation of Saint Lucia and observed that the condition at the time of inscription could change to enhance value and integrity.

5.367 The Delegation of Thailand noted that "*condition at the time of inscription*" is an all-inclusive wording, hence should be left as it is.

5.368 The Delegation of Mexico agreed with the proposal of the Secretariat provided that it includes conditions of authenticity and integrity and outstanding universal value at the time of inscription.

5.369 ICCROM stated that the proposal of the Secretariat could be acceptable provided that authenticity also be incorporated.

5.370 The Delegation of Finland accepted the proposal of the Secretariat.

5.371 The Chairperson thus concluded that the proposal of the Secretariat was accepted with the inclusion of authenticity; paragraphs **II.C.19 to II.C.24** were therefore accepted as amended.

II.D Nomination of properties for inclusion on the World Heritage List

5.372 The Chairperson invited the Secretariat to provide an introduction.

5.373 The Secretariat noted that Section **II.D** flows into subsequent Sections **II.E (Registration of nominations)**, **II.F (Summary guidelines for the evaluation of the nominations)**, **II.G (Inscription on the World Heritage List)** and **II.H (Archiving and documentation of nominations)** since all of them concern the nomination process. Most of the text concerns process and there is not much substantial content. It noted that the nomination format in the past was separate from the *Operational Guidelines* and is now integrated in **Annex 6** in order to make the *Operational Guidelines* a self-contained document. The Secretariat then provided brief descriptions of the content of the different paragraphs in Sections **II.D, II.E, II.F, II.G and II.H**. The Secretariat recalled that **Annex 4** provided guidance for specific types of heritage such as cultural landscapes, historic towns and canals.

5.374 The Chairperson welcomed the logical introduction given by the Secretariat. He noted that the functions of the Bureau referred to in paragraphs **II.G.1** and **II.G.2** should be reviewed in the light of the changes introduced on this subject matter in the new *Rules of Procedure*.

Format and content of nominations

5.375 The Delegation of Belgium proposed a more logical order for the format of the nominations presented in paragraph **II.D.1** :

1. Identification of the property;
2. Description;
3. Justification of the outstanding universal value, and indication of indicators;
4. Justification of authenticity and integrity and indication of indicators;
5. Constraints and factors that might affect the property, and indication of indicators
6. Protection and management system.

5.376 The Delegation of Belgium proposed the addition of an extra point to the format, which would be a summary or conclusion. The key indicators would have to be provided in relation to the declaration of outstanding universal value mentioned in paragraphs **II.G.3, II.G.4** and **II.G.7**. It cited in this respect the work done by the ICCROM on the monitoring and management of properties.

5.377 The Delegation of Zimbabwe referred to paragraph **II.D.3** concerning the comparative evaluation by the State Party and to paragraph **II.F.2 (ii)** concerning the comparative evaluation by the Advisory bodies and asked to clarify in paragraph **II.D.3** whether the State Party had to provide its comparative evaluation within a national or international context.

5.378 The Chairperson asked the Delegation of Belgium to provide its proposal in writing and said that paragraph **II.D.3** needed clarification.

5.379 The Delegation of Mexico observed that paragraph **II.G.11** (Change of name of a World Heritage Property) should also consider reclassification of sites including the possibility of merging two or more properties into one property, or separating one property into more than one World Heritage property.

5.380 The Observer Delegation of Australia suggested that the word "*borders*" in paragraph **II.F.2 (ii)** be replaced by "*territory*" since the latter was the term in the *Convention and Guidelines*.

5.381 The Delegation of France spoke on the subject of paragraph **II.F.2 (iv)** concerning the presentation of the evaluations by the Advisory Bodies. Their conclusions can sometimes appear dry and would gain from being argued and justified in order to make them more relevant.

5.382 The Chairperson noted that in this respect the new sequence for the nomination format as proposed by the Delegation of Belgium would be very useful.

5.383 The Delegation of the United Kingdom pointed out that it would help to have the proposals of the Delegation of Belgium in writing. But it underscored that the sequence of Identification, Description, Significance, Protection and Management would be the most logical sequence to follow in the nomination format as it was extremely difficult to justify the outstanding universal value of something that had not been described yet.

5.384 The Delegation of Mexico concurred that this proposal was interesting but asked it to be provided in writing for detailed study.

5.385 The Secretariat suggested that the proposal of the Delegation of Belgium be taken up when considering **Annex 6 (Guidelines for the preparation of nominations of properties for inclusion on the World Heritage List)** which would allow sufficient time for all Committee members to study the proposal.

5.386 The Chairperson agreed with the suggestion of the Secretariat. With regard to paragraphs **II.D.2 and II.D.3**, he observed that the essence is acceptable but better wording, as suggested by the Delegations of Zimbabwe and Mexico, was needed.

5.387 The Delegation of India supported the intervention made by the Delegation of Zimbabwe concerning paragraph **II.D.3** and asked what the appropriate wording could be.

5.388 The Delegation of Zimbabwe referred to paragraph **II.F.2 (ii)** and said that when nominating a property, the State Party should provide a comparative evaluation or assessment of similar properties in and outside the country.

5.389 The Delegation of Egypt, referring to paragraph **II.D.3**, suggested changing the wording in the last two lines to "*more elaborate/detailed than required in paragraph II.B.3 with regard to tentative lists*".

5.390 The Delegation of India enquired about how a State Party could be expected to provide a comparative evaluation of properties outside of its territory, stating that this should be the responsibility of the Advisory Bodies

5.391 The Delegation of Thailand noted that the reference to "*paragraphs II.C.20-II.C. 25*" in paragraph **II.D.2** should be "*paragraphs II.C.20-II.C.24*". In addition, the Delegation expressed sympathy with the position of the Delegation of India.

5.392 The Delegation of the United Kingdom proposed to replace the words "*comparative evaluation*" in paragraph **II.D.3**, by "*comparative study*". It stressed that the nomination of any property requires a comparison with other similar sites on the *World Heritage List* and noted that most scholars should be able to undertake such analysis.

5.393 The Delegation of Egypt identified with the position expressed by the Delegation of the United Kingdom. Scientists from the nominating country should be able to carry out comparative studies. The State Party has to prove the outstanding universal value of the site beyond its borders. Advisory Bodies evaluate the correctness of the States Parties' statement about outstanding universal value.

5.394 The Delegation of Nigeria identified with the position expressed by the Delegation of India. It suggested that States Parties provide a comparative study in the context of its own borders and its region. Many African countries lack the information needed to carry out super-global studies needed for a universal evaluation. It recalled that the issue was linked to the harmonization of the Tentative Lists in the regions.

5.395 The Delegation of Zimbabwe said that while it had no difficulties to restrict comparative analysis to properties within one's own country, the current practice is to review properties in and outside of a country, particularly with regard to property of the same category that are already included in the *World Heritage List*.

5.396 The Secretariat noted that for more than two decades, making a case for World Heritage status has involved "*comparative analyses*" (not evaluations). Comparative analysis is a component of the nomination preparation process and making a case for the property's outstanding universal value, whereas undertaking a "*comparative study*" of similar properties is a task for the Advisory Bodies. Neither is a binding obligation but differences between the two should be recognized.

5.397 The Delegation of China proposed replacing the word "*should*" in paragraph **II.D.3** with "*are encouraged*": this allows for more flexibility in the requirement for the States Parties to undertake a comparative evaluation.

5.398 The Chairperson observed that if changed, the word "*evaluation*" was changed into "*analysis*" the result would be similar to the proposal of the Delegation of China.

5.399 The Delegation of Thailand suggested to refer to paragraphs **II.B.3** and **II.B.4** that deal with harmonization of Tentative Lists in order to clarify the use of words such as 'evaluation', 'study' and 'analysis'.

5.400 The Delegation of India asked not to put more burden on the States Parties than in the past. It noted that the nominations submitted by India did not include such comparative studies but, if that is the practice, it would be acceptable as long as the approach adopted is flexible.

5.401 The Chairperson again proposed that the word "*evaluation*" in paragraph **II.D.3** be changed to "*analysis*".

5.402 IUCN observed that it is in the States Parties' own interest to undertake such comparative analyses. Assistance for undertaking such analyses is obtainable. **Annex 4 (Guidelines on the inclusion of specific types of sites on the World Heritage List)** also refers to other approaches to undertake comparative analyses.

5.403 The Delegation of Egypt reiterated its suggestion to redraft paragraph **II.D.3**, introducing the idea that the comparative evaluation of the nominations are more 'elaborate' than the comparison asked for in the Tentative List Format.

5.404 After this intervention, the Chairperson declared that consensus on paragraph **II.D.3** was reached and he closed the discussion on paragraphs **II.D.1 to II.D.3**.

Procedures and timetable

5.405 The Chairperson asked the Committee members to consider paragraphs **II.D.4** and **II.D.5**. With regard to paragraph **II.D.5**, he suggested that a second sentence be added stating that States Parties be encouraged to submit nominations before 31 December in order to allow the Secretariat to check the completeness of the nomination dossier.

5.406 The Delegation of Saint Lucia supported the Chairperson's proposal.

5.407 The Delegation of Nigeria, reminding about delays in work following the end-of-year and New Year holidays, proposed to replace "*1 February*" in paragraph **II.D.5** by "*15 February*" which was a more sensible deadline.

5.408 The Secretariat pointed out that the deadline of 1 February was agreed upon after lengthy debates at the Committee session in Cairns (24th session, 2000) and that it would not be advisable to introduce additional causes that dilute this precision.

5.409 The Delegation of Egypt asked that information be included as to whom the nomination should be addressed: Committee, Bureau or Centre.

5.410 The Rapporteur recalled that according to **paragraph 65** of the *Operational Guidelines* of July 2002, The States Parties may submit nominations throughout the year; the deadline of 1 February is only a cut-off point.

5.411 The Delegation of India supported the Chairperson's proposal to include a new deadline allowing States Parties to complete their nominations by 1 February. However, it observed that States Parties were unaware of this new deadline and would need some time to make minor corrections to their nominations.

II.E Registration of Nominations

II.F Summary guidelines for the evaluation of nominations

5.412 The Delegation of the United Kingdom noted that paragraph **II.F.2 (i)** appeared to imply that until now the ICOMOS and IUCN evaluations were not required to be objective and rigorous.

5.413 IUCN, speaking on behalf of IUCN and ICOMOS, said the proposal to delete **Annex 7 (Evaluation procedures of ICOMOS and IUCN)** was unfortunate and requested that this Annex, describing IUCN and ICOMOS procedures used in the evaluation of nominations, be retained for the purposes of transparency and information.

5.414 The Delegation of the United Kingdom supported the position of IUCN.

5.415 The Chairperson said that the information contained in **Annex 7** could be useful as a separate document.

5.416 The Delegation of Saint Lucia agreed with IUCN and the Delegation of the United Kingdom.

5.417 The Chairperson stated that the reference to the Bureau in paragraph **II.F.2 (iv)** should be reviewed in the light of the changes proposed concerning the Bureau in the *Rules of Procedure*.

5.418 The Delegation of Saint Lucia apologized for drawing the attention back to paragraph **II.E.1** (Registration of nominations) and to **pararaph 4** of Draft Decision **6 EXT.COM 7** stating the need for the Secretariat to develop criteria for determining which nominations are complete and to include them in the *Operational Guidelines*.

5.419 The Chairperson agreed with the Delegation of Saint Lucia and thanked it for its vigilance.

5.420 The Delegation of Egypt, with regard to paragraph **II.F.2 (iv)**, questioned the need to repeat the presentation of the evaluations of all nominations to the Bureau and the Committee. The Delegation suggested that full evaluations be submitted to the Bureau and only summaries to the Committee.

5.421 The Delegation of Thailand disagreed with the suggestion made by the Delegation of Egypt, stating that the Committee had the authority to decide. It asked how the Committee could take decisions on the basis of summaries only. It supported a full presentation once, but at the Committee level.

5.422 The Chairperson requested the Delegations of Saint Lucia and India not to intervene on this topic at this stage of the debate, saying that this matter will be discussed after the *Rules of Procedure*.

5.423 The Delegation of Egypt responded to the position of the Delegation of Thailand, indicating that it would be acceptable to present summaries of evaluations to the Bureau and the full evaluation to the Committee.

5.424 The Delegation of Finland supported the position of the Delegation of Egypt.

5.425 The Delegation of the United Kingdom noted that a full discussion on this matter would only be possible after the discussions on the *Rules of Procedure*.

5.426 IUCN declared its readiness to elaborate on the value for States Parties of full submissions to the Bureau and the Committee at the time of discussions.

5.427 The Chairperson closed the discussion on Section **II.F (Summary guidelines for the evaluation of nominations)** and invited comments on Section **II.G**.

II.G Inscription on the World Heritage List

Decision by the World Heritage Committee

5.428 The Delegation of the United Kingdom pointed out that paragraph **II.G.2** cannot be discussed before the discussion on the *Rules of Procedure* because it relates to a Bureau function.

5.429 The Chairperson agreed and noted that the same applied to paragraph **II.G.1**.

5.430 The Delegation of Belgium considered, regarding paragraph **II.G.3**, that reference should not only be made to the justification provided by the State Party: cases have arisen in the past where the Committee has added a criterion about which the State Party had not thought at the time of the submission of its nomination.

5.431 The Delegation of Portugal supported the position expressed by the Delegation of Belgium.

5.432 The Chairperson noted that there was consensus on paragraph **III.G.3** as amended by the Delegation of Belgium. He called for discussion on paragraphs **II.G.3 to II.G.7** and noted that there was consensus on them.

Notification of inscription to the State Party

5.433 The Chairperson noted that there was consensus on paragraph **II.G.8**.

Publication of the World Heritage List

5.434 The Chairperson noted that there was consensus on paragraphs **II.G.9 and II.G.10**.

Change of name of a World Heritage property

5.435 The Chairperson recalled that the Delegation of Mexico had referred to paragraph **II.G.11** (*note: see paragraph 5.380 of the Summary Record*) and invited the Delegation to take the floor.

5.436 The Delegation of Mexico drew attention to the fact that greater knowledge of the categories of some sites inscribed on the *World Heritage List* in the early 1980s pointed to the fact that possible changes may be not restricted to the name of the properties only. The Delegation referred to two Mexican properties, namely Historic Centre of Mexico and Xochimilco, which effectively now contain four different categories of sites. The Delegation noted furthermore that some of the early sites did not have management plans. Similar problems exist in other countries.

5.437 The Chairperson confirmed that this important point should not be forgotten. He proposed to the Committee that it mandate the Secretariat to complete the

text on this subject, in cooperation with the Advisory Bodies.

5.438 The Delegation of India thanked the Delegation of Mexico and noted that similar issues were brought up at the Asia Pacific Periodic Reporting meeting held in Paris in March 2003. The Delegation indicated that reclassification of sites would be needed and could include both separation as well as merging of sites. Hence, a draft needed to be developed for consideration by the Committee at the Suzhou session (27th session, 2003).

5.439 The Delegation of the United Kingdom agreed with the Delegations of India and Mexico and noted that Periodic Reporting is the process that could address this matter and the discussion should be reserved for Suzhou. It stated that it wanted to raise the follow-up on the Periodic Reports later in the discussion.

5.440 The Delegation of India explained that it was not proposing to consider this matter in the current revision. Nevertheless, the matter being of interest to many States Parties, it should be considered as part of the overall revision of the *Operational Guidelines*.

5.441 The Chairperson underscored the importance of Periodic Reporting tool. He noted that a link with the *Operational Guidelines* would be appropriate while further discussions could be held in Suzhou.

5.442 The Secretariat observed that it could flag this matter through Draft Decision **6 EXT.COM 5**. It said that the issue was related not only to Periodic Reporting but also to the re-nomination issue contained in **Annex 6 (Guidelines for the preparation of nominations of properties for inclusion on the World Heritage List)**. Current wording on this matter may not be satisfactory to address all cases raised by the Delegations of India and Mexico.

II.H Archiving and documentation of nominations

5.443 The Chairperson proceeded to consider paragraphs **II.H.1 and II.H.2** and, in the absence of comments, proceeded with the examination of paragraphs **II.H.3 and II.H.4**.

Documentation

Storage

5.444 The Secretariat raised the issue of access for the public to information contained in the nomination dossiers. Currently, the decisions of the Committee can be consulted on the web, but there are requests on a daily basis to consult nomination dossiers from research and academic institutions amongst others. There may be four options to resolve this issue:

- 1) Provide information publicly on the web;
- 2) Not provide the information publicly;
- 3) Provide the information to a restricted audience using password protection; or
- 4) Request that States Parties make the information available on their own websites with links to the World Heritage Centre website.

5.445 The Rapporteur observed that it was not only a matter of the Committee deciding which information would be made accessible, but also when it wishes to make it accessible. She added that this question is a matter for one of the rules in the *Rules of Procedure* remaining to be examined.

5.446 The Chairperson agreed with the Rapporteur.

5.447 The Delegation of Egypt agreed that making this information available could be of value to States Parties, but reminded that nomination dossiers may contain information that the State Party may wish to keep confidential and therefore any such information should not be made public without State Party consent.

5.448 The Delegation of the United Kingdom noted that this was an important issue, involving legal implications and copyright issues. It suggested returning to this discussion at another Committee session.

5.449 The Observer Delegation of Australia supported the interventions of the Delegations of Egypt and the United Kingdom, adding that some types of nominations include culturally sensitive material provided in confidence for the nomination, and this material should not be made widely available.

5.450 The Chairperson concluded to withhold discussions on paragraph **II.H.2** and noted that the States Parties should be given time to develop common policies on this matter.

Thursday 20 March , 3.45 pm - 8.00 pm

3. (continued) REVISION OF THE RULES OF PROCEDURE OF THE WORLD HERITAGE COMMITTEE

Documents:

WHC-03/6 EXT.COM/3

WHC-03/6 EXT.COM/INF.3

Rules of Procedure of the World Heritage Committee WHC-2002/5)

New Documents:

Revised Draft Decision 6 EXT.COM 3 and Draft Revised Rules of Procedure - second reading /

(Note: the Rule-numbers are the ones used in the Draft Revised Rules of Procedure; for the correspondance between old and new Rule-numbers, see Annex II of document WHC-03/6 EXT.COM/8)

3.159 The Chairperson informed the Committee that Revised Draft Decision **6 EXT.COM 3** was now available in English and French for the second reading of the *Revised Rules of Procedure* and asked the Secretariat to provide an introduction to the document and then to proceed with the text paragraph by paragraph with the assistance of the Rapporteur.

3.160 The Secretariat presented the document and drew the Committee's attention to the Revised Draft Decision **6 EXT.COM 3** contained therein and the provisions for the elections of the Bureau during the transition period. The Secretariat then explained all changes made throughout the document and pointed out that two errors were made: the word "*Report*" in **Rule 33.2** should be changed to "*List of Decisions*" and the heading of **Rule 35** should read "*Reports of the Committee to the General Assembly of States Parties and to the UNESCO General Conference*".

3.161 The Chairperson thanked the Secretariat and the Rapporteur for the excellent work and for the annotated presentation and noted that the Committee should give the mandate to the Secretariat to provide the correct numbering of all paragraphs at the end of the second reading.

3.162 The Chairperson asked for the reactions of the members of the Committee to **paragraph 2** of the Revised Draft Decision **6 EXT.COM 3** concerning the transitional solution drawn up by the Bureau pending the entry into force of **paragraph 1 of Rule 12 (Election of the Bureau)** in the *Rules of Procedure*.

3.163 The Delegation of Hungary made a suggestion to add to **paragraph 2 b)** of Revised Draft Decision **6 EXT.COM 3**, "*at the same session*", in order to avoid any misunderstanding.

3.164 The Delegation of Korea supported the revised **Rule 12.1**, requesting however clarification on the term of the members of the Bureau which would be elected at the beginning of the 28th session as set out in **paragraph 2 b)** Revised Draft Decision **6 EXT.COM 3**.

3.165 The Chairperson thanked the Delegation for raising this important matter and explained that the term for one Chairperson would be six months followed by a six month-term by the next Chairperson.

3.166 The Secretariat explained that there was an omission in the draft : the term for all Bureau members would be one year and the second Chairperson would be elected from amongst the same Bureau members. **Paragraph 2 b)** of Revised Draft Decision **6 EXT.COM 3** should therefore read: "*At the beginning of its 28th*

ordinary session (June/July 2004), the World Heritage Committee will elect a Chairperson, a Rapporteur and five Vice-Chairpersons whose mandate will last from the beginning of the session to the end of the 29th session (June 2005). Among the members of the Bureau, the Committee will designate a first Chairperson whose six-month mandate will extend from the beginning of the 28th ordinary session (June/July 2004) until 31 December 2004, as well as a second Chairperson whose six-month mandate will extend from 1 January 2005 to the end of the 29th ordinary session in June 2005)".

3.167 The Delegation of Lebanon underscored that the text thus amended was clear. It remarked that the second Chairperson who will take up office on 1st January 2005 would be a member of the Bureau for the first six months and this would allow for a smooth transition.

3.168 The Chairperson declared that he was in agreement with the intervention made by the Delegation of Lebanon and asked for the opinion of the other members of the Committee. The Chairperson then asked the Secretariat to produce and distribute a final version of the Draft Decision.

3.169 The Delegation of Thailand underscored that after the transition period the application of this Rule would finish, since **Rule 12.1** would be in force.

3.170 The Secretariat explained that **paragraphs 2 d) and e)** of Revised Draft Decision **6 EXT.COM 3** had been important for the decision-making process and that there would be no necessity to retain these paragraphs in the final Decision once an agreement had been reached on the **transitional Rule** and on **Rule 12.1**.

3.171 The Chairperson noted that this was the case. He then invited the Committee to examine the *Draft Revised Rules of Procedure* presented in two columns in order to clearly indicate the proposed amendments. References to former revisions of the *Rules* had been included and a **new provision** concerning gender parity was proposed at the beginning of the text: it allowed for a simplified drafting of several Rules.

I. MEMBERSHIP

3.172 As no comments were made on the introductory text and on **Rule 1 (World Heritage Committee)**, the Chairperson concluded that the texts were adopted.

II. SESSIONS

3.173 There were no amendments proposed for **Rule 2 (Ordinary and extraordinary sessions)**. The Chairperson noted that there was consensus on **Rule 3 (Convocations)** and **Rule 4 (Date and Place)**, as amended.

3.174 The Rapporteur pointed out that the revised draft included a certain number of linguistic revisions, not

necessarily in both versions. Thus, in the French version, **paragraphs 3 and 4 of Rule 3** and all the text had been put into the present tense.

III. PARTICIPANTS

3.175 The Chairperson invited comments on **Rule 5 (Delegations)**.

3.176 The Delegation of India referred to the new **Rule A (Financial assistance)** and suggested to delete in **Rule A.1**, line 7 the word "of" before "representatives", and to add "And" before "If the budget allows,...".

3.177 The Chairperson asked to examine new **Rule 5.2 bis** first: "States members of the Committee shall transmit to the Secretariat in writing the names and qualifications of their representatives."

3.178 The Delegation of South Africa questioned the wording "qualifications" and suggested the word "designations".

3.179 The Delegation of Egypt pointed out that "qualifications" meant in what expert capacity: cultural or natural heritage. In the past, the Centre requested in a letter to provide a Curriculum Vitae of the expert in order to define, in cases there was only one expert, in which field he/she was qualified.

3.180 The Chairperson said that the wording was taken from the *Convention*, but that both words would be relevant, "qualifications and designations".

3.181 The Rapporteur, observing that the provisional numbering of the Rules ("bis", "ter" or "A" et "B") could give rise to a certain confusion in the Delegations, confirmed that after the second reading all the Rules would be numbered continuously.

3.182 The Delegation of Lebanon remarked that in **Rule 5.2** relating to the composition of the delegations, it would be preferable to replace "They (= The member States of the Committee) are insistently urged" by "They are strongly encouraged".

3.183 The Observer Delegation of Italy requested the deletion of the comma in the second sentence of **Rule 5.2** and wanted to comment on the **new Rule A.1**.

3.184 The Chairperson replied that this would be handled later.

3.185 The Delegation of Korea referred to **Rule 5.2bis**. Its understanding was that this Rule encourages members of the Committee to send qualified experts to the Committee sessions. The Delegation stated that the note with the reference to the *Rules of Procedure* of the Executive Board was not correct.

3.186 The Rapporteur pointed out that the reference to the *Rules of Procedure* of the Executive Board did not concern the qualification of the experts, but the fact that the members of the Committee had to give the names of the persons making up their delegations in writing.

3.187 The Delegation of South Africa requested that the word "*qualifications*" in **Rule 5.2 bis** be replaced by "*Curriculum Vitae*".

3.188 The Chairperson referred to Article 9.3 of the *Convention* and therefore suggested that "*designation*" be added in **Rule 5.2 bis**. He wondered whether the title of new **Rule A (Financial assistance)** would be needed at all and suggested continuing the numbering of **Rule 5** without a separate title.

3.189 The Delegation of the United Kingdom suggested to put **Rule A** in a financial annex to the *Rules of Procedure* and to amend the wording of **Rule A.1** in order to read "*the Committee may allocate*".

3.190 The Observer Delegation of Italy pointed out a grammatical error in the last sentence of **Rule A.1**: "*they*" referred to developing countries, but it should refer to "*their representatives*".

3.191 The Chairperson recalled the amendment presented earlier by the Delegation of India on **Rule A.1** (note : see paragraph 3.176 of the *Summary Record*) and, referring to the statement of the Delegation of the United Kingdom, asked the Committee whether it agreed to include the content of **Rule A** in an annex to the *Rules of Procedures*.

3.192 The Delegation of Argentina agreed with the amendments proposed by the Delegation of India and the Observer Delegation of Italy. It suggested to keep **Rule A** as it is and not to make any annexes to the *Rules of Procedures*. Furthermore, following the statement made by the Delegation of the United Kingdom, it recalled that the Committee allocates funds in practice and therefore, the word "*may*" should not be used.

3.193 The Chairperson pointed out that two questions arose: the addition of annexes to the *Rules of Procedure* and the use of the affirmative or the conditional in the new **Rule A**.

3.194 The Delegation of South Africa fully supported the Delegation of Argentina, stating that this would be in line with the Committee's decision.

3.195 The Delegation of Egypt supported the Delegation of South Africa and asked to delete the title of **Rule A**, which would become part of **Rule 5 (Delegations)**.

3.196 The Chairperson concluded that no subtitle be used for the content of **Rule A** and that **Rule A.1** be

amended as suggested by the Delegation of India. As no comments were made on **Rule 6 (Organizations attending in an advisory capacity)** and **Rule 7 (Invitations for consultation)**, he declared them adopted.

3.197 The Observer Delegation of Italy requested clarification on **Rule 8 (Observers)**, more exactly on **Rule 8.1**, whether observer States Parties would be allowed to attend the meetings of the Bureau.

3.198 The Chairperson pointed out that this had already been discussed the day before.

3.199 The Rapporteur noted that it might be necessary to adapt the wording of **Rule 8.1** according to the final decision concerning **Rule 13 (Bureau)**, in particular as regards the role and functions of the Bureau.

3.200 The delegation of Saint Lucia remarked that this decision had nothing to do with the Bureau's mandate but that it was a matter of principle. The Delegation considered that observers must be permitted to attend all the meetings of the Bureau whatever the latter's mandate.

3.201 The Delegation of Nigeria drew the attention to the use of the word "*authorize*" in **Rule 8.1 bis** and suggested to amend it into "*to be allowed (...) to attend the sessions*".

3.202 The Chairperson asked the Committee whether it agreed to change the wording.

3.203 The Delegation of the United Kingdom suggested "*permitted*".

3.204 The Chairperson asked the Committee whether it accepted the amendment to **Rule 8.1** as proposed by the Delegations of Italy and Saint Lucia and noted that this was the case. He also noted that there was agreement to use the term "*permitted*" in **Rule 8.1 bis** and that the Committee agreed with the amendment proposed for **Rule 8.2**.

IV. AGENDA

3.205 The Chairperson noted that the only amendment in this section was a technical amendment in relation to the name of IUCN in **Rule 9 (Provisional Agenda)**. There were no changes proposed for **Rule 10 (Adoption of the Agenda)** and **Rule 11 (Amendments, deletions and new items)**.

V. BUREAU

3.206 The Chairperson invited the members of the Committee to comment on **Rule 13 (Bureau)**, in particular on **Rule 13.2** concerning its meetings.

3.207 The Delegation of Egypt referred to the word "*session*" in **Rule 13.2** and questioned whether this was in the 5-day session or between 'meetings' or 'inter-sessions'.

3.208 The Chairperson underlined that it was intended to connect all Bureau sessions to Committee sessions.

3.209 The Delegation of Egypt requested clarification on the difference of 'between sessions' and 'during sessions'.

3.210 The Chairperson stated that the meetings would be connected.

3.211 The Delegation of South Africa noted that if indeed the Committee decided that the Bureau would meet only during Committee sessions this would have important consequences and it asked the Secretariat and the Advisory Bodies to provide a complete overview of the implications for state of conservation reports and nominations.

3.212 The Chairperson said that the Bureau had an important role.

3.213 The Delegation of the United Kingdom stated that **Rule 13.1** was set out clearly and that the additional text of **Rule 13.2** was an amplification of **Rule 13.1**.

3.214 The Chairperson reiterated that the Committee had to decide about the role of the Bureau.

3.215 IUCN fully supported the intervention of the Delegation of South Africa and pointed out that the removal of the April Bureau session would have the consequence that state of conservation reports and nominations would go directly to the Committee. For nominations, the category 'Referral' - allowing the State Party to provide additional information but minor changes to the nomination - would no longer allow for inscription of properties in the same year as in the past, unless the Advisory Bodies and/or the Centre were given explicit approval to approach States Parties for clarification over issues that had arisen during the evaluation. Furthermore, the Committee would review all of the state of conservation reports, whereas in the past some problems were already solved and actions were taken in the period between the Bureau and Committee sessions.

3.216 The Chairperson asked the Secretariat to clarify these issues and the timing of the Committee sessions.

3.217 The Secretariat explained that the April Bureau had three functions:

- 1) to review all nominations;
- 2) to evaluate the state of conservation of properties; and
- 3) to approve international assistance requests within its ceiling; and

to make recommendations to the Committee on 1) and 2).

In the new system, indeed, no referred nominations would be inscribed in the same year, all state of conservation reports would go directly to the Committee and international assistance beyond the ceiling for the Chairperson would have to wait for the next Committee session.

3.218 The Delegation of Mexico referred to the important statements by the Secretariat and the Delegation of South Africa and that just two days during the Committee sessions would not be sufficient for the Bureau's functions. It said that IUCN's point was well taken and that the next Committee session would need to look directly at 31 nominations which would take some time. The new system would be a disadvantage for States Parties with nominations that would need minor modifications.

3.219 The Delegation of India stated that the observations made by IUCN highlighted the difficulties the Committee faced. In order to solve these, the Centre could already send the evaluations by ICOMOS and IUCN directly to the States Parties. In general, the Bureau could not replace the Centre or the Committee. The Delegation supported the Delegation of the United Kingdom on the role of the Bureau as outlined in **Rule 13.1**.

3.220 The Delegation of Nigeria supported the intervention made by the Delegation of India. It believed that there would be no conflict between the work of the Bureau and that of the Centre.

3.221 The Chairperson requested a clarification from the Secretariat.

3.222 The Secretariat recalled that the Committee had decided a number of reforms in Cairns (24th session, 2000): the statutory meeting cycle had been changed and Committee sessions would no longer take place in December but in June each year with a Bureau session in April. A new system of decisions had been introduced: 'A items' to be adopted by the Committee without debate and 'B items' to be examined by the Committee in plenary (*note: although decided in 2000, this system had not yet been implemented*). The Committee decided to review the cycle of the meetings after an operational period of 4 years.

3.223 The Delegation of Thailand underlined that this was part of the Cairns reform process and that the question raised by the Delegation of Egypt concerning the 'between sessions' is related to the issue whether an additional Bureau session is needed. It would however, be up to the Committee to decide. The Committee could at any time adjust its position, as it could convene extraordinary sessions.

3.224 The Delegation of Saint Lucia made a point of order to request a coffee break, as the issue was a substantial one to be discussed after the break.

3.225 After the break, the Chairperson pointed out that the discussion on the role and functioning of the Bureau was fundamental.

3.226 The Delegation of Lebanon underlined that the aim was to simplify the work of the Committee and the Centre and to obtain more transparency. It pointed out that it was necessary to avoid the Bureau being turned into a second Committee taking decisions in its place. The Delegation noted that there were important practical problems: if the intermediate Bureau between two sessions of the Committee were removed, the discussions and decisions would be delayed, which would not be desirable. Thus, it proposed a middle way whereby the Bureau would meet between two sessions with an extremely precise agenda limited to the examination of:

- 1) nominations;
- 2) the state of conservation of the sites; and
- 3) international assistance requests.

The Bureau's meetings should be short, technical and without any other items on the agenda. This would allow transparency to be guaranteed and the work to be simplified.

3.227 The Delegation of South Africa remarked that guidance was needed regarding the procedures to follow, and asked the Advisory Bodies to clarify the implications of this possible change on the nomination and state of conservation processes.

3.228 The Delegation of Saint Lucia was concerned about the role of the Bureau, as it had become a mini Committee with seven instead of the twenty-one members, thus even less representative than the Committee itself, whilst taking decisions that were the prerogative of the Committee. With regards to the issues raised by IUCN, a simple communication mechanism should be found between the Advisory Bodies and the World Heritage Centre, which could later contact the States Parties. The Bureau should not deal with nominations or state of conservation reports: experience has shown that it was difficult for the Committee to question Bureau recommendations.

3.229 The Delegation of Belgium thanked the delegation of Saint Lucia for having expressed things so clearly. It noted that it was time to clarify the roles of the Advisory Bodies, the World Heritage Centre, the Bureau and the Committee and that it was necessary to avoid the duplication of the same discussions in the Bureau and in the Committee. It congratulated itself on the suggestions made to simplify the role of the Bureau, as the latter could not substitute itself for the Committee.

3.230 The Delegation of Egypt wondered if the Bureau should be an 'appendix' of the Committee or the 'head' of the Committee. It should in any case alleviate the work of the Committee, otherwise it should be abolished. The Delegation remarked that when restricting the role of the

Bureau to only three items, consideration should be given, for instance, to urgent cases, which cannot wait a whole year until the Committee meets again. The Delegation therefore stated that the Chairperson should be given the freedom to convene the Bureau at any time.

3.231 The Chairperson asked whether the Bureau is the executive board of the Committee or whether the Committee itself was already the executive board of the *Convention*.

3.232 The Delegation of the United Kingdom agreed with the Delegations of Belgium, Saint Lucia and South Africa. It remarked that the Committee must consider nominations and mechanisms should be found to resolve the legitimate concerns raised by IUCN and the Secretariat.

3.233 The Delegation of Oman agreed with the Delegation of Saint Lucia and recalled that the World Heritage Bureau had been the only one within UNESCO that does take decisions. It also thought that it was not fair that important decisions were taken by only seven out of the 175 States Parties; the Bureau should only prepare the Committee sessions.

3.234 The Delegation of Nigeria also agreed with the Delegation of Saint Lucia.

3.235 The Delegation of China proposed that two sessions of the Committee could be held in one year, one of them replacing the Bureau meeting. The role of the Bureau could then still be played during the Committee meetings.

3.236 IUCN remarked that when looking at nominations, some questions could only be answered by the States Parties. Formerly, IUCN was sending a referral recommendation to the Bureau. The alternative approach could be to directly address the State Party asking for the extra information, which is quicker, but there should be clear rules for doing this. The second option was to ask the States Parties for this additional information through the World Heritage Centre.

3.237 The Delegation of Hungary shared the concerns expressed by several Delegations with regard to the functioning of the Bureau and, supporting the proposal made by the Delegation of China, it suggested that having two sessions of the Committee per year was indeed a viable solution.

3.238 The Delegation of Lebanon approved the proposal of the Delegation of China and underlined that the April session of the Committee must be limited to some very precise tasks. It remarked that this solution was better than having a meeting of the Bureau and the Committee.

3.239 ICOMOS supported IUCN.

3.240 The Delegation of Belgium congratulated the Delegation of China on its proposal and also supported Lebanon's proposal. It thanked the Advisory Bodies for having formulated two solutions to the problems highlighted by IUCN.

3.241 The Observer Delegation of the Czech Republic also congratulated the Delegation of China for this proposal but noted that this would pose a problem in relation to the wording of **Rule 12.1** concerning the election of the Bureau. Consequently, the Delegation proposed that the same session of the Committee meet twice a year.

3.242 The Observer Delegation of Italy recalled that the Delegation of India had already proposed a practical solution concerning the additional information required from States Parties (*note: see paragraph 3.219 of the Summary Record*).

3.243 The Delegation of the United Kingdom agreed with having two Committee meetings a year, but only if really needed. It should be considered that this is very expensive and that it would burden more the Secretariat, which should be occupied with the conservation of sites. It thought that the problems raised by IUCN should be addressed.

3.244 The Chairperson summarized that:

- The Bureau had to remain and that its function is to co-ordinate the work of the Committee, but not to replace it;
- A mechanism needed to be developed to solve the problem raised by some States Parties and the Advisory Bodies.

He asked the Secretariat to confirm that it was technically possible to convene two Committee meetings, considering that the cost of Bureau meetings and Committee meetings should be more or less the same (same documentation, same languages, same number of participants).

3.245 The Secretariat recalled that there was always a calendar issue. With the current meeting schedule there are only two months in between the April and July meetings. In the future, April cannot be the month for Committee meetings any more as the Executive Board of UNESCO is starting to meet in April. As the deadline for submitting nominations is 1 February and the Centre is asked to submit a report to the Committee six weeks before its meeting, there is almost no time left for drafting this report if the Committee has to meet in March. Therefore, when having two Committee meetings as proposed, it is very important to clearly separate the items to discuss:

- one meeting could concentrate on nominations, and
- the other meeting could deal with state of conservation reports.

Apart from the calendar issue, there is also a financial issue. When having two Committee meetings a year, the budget for the reimbursement of travel costs for participants has to be increased by 30% as the Fund supports more participants for Committee meetings than for Bureau meetings. There are other technical aspects with financial consequences as well.

3.246 The Delegation of Thailand supported the intervention made by the United Kingdom: the issue to address now was the problem raised by IUCN. There were two options. The Advisory Body could:

- 1) Ask for information from the State Party through the World Heritage Centre, or
- 2) Get in touch with the State Party directly and send a copy to the Centre.

3.247 The Rapporteur proposed that the mechanism requested by the Delegations of the United Kingdom and Thailand be included in the *Operational Guidelines*; the Secretariat and the Advisory Bodies could submit a draft wording to the Committee.

3.248 IUCN supported the intervention made by the Delegation of Thailand, but underscored that the Advisory Bodies had to be empowered to directly communicate with States Parties, as now only the Centre was allowed to do so.

3.249 The Chairperson summarized that consensus was reached on the need to retain the Bureau with its functions as described in **Rule 13.1** and that **Rule 13.2** had to be added as well. He thus declared **Rule 13** adopted as amended. He also invited the Secretariat to produce a draft on a consultative mechanism with States Parties, as suggested by IUCN, for inclusion in the *Operational Guidelines*. He then asked the Committee to confirm that it could agree with **Rule 12 (Elections)** and in particular with the amended draft for **Rule 12.1**.

3.250 Concerning **Rule 12.1**, the Delegation of Hungary asked for clarification about the number of vice-chairmen.

3.251 The Chairperson responded that the Committee had already decided about this and that the number would remain the same. There being no more comments, he declared **Rule 12 (Elections)** adopted as amended. He drew the attention of the Committee to the repositioning of **Rule 16 (Duties of the Chairperson)** before **Rule 14 (Replacement of the Chairperson)**. He noted the consensus and declared **Rule 16** adopted. He then invited the Committee to consider the amendments to **Rule 14**.

3.252 The Delegation of Belgium recalled the example given by the Chairperson in Budapest (26th session, 2002) by leaving his seat to one of the Vice-Chairpersons during the examination of a nomination emanating from his country. It praised this remarkable attitude and proposed that it be formally integrated into **Rule 14**.

3.253 The Delegation of Lebanon supported the proposal of the Delegation of Belgium, underscoring the elegance shown by the Chairperson on this occasion.

3.254 The Chairperson thanked the Delegations of Belgium and Lebanon, but added that it was the normal thing to do. He noted the consensus on **Rule 14** as amended as well as the on the inclusion of a new provision as suggested by the Delegation of Belgium. He noted that the changes in **Rule 15** were the same as the ones in **Rule 14**, and declared **Rule 15** adopted as amended.

VI. CONDUCT OF BUSINESS

3.255 The Chairperson invited the Committee to examine new **Rules 19.2 and 19.3** which completed the provisions of **Rule 19 (Private meetings)**. Having received no requests to take the floor, he declared them adopted. Then he asked if there were any reactions to the amendments proposed to **Rule 20 (Consultative bodies)**.

3.256 The Rapporteur recalled that that the Committee had asked the Secretariat to highlight the difference between "*consultative bodies*" and "*subsidiary bodies*" as far as their composition and mandates were concerned. The Rapporteur also indicated that **Rule 20.2 bis** had been highlighted in bold print in the French version by mistake and that this was not a new text.

3.257 The Delegation of Lebanon pointed out that the wording of **Rules 21.3 and 20.4** concerning equitable representation within the consultative and subsidiary bodies was still to be harmonized.

3.258 The Delegation of Egypt asked if the consultative and the subsidiary bodies were being paid.

3.259 The Secretariat answered that only on ad hoc basis the travel costs and per diem (DSA) could be paid, and that in the past, budgets allocated to the functioning of these bodies included these provisions.

3.260 The Delegation of Egypt asked if the persons elected in these bodies were acting as individuals or as representatives from States.

3.261 The Secretariat gave the example of the Drafting Group for the revision of the *Operational Guidelines*, wherein the members are not delegates of the States.

3.262 The Delegation of the United Kingdom remarked that the *Rules of Procedure* of the Committee apply, if not otherwise specified, to subsidiary bodies (**Rule 21.1 ter**) but not to consultative bodies (**Rule 20.2 bis**) and asked for clarification.

3.263 The Secretariat replied that it would check this with the Legal Advisor and also ask what would be the case with other bodies such as working or experts groups.

3.264 The Delegation of Saint Lucia indicated that it was up to the Committee to decide whether the *Rules* would apply or not, and gave the example of the Executive Board.

3.265 The Chairperson concluded that **Rule 20.2 bis** and **Rule 21.1 ter** would be submitted to the Legal Advisor for advice. He noted that there was consensus on the **remaining paragraphs of Rules 20 and 21** and declared those adopted. The Chairperson then invited the Committee to examine each of the following Rules separately: **Rule 22 (Order and time-limit of speech)**, **Rule 22 bis (Text of proposals)**, **Rule 22 ter (Division of proposals)**, **Rule 23 (Points of order)**, **Rule 23 bis (Procedural motions)**, **Rule 30 (Voting on amendments)**, **Rule 33 (Decisions)**. For each Rule, he noted that there were no requests to take the floor and thus declared them adopted as amended. (*note: There were no amendments proposed for Rule 23 (Points of order), Rule 24 (Suspension or adjournment of the meeting), Rule 25 (Adjournment of debate), Rule 26 (Closure of debate), Rule 27 (Order of procedural motions)*).

VI bis. VOTE

3.266 The Rapporteur pointed out that following the example of the *Rules of Procedure* of the Executive Board this new heading grouped together, in the shorter Rules, the provisions of the **old Rule 29 (Voting)**. The existing provisions had already been completed following the example of the *Rules of Procedure* of the Executive Board.

3.267 The Chairperson noted the consensus on the new heading and declared it adopted.

3.268 The Delegation of Egypt asked the consultative bodies as well in **Rule 29.1 (Voting rights)**.

3.269 The Delegation of Saint Lucia stated that the *Rules of Procedure* apply for the subsidiary bodies.

3.270 The Rapporteur suggested, following the intervention of the Delegation of Saint Lucia, not maintaining the reference to the Committee and removing that to the subsidiary bodies; **Rules 20 and 21** will specify to what extent the *Rules of Procedure* apply to the consultative and subsidiary bodies respectively.

3.271 The Delegation of Lebanon confirmed that the voting rights in these bodies must be dealt with in the Rules concerning these bodies and that the *Rules* must also apply to the latter unless otherwise decided by the Committee.

3.272 The Delegation of Egypt proposed that each State Party should have one member in the subsidiary bodies.

3.273 The Chairperson responded that all members of these subsidiary bodies are at the same level.

3.274 The Delegation of India said that there were no problems in **Rule 29.1** as in **Rule 21.1 ter** the Committee had already decided that the *Rules* would apply *mutatis mutandis* to the subsidiary bodies. Besides, in relation to the question raised by the Delegation of Egypt concerning the participants in these bodies, the Delegation recalled that when a non-Committee member is part of a consultative body it needs to have voting right.

3.275 The Delegation of Argentina supported the intervention of the Rapporteur and the comments made by the Delegation of India.

3.276 Concerning the voting right, the Delegation of Lebanon pointed out that it was important to retain the theoretical legal voting right in the different bodies, but that the main aim was that they not take decisions in the Committee's place. It supported the Rapporteur's proposal.

3.277 The Delegation of Saint Lucia confirmed that neither the consultative nor subsidiary bodies have the authority to take decisions. This is something only the Committee can do.

3.278 IUCN recalled that **Rule 21.1 ter** covered all these questions.

3.279 The Delegation of Saint Lucia answered that the *Rules of Procedure* apply unless otherwise decided by the Committee.

3.280 At the Chairperson's invitation, the Rapporteur read his draft wording for '**Rule 29.1 (Voting rights)**' again: "*Each State member of the Committee shall have one vote in the Committee.*" She also suggested getting the Legal Adviser's opinion on:

- the application of the Rules of Procedure to the consultative and subsidiary bodies (**Rules 20.2 bis and 21.1 ter**), et
- the voting rights in the consultative and subsidiary bodies (**Rules 20, 21 and 29.1**)

3.281 The Chairperson concluded that **Rule 29.1** was adopted as amended, pending the advice from the Legal Advisor. As there were no further comments on this section, he declared that new **Rule 29.1.bis (Conduct during voting)** and the subtitles for **Rule 29.2 (Two thirds majority)**, **Rule 29.3 (Simple majority)**, **Rule 29.5 (Counting of votes)**, **Rule 29.6 (Show of hands)** and **Rule 29.8 (Secret ballot)** were also adopted.

3.282 The Delegation of Egypt remarked with regard to **Rule 29.1.1** that it is usual in secret ballots that those counting the votes are not members that vote themselves, as they have to be neutral. The Delegation proposed to amend the Rule by stating "*from amongst the Secretariat*".

3.283 The Chairperson expressed his doubts about this proposal.

3.284 The Rapporteur recalled, as an example, that for the elections of the members of the Committee during the General Assembly of States Parties, the tellers were chosen from among the member States not candidates in the election.

3.285 The Delegation of Thailand recalled that **Rule 29.1.1** was copied from those of different bodies of UNESCO, including the Executive Board. A member cannot be deprived of the right to vote, except when the person is not eligible.

3.286 The Delegation of India supported this position and said that the Rule was commonly followed.

3.287 The Chairperson concluded that **section VI bis. (VOTE)** was adopted as amended.

VII. SECRETARIAT OF THE COMMITTEE

3.288 The Chairperson noted that there were no comments on **Rule 34 (Secretariat)**.

VIII. WORKING LANGUAGES AND REPORTS

3.289 The Chairperson noted the consensus on the amended title for Section **VIII. "WORKING LANGUAGES AND REPORTS"** and declared it adopted.

3.290 The Delegation of Mexico requested that **Rule 28 (Working languages)** and in particular **Rules 28.1 and 28.4** should be more flexible in order to include the possibility of using other official languages of UNESCO, such as Spanish, as working languages when the financial means are provided.

3.291 The Delegations of Colombia and Argentina supported this proposal.

3.292 Upon the invitation of the Chairperson, the Delegation of Mexico agreed that it would submit the proposal in writing.

3.293 The Delegation of the United Kingdom asked for clarification on the proposal.

3.294 The Delegation of Egypt answered that **Rule 28.3** already gives the freedom to use other languages.

3.295 The Chairperson supported this statement.

3.296 Concerning new **Rule B (Deadline for Distribution of Documents)**, the Delegation of Hungary remarked that the six-week term could not be adopted until a decision was taken on holding two sessions of the Committee per year.

3.297 The Secretariat answered that when the topics of both Committee meetings were clearly different, there was no problem with this term.

3.298 The Chairperson, noting the consensus after this information, declared **Rule B** adopted. He then asked the Rapporteur to comment on new **Rule C (List of Decisions)** and new **Rule D (Summary Record)**.

3.299 The Rapporteur suggested changing the title of **Rule C** from "*List of Decisions*" to "*Reports of the sessions*" and specifying that the official report of the sessions is presented in the form of a "*List of Decisions*".

3.300 The Delegation of India underscored that **Rules C and D** were connected, and that the Committee had suggested a timeframe for the *List of Decisions* by giving an indication of a month, while **Rule D** for the *Summary Record* did not fix a term but only stated "*as soon as possible*". The Delegation further asked if the Committee members were going to receive the *Draft Summary Record* at the end of the meeting.

3.301 The Chairperson first asked whether there was agreement on new **Rule C**. Noting that this was the case, he declared it adopted. He then asked the Secretariat to answer the Delegation of India.

3.302 The Secretariat answered that due to the way its work was organised during this session, it would be able to deliver the *Draft Summary Record* at the end of the meeting, but only in the language of the interventions, without translation into the other working language.

3.303 The Delegation of India said that formerly the Committee was receiving the Report within one month after finishing the meeting. Therefore, the Committee should now have the *Draft Summary Record* at the end of the meeting and a final version within a month after finishing the meeting, at the same time as the *List of Decisions*.

3.304 The Secretariat said that it would need at least three months for delivering the final version of the *Summary Record*, as the States Parties should have enough time to give their comments on the draft; the Secretariat also needed time for translation and concordance check.

3.305 The Delegation of India questioned the usefulness of the *Summary Record* in this case, as it would be delivered only immediately before the next June-July meeting of the Committee. It recalled that in the past the World Heritage Centre was able to provide a complete report of the meeting at the end of the session.

3.306 The Delegation of Saint Lucia stated that if the Committee receives a *Draft Summary Record* at the end of the session, it would be the same procedure and timeframe as the ones followed for previous reports. The Delegation

asked the Secretariat how much time it took in the past to publish the final report.

3.307 The Secretariat concurred that it was also a period of three months.

3.308 The Delegation of the United Kingdom underlined that this was already discussed in Budapest (26th session, 2002). The *Decisions* were important, the *Summary Record* only a helpful information document.

3.309 The Delegation of India did not agree with this because the *Summary Record* format was only adopted on an experimental basis. Therefore the Committee had to take into account everybody's concerns. The Delegation further underscored the benefit of the *List of Decisions*.

3.310 The Chairperson thanked the Delegation of India for its willingness not to further debate this issue but to go along with the majority and declared that **Rule D (Summary Record)** was adopted.

3.311 The Rapporteur asked what the final decision of the Committee was on the wording and title of **Rule C**.

3.312 The Delegation of the United Kingdom suggested that the Secretariat be entrusted to use coherent terminology in the *Rules* when referring to the *Summary Record* and the *List of Decisions*.

3.313 The Delegation of Thailand wondered if the Advisory Bodies could agree to not being mentioned in **Rule 33.2** (communication of the documentation).

3.314 The Rapporteur indicated that there were two options: maintaining a reference to **Rule 6** – which corresponded to the text proposed - or reintegrating the names of the Advisory Bodies.

3.315 IUCN replied that **Rule 6** refers to organizations having advisory capacity, and that a general reference gives the opportunity to include also other observer organizations.

3.316 ICCROM agreed with the new wording of **Rule 33.2**, without mentioning the Advisory Bodies by name.

3.317 Noting the hesitation of the members of the Committee, the Rapporteur proposed to reintegrate the names of the Advisory Bodies in **Rule 33.2**.

3.318 The Delegation of Lebanon underlined that it was still necessary to keep the reference to **Rule 6**.

3.319 The Delegation of Zimbabwe proposed that all the States Parties, the Advisory Bodies, other consultative organizations and observer organizations should be mentioned.

3.320 The Rapporteur indicated that the simplest solution was to accept the solution presented by the Delegations of Thailand and Lebanon.

3.321 The Chairperson concluded that **Rule 33.2 (Communication of the documentation)** was adopted as amended. He invited the Committee to examine **Rule 35 (Reports to the General Assembly of States Parties and to the UNESCO General Conference)**

3.322 The Delegation of Egypt disagreed with deleting "*on its activities*" in **Rule 35.1**, as the Rule should indicate what kind of report had to be submitted.

3.323 The Secretariat proposed to consult the Legal Advisor whether it was advisable to delete those words, as Article 29.3 of the *Convention* also states "*The Committee shall submit a report on its activities (...)*".

3.324 The Delegation of Zimbabwe also disagreed with the deletion.

3.325 The Chairperson proposed to reintegrate "*on its activities*".

3.326 The Delegation of the United Kingdom said that the report should be submitted to the General Conference of UNESCO in any case, and that it was not clear if it should also be submitted to the General Assembly of States party to the *Convention*.

3.327 The Chairperson remarked that it had to be in any case to the General Assembly.

3.328 The Delegation of the United Kingdom indicated that legal advice should be requested, as Article 29.3 of the *Convention* obliges to report to the General Conference.

3.329 The Secretariat recalled that the obligation to report to the General Assembly was decided at the session of the Committee in Santa Fe (16th session, 1992) and included at the time in the *Strategic Orientations*.

3.330 The Delegation of India was concerned about this legal gap because there was no obligation of the Committee to report to the General Assembly. At the same time, it wondered how the decisions taken by the General Assembly could then be binding for the Committee.

3.331 The Delegation of Lebanon underlined that the reporting to the General Assembly of the sessions of the Committee was a basic democratic rule, as the General Assembly had elected the Committee.

3.332 The delegation of Saint Lucia supported the intervention made by the Delegation of Lebanon whilst underscoring that the report could be extended to themes other than the activities of the Committee *stricto-sensu*, and in particular to questions of personnel, *The World Heritage Fund*, etc..

3.333 The Delegation of the United Kingdom remarked that it made common sense to report to the General Assembly, as it elects the members of the Committee and it sets the level of contributions from the *World Heritage Fund*. These are the only real obligations of the Assembly. In fact, the governing body of the *Convention* was the Committee itself.

3.334 The Chairperson stated that there were two sorts of reports: that made to the UNESCO General Conference and that that must be made to to the General Assembly of States Parties. The Chairperson concluded that, due to the questions raised by several member States, the opinion of the Legal Advisor would be sought on **Rule 35** in order to allow the Committee to take an informed decision. He noted that this item therefore remained open.

3.335 The Delegation of Nigeria, supported by the Rapporteur, suggested that the heading of **Rule 35** be amended subsequently to reflect its content.

3.336 The Delegation of India recalled that the Legal Advisor had to deal with this point first

3.337 The Chairperson recalled that this had been decided already.

3.338 The Delegation of Egypt requested to maintain **Rule 35.3** stating that the reports should be sent to the States Parties that are not members of the Committee, or Observers, before the next Committee meeting.

3.339 The Delegation of Lebanon asked that duplication be avoided with **Rule 33.2 (Communication of the documentation)**.

3.340 The Chairperson said that the *Rules* might refer to different reports and concluded that **Rule 35.3** would be maintained.

3.341 The Delegation of India, supported by the Delegation of Egypt, asked to retain the words "*on its activities*" in **Rule 35.1** as it covers everything.

3.342 The Delegation of Lebanon indicated that there was a mistake on the first page of the document: the 3rd session of the Committee in Luxor took place in 1979.

3.343 The Delegation of Thailand recalled that there was no need to be so specific on the reports, and that the Committee should accept it the way it was proposed in **Rule 35.1**. There was general consensus about this.

3.344 The Chairperson agreed but recalled that the question would be submitted to the Legal Advisor. There being no amendments proposed and no comments on **IX. Adoption, Amendment and Suspension of the Rules of Procedure**, the Chairperson closed the debate on Item 3.

6. REVISED STRUCTURE OF THE BUDGET OF THE WORLD HERITAGE FUND

Documents:

WHC-03/6 EXT.COM/6

WHC-03/6 EXT.COM/INF.6

6.1 The Director of the World Heritage Centre presented slides showing the new budget structure for the *World Heritage Fund*, as requested by the Committee at its 25th session (Helsinki, 2001). He thanked the members of the Working Group for their input. He explained that the budget was biannual to ensure a better cohesion with the *UNESCO Programme and Budget (Document C/5)* and that the structure was now in line with the *Strategic Objectives* of the Committee (the 4 Cs). The proposed timeframe for the budget was the following:

- In the odd years, the Committee would decide on the budget for the following biennium;
- In the even years, the Committee would examine the Secretariat's report on the execution of the budget for the previous biennium and decide on possible budget adjustments during the biennium.

6.2 The Director of the World Heritage Centre said that for a better global view of resources, all three sources of funding (*World Heritage Fund*, UNESCO Regular Programme and extrabudgetary funds) were now presented side by side, in one table. The reporting format will reflect the same structure. Finally the Director drew the Committee's attention to related issues: budget ceilings for the International assistance, flexibility amongst budget lines, adjustments during biennium, and management of additional resources.

6.3 The Delegation of Thailand said that this proposal was real improvement. It stated that overhead costs should be included, as well as secondment of personnel and contributions in kind.

6.4 The Delegation of Egypt asked if the World Heritage Centre could benefit from the Participation Programme.

6.5 The Secretariat replied to both the Delegations of Thailand and Egypt, pointing out that secondment of personnel and contributions in kind were included in the revised structure of the budget. As regards the Participation Programme, the Secretariat reminded the delegates that only Member States could benefit from the Participation Programme and not UNESCO bodies.

6.6 The Delegation of Belgium, in view of the late hour, asked the Chairperson how he intended to organize the discussion.

6.7 The Delegation of Zimbabwe put forward a motion of order and requested to have at this stage only an introduction to the revised structure of the budget.

6.8 The Chairperson said he had hoped to have at least some discussion in plenary before the end of that day.

6.9 IUCN indicated that it preferred to resume the discussion the next day.

6.10 The Delegation of Hungary said that questions could be answered the next day.

6.11 The Delegation of Egypt thanked the Working Group and the Secretariat for their work in presenting a new and clear budgetary structure. It added that it did not see the purpose for going into further discussions since this new structure perfectly reflected the recommendations made earlier by the Committee and was already in line with the UNESCO C/5 Programme and Budget document.

6.12 The Chairperson remarked that the revised structure of the budget would be the first issue to discuss the next morning. He hoped that it would be a short discussion.

6.13 The Delegations of Egypt, supported by the Delegation of Belgium, asked for clarification of the timetable for the discussions of the next day, indicating that some delegations would need to make new travel arrangements.

6.14 The Delegation of Argentina wondered whether it would not possible to distribute already the Revised Draft Decision on Item 4 (Policy and Legal issues).

6.15 The Secretariat reminded the Committee that all Agenda Items had been opened, with the exception of Item 7 (Nominations to be examined by the Committee in 2004).

6.16 The Chairperson noted that whatever the time constraints may be, the Committee needed to finalise its discussions on Item 3 (Revision of the *Rules of Procedure*) and Item 4 (Policy and Legal issues). Otherwise, it would be impossible to adopt the *Revised Operational Guidelines* to be adopted at the 27th session (Suzhou, 2003).

6.17 The Delegation of the United Kingdom reminded the Committee that the Agenda for the 27th session had 26 Items and that it would not allow time for any discussion on the *Operational Guidelines*. It suggested to focus the discussions of the next day on the policy issues related to the *Operational Guidelines*.

6.18 The Delegation of Zimbabwe supported the intervention made by the Delegation of the United Kingdom and stated that the revision of the *Operational Guidelines* was in progress since 2000 and could not go on for ever.

6.19 IUCN supported the interventions of the Delegations of the United Kingdom and Zimbabwe and suggested to focus only on the legal issues.

6.20 The Delegation of Thailand then proposed to adopt the new budgetary structure without further discussions and concentrate efforts on the revision of the *Operational Guidelines*. It added that specific budgetary questions concerning figures could be discussed during the 27th session of the World Heritage Committee (Suzhou, June/July 2003).

6.21 The Delegation of the United Kingdom, supported by the Delegation of Zimbabwe, requested that minor drafting of the *Operational Guidelines* should be left to the Secretariat and the Committee should focus its discussions on policy and legal matters only.

6.22 Given the enthusiastic applause that followed the intervention of the Delegation of Thailand, the Chairperson expressed his gratitude to this Delegation for its proposal to adopt the budgetary structure and also thanked the Committee for their positive support and co-operation. He declared the Draft Decision **6 EXT.COM 6** adopted by unanimity. The Chairperson concluded that the discussion on Item 5 (*Revision of the Operational Guidelines*) would be resumed the next morning.

Friday 21 March 2003, 10.20 am - 1.00 pm

5. (continued) REVISION OF THE OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION

Documents:

WHC-03/6 EXT.COM/5

WHC-03/6 EXT.COM/INF.5A

WHC-03/6 EXT.COM/INF.5B

Operational Guidelines for the Implementation of the World Heritage Convention (WHC-2002/02)

5.452 The Chairperson recapitulated the progress made in the work the previous day: the new budgetary structure of the *World Heritage Fund* was adopted (Item 6), the second reading of the Revised Draft *Rules of Procedure* was finished (Item 3), and the Drafting Group working on Policy and Legal issues had finished its work (Item 4). He concluded his intervention by asking the Secretariat to introduce the following chapter.

III. PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES

5.453 The Secretariat recalled that the Committee had given very helpful guidance over the previous days for the work that the Secretariat would undertake in revising the *Operational Guidelines* for adoption in Suzhou and that it

would use the *Summary Record* of the meeting. A **new paragraph** would reflect this in the Technical Annex to Draft Decision **6 EXT.COM 5**.

5.454 The Secretariat suggested the Committee concentrate its discussions on the issues outlined in document WHC-03/6 EXT.COM/5 and in the Technical Annex to Draft Decision **6 EXT.COM 5** contained herein.

5.455 With regard to **paragraph 8** of the Technical Annex to the Draft Decision, it suggested moving **paragraphs 2, 4, 8 and 12** to the first part "*Throughout the text*". The Secretariat agreed on the need for clarity and consistency in the use of terminology as suggested by the Delegation of Belgium and by other delegations and the Advisory Bodies over previous days: this would also be reflected in a **new paragraph** in the Technical Annex.

III.A Management of World Heritage Properties

5.456 The Delegation of Belgium wished to draw the Committee's attention to paragraph **III.A.4** (Effective management). The expression "*management agency*" is used in it whereas there had been agreement on the use of "*management system*". The Delegation of Belgium said that it could not accept the expression "*management agency*" as the latter was not suited to all situations and all countries.

5.457 The Secretariat agreed that there was a need to make all references to 'management' in the *Operational Guidelines* consistent.

5.458 The Delegation of Egypt commented that Chapter **II (Establishment of the World Heritage List)** of the *Operational Guidelines* did not provide guidance about the procedures for a State Party to follow in the case that it wished to nominate a property for inscription directly on the *List of World Heritage in Danger* and asked whether it was possible to have simultaneous inscription on the *World Heritage List*. Moreover, clarifications were requested with respect to the format required for emergency nominations, and specifically whether a full nomination file was needed or just the information required for the Tentative List or a letter of intention with the basic relevant information.

5.459 The Delegation of Thailand expressed the view that the *Convention* covered these concerns, noting that the Revised Draft Decision on Agenda Item 4 (Policy and Legal issues), which would be presented by the Drafting Group did contain provisions for emergency nominations and inscriptions to both Lists.

5.460 At the invitation of the Chairperson to clarify the issue, the Secretariat referred the Committee to **Paragraph 67** of the July 2002 *Operational Guidelines*. It commented that there was no existing provision as to whether an emergency nomination should follow the standard nomination procedures and format and further commented

that the *Operational Guidelines* needed to be revised to provide that clarification. It proposed revising **Annex 6 (Guidelines for the preparation of nominations of properties for inclusion on the World Heritage List)** in the light of the discussions. It appeared that two elements would be necessary:

- That the State Party set out in writing its case for requesting an emergency nomination to the *World Heritage List* and if so required to the *List of World Heritage in Danger*;
- That the State Party indicate in writing the emergency situation including reference to the geographical areas and boundaries of the proposed site and the criteria for listing.

The Secretariat further commented that it would be necessary for the Committee, as the Delegation of Thailand had pointed out, to make a clear decision about whether a site could simultaneously be inscribed on the *World Heritage List* and the *List of World Heritage in Danger*.

5.461 The Delegation of Egypt thanked the Secretariat for its comprehensive answer and commented that what was currently required seemed to fall between the requirements for a Tentative List and a full nomination.

5.462 The Secretariat recalled that the *Operational Guidelines* currently in force were those dated July 2002. **Paragraph 67** was relevant in this instance. Any proposal to clarify them would need to be made by the Committee.

5.463 The Chairperson requested the Committee to refer back to Section **III.A (Management of World Heritage properties)** and to adopt it with the amendment made by the Delegation of Belgium. The Committee did so.

III.B Periodic Reporting (see Annex 8)

5.464 At the invitation of the Chairperson, the Secretariat introduced Section **III.B** on Periodic Reporting, suggesting that the Committee may wish to consider repositioning it in the *Guidelines* to reflect the importance of the issue.

5.465 The Chairperson supported this suggestion.

5.466 The Delegation of the United Kingdom supported the suggestion and suggested to make a separate section or chapter towards the end of the *Operational Guidelines*.

5.467 The Delegation of India supported the intervention made by the Delegation of the United Kingdom. It referred the Committee back to the issue of the content of emergency nominations, commenting that **paragraph 67** of the July 2002 *Operational Guidelines* only identified a difference in the deadlines for the submission of nominations and emergency nominations and thus did not address the question of the format, raised by the Delegation of Egypt.

5.468 The Delegation of Mexico underlined the importance of the Periodic Reports and supported previous speakers' suggestion that it be made a separate chapter.

5.469 The Chairperson asked the Committee to give its opinion on the idea of devoting a **separate chapter** to the Periodic Reports. He noted that there was consensus on this proposal and declared it adopted. Then he said he wished to return to the subject of emergency nominations and asked the Committee if it was necessary to introduce new provisions on this subject in the *Operational Guidelines*.

5.470 The Delegation of the United Kingdom, recalling the importance of emergency nominations, said that there was a need for clarification; It suggested that the Committee discuss the issue in the context of **Annex 6 (Guidelines for the preparation of nominations of properties for inclusion on the World Heritage List)** and announced it had views on the role of the different bodies.

5.471 The Delegation of Thailand commented that the deliberations of the Drafting Group on the Draft Decision on Agenda Item 4 (Policy and Legal issues) might be relevant here.

5.472 The Chairperson marked his agreement to proceed as suggested by the Delegations of the United Kingdom and Thailand and therefore announced that the examination of this subject would be deferred until the examination of **Annex 6**, which will also allow the questions of the Delegations of India and Egypt to be answered.

III.C Reactive monitoring of the state of conservation of World Heritage properties

5.473 The Chairperson invited the Secretariat to introduce Section **III.C**.

5.474 In so doing, the Secretariat drew attention to the fact that Sections **III.C (Reactive monitoring)** **III.D (The List of World Heritage in Danger)** and **III.E (Deletion from the World Heritage List)** required decisions by the Committee on policy and legal issues. It therefore suggested deferring the discussion on those sections until Item 4 and the report of the Drafting Group had been debated.

5.475 The Chairperson noted that the Committee agreed on this sensible suggestion.

III.A Management of World Heritage properties

Sustainable use

5.476 The Delegation of India referred the Committee back to paragraph **III.A.3** and suggested redrafting the paragraph so that it was less open ended: "*World Heritage*

properties may support a variety of actual or proposed uses that are ecologically and culturally sustainable. States parties must ensure that those uses do not affect adversely the outstanding universal value, authenticity and integrity of the World Heritage property. (...)"

5.477 The Chairperson asked the Delegation of India to submit its proposal in writing. He noted that the Committee could come round to this proposal. He recalled that sections **III.C (Reactive monitoring of the state of conservation of World Heritage properties)**, **III.D (The List of World Heritage in Danger)** and **III.E (Deletion from the World Heritage List)** would be discussed after the presentation of the Drafting Group's report on Item 4 (Policy and legal issues). He therefore wished to continue with the examination of Chapter **IV (INTERNATIONAL ASSISTANCE)**.

IV. INTERNATIONAL ASSISTANCE

5.478 The Secretariat outlined the provisions of the Chapter as a whole and drew the Committee's attention also to **Annex 9 (International Assistance)**. The process for implementing International Assistance had become somewhat cumbersome in recent years, with five different types of International Assistance and four different application forms. **Annex 9** proposed streamlining the procedure so that one application form would be used, no matter what type of International Assistance was requested. Except for the addition of research assistance into the training element, the five types of International Assistance would be unchanged.

5.479 The Secretariat further commented that it may be desirable to modify the financial ceilings and approval processes set out in **Annex 9** for each of the five types of assistance in order to bring them in line with the decisions about the role of the Bureau. This would mean that the Committee would delegate authority to its Chairperson to approve International Assistance requests up to a ceiling of US \$30 000 for preparatory assistance, training and research assistance, and technical cooperation. For emergency assistance, the Chairperson would have delegated authority to approve up to US\$ 75 000. The ceiling for education, information and awareness-raising assistance would remain unchanged. Requests above these ceilings would go to the Committee for approval.

5.480 The Secretariat further proposed moving **paragraph 12** of the Technical Annex to Draft Decision **6 EXT.COM 5** to the top so that it applied throughout. **Paragraph 13** of the Technical Annex could be revised to reflect to the Committee's Decisions in Budapest (26th session, 2002) on the need to give priority to issues identified in the process of Regional Periodic Reporting exercises.

5.481 The Rapporteur recalled the decisions taken in Budapest relating to international assistance, in particular:

- Decision **26 COM 17.2** concerning World Heritage Programmes,
- Decision **26 COM 20** concerning the Periodic Report for Africa and
- Decision **26 COM 25.3** concerning the reform of International Assistance.

These decisions establish the link between the new strategic objectives adopted in 2002, the result of the Periodic Reports, the regional programmes and international assistance. Thus, with the exception of the financial ceilings, the Secretariat did not need any further indications from the Committee to finalize the drafting of Chapter **IV (INTERNATIONAL ASSISTANCE)**.

5.482 The Chairperson thanked the Rapporteur for this truly important remark. He invited the Committee to refer to **paragraph 13** of the Technical Annex to Draft Decision **6 EXT.COM 5**, paragraph **IV.F.4** and **Annex 9 (International Assistance)** where the ceilings of international assistance are specified. He asked the Committee if it wished to make any remarks on this subject.

5.483 The Delegation of Argentina drew the Committee's attention to paragraph **IV.B.4**, which appeared to add a degree of rigidity compared to **paragraph 114** of the existing *Operational Guidelines*. It suggested that paragraph **IV.B.4 (d)** be redrafted as follows so as to remove the burden of a financial commitment from a State Party as not all States Parties could enter into such a contract: "*Legislative, administrative and, whenever possible, financial commitment of the recipient State Party to the activity.*"

5.484 The Chairperson noted that the proposal of the Delegation of Argentina was accepted by the Committee. Not having any other requests to take the floor, he closed the examination of **Chapter IV (International Assistance)** by confirming that the proposals made by the Secretariat and the Rapporteur were also adopted.

V. MOBILIZATION OF NATIONAL AND INTERNATIONAL SUPPORT IN FAVOR OF THE WORLD HERITAGE CONVENTION

5.485 At the invitation of the Chairperson, the Secretariat introduced Chapter **V**, recalling that Draft Decision **6 EXT.COM 5** and its Technical Annex did not require decisions on any policy or legal issues. It outlined the various elements of the section and highlighted that one of the most significant aspects of this section was that it set out the objective for national and international mobilization in favour of the *World Heritage Convention*.

5.486 The Delegation of Egypt requested that the Secretariat compile for publication on the website a list of all international, governmental and non-governmental organizations and experts working in the field of World Heritage, with an indication of the specific areas of interest or expertise.

5.487 The Chairperson recalled that, however useful the proposal was, it would be necessary to give consideration to the legal issues about privacy.

5.488 IUCN supported the view of the Chairperson. It said that it held a list of experts that it could share with the World Heritage Centre but recalled that the European Union expressly prohibited the posting of such information on a website.

5.489 ICCROM also supported the opinion of the Chairperson and IUCN. It asked on what basis (or criteria) the experts would be included or excluded from such a list and cautioned that providing such a list might be seen as implying endorsement of the organizations or experts in question by UNESCO and the World Heritage Centre.

5.490 The Delegation of Egypt commented that in light of the legal considerations, it would be useful if the Centre could begin a survey to compile such a global list for consultation by States Parties, perhaps drawing on the experience of the Organization for Economic Co-operation and Development.

5.491 The Chairperson commented that this appeared to be a good solution.

V.D Presentation

5.492 The Observer Delegation of the Czech Republic asked for more details on paragraph **V.D.2** referring to the "*Handbook for the use of the World Heritage Emblem*". It asked when the principle itself of this handbook had been debated and if it had been adopted.

5.493 The Secretariat agreed with the point made by the Observer Delegation of the Czech Republic and commented that the issue had been postponed to the forthcoming Committee session in Suzhou (27th session, June/July 2003).

V.B Information, awareness-building and education

5.494 The Rapporteur, observing that the paragraphs concerning the documentation, archives, electronic mailing lists, etc., were spread throughout the document – including in **Chapter V (MOBILIZATION OF NATIONAL AND INTERNATIONAL SUPPORT)** – and consequently impossible for the users of the Operational Guidelines to identify immediately, suggested:

- that they be brought together in one chapter or a section entitled "*Information*"; and
- that they be separated from the provisions relating to "*Mobilization*".

5.495 The Chairperson asked the Committee if it agreed to bring together all the provisions concerning information and to present the two issues - Information and

Mobilization - separately. The Committee having approved this suggestion, he declared this point adopted.

5.496 In response to a request for clarification by the Delegation of India, the Rapporteur recalled that given its importance for States parties and site managers, she had proposed to have a two different chapters or sections: one for "*Awareness-building and education*" - including paragraphs **V.B.7 to V.B.10** - and one for "*Information*". The latter would contain paragraphs **V.B.1 to V.B.6 and other paragraphs of Chapters II and III** dealing with documentation and archives.

ANNEXES

Annex 1. World Heritage Convention

5.497 The Chairperson invited the Secretariat to introduce the **Annexes** to the proposed *Revised Operational Guidelines*.

5.498 In doing so, the Secretariat recalled that **Annex 1**, the text of the *Convention*, had been included at the request of the Expert Meeting held in Canterbury, UK in April 2000. However, the Secretariat was aware that some members of the Committee considered that it should be kept separate.

5.499 The Delegation of Saint Lucia commented that it appreciated the rationale: the *Convention* and the *Operational Guidelines* were inextricably linked. However, the former should not be annexed to the latter as logically it is the *Operational Guidelines* that derive from the *Convention*, and not the other way around. The Delegation of Saint Lucia referred the Committee back to the proposal to develop a *Handbook* which would solve the problem.

5.500 The Observer Delegation of the Czech Republic supported the intervention made by the Delegation of Saint Lucia. It remarked that for site managers it was necessary to make cross-references between the *Convention* and the *Operational Guidelines*.

5.501 The Chairperson noted that there appeared to be consensus on the proposal for a *Handbook* but that the details remained to be defined. There was also a need to establish cross references between both texts.

5.502 The Chairperson noted that there appeared to be consensus on the proposal for a *Handbook* but that the details remained to be defined. There was also a need to establish cross references between both texts.

5.503 The Delegation of the United Kingdom expressed a wish for a link between the *Convention* and the *Operational Guidelines* and recalled that Draft Decision **6 EXT.COM 5** required the Secretariat to produce proposals for a *Handbook*. The best course of action would be for it to do so.

5.504 The Secretariat noted the comments of the Delegations of Saint Lucia and of the United Kingdom and those of the Observer Delegation of the Czech Republic and stated that **paragraph 8** of Draft Decision **6 EXT.COM 5** would be modified accordingly.

Annex 2. Model instrument of Ratification

5.505 The Secretariat recalled discussions from earlier in the week which had advised that **Annex 2** should be retained until the *Convention* had been universally adopted.

5.506 The Committee agreed.

Annex 3. Tentative List Submission Format / Annexe 3. Format de soumission de liste indicative

5.507 The Secretariat recalled that no new changes were foreseen and the Committee's earlier related comments had been noted. Further guidance might be requested in the future, which will have to be incorporated in the *Operational Guidelines*.

5.508 The Committee concurred.

Annex 4. Guidelines on the Inclusion of Specific Types of Properties on the World Heritage List

5.509 The Secretariat recalled that **paragraph 18** of the Technical Annex to Draft Decision **6 EXT.COM 5** indicated that no changes were foreseen pending the preparation of separate updated guidelines in the future.

5.510 The Delegation of Egypt requested information about when guidelines of fossil sites might be included in the web site.

5.511 The Secretariat said it would explore this issue.

5.512 The Delegation of Mexico recalled the work being undertaken on different categories of cultural properties by the Advisory Bodies, and said that any future work on this issue should be developed in cooperation with them.

5.513 The Delegation of Zimbabwe commended the Secretariat for the work undertaken in the production of **Annex 4**, which it believed clarified the existing *Operational Guidelines*. It would be helpful for the work to be continued to ensure that other under-represented categories were similarly well defined in light of the *Global Strategy for a balanced, representative and credible World Heritage List*. As such, **Annex 4** should be viewed as a living document.

5.514 The Delegation of Finland recalled that **Annex 4** was crucial. ICOMOS had undertaken a study for the Budapest meeting (26th session, 2002). In its view this had

not been far reaching enough. The Delegation of Finland recalled that it had previously made a suggestion on possible typologies of sites and expressed a willingness to co-operate on future work in this area. It also underscored that the only strategic tool were the Tentative Lists: the Committee needed to have a good understanding of the properties included in those Lists.

5.515 The Delegation of Belgium pointed out that the distinction between a "*cultural landscapel*" and a "*mixed site*" was more subtle than the theoretical definitions suggested: the experience and evaluations of the Advisory Bodies proved it. It asked that both notions be explained in the *Operational Guidelines*.

5.516 The Chairperson said that he had no objection to that and asked the Secretariat to provide clarifications on this point.

5.517 The Secretariat recalled that "*cultural landscapes*" were a cultural category, whereas "*mixed properties*" incorporated elements of natural and cultural criteria. The two types were thus different in substance.

5.518 The Delegation of the United Kingdom recalled that **Annex 4** took existing detailed guidance that was considered relevant. The Annex was a living one that would be updated on a continuous basis as work evolved and may eventually be incorporated into a World Heritage *Handbook*.

5.519 The Rapporteur observed that there was a problem of terminology. The expression "*Manuel*" in French - "*Handbook*" in English - is used indifferently to refer to a document that explains the *Convention* or a compilation of fundamental texts relating to the *Convention*. Now, these are two radically different concepts.

5.520 The Chairperson thanked the Rapporteur for this clarification.

5.521 The Secretariat recalled that it had taken note of the helpful comments made on **Annex 4**. It further commented that it would endeavor to make a clear distinction between a compilation of relevant texts and the proposed *Handbook*.

Annex 5. Authenticity in relation to the World Heritage Convention

5.522 The Secretariat recalled that **Annex 5** was a reproduction of the 1994 *Nara Document on Authenticity*.

5.523 The Delegation of Mexico recalled that there were many other texts of relevance in this area and which should be taken into account. For example, a meeting held in San Antonio, Texas, USA, had discussed the concept in the context of the Americas.

5.524 The Delegation of the United Kingdom supported the views expressed by the Delegation of Mexico but commented that the relevance of the *Nara Document on Authenticity* in this context was as a chapeau to other definitions. It further sought clarification on whether Appendices 1 and 2 of **Annex 5** were part of the *Nara Document*.

5.525 The Secretariat confirmed provision for a bibliography related to other meetings that had enriched the conceptual framework and requested the assistance of ICCROM in this. It asked ICCROM to provide an answer on the Appendices to the *Nara Document*.

5.526 ICCROM confirmed that such a bibliography of the meetings that had preceded and followed Nara would be useful. It confirmed that the *Nara Document on Authenticity* adopted by the 51 experts at the meeting had contained 13 articles and the two Appendices. ICCROM also expressed the need for developing a context in which to place the various meetings and events related to authenticity, recalling that to its knowledge there had been at least 45 of them.

5.527 The Chairperson sought the Committee's approval to adopt **Annex 5** with the clarifications asked for by the Committee. It did so.

Annex 6. Guidelines for the preparation of nominations of properties for inclusion on the World Heritage List

5.528 The Secretariat noted that revisions would be necessary in light of the enriching discussions that had already taken place on, inter-alia:

- the role of the Bureau;
- the assessment of completeness of the nominations, as proposed by the Delegation of Saint Lucia;
- the format for nominations, emergency nominations and re-nominations, as proposed by the Delegations from Egypt and Mexico;
- management requirements and monitoring, and
- the reordering of the nomination format, as proposed by the Delegation of Belgium.

It further drew the attention of the Committee that **paragraph 21** of the Technical Annex to Draft Decision **6 EXT.COM 5** required the Secretariat to enhance the design and presentation of the annex. **Annex 6** needed substantial revisions and the Committee may wish to provide further guidance as to the focus for the work.

5.529 The Rapporteur added to the list of themes presented by the Secretariat, the new mechanism allowing the Advisory Bodies to ask the States Parties, via the Centre, for further information.

5.530 The Delegation of the United Kingdom commented that in the light of discussion, it would welcome the thorough redraft proposed by the Secretariat. It should include advice on the scope for the handling of nominations, including definitions of complete and

incomplete nominations. Consideration should be given to whether it became a stand-alone document or an annex to the *Operational Guidelines*.

5.531 The Delegation of Belgium observed that **Annex 6** included matters of procedure; the latter should be reintegrated into the body of the *Operational Guidelines* so that only the format for nominations is kept in **Annex 6**.

5.532 The Delegation of Saint Lucia endorsed the comments of the Delegation of the United Kingdom. It further commented that the existing nomination form presented itself as guidance to States Parties on the preparation of a nomination, yet went on to refer to nominations that were incomplete. This was ambiguous and needed to be clarified.

5.533 IUCN thanked the Rapporteur for remembering the issue of collecting complementary information. In the absence of such a mechanism, gaps in the nomination identified during the evaluation by the Advisory Bodies, would result in deferring the nomination by a year.

5.534 The Observer Delegation of Israel underscored the points made earlier about the desirability of appropriate guidelines on trans-boundary and serial nominations.

5.535 The Observer Delegation of Italy supported the views expressed by the Delegation of the United Kingdom and noted the desirability of including a mechanism for consultation during the review of nominations.

5.536 The Secretariat requested clarification as to whether parts of the text providing guidance in the annex should be moved back into the core text in order to keep only the nomination format in **Annex 6**.

5.537 The Delegation of the United Kingdom confirmed that this was its view unless the text became a stand-alone document. It was important that information about producing nominations was set firmly in the context of the rationale for seeking to inscribe sites on the World Heritage List.

5.538 The Delegation of Zimbabwe suggested that the work of the Secretariat on **Annex 6** would be facilitated if the Committee were to provide it with written comments by a certain deadline.

5.539 The Delegation of Saint Lucia expressed its support for the position set out by the Delegation of the United Kingdom that the guidance had to be part of the core text. The current guidance gave contradictory information and was a source of serious confusion for the States Parties.

5.540 The Delegation of Thailand noted the desire of the Committee to adopt revised *Operational Guidelines* during this extraordinary session but further noted the time constraints and agreed with the Delegations of Belgium

and the United Kingdom on the clear need for further restructuring and re-drafting. It suggested two options:

- The Committee could consider that **Annex 6** was a stand alone-document to be read in conjunction with the *Operational Guidelines* as this may permit the Committee to adopt the *Guidelines* at the current session.
- Alternatively, the Committee could adopt the *Operational Guidelines* with the provision that **Annex 6** remained to be finalised.

5.541 The Delegation of the United Kingdom said that its understanding was that the Committee gave instructions to the Secretariat about the ways in which the *Operational Guidelines* should be further revised in order that they could be re-presented and adopted in Suzhou.

5.542 The Chair confirmed that this was the case. He also recalled the need to include in the *Operational Guidelines* a mechanism to transmit missing information to the Advisory Bodies, via the Centre.

5.543 The Secretariat acknowledged both points. It said that the proposal of the Delegation of Zimbabwe to provide written comments would be most helpful.

Annex 7. Evaluation procedures of ICOMOS and IUCN

Concerning **Annex 7**, the Secretariat recalled discussions from earlier in the week about the desirability of being clear about the evaluation procedures of ICOMOS and IUCN.

5.544 The Chairperson confirmed that the Committee had so decided.

5.545 The Observer Delegation of Israel requested information about whether the Advisory Bodies had a procedure for analysing Tentative Lists.

5.546 The Secretariat confirmed that there was no procedure. However, the World Heritage Centre provided copies of such lists, for information, to the Advisory Bodies.

Annex 8. Process of Periodic Reporting and Format and Explanatory notes

5.547 In its introductory remarks, the Secretariat stated that the text of **Annex 8** was substantially that previously adopted by the Committee but updated to take account of changes in the calendar of the statutory meetings and for the presentation of the Regional Reports.

5.548 The Delegation of the United Kingdom inquired whether it was intended to be a stand-alone document or an annex. The same question had been raised for **Annex 6**. It commented that it should be an integral part of the *Operational Guidelines* and invited the Secretariat to

devise an appropriate mean of integrating it in the **new Chapter** on Periodic Reporting.

5.549 The Secretariat acknowledged this point.

Annex 9. International Assistance

5.550 The Chairperson congratulated the Secretariat on its efforts to streamline the process for requesting International Assistance.

5.551 The Delegation of the United Kingdom concurred and further commented that the Annex might need to be further amended in the light of amendments made to the *Rules of Procedure* in relation to the role of the Bureau.

5.552 The Observer Delegation of the Czech Republic asked if the ceiling on emergency international assistance applied to one site or to one State Party. It underscored that in certain cases, such as natural catastrophes, a request for emergency assistance might concern several World Heritage sites in the same country. It wished to know if there was a possibility of multiplying the requests. The Delegation expressed its satisfaction regarding the simplification of the documents and requested that the obligatory data to be provided be marked with an asterisk in order to distinguish them from the optional data.

5.553 The Chairperson asked the Secretariat to reply to these questions.

5.554 The Secretariat recalled that the ceilings on International Assistance were usually applied to individual sites and requested clarification from the Committee as to whether the limits applied to individual sites or to a State Party.

5.555 The Chairperson invited comments from the Committee.

5.556 The Delegation of Thailand recalled that in the context of the *Convention*, the international assistance was provided only to properties; so ceilings should apply to individual sites.

5.557 The Chairperson noted that the Committee agreed with this interpretation.

5.558 ICCROM requested advice as to whether it would be useful to include in the future in **Annex 9 (International Assistance)** or **Annex 7 (Evaluation procedures of ICOMOS and IUCN)** information on its procedures for assessing requests for training assistance. They had already been presented to the Committee in the context of ICCROM's evaluation of the Global Training Strategy, in Cairns (24th session, 2000) and Helsinki (25th session, 2001).

5.559 The Secretariat noted that this had to be considered in relation to Section **IV.F (Evaluation and**

approval of requests) and in particular its paragraphs IV.F.2 and IV.F.3.

5.560 The Chairperson commented that ICCROM's would be useful, and asked if these procedures should be added to Section **IV B (Principles, priorities and considerations)**, **Annex 9** or in a **separate Annex**.

5.561 The Observer Delegation of the United States of America drew the Committee's attention to the requirement for a decision on policy and legal issues in relation to requests for International Assistance by States Parties as indicated in **footnote 3** on page 14 of **Annex 9** (*note: The March 2002 Drafting Group recommended that the payment of World Heritage Fund dues be obligatory for States Parties requesting training and research assistance*).

5.562 The Chairperson first said that ICCROM's evaluation criteria should not form a separate annex. He then asked the Secretariat to clarify the point raised by the Observer Delegation of the United States of America.

5.563 The Secretariat clarified that this related to the eligibility for International Assistance in the case of non-payment of their dues by States Parties. It also recalled that according to the existing *Operational Guidelines*, it was possible for States Parties that have not paid their dues in the previous year to obtain assistance in case of emergency and for training activities. The proposal that had emerged from the March 2002 meeting of the Drafting Group, however, was that except in the case of a request for emergency assistance, all other requests for International Assistance should be conditional on the State Party having paid its dues in full.

5.564 The Delegation of the United Kingdom said that for consistency, the payment of dues should be compulsory for States Parties requesting training and research assistance; the only exception should be the emergency assistance.

5.565 The Chairperson noted the consensus on this proposal and declared **Annex 9** adopted with the amendments requested by the Committee.

Annex 10. Guidelines and Principles for the use of the World Heritage Emblem

5.566 Concerning **Annex 10**, the Secretariat recalled that the text had been adopted some years ago by the Committee. For more consistency, the Secretariat had replaced the word "site" by "property" and suggested to change "exceptional universal value" to "outstanding universal value". It confirmed that it would delete **footnote 1** on page 1 of the **Annex** referring to the "World Heritage Visual Identity" following the remark made earlier by the Observer Delegation of the Czech Republic.

5.567 The Chairperson asked the Secretariat for clarification on this point.

5.568 The Delegation of Egypt, referring to a previous Committee's decision taken in Helsinki (25th session, 2001) or Budapest (26th session, 2002), requested information in relation to copyright of the Emblem (*note: decision 26 COM 15*).

5.569 The Secretariat confirmed that a request had been lodged with the World Intellectual Property Organization and that a response was awaited.

5.570 The Chairperson commented that it was to be hoped that the matter should be finalized in Suzhou (27th session, 2003).

5.571 The Delegation of the United Kingdom referred to its work at a national level to develop guidelines on the use of the World Heritage Emblem, soon to be completed. It requested that no changes be made at this time. The Delegation further requested that the Committee should not discuss this matter in Suzhou. It had been debated at length in previous sessions, and to add another item to the already very dense agenda for Suzhou would not be conducive to concluding business.

5.572 The Secretariat noted some inconsistencies between the decisions adopted in Budapest (26th session, 2002) on the World Heritage Emblem (decision **26 COM 15**) and on the provisional Agenda for the 27th session (decision **26 COM 27**): the latter did not provide for a discussion on the Visual Identity.

5.573 The Secretariat then introduced the remaining tasks to complete the revision of the *Operational Guidelines* including preparation of a bibliography, glossary and index.

5.574 The Chairperson agreed to this proposal. Noting the consensus of the Committee on paragraphs **28, 29, 30, 31 and 32** of the Technical Annex to Draft Decision **6 EXT.COM 5**, the Chair asked the Committee's advice on how to take the rest of business forward.

5.575 The Delegation of Saint Lucia asked about the progress made by the Secretariat on item 3 (Revision of the *Rules of Procedure*).

5.576 The Delegation of Thailand clarified that a third reading of the *Rules* would not be necessary but the Committee would welcome new information, as appropriate.

5.577 The Chairperson asked the Secretariat to summarize progress made so far on all Agenda Items.

5.578 The Secretariat provided the information on work in progress by the Secretariat on the Draft Decisions and recalled that the Committee needed to consider the

Revised Draft Decision **6 EXT.COM 4.1 and 4.2** prepared by the Drafting Group on Agenda Item 4 (Policy and Legal issues) and that Agenda Item 7 (Nominations to examine by the Committee in 2004) still had to be opened.

5.579 The Delegation of Belgium said that it understood that the Secretariat would submit a Revised Draft of the *Operational Guidelines* to the 27th session of the Committee. If this was the case, the Delegation asked for an identical presentation for this document to that used for Item 3 (Revision of the *Rules of Procedure*), namely a presentation in two columns with monitoring of the modifications. The Delegation of Belgium concluded by saying that this presentation would avoid problems of a legal order.

5.580 The Chairperson judged this an excellent proposal and asked the Secretariat if it was ready to produce the document in this way for the Suzhou session next June/July.

5.581 The Delegation of the United Kingdom commented that it had also found the layout of the *Draft Revised Rules of Procedure* conducive to efficient working practice but questioned whether it would work quite so well in the context of the *Operational Guidelines*. It also asked for clarification as to which text should be put in the first column, the existing *Operational Guidelines* or the revised version presented in document *WHC-03/6.EXT COM/INF 5B*.

5.582 The Secretariat explained that the first column on the left could contain the existing *Operational Guidelines*, while the second column on the right would show the text as redrafted by the Secretariat taking into account the observations of the Committee. It observed as well that while the understanding of the process leading to the latest proposed text might be lost, much would be gained in simplicity by adopting this system.

5.583 The Delegation of Zimbabwe said that its concern was not to open new debates on issues that had already been agreed. It noted that if the proposed format of presentation were confirmed, there would be a need to differentiate, in the second column, which parts of the text had been adopted at the current session from those which had required substantial revision and re-drafting by the Secretariat further to the observations of the Committee and still needed to be adopted.

5.584 The Chairperson concurred that the objective was to avoid reopening the debate. From that perspective, it was maybe not important anymore to keep the notes and references for those texts the Committee had agreed to during this session.

5.585 The Delegate of Egypt concurred. It asked why this extraordinary session had been convened if the idea was to go back to former texts.

5.586 The Secretariat then clarified that what the Committee was going to adopt at the current session was Draft Decision **6 EXT.COM 5** and its Technical Annex as amended by the Committee, and not the text of the *Operational Guidelines*, which would be considered in its entirety in Suzhou after the Secretariat had revised it according to the indications of the Committee.

5.587 The Delegation of Thailand observed that it would not be necessary to review text that had already been looked at and agreed upon by the Committee.

5.588 The Secretariat suggested then that for those portions of the text agreed upon by the Committee, to be included in the second column of the document, there would be no corresponding 'old' text from the existing *Operational Guidelines*.

5.589 The Rapporteur indicated that the presentation in two columns would not be a complication, insofar as it would precisely allow the modifications made by the Secretariat to be shown. She added that the wording of the 2002 *Operational Guidelines* was better, in particular the French version. She recalled that the aim of this Extraordinary session had been to give precise instructions to the Secretariat so that it can finalize the text.

5.590 The Delegation of the United Kingdom suggested that the text which had required significant changes be clearly identified in the document, to facilitate the reviewing and decision making process by the Committee in Suzhou.

5.591 The Chairperson concluded that it was so decided.

Friday 21 March 2003, 2.30 pm - 6.15 pm
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1. The Observer Delegation of Spain supported the statement made earlier by Mexico concerning the use of the languages and asked the Rapporteur whether this had been integrated in the *Decisions* (note: see paragraph 3.290 of the *Summary Record*).

2. The Rapporteur confirmed Mexico's proposal had been integrated into the Revised Draft of the *Rules of Procedure* and that the latter would be submitted for the approval of the Committee at the closing session.

3. The Observer Delegation of Spain thanked the Chairperson and the Rapporteur for this clarification.

4. (continued) **POLICY AND 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**

Documents:

WHC-03/6 EXT.COM/4

WHC-03/6 EXT.COM/INF.4A

WHC-03/6 EXT.COM/INF.4B

WHC-03/6 EXT.COM/INF.4C

WHC-03/6 EXT.COM/INF.4D

New Document :

Proposed Draft Decision on Item 4 (Policy and Legal issues) prepared by the Drafting Group (note: this document contains Draft Decisions 6 EXT.COM 4.1 and 6 EXT.COM 4.2 and is reproduced at the following pages)

4.92 The Chairperson announced that the Chair of the Drafting Group that met on Item 4 (Policy and legal issues) during the last few days would take the floor. He warmly thanked the members of the group and its Chairperson as well as the Secretariat for the time devoted to this matter.

4.93 The Chair of the Drafting Group (Mr Ariel Gonzalez, Argentina) conveyed to all the participants of the Group his deep gratitude for their constructive contributions to the debate. He considered that with more time, the Group could have achieved even better results. He then informed the Committee that, in accordance with its mandate, the group examined Draft Decision 6 EXT.COM 4 on the basis of the debates at the plenary of the Committee and, in particular, the proposals made in order to find a practical mechanism to deal with this matter.

4.94 The Chair of the Drafting Group explained that **paragraph 9** of the revised Draft Decision 6 EXT.COM 4.1 - dealing with the criteria for urgent need deriving from **Article 11.4** of the 1972 *Convention* - had been at the core of the work of the Drafting Group. He highlighted the following aspects:

- **paragraph 9.3.1** explained what would constitute a case of urgent need; and
- **paragraph 9.3.2 proposed** a practical procedure to deal with such a case when there was an express objection by the State Party concerned to the inscription of a World Heritage property on the *List of World Heritage in Danger*.

After describing the procedure, the Chair of the Drafting Group concluded by expressing that, although in most cases consensus was reached in the Group, some text was still in square brackets.

4.95 Following this presentation, the Chairperson underlined that he had been able to see for himself that considerable efforts had been made by the Drafting Group with a view to reaching a consensus on some complex and very sensitive points. He remarked that the Secretariat had also put in a considerable amount of work. He opened the debate on Revised Draft Decision 6 EXT.COM 4.1 and asked the Chairperson of the Drafting Group to join them on the podium in order to answer any questions. Wondering how to proceed, he proposed to begin by examining **paragraph 9** of Revised Draft Decision 6 EXT.COM 4.1.

4.96 The Delegation of Thailand proposed to start with the square brackets and go step-by-step through the document to reach **paragraph 9**.

4.97 The Chairperson then invited the Committee to consider **paragraph 1**.

4.98 The Delegation of Thailand underlined the usefulness of **paragraph 1** and suggested the removal of the brackets. In line 4, UNESCO should be replaced by "*Secretariat*" or "*World Heritage Centre*".

4.99 The Delegation of South Africa suggested that when a specific proposal was reached the Chair of the Drafting Group provide the necessary explanation.

4.100 The Delegation of the United Kingdom expressed its concern with the wording "*taking into account*" and suggested to replace it by "*acknowledging*".

4.101 The Chair of the Drafting Group informed the Committee that the reasons for the brackets in **paragraphs 1 and 4** was that no decision had been taken on **paragraph 9**. He urged the Committee to start its discussion in plenary with **paragraph 9**.

4.102 The Chairperson said that the discussion had been opened on **paragraph 1** and the possible deletion of the brackets.

4.103 The Delegation of the United Kingdom opposed the removal of the brackets in **paragraph 1**.

4.104 The Chairperson apologized for any misunderstanding.

4.105 The Delegation of Thailand stated that **paragraph 1** was extremely important and that it was a fact that the Committee had requested the document "*Legal considerations concerning inscription of properties on the List of World Heritage in Danger and the deletion of properties from the World Heritage List*" (document WHC-03/6 EXT.COM/INF 4A).

4.106 The Delegation of Egypt proposed to keep **paragraph 1** as it is with the amendment suggested by the Delegation of Thailand and then to move to **paragraph 9** as proposed by the Chair of the Drafting Group.

4.107 The Delegation of Belgium also supported the proposal to begin with **paragraph 9**. As this was the reference to the document *WHC-03/6 EXT.COM/INF 4A*

appearing in **paragraph 1**, it observed that this was an important opinion sought by the Committee in Cairns

4.108 (26th session, 2000) and that, as it was a part of the of the discussion in progress, it was difficult to ignore it. The Delegation remarked that it would not ask for the references to other important documents to be added to it; it considered that this one was of particular value.

PROPOSED DRAFT DECISION ON ITEM 4 (POLICY/LEGAL ISSUES)
PREPARED BY THE DRAFTING GROUP
21.03.2003

Key:

Text proposed for deletion is ~~struck through~~

New text is in **bold**

Square brackets indicate decision required []

DRAFT DECISION
6 EXT.COM 4

Document WHC-03/6 EXT.COM/4

PROPOSED DRAFT DECISION
6 EXT.COM 4.1

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;*

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. *Considering that all possible measures should be taken to protect ~~a~~ **[World Heritage]** properties,*

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 **[World Heritage]** 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. *Acknowledging that the conservation of properties inscribed on the List of World Heritage in Danger should be adequately funded,*

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):

7. Recalling 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,

8. [Decides] that the revised Operational Guidelines should provide clear procedures on the steps to be taken in the following processes:

8.1 Emergency nominations to, and inscriptions on, the World Heritage List and, when considered necessary, the List of World Heritage in Danger;

8.2 Reactive monitoring;

8.3 Development, implementation and regular monitoring of a programme of corrective measures for properties under threat according to a defined timetable;

8.4 Inscription on the List of World Heritage in Danger;

8.5 Deletion from the World Heritage List; and,

8.6 Priority assistance from the World Heritage Fund for properties on the List of World Heritage in Danger.

9. 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):

DRAFT DECISION

6 EXT.COM 4

Document WHC-03/6 EXT.COM/4

PROPOSED DRAFT DECISION

6 EXT.COM 4.1

(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.

9.1 *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);*

9.2 *emergency procedures for the assessment of state of conservation (Section III of the revised Operational Guidelines); and*

9.3 *criteria for cases of "urgent need" (Article 11.4 of the World Heritage Convention) taking into consideration the following elements:*

9.3.1 *a case of urgent need exists when the threats to a World Heritage property place it under potential or ascertained danger and which could lead to severe and/or irreversible damage which necessitate prompt action by the Committee. [The Committee may also consider as urgent need, a situation in which threats to a property have not been addressed or removed in response to a mechanism approved by the Committee within the timeframe established by the Committee.]*

9.3.2 *[in cases of urgent need, the Committee shall advise a State Party that a **World Heritage** property is in danger and it may proceed to inscribe **such** property on the List of World Heritage in Danger [at any time]. If the State Party concerned expressly objects to such an inscription, **the following procedure will apply***

DRAFT DECISION

6 EXT.COM 4

Document WHC-03/6 EXT.COM/4

PROPOSED DRAFT DECISION

6 EXT.COM 4.1

a) After consultation with the State Party concerned, the Committee may decide to constitute a Technical Study Group (TSG). The State Party in whose territory the World Heritage property is located will take part in the deliberations of the TSG. ICCROM, ICOMOS and IUCN, as appropriate, may also attend the meetings of the TSG, in an advisory capacity;

b) The TSG will recommend measures directed at redressing the situation of the World Heritage property in danger. Such recommended measures shall include timeframes, performance indicators, measurable progress against benchmarks, as well as mechanisms of financial and/or technical assistance;

c) The Committee may:

- endorse the measures recommended by the TSG and decide on the deadlines and other modalities for their fulfillment;*

- determine the consequences of a non-fulfillment of such measures within the deadlines and other modalities established. Among such consequences, the inclusion of the property in the List of World Heritage in Danger or its deletion from the World Heritage List may be decided.*

10. Requests the World Heritage Centre, in collaboration with the Advisory Bodies, to harmonize the procedure set out in the preceding paragraph with the text in paragraphs 22, 46-56, 68 and 80-93 of the July 2002 Operational Guidelines –which should be maintained in the revised Operational Guidelines, with minor modifications for consistency with the other provisions of the Guidelines;

(moved to new paragraph 7)

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. 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.

DRAFT DECISION
6 EXT.COM 4
Document WHC-03/6 EXT.COM/4

PROPOSED DRAFT DECISION
6 EXT.COM 4.1

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;

(see Draft Decision **6 EXT.COM 4.2** below)

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.

PROPOSED DRAFT DECISION
6 EXT.COM 4.2

The World Heritage Committee,

1. Taking into consideration Decision **26 COM 21.3** which requests the Director-General to present a report and statistics on the state of conservation reports of properties inscribed on the World Heritage List and the List of World Heritage in Danger,

2. 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.

4.109 The Chairperson proposed to continue with **paragraph 9** and noted that the Committee agreed. He invited the Committee to consider **paragraph 9.1**.

4.110 The Delegation of the United Kingdom expressed its concern about linking emergency listing procedures with the inclusion on the *List of World Heritage in Danger* in **paragraph 9.1**.

4.111 The Chairperson said that the Committee took note of this issue.

4.112 In response to the concern expressed by the Delegation of the United Kingdom, the Secretariat suggested that the wording of **paragraph 9.1** be changed to read: "*procedures for inscriptions on the World Heritage List and on the List of World Heritage in Danger (Section II and Annex 6 of the revised Operational Guidelines)*" The Secretariat reminded the Committee that provisions relating to emergency nominations had been discussed under Item 5 (Revision of the *Operational Guidelines*) and the Committee had asked to clarify the procedures for emergency nominations.

4.113 The Chairperson asked whether the Committee could agree with this proposal.

4.114 The Delegation of Egypt pointed out that a nomination for the *List of World Heritage in Danger* would automatically be inscribed on the *World Heritage List* and not the opposite in emergency situations.

4.115 The Delegation of Belgium underlined that with the Secretariat's proposal the concept of the emergency inscription risked disappearing, which was not acceptable given its importance. It remarked that this would no doubt have been useful at the time of the first threats to destroy the Bamiyan Buddhas in 2001.

4.116 The Delegation of Thailand referred to the case of the site of Angkor (Cambodia), which was inscribed without legal protection and management plan and was immediately placed on the In Danger List. The sequence however would be inclusion on the *World Heritage List* and subsequently on the *List of World Heritage in Danger*.

4.117 The Secretariat explained that its understanding of the statement of the Delegation of the United Kingdom stemmed from the following questions:

- Is there a need for clear procedures for emergency nominations?
- Is there a need for procedures concerning the *List of World Heritage in Danger*?

The first question had been answered that morning.

4.118 The Delegation of China requested clarification concerning the deletion of a property in case it had lost its outstanding universal values, and asked whether such a procedure should also go through the In Danger Listing

process. There seemed to be confusion between **paragraphs 7 and 9**.

4.119 The Delegation of the United Kingdom said that the Secretariat had understood its position. Requirements for emergency listing (boundaries, management) should be specified. It underlined that State Party approval is required for emergency listing, that however the In Danger Listing and the emergency nomination process would be two different procedures, which may work in parallel.

4.120 The Chairperson suggested that **paragraph 9.1** would read: "*procedures for emergency nominations and also procedures for inscriptions on the World Heritage List and the List of World Heritage in Danger (...)*".

4.121 The Delegation of the United Kingdom stated that it was a point of principle and that it would be content to live with the text.

4.122 The Delegation of India said that the situation, which would require less State Party consent, would be an emergency nomination.

4.123 The Chairperson said that the Committee took note of the concerns of the Delegation of the United Kingdom and then moved to **paragraph 9.2**.

4.124 The Delegation of Egypt proposed to change the order of the words in **paragraph 9.2** which would read as follows: "*procedures for emergency assessment*".

4.125 The Chairperson asked whether the Committee could agree.

4.126 The Delegation of Saint Lucia flagged the semantic differences of the two versions.

4.127 The Delegation of Thailand stated that the meaning of the two proposals was entirely different and that the proposal by the Delegation of Egypt should be dropped.

4.128 The Delegation of India concurred that these were different things.

4.129 The Chairperson proposed to keep the original text of **paragraph 9.2**.

4.130 The Delegation of Thailand agreed.

4.131 The Delegation of Egypt stated that the assessment of the danger is different than the nominal nomination and that the procedure to be used in each of the emergency cases was a 'rapid assessment'.

4.132 The Delegation of India requested the Committee not to adopt anything until it had a global view.

4.133 The Chairperson proposed to adopt **paragraph 9.2** without any amendment.

4.134 The Delegation of India stated that it was flexible but that this could also mean to revise the work done.

4.135 The Chairperson then proposed to move to **paragraph 9.3.1** and its first and second part. He asked the Chairperson of the Drafting Group for explanations about the square brackets for the second part.

4.136 The Chairperson of the Drafting Group stated that the group could simply not reach an agreement as to the removal of the brackets.

4.137 The Delegation of the United Kingdom stated that it had problems with this text as it does not allow for any timeframe for the State Party to react to urgent situations without going into reactive monitoring procedures.

4.138 The Delegation of Thailand indicated that the problem was not the wording. It suggested to remove the brackets, as the mechanism was important for the process, and stressed that the timeframe needed to be established by the Committee as otherwise the values of the property were lost.

4.139 The Observer Delegation of Morocco noted that it was possible to understand the position of the Delegation of the United Kingdom but that there were different situations according to countries. It noted the importance of the second sentence in **paragraph 9.3.1** and suggested removing the square brackets. As far as the question of deadlines was concerned, it remarked that this was included in the paragraph and that this sentence should not be deleted.

4.140 The Observer Delegation of the United States of America agreed with the Delegation of the United Kingdom and stated that the wording was confusing and redundant with **paragraphs 9.3.2 a) and b)**.

4.141 The Delegation of India said that all delegations were confused about **paragraph 9.3.1** but differently and asked where the definition of urgency could be found. Once the definition would be there; it could accept the sentence in brackets.

4.142 The Delegation of the Saint Lucia highlighted that the definition of urgent need as well as potential and ascertained danger were well defined and that the section in brackets would need to be retained - for the event that the State Party did not address the issues.

4.143 The Delegation of Egypt requested to remove the second sentence in brackets.

4.144 The Observer Delegation of the Netherlands requested that the sentence in brackets be retained. It was needed because of irreversible damage that could be done.

Therefore the Delegation suggested complementing the second sentence of **paragraph 9.3.1** with the following text: *"and leads to irreversible damage to the outstanding universal values of the site"*.

4.145 The Delegation of Zimbabwe stated that the Drafting Group had been created to solve problems and wondered whether much progress had been made. **Paragraph 9.3.1** in its first part was a general description of the urgent need, threat or danger, whereas the second part was focusing on the consequences, creating urgent need. Therefore, both were complementary.

4.146 IUCN addressed the question of urgent need and referred to Article 11.4 of the *Convention* concerning serious threats and dramatic irreversible damage. The bracketed text of **paragraph 9.3.1** was necessary to retain as it related to the primary objectives of the *Convention*.

4.147 The Chairperson referred to the mandate of the Drafting Group.

4.148 The Observer Delegation of the United States of America acknowledged the clarification offered by the Delegation of India and agreed to the text in **paragraph 9.3.1** with the addition of the title *"Definition of urgent need"*. The text following the definition would address how to deal with an urgent need.

4.149 The Delegation of Thailand said that everything could be spelt out, the circumstances, threats and reference to Article 11.4 of the *Convention*, to avoid any objection. **Paragraph 9.3.1** had to be read in conjunction with **paragraph 9.3.2**

4.150 The Delegation of Zimbabwe stated that the proposal by the Observer Delegation of the United States of America was worth following up.

4.151 The Observer Delegation of Italy stated that one should not depart from Article 11.4 of the *Convention*. The list of threats included in that provision should be the basis for discussion. It was not necessary to define what an 'urgent need' was.

4.152 The Delegation of Finland pointed out that the confusion reached a higher level and requested clarification on the *"mechanisms"* and reference to procedures. It should not be said that 'urgent need' would be an 'urgent need' as this would be redundant.

4.153 The Chairperson said that the second sentence of **paragraph 9.3.1** dealt with cases where the established mechanism or Committee recommendations have not produced the expected result and the property is still threatened.

4.154 The Delegation of Finland responded by saying that mechanisms can be only defined after the urgent need.

4.155 The Chairperson referred to the highest level of urgency.

4.156 The Chairperson of the Drafting Group agreed with the interventions of the Delegation of the Netherlands and Finland and proposed to add: "*The Committee may also consider as urgent need, a situation in which threats to a property have irreversible effects on the outstanding universal value of a site*". He pointed out that the Committee had to convey a message.

4.157 The Delegation of Lebanon underlined that the problem came from the the ambiguity of the terms "*threats*" and "*mechanisms*". It emphasized that the term "*threats*", used twice in **paragraph 9.3.1** meant on the one hand threats in the sense of Article 11.4 of the *Convention*, and on the other hand, further along in the text, the threats that have become urgent due to lack of action to combat them. In **paragraph 9.3.2**, The Delegation pointed out that it was difficult to understand if "*mechanisms*" had already been set up or if they were to be set up. It considered that **paragraph 9.3.2** needed reformulating completely.

4.158 The Delegation of the United Kingdom said that the second sentence in **paragraph 9.3.1** meant in fact a failure of the reactive monitoring and that it should be addressed under that procedure and not under urgent need. Furthermore some sites have constant threats, which would mean constant vigilance, and that In Danger Listing would be nonsense for those.

4.159 IUCN referred to the statement of the Delegation of the United Kingdom and that the situation described was reactive monitoring and the failure to implement the decisions of the Committee. It could be an appropriate use of the concept of 'urgent need' and the wording "*The Committee may*" was also appropriate.

4.160 The Delegation of Thailand referred to the confusion and the clumsy structure of the sentence and stated that one could not mix water and oil. It wondered why the existing text of the *Operational Guidelines* could not be kept – as this text had been agreed to by the Committee.

4.161 The Observer Delegation of Australia said that the conditions which the second sentence of **paragraph 9.1.3** sought to address were captured in the words of the first sentence. The point under discussion was what constituted 'urgent need', which were identified as situations requiring prompt action by the Committee.

4.162 The Delegation of India understood it as the Delegation of the United Kingdom, namely that it not only concerned reactive monitoring, but two different sets of sites: a) where urgent need arises and b) for sites where reactive monitoring had been conducted. Both could lead up to cases of urgent need.

4.163 The Delegation of Finland followed the statements of the Delegations of the United Kingdom and India and stated that there were two different types of cases, which required two separate sub-paragraphs.

4.164 IUCN supported the statement made by the Delegation of Thailand and pointed out that the current *List of World Heritage in Danger* includes only thirty-three sites and that only four of them were included under exceptional circumstances. This provided the proper context for the debate. In 30 years of the *Convention* the *Operational Guidelines* seem to have worked effectively. IUCN questioned whether inventing new text was necessary, as it had worked even for very critical issues in the past. No compromise should be made.

4.165 The Delegation of Zimbabwe stated that IUCN and the Delegation of Thailand had very well summarized the situation and that the *Operational Guidelines* were there. It endorsed a return to the original text of the *Guidelines*.

4.166 The Delegation of Saint Lucia noted that it fully supported going back to the original text of the *Operational Guidelines*, as this proposal stemmed from a suggestion by Saint Lucia. Although it wanted to give more time for the debate, the Delegation of Saint Lucia could not see how consensus could be reached on the Draft Decision when the Committee was already stuck on the easiest paragraph.

4.167 The Observer Delegation of Germany fully supported the interventions made by IUCN and the Delegation of Thailand and questioned why a change of the *Operational Guidelines* on this item would be needed.

4.168 The Delegation of the United Kingdom also supported the interventions made by the Delegation of Thailand especially as IUCN had pointed out that relatively few cases fall under this category. It expressed concern about finalizing the document and thought that spending more time on this would be counterproductive. It requested however to have an additional reference to State Party consent.

4.169 The Chairperson asked the Committee whether it agreed to maintain the existing *Operational Guidelines*.

4.170 The Observer Delegation of Canada supported the proposal made by IUCN.

4.171 The Delegation of Belgium noted that it was necessary to be realistic and to resign oneself to going back to the existing text so as not to take steps backwards. If the Committee decided to maintain the existing text, there was no need, contrary to what the Delegation of the United Kingdom had requested, to add anything at all.

4.172 The Delegation of India asked to repeat the proposal made by IUCN.

4.173 IUCN said that it was the proposal by the Delegations of Saint Lucia and Thailand, to go back to the existing *Operational Guidelines*.

4.174 The Delegation of India said that if this was the consensus it could go along, as there were some merits in the proposal. It regretted to have lost so much time on this discussion and asked that the issue would never be raised again (*note: applause in the room*).

4.175 The Chairperson responded that the Committee could not give guarantee for eternity but for a long time.

4.176 The Delegation of South Africa requested clarification: was the Committee to abandon **paragraph 9.3.1**, with which the Delegation had no problem, or was there any intention to abandon the whole discussion on the proposed mechanism.

4.177 The Delegation of Thailand stated that Draft Decision **6 EXT.COM 4.1** would be abandoned and the original text from the existing *Guidelines* would be maintained.

4.178 The Observer Delegation of the United States of America referred to the point made by Delegation of India not to reopen this discussion. It suggested that a paragraph could be added to the original text of the *Operational Guidelines* on consultation with the State Party, which would be consistent with the spirit of the *Convention*.

4.179 The Delegation of Finland stated that although 'with a heavy heart', it could go along with returning to the existing *Operational Guidelines*.

4.180 The Observer Delegation of Australia stated that it could go back to the existing text and that the comments by the Observer Delegation of the United States of America should be taken into account. The concerns could be covered by adding one sentence to the existing **paragraph 89** of the *Operational Guidelines* of July 2002: "*In cases of urgent need, the Committee will make every effort to secure the consent of the State Party concerned before taking a decision on the inscription of the property on the List of World Heritage in Danger*".

4.181 The Delegation of Lebanon remarked that there was a consensus on coming back to the existing text of the *Operational Guidelines*, but that nothing in it must be changed.

4.182 The Delegation of Zimbabwe stated that the text of the *Operational Guidelines* should stand as it is. What had created headaches over the years was exactly the paragraph that had been read.

4.183 The Delegation of Portugal supported the intervention made by the Delegation of Lebanon.

4.184 The Observer Delegation of Italy felt that 5 days had been spent in discussing a proposal by the Secretariat and proposals by the Drafting Group. To avoid further loss of time, if the Committee were to go back to the existing *Operational Guidelines*, the existing text – without any amendment – should be used.

4.185 The Chairperson stated that life was complicated but that he felt that the time was not lost as it was an enriching process and the best way to achieve consensus. He noted the Committee's wish to maintain the existing text of the *Operational Guidelines*. The final Draft Decision on this Agenda Item had to be precise.

4.186 The Secretariat read a **new** Draft Decision **6 EXT.COM 4** stating that the World Heritage Committee decided to maintain the existing text of the *Operational Guidelines*, namely paragraphs **68** on reactive monitoring; paragraphs **22, 46b, 86, 87** and **89** on the development of a programme of corrective measures; paragraphs **80 to 93** on the procedures for inscription on the *List of World Heritage in Danger*; and paragraphs **46 to 56** on the possible deletion from the *World Heritage List*. Aware of the previous comments by the Committee members, cross-referencing was needed as well as reordering the text to ensure a logical flow, consistency and a user-friendly presentation. The text of the **new** Draft Decision **6 EXT.COM 4** would be circulated shortly.

4.187 The Chairperson said that this would only mean to produce a re-ordered text of the existing *Operational Guidelines* but not to change it. He said that this needed to be included in the decisions on the revision of the *Operational Guidelines*, Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)**.

4.188 The Delegation of the United Kingdom asked the Chairperson about progress made in dealing with the different Agenda Items. Its understanding was that a decision on Item 6 (Revised structure of the budget) had been adopted the day before and that since there was an agreement to maintain the existing text of the *Operational Guidelines*, then discussion on Item 4 (Policy and Legal issues) was closed as well.

4.189 The Chairperson confirmed this and formally stated that the debate on Item 4 (Policy and Legal issues) was closed as was the discussion on Chapter **III (PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES)** of the Draft *Revised Operational Guidelines* (Item 5).

4.190 The Observer Delegation of Australia stated for the record that in Australia's view **Article 11.4** of the *Convention* requires the consent of the relevant State Party before a World Heritage property can be included on the *List of World Heritage in Danger*.

4.191 The Delegation of India asked whether it could restate its views on this item.

4.192 The Chairperson reiterated that the Committee had already taken a Decision.

4.193 The Delegation of India noted that other views may be expressed as well.

4.194 The Delegation of Saint Lucia encouraged the Chairperson to permit the Delegation of India to express its views.

4.195 The Delegation of India pointed out that the work had been helpful to make progress and to clarify thinking towards a more rigorous understanding of the elements, the challenges and the threats of conservation. The central concern of the consultation process was most important for a constructive cooperation with the State Party.

4.196 The Delegation of Nigeria supported the views of the Delegation of India.

4.197 The Delegation of South Africa stated that it wanted to make a brief account after the conclusion of the item. It regretted sincerely that the Committee did not continue to look at the Draft Decision **6 EXT.COM 4.1** produced by the Drafting Group as there was no time left, and that therefore procedures, plan of action and other useful elements were not taken up. Now there was no plan to come back to this.

4.198 The Chairperson pointed out that the consultation process was not at all useless.

4.199 The Observer Delegation of the United States of America thanked the Chairperson for these words and stated for the record that it endorsed the specific language proposed by the Observer Delegation of Australia.

4.200 The Delegation of Belgium emphasized that intense cooperation with the State Party was necessary and that the Committee would endeavour to obtain the consent of the State Party. However, as was implicitly indicated by the Delegation of Australia when it made its proposal for the extra text, the consent of the State Party was not necessary.

4.201 The Delegation of Zimbabwe said that the Drafting Group had done some considerable work and that the final decision was the collective responsibility of the Committee. The issue was a fundamental one.

4.202 The Chairperson thanked all participants in the debate, emphasized that the revision of the *Operational Guidelines*, an important conservation tool, was now in its final stage. He then closed the debate on Item 5 (Revision of the *Operational Guidelines*).

7. NOMINATIONS TO BE EXAMINED BY THE WORLD HERITAGE COMMITTEE IN 2004

Document:

WHC-03/6 EXT.COM/7 Rev

7.1 Upon request from the Chairperson, the Director of the World Heritage Centre introduced the Item by remarking that its staff had done a very good job in the last month and a half by examining a total of 70 nominations. He underscored that the quality of the nominations proposed, tremendously improved in several aspects, including mapping, descriptions, presentation, and management plans, among other aspects. This improvement was a result of two factors: 1) stricter requirements; and 2) an important effort made by the Committee in supporting preparatory assistance activities.

7.2 The Director of the World Heritage Centre recalled that the Centre had received 46 new nominations, of which 32 were considered 'complete'. The geographical distribution of the complete nominations mirrored the distribution of the *World Heritage List* itself, emphasizing the preponderance of nominations from Europe and North America: 2 nominations from the Arab States, 2 from Africa, 7 from Asia/Pacific, 4 from Latin America & Caribbean, 17 from Europe & North America. On the other hand, the balance between cultural and natural properties was slightly improved, with a larger percentage of natural properties proposed than had been the case in the past: 8 natural properties, 2 mixed properties, 22 cultural properties.

7.3 The Secretariat had made a major effort in assisting States Parties improve their nominations, and this had been successful in many cases. However, for many nominations, the assistance of the Secretariat was not possible, because 82 percent of the nominations arrived in the last week of January. In order to avoid this problem in future years, the Secretariat proposed to apply a new process for technical review that should be incorporated into the *Operational Guidelines*. The Secretariat proposed 30 September as deadline for receiving 'draft nominations' so that the Secretariat would have enough time to analyse the files and respond to States in time for improvements to be made by 1 February.

7.4 The Director of the Centre also underscored that the criteria used to check whether the nominations were complete or not, should be improved and be more transparent. For the time being, the Secretariat was relying on the *Operational Guidelines* and the Nomination Format adopted by the Committee. However, the Secretariat wished to draw the attention of the Committee to the fact that this year there were four cases for which it had had difficulty assessing. The classification of 'almost complete' had been abolished by the Committee at its 26th session in Budapest (June 2002), but this year, there had been some cases that would have fallen into this category.

7.5 The Chairperson requested comments of the Committee on the Secretariat's introduction.

7.6 The Delegation of Belgium noted that there would be 40 nominations to examine in 2004. It wondered if steps had been taken by the Centre with States Parties that already had a large number of sites inscribed on the *World Heritage List* so that they would apply the Resolution of the 12th General Assembly and therefore voluntarily defer their nominations.

7.7 The Chairperson remarked that there are often exceptions, extensions and transboundary sites.

7.8 The Delegation of Thailand recalled that the Secretariat had said that the category of 'almost complete' had been abolished but in document *WHC-03/6 EXT.COM/7 Rev*, this category was indicated. The Delegation asked for clarification on this issue.

7.9 The Secretariat stated that this text was part of the background material from the Budapest working document and was not applicable to the current review.

7.10 The Delegation of Thailand wondered how 'almost complete' nominations submitted before the deadline had been treated, but whose requested supplementary information was received after the deadline.

7.11 The Secretariat responded that supplementary information was asked from the States Parties whenever possible to complete their nominations; however, when this information was received after the deadline of 1 February, the nomination was considered to be incomplete.

7.12 The Delegation of South Africa was disappointed about the figures presented in the Secretariat's presentation, as there was no improvement of the representivity of the *World Heritage List*. The Delegation also wondered how the new deadline proposed for 'draft nominations' might affect the other work of the Secretariat. It also underlined that there seemed to be no clear criteria for completeness or incompleteness of nominations. This was a question that the Committee needed to address. Finally, the Delegation questioned, if the category of 'almost complete' had still existed, whether the four cases alluded to by the Secretariat would have fallen into this category.

7.13 The Delegation of Lebanon thanked the Delegation of South Africa for underscoring three essential points. First of all, it noted that representivity was not improving and asked the Centre to reinforce the measures to assist States having difficulties in presenting nominations. The Delegation noted that it was necessary to apply a proactive policy. Secondly, it underlined that the schedule proposed for submitting draft nominations was a good idea, which would avoid the ambiguities concerning

the 'almost complete' dossiers. Finally, on the subject of the 'complete' and 'almost complete' categories, the Delegation considered that the only way of judging if a dossier was complete, was to study it in detail. It remarked that this was an impossible task for the Committee to do and that this burden should fall upon the Centre and the Advisory Bodies.

7.14 The Delegation of the United Kingdom said it had listened with great interest to the contributions made by the previous speakers. It remarked that if the deadline of 30 September was to be introduced, it might create problems for States Parties that were already preparing nominations. The schedule was a good idea, but the transition should be a gradual one. Concerning **Annex 6 (Format for the Nominations of properties to the World Heritage List)** of the Draft Revised *Operational Guidelines*, discussed that morning, the rules concerning the definition of completeness needed to be very clear. The question was not that all the boxes were ticked, but making sure that all the elements for assessing the outstanding universal value of the property had been addressed in the nomination. Finally, the Delegation of the United Kingdom said that representivity was an important factor that, independently from support of the States Parties, had to be improved by making nominations as simple as possible, without too much elaboration. This would be an essential element for the *Operational Guidelines*.

7.15 The Observer Delegation of Morocco wished to come back to the question posed by the Delegation of Belgium. It pointed out that 5 countries with a large number of sites on the *World Heritage List* were each still presenting two nominations or more and that this was a failure to respect the decisions taken by the Committee and the General Assembly. It emphasized that it was necessary to stay as abide as closely as possible to the Committee's decisions in order to try to obtain this much sought-after balance. The Delegation added that the Committee had opted for a threshold of 30 nominations per year on the basis of an analysis of the data from previous years. The Delegation mentioned that respecting the Committee's decisions involved actions of solidarity and assistance on the part of the over-represented countries towards the less represented countries, but also strict discipline as to the number of sites proposed.

7.16 The Delegation of Mexico supported the observations made by the Observer Delegation of Morocco and remarked that it was an obligation of the Committee to find a solution for the representivity of the *World Heritage List*. It was not the World Heritage Centre, but the Committee that had to decide.

7.17 The Delegation of Zimbabwe, referring to the working document, underlined that this was a 'pathetic document' as 'an entire continent was missing'.

7.18 The Observer Delegation of Italy noted that the representivity of the List was a great concern for many

delegations, including its own. The Committee, had, in 2000, only on an interim basis, proposed that the number of nominations to be examined be limited to 30. This proposal would be reassessed at the 27th session of the Committee session in China (June/July 2003) and the number of 32 (that still had to undergo the scrutiny of the Advisory Bodies) did not, anyway, depart too much from 30. The *1972 Convention* was not a 'fishing convention' where quotas must be established, but one that aimed at protecting the outstanding universal value of cultural and natural properties. Instead of establishing quotas, the Committee should insist on capacity building to allow under-represented countries to submit their nominations. The Observer Delegation of Italy supported Draft Decision **6 EXT.COM 7** which referred to 32 nominations.

7.19 The Chairperson invited the Secretariat to respond to the questions raised so far.

7.20 The Secretariat stated that it was very important to realize that the incomplete nominations were not coming from particular regional areas. Sometimes the dossiers from developing countries were more complete than those of developed countries. Nevertheless, it considered that the high number of incomplete nominations was still unsatisfactory. More effort needed to be put into preparatory assistance and capacity building. Responding to the Delegation of South Africa, the Secretariat underlined that the new deadline of 30 September would be an improvement for the Centre, as it would better distribute the work during the year. Considering the criteria for 'completeness', the Secretariat said that from a bureaucratic point of view, the Nomination Format was objective enough. At the same time, the Centre often does not receive the basic elements needed for a technical evaluation, such as maps or good descriptions of properties. Concerning the four cases mentioned, two of them would have fallen into the category of 'almost incomplete' because of 'unfilled boxes'. For the other two, the Committee would need to give the Secretariat more guidance.

7.21 The Delegation of India said that the decisions taken in Cairns were very well intended, but had not resulted in a more balanced *World Heritage List*, nor had it improved the nomination process. It recalled that at the time it had been decided to limit the ceiling to 30 new nominations, that each country should only be allowed one nomination per year, but that States Parties with no sites on the List could submit two or three new nominations, and that transboundary sites, deferred sites and extensions of existing sites would not count in the ceiling. The expected results of these measures are not reflected in the list of complete nominations that the Committee received this year. Concerning representivity, the Delegation remarked that the studies were under way. Capacity-building would still take some time. The ceiling of 30 nominations was imposing new problems on the Committee. The Delegation commended the new timetable, but felt that it should not be put in practice

immediately. The Delegation proposed to find a win-win situation for all the parties.

7.22 The Delegation of Lebanon remarked that if there had not been the limit of 'one nomination per country per year', the imbalance between the different regions and cultures would have been even greater. It asserted that the decisions taken in Cairns have limited the damage, but that they might even need to be reinforced.

7.23 The Chairperson reminded the Committee that the time remaining for the debates was limited and that a decision had to be taken on the nominations to be evaluated in 2004. He proposed that the evaluation work be continued in cooperation with the Advisory Bodies.

7.24 The Delegation of Zimbabwe asked for more information about the criteria that had been used to determine whether nominations were incomplete.

7.25 The Secretariat underlined that a nomination was considered 'incomplete' when the property was not clearly identified, or there was no management plan, or if portions of the Nomination Format relating to criteria and the statement of significance had been omitted. Nominations were considered 'incomplete' when the Advisory Bodies would not have enough information to carry out their evaluation.

7.26 The Delegation of Thailand questioned whether extensions of existing sites were treated as new nominations or not. It asked how the Secretariat treated nominations that were resubmitted. The Delegation also asked why the extension of the Tokay nomination to Slovakia was still incomplete.

7.27 The Secretariat stated that extensions, deferred nominations, and transboundary nominations were not counted in the ceiling of 30 nominations. Slovakia, which submitted three nominations, had not indicated its priority, and when asked by the Secretariat, selected the nomination indicated in the working document (the Primeval Forests of Slovakia).

7.28 The Delegation of Hungary informed the Committee that its nomination had been delayed 16 hours due to *force majeure*.

7.29 The Chairperson informed that if the Committee wished to look at the borderline cases one by one, he would have to give the Chairmanship to a Vice-Chairperson, a Hungarian nomination being among the four cases for which the Secretariat asked the Committee for extra guidance.

7.30 The Secretariat remarked that it had no guidance to deal with some cases out of human control, like the nomination submitted by Hungary which was delayed because of a strike at the airport. No criteria could deal with fate.

7.31 Referring to the case of the Hungarian nomination, the Delegation of Lebanon remarked that the same applied to architecture competitions: a deadline was fixed for everyone and if it was not respected, the examination of the nomination should be delayed for a year.

7.32 The Delegation of China was sympathetic to the Delegation of Hungary's exceptional case and therefore suggested that the Committee should accept it as being exceptional.

7.33 The Delegation of Zimbabwe agreed with the Delegation of China, but remarked that it was not an exceptional case, but only a question of anticipation. If the nomination had been dispatched on 28 or 29 of January, this would not be considered a reasonable amount of time before the deadline. The Delegation insisted that some countries depended on very slow dispatch systems.

7.34 The Delegation of Thailand underlined that Hungary's nomination would have arrived on time if there had not been a strike. Therefore it should be considered *force majeure*.

7.35 The Delegation of India, referring to the exceptional situation of the Hungarian nomination, asked the Secretariat what the upper limit above the 30 nominations would be that it was able to handle. It suggested that the Committee should take into account the date of dispatch.

7.36 The Delegation of the United Kingdom remarked that it was very difficult for the Committee to decide whether a nomination was complete or incomplete without having all the relevant information. It recalled that the upper limit was 30 and asked whether the Committee intended to consider the 32 nominations in 2004. It also asked whether the Committee would look at the borderline cases.

7.37 The Delegation of Thailand suggested that the borderline cases should be considered.

7.38 The Secretariat answered to the question of the Delegation of India that it was not sufficiently equipped to give a detailed answer, but thought it would be a figure between 30 and 40 nominations.

7.39 The Delegation of Lebanon supported the intervention made by the Delegation of the United Kingdom, underscoring that it was for the Centre to decide on how to deal with problematic cases.

7.40 The Delegation of South Africa supported the remarks made by the Delegation of the United Kingdom and the proposal made by the Delegation of Thailand to reconsider borderline cases. It asked for a written report to the Committee in China.

7.41 The Delegation of Greece requested that Hungary's nomination be examined all the same.

7.42 The Delegation of Belgium supported the interventions made by the Delegations of the United Kingdom and Lebanon.

7.43 The Delegation of Mexico supported the intervention of the Delegation of the United Kingdom and also said that the nomination of Hungary should be included because of *force majeure*.

7.44 The Delegation of India remarked that the Delegation of the United Kingdom had not responded to its concern. Their concern was not that of the actual number, but of how to find a solution for the borderline cases. The nomination of Hungary should be considered 'complete' and the World Heritage Centre should be given *carte blanche* for dealing with borderline cases.

7.45 The Observer Delegation of Morocco mentioned that it understood the problem of the Delegation of Hungary and that it had had to deal with the same problem for one of its nominations. It emphasized that the debate had been frank and the discussion enriching. However, it remarked that the decisions had been attributed to the Centre whereas the latter had asked the Committee for directives. It also noted that the discussions on this subject had been going on since the session of the Committee in Naples (21st session, 1997). It pleaded in favour of the continuity of the measures adopted on an experimental basis by the Committee in Cairns (24th session, 2000).

7.46 The Chairperson asked whether the Committee agreed on the proposal made by the Delegation of the United Kingdom.

7.47 The Delegation of Saint Lucia requested what exactly the proposal was and if the Delegation of India was requesting an explanation for each of the borderline cases.

7.48 The Secretariat informed the Committee that interpretation would stop at 6:15 pm. It then explained the four borderline cases:

- The delayed Hungarian nomination already discussed;
- Two nominations submitted as one serial nomination, one of which would be considered complete if the two were separated;
- A good nomination file missing information that could be found in its annexes;
- A nomination whose management plan was in its original language, but containing a brief summary in English.

7.49 The Chairperson asked the Committee whether it wished to accept the 32 complete nominations and the four additional nominations as a group. There being no

objection, the Chairperson declared the 36 nominations accepted for examination in 2004.

7.50 Upon request from the Delegation of the United Kingdom, the Chairperson provided some practical information on the distribution of the Report (*List of Decisions*) the next day and on the timeframe for the final meeting.

7.51 The Delegation of the United Kingdom asked that in the future, the Draft Decisions would be concise and the *Draft Summary Record* circulated after the session.

7.52 The Delegation of India requested to state for the record that it fully supported the approval of the four borderline cases but that, in reality, it was a disappointment as the Committee was acting against its decision taken in Budapest not to accept any nominations that were not complete. A holistic study of this topic should take place at the next Committee session.

7.53 The Delegation of Lebanon underlined that the States had to send their comments on the *Summary Record* to the Secretariat in writing and that there would be no discussion on this point at the closing session.

7.54 The Chairperson, noting the interpretation had ceased, closed the meeting.

Saturday 22 March 2003, 16h00 - 18h30

8. ADOPTION OF THE REPORT OF THE SESSION

New Documents / Nouveaux documents :
Draft/Projet WHC-03/6EXT.COM/8
Draft/Projet WHC-03/6EXT.COM/INF.8

8.1 The Draft *List of Decisions (Projet/Draft WHC-03/6EXT.COM/8)* was submitted to the Committee on Saturday 22 March in the afternoon. The Rapporteur pointed out that she had seen the *Draft List of Decisions* but that she had not had the time to read the *Draft Summary Record* as well after the plenary sessions. A first version of the *Draft Summary Record (Draft/Projet WHC-03/6EXT.COM/INF.8)*, incomplete and unread, would nevertheless be circulated at the end of the session.

8.2 The Chairperson asked the Committee to approve the Report of the Session (*List of Decisions*), decision by decision, making amendments if necessary.

8.3 The Rapporteur indicated that the amendments on the substance would be relected in the *Summary Record* but that, on the other hand, amendments on the form – linguistic, numbering, annexes, etc. – had to be sent to the Secretariat in writing, and it would integrate them directly into the text.

1. Opening of the session

8.4 The Chairperson mentioned that the names of the Delegations of Albania, Iceland, the Islamic Republic of Iran and Nepal were missing from the text and that they will be added by the Secretariat.

5. Revision of the Operational Guidelines

Decision /Décision 6 EXT.COM 5.1

8.5 The Observer Delegation of Morocco requested that **paragraph 3** of the decision read: "... represents an important effort, but there remains work to be done to ..."

8.6 Following a request for clarification concerning **paragraph 5**, the Rapporteur suggested to change "*a Compilation of World Heritage Texts*" to "*a volume of World Heritage Basic Texts*" in the English version, "*un recueil unique des Textes fondamentaux sur le patrimoine mondial*" in the french version. The amendment concerned Decisions **6 EXT.COM 5.1** and **6 EXT.COM 5.2**.

Technical Annex to Decision 6 EXT.COM 5.1 for the revision of the Operational Guidelines

8.7 The Observer Delegation of Canada observed that in **paragraph 1.7**, the expression "*if necessary*" could give rise to different interpretations: with what should the references to the strategic Operational Guidelines of 1992 be replaced? With the new Strategic Objectives of 2002 (Budapest Declaration)?

8.8 The Delegation of India asked for a clarification on the meaning of **paragraph 3.1** concerning the 'comparative analyses' and the 'comparative studies'.

8.9 The Chairperson recalled the Committee's wish to explain in the *Operational Guidelines* the difference between the two.

8.10 The Delegation of Egypt recalled that the 'comparative study' had to be submitted by the State party whereas the 'comparative analyses' were carried out by the Advisory bodies.

8.11 The Chairperson asked to focus on the text of the decisions.

8.12 ICOMOS reiterated that the two concepts were completely different.

8.13 The Delegation of the United Kingdom summarized that as both concepts were different, it would help to have them explained in the *Operational Guidelines* and that this was precisely what **paragraph 3.1** was asking for.

- 8.14 The Chairperson declared **paragraph 3.1** adopted without amendment.
- 8.15 The Delegation of Finland asked to delete subparagraph d) of **paragraph 3.2**: "*delete the last three words of former criterion (iii) now criterion (vii): "(vii) contain superlative natural phenomena or areas of exceptional natural beauty "*"
- 8.16 It was so decided.
- 8.17 The Delegation of Lebanon, supported by the Delegation of the United Kingdom, pointed out that point b) of **paragraph 3.2** should read "*territorial waters*" instead of "*sea*".
- 8.18 The Delegation of Egypt noted that the word "*coast*" embraces both, land and sea. It gave the example of coral reefs.
- 8.19 The Delegation of Thailand said that "*land-use*" covered already the use of the territorial sea.
- 8.20 The Delegation of India suggested "*land-use including aquatic habitats*".
- 8.21 The Legal Advisor said that there was no need to change.
- 8.22 In the French version of point b) of **paragraph 3.2**, it was decided to replace the term "*occupation*" by "*usage*" or "*utilisation*".
- 8.23 IUCN, supported by ICCROM and the Delegation of India, requested to end **paragraph 3.3** after its first sentence and to delete the following sentence: "*These conditions are applied, in the case of authenticity, to ensure that the outstanding universal value of the property is truthfully or credibly communicated by its significant attributes, and in the case of integrity to ensure that the significant attributes through which the outstanding universal value of a property are expressed are not compromised and are represented in their entirety by the property at the time of inscription on the World Heritage List*".
- 8.24 It was so decided. The Chairperson asked the Committee again to focus on the text of the decisions and not to submit any new proposals for discussion.
- 8.25 The Delegation of Egypt, with regard to the last indent of **paragraph 3.6**, stated that there is not a single site in the world that is free from adverse effects.
- 8.26 The Delegation of India, supported by the Delegations of Lebanon and Thailand, suggested therefore to amend the indent into: "*suffers from the adverse effects....*".
- 8.27 The Delegation of the United Kingdom suggested that **paragraph 3.6** would read: "*Amend paragraph II.C.1 to read: Examining the conditions of integrity, therefore requires assessing the extent to which the property: (...)*"
- 8.28 The Delegation of Egypt agreed with the proposals made by the Delegations of the United Kingdom and India.
- 8.29 The Secretariat asked the Committee to avoid new debates on content.
- 8.30 The Delegation of India asked clarification from the Rapporteur on the amended text of **paragraph 3.6**.
- 8.31 The Rapporteur read **paragraph 3.6** as amended by the Delegations of the United Kingdom and India.
- 8.32 The Chairperson declared **paragraph 3.6** was adopted as amended.
- 8.33 The Delegation of India expressed its concerns about the indicators mentioned in **paragraph 3.8** in the absence of common and agreed standards. It suggested to refer to "*best practises, whenever possible*".
- 8.34 The Delegation of Zimbabwe stated that the new order proposed for the Nomination format in **paragraph 3.8** was very very logical: this change would be a major step forward.
- 8.35 ICCROM suggested leaving **paragraph 3.8** as drafted. It noted that it would look at in depth and that this would require some time.
- 8.36 The Delegation of Mexico wondered about the indicators: these could turn out to be too complex, at least for certain categories of heritage.
- 8.37 In conclusion, the Chairperson declared **paragraph 3.8** adopted without amendment.
- 8.38 The Observer Delegation of Canada suggested using the expression "*projets de proposition d'inscription*" in the French version of **paragraph 3.9** in order to bring it into line with the English version "*draft nominations*".
- 8.39 The Delegation of India asked to specify in **paragraph 3.13** that the Advisory Bodies could ask for additional information from the States parties "*through the World Heritage Centre*".
- 8.40 The Chairperson declared **paragraph 3.13** adopted as amended by the Delegation of India.
- 8.41 IUCN suggested to delete **paragraph 4.2** related to reactive monitoring as this paragraph could create confusion with **decision 6 EXT.COM 4**.

8.42 The Chairperson declared that it was so decided.

8.43 The Delegation of Zimbabwe suggested including in **paragraph 12.1** a deadline for the States Parties to submit written comments to the World Heritage Centre on **Annex 6 (Guidelines for the preparation of nominations of properties for inclusion on the World Heritage List)**.

8.44 The Chairperson noted that there was agreement on the deadline of 7 April 2003 and declared **paragraph 12.1** adopted with this amendment.

8.45 **Paragraph 13 concerning Annex 7 (Evaluation procedures of ICOMOS and IUCN)** was adopted on the understanding that the references to the Bureau would be clarified as requested in **paragraph 1.4**.

8.46 The Delegation of Thailand asked for an amendment to **paragraph 15.2** in order to clarify that emergency assistance is granted to address problems on specific properties and not made available for other purposes or to States Parties.

8.47 The Delegation of Egypt understood the concerns of the Delegation of Thailand but said that the point here was to make the assistance available for several properties in a single State party, if necessary.

8.48 The Chairperson noted that there was a consensus on both ideas and invited the Secretariat to reflect them both in **paragraph 15.2** with the help of the Rapporteur. With this amendment he declared **paragraph 15.2** adopted.

8.49 It was noted that **paragraph 15.4** applied for international assistance requests in general but not for emergencies: requirements for those were specific and needed to be clarified.

8.50 The Chairperson then declared **decision 6 EXT.COM 5.1 and its Technical Annex** adopted as amended.

Decision 6 EXT.COM 5.2

8.51 The Chairperson, concerning **paragraph 1** of the decision, suggested to include the Budapest Declaration in the the compilation of *World Heritage Basic Texts* and noted that the Committee agreed on this proposal.

8.52 The Delegation of Lebanon, supported by the Delegation of Portugal, asked for some explanations on **paragraph 2** concerning "*guidelines (...) which would complete the Operational Guidelines*". It also wondered about the criteria which would be used to draw them up.

8.53 IUCN referred to RAMSAR where such guidance existed.

8.54 The Rapporteur reminded the Committee that **paragraph 2** was already in Draft Decision **6 EXT.COM 5** included in the document *WHC-03/6 EXT.COM/5* but that it had not been discussed in plenary. As early as at the 25th session (Helsinki, 2001), the Director of the Centre had suggested the drawing up of 'World Heritage Principles', as part of the working programme of the Centre based on the 3 P's: Principles, Programmes and Partners.

8.55 The Director of the World Centre confirmed that the intention was to develop more detailed guidelines for certain types of World Heritage properties and to present case studies.

8.56 The Delegation of Lebanon stated that 'principles', and even 'illustrations' or 'case studies' are not "*guidelines*". It requested that the terminology used in this **paragraph 2** be reviewed.

8.57 The Delegation of India stated that information on case studies would be most welcome.

8.58 The Delegation of Saint Lucia noted that the confusion was due to the terminology used; both linguistic versions needed to be checked.

8.59 The Chairperson noted that the Committee agreed to avoiding the word "*Guidelines*" in the English version - "*Orientations*" in the French version - and leave it to the secretariat to find a better wording. In order to avoid further confusion, the Committee also agreed to have a **separate decision** for the *World Heritage Basic Texts* and the Secretariat's proposal for preparing a *Handbook*.

Revised Rules of Procedure

8.60 The Director of the Centre informed the Committee that changes in the *Revised Rules of Procedure* were limited to those requested by the Committee during the second reading and to minor linguistic amendments resulting from the concordance check.

8.61 The Delegation of Saint Lucia stated that the Committee had given the mandate to the Secretariat to clean up the *Rules*.

8.62 There being no further requests to take the floor, the Chairperson declared all the decisions adopted.

9. CLOSURE OF THE SESSION

9.1 At the closing session, the Chairperson recalled the main themes dealt with during this session:

- the revision of the *Rules of Procedure*,
- the policy and legal issues concerning the inscription of properties on the *List of World Heritage in Danger* and the potential deletion of properties from the *World Heritage List*,

- the Revision of the *Operational Guidelines*,
- as well as Revised structure of the budget of the *World Heritage Fund*. He mentioned that this new budgetary structure would provide a good degree of transparency and good monitoring of the points dealt with during this session.

The Committee had given clear directives to the Centre on the way to present the revised *Operational Guidelines* in view of their adoption at the upcoming session of the session of the Committee next June/July. A substantial amount of work had thus been accomplished and the Committee had achieved the objectives it had set itself.

9.2 The Chairperson also mentioned the war in Iraq and pointed out that it was the responsibility of the Chairperson of Committee, in close collaboration with the Centre, to monitor how the situation develops concerning the the cultural and natural heritage. He undertook to keep the Committee informed.

9.3 The Chairperson thanked the Chinese authorities for the work already done within the framework of the preparation of the 27th session of the Committee planned for Suzhou in June/July 2003, a session that will be a little longer than usual.

9.4 The Chairperson thanked the Committee for the work accomplished, the States Parties and all the other observers who took part in the session. He paid tribute to the Working Group on the Operational Guidelines – in its different compositions – and the Drafting Group that took on the policy and legal issues. He mentioned in particular the Delegation of Argentina which chaired the latter and the Delegation of South Africa which acted as Rapporteur.

9.5 The Chairperson emphasized the extraordinary work done by the World Heritage Centre, before and during the session, the colleagues, interpreters, translators and technicians. He said that he wished to keep to the end his thanks to the Rapporteur, Mrs Bénédicte Selfslagh, who worked in a team with him and whose contribution to the reforms decided by the Committee had been essential.

9.6 On behalf of the Committee, the Delegation of Mexico thanked the Chairperson for his patience as well as the Rapporteur: the progress made would not have been possible without them. He also addressed his warmest thanks to all the World Heritage Centre team and to the interpreters.

9.7 The Chairperson recalled that the Committee had had the benefit of a translation into Spanish thanks to the Spanish authorities and he thanked them for that. He closed the 6th extraordinary session at 6.15 pm.