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CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Twenty-ninth Session

Durban, South Africa
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Item 11 of the Provisional Agenda: Periodic Reports

11C Progress report on the implementation of the recommendations of the Periodic Report for Africa 2002-2005 and AFRICA 2009

African position paper and draft proposal for the establishment of African World Heritage Fund

SUMMARY

This document presents the Africa Position Paper which is a result of the decision of the Africa Group representatives on the World Heritage Committee and observers to address problems in the implementation of the 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage* in Africa. It will be presented subsequently to the Council of Ministers of Culture of the African Union (November 2005); the General Assembly of States Parties to the *World Heritage Convention* (October 2005); the African Union Summit (January 2006).

Draft Decision : 29 COM 11C.2, see Point III.

I. AFRICA POSITION PAPER

A. BACKGROUND

1. This Africa Position Paper presented to the 29th Session of the UNESCO World Heritage Committee in Durban, South Africa from 10 - 17 July 2005 and subsequently to the Council of Ministers of Culture of the African Union (September 2005); the General Assembly of States Parties to the World Heritage Convention (October 2005); the African Union Summit (January 2006) is a result of the decision of the Africa Group representatives on the World Heritage Committee and observers to address problems in the implementation of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) in Africa. The Decision of the 28th Session of the World Heritage Committee in Suzhou, China, that South Africa would chair and host the 29th Session of the Committee in 2005 gave an opportunity to review progress in the implementation of the World Heritage Convention in Africa. The Africa Position Paper captures the views, reports, observations, decisions and resolutions from various fora, including, inter alia, the Periodic Report Africa: Periodic Reporting Exercise on the World Heritage Convention (2002).
2. The Africa Periodic Report adopted by the 26th Session of the World Heritage Committee in 2002 has identified some shortcomings in the implementation of the 1972 *Convention*, particularly, with respect to the nominations, conservation and protection of World Heritage sites in Africa. The Report notes that Africa is the most underrepresented continent accounting for only 7% of properties on the World Heritage List. There are many African States Parties to the *Convention* which do not yet have sites on World Heritage List. More than 30 years after its adoption by UNESCO there are still a few countries that have not ratified the *Convention*. By 2002 almost a quarter of the World Heritage sites in Africa were on the List of World Heritage in Danger. Of the thirty five sites currently on that List, fourteen are in Africa, thus constituting 40% of properties on the List of World Heritage in Danger. Among the issues that explain this state of affairs are inadequate resources, weak institutional frameworks, inadequate training and capacity building, low level of information and awareness raising, poor networking, low levels of local participation, and inadequate regional and international cooperation.
3. In 1994 the World Heritage Committee adopted a Global Strategy for a balanced and representative World Heritage List. Its aim is to ensure that the List reflects the world's cultural and natural heritage of outstanding universal value. With regard to Africa, as a follow up to the Global Strategy decision, several Experts' meetings were conducted between 1995 and 2000. These meetings were aimed at enhancing the understanding of the perception of African cultural heritage. Among the outcomes of these meetings were recommendations for the identification, study, protection and promotion of the archaeological, architectural, technical and spiritual components of African cultural heritage. In addition, the Experts' meetings called for a concept of cultural heritage that transcends that of monumentalism.

4. As part of the World Summit on Sustainable Development held in Johannesburg in 2002, a Workshop, entitled *World Heritage in Africa and Sustainable Development* was held to address the issues raised above. The *Johannesburg Declaration on World Heritage in Africa and Sustainable Development*, which emanated from the Workshop recognized, *inter alia*, that:

the management of heritage is an important tool for the promotion of sustainable development and poverty alleviation; and that World Heritage status can make a distinct and valuable contribution to sustainable development in African countries.

5. Participants at the Workshop acknowledged the heritage management problems facing the continent, including the severe constraints that African countries continue to face. They urged African Governments to reaffirm their political commitment to the promotion of heritage management; reinforce efforts to tackle the issues threatening heritage sites and heritage management in Africa, including wars, famine, disease, and lack of education; introduce legal and policy frameworks which link nature and culture; intensify efforts to raise awareness among decision makers in-and-out of Africa of the crucial role of heritage in promoting sustainable development and in poverty alleviation; devote resources to heritage management; highlight the crucial role of local communities in the management and ownership of heritage and to continuously empower communities to remain at the centre of heritage management.
6. The Africa Position Paper was conceptualized within the framework of the New Partnership for Africa's Development (NEPAD) and the African Union (AU) strategic programme for 2004-2007. It thus aligns itself with, *inter alia*, the following objectives of NEPAD: to eradicate poverty; place African countries, both individually and collectively on a path of sustainable growth and development; halt the marginalisation of Africa in the globalisation process and enhance its full and beneficial integration into the global economy; and to accelerate the empowerment of women. The Africa Position Paper also aligns itself with the AU's 2004-2007 sectoral plan for culture which adopts a continent wide agenda as a springboard for Africa's cultural renaissance.
7. In order to address all the above issues, the Africa Position Paper proposes a 10 year Action Plan, comprising 8 strategic objectives and several expected outputs. These objectives are:
 - To ensure that natural and cultural heritage contribute to sustainable development and poverty eradication.
 - To improve institutional, policy and legal frameworks for effective and efficient heritage conservation in general and implementation of *World Heritage Convention* on the continent in particular.
 - To establish in accordance with the Africa Periodic Report (2002) an African World Heritage Fund (AWHF) and other financing mechanisms drawing from experiences of other organizations in order to facilitate effective and efficient heritage conservation, in general and implementation of *World Heritage Convention* on the continent, in particular.
 - To increase and strengthen human resource capacity for the protection, conservation and management of heritage through education and training and awareness raising.
 - To establish a mechanism for information and knowledge exchange about tangible and intangible African heritage.

- To conduct an audit and update national inventories and tentative lists of cultural and natural heritage.
- To increase inscription of new sites by ensuring that African nominations are in conformity with the *Operational Guidelines for the Implementation of the World Heritage Convention* and to reduce and eventually remove all African properties from the List of World Heritage in Danger.
- To strengthen heritage protection, conservation and management, particularly in conflict, post- conflict and natural disaster situation.

8. In order to address the foregoing challenges through the 10 year Action Plan in accordance with Article 17 of the *World Heritage Convention* which states:

The States Parties to this Convention shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention;

and in line with the Africa Periodic Report, which recommends the setting up of an African Heritage Fund, the Africa Position Paper urges the establishment of such a Fund, to raise new and additional resources from Governments, bilateral and multilateral donors, non-governmental organisations and the corporate sector active on the continent in order to address some of the challenges faced by African countries in identifying, protecting and managing World Heritage properties.

B. PREAMBLE

The Africa Group:

- a. *Appreciating* previous efforts to have African cultural and natural heritage put on an equal footing with the rest of the World, notably through the Global Strategy for a Balanced and Representative World Heritage List;
- b. *Noting* that, notwithstanding the efforts mentioned above, Africa continues to be disadvantaged in terms of representation on the World Heritage Committee, World Heritage List and yet is overrepresented on the List of World Heritage-in-Danger;
- c. *Recognizing* the *Africa Periodic Report 2002* calling for measures to address the above anomalies;
- d. *Realizing* that cultural and natural heritage has the potential to improve the quality of lives, this being consistent with, among others, Article (5a) of the *World Heritage Convention*, NEPAD, WSSD Plan of Implementation and the Millennium Development Goals (MDGs);
- e. *Noting* that due to the low priority given to cultural and natural heritage, inadequate resources are availed by Member States, UNESCO and others;

- f. Recognizing that NEPAD calls upon African States to be masters of their own destiny by working in partnership with those better endowed with means and resources;
- g. Regretting that the outcomes of the UNESCO and World Heritage Centre Pre-WSSD Summit on World Heritage in Africa and Sustainable Development held in Johannesburg from 19 to 23 August 2002, in particular the Declaration on the World Heritage in Africa and Sustainable Development, were not factored into the WSSD Plan of Implementation;
- h. Realizing that there is a marked gap between policy makers and other stakeholders, for example local communities, and policy implementers, in their understanding and appreciation of cultural and natural heritage;
- i. Accepting the importance of bridging the communication gap;
- j. Appreciating the contributions made by the World Heritage Fund (WHF), Funds-in-Trust from benefactors and other bilateral and multi-lateral sources;
- k. Underscoring the need for capacity building for African cultural and natural heritage as per the Cairns Decision (2000), the *Budapest Declaration* (2002) and the *Africa Periodic Report 2002*;
- l. Recognizing the need to have all Stakeholders involved through participatory management, but equally noting that local communities continue to be marginalized;
- m. Emphasizing that adequate and up to date policies and legislation are *a sine qua non* for cultural and natural heritage preservation and promotion;
- n. Noting that in 2005, South Africa is hosting the 29th Session of World Heritage Committee, that the African Union Member States are revising the Africa Charter for Culture, and that in January 2006 the AU will hold a summit whose focus is on culture and education;
- o. Supporting the recommendation of the *Africa Periodic Report 2002* to set up an African Heritage Fund;
- p. Noting the inadequacies of the policy, legislative, institutional and resource frameworks, in particular, lack of integrated approaches and fragmentation of the cultural and natural heritage sector;
- q. Noting the absence of strategic assessments with respect to human resources and inadequate involvement of women, youth and other disadvantaged groups in the heritage sector as well as patterns of employment in the heritage sector that do not reflect the demographics of Member States;
- r. Realizing the need to introduce in the cultural and natural heritage sectors strategic planning and management skills;

- s. Noting the negative impact that fundamentalism, particularly religious, can have on cultural heritage;

C. ACTIONS

The Africa Group calls upon:

African Member States to:

- (1) Ratify the *World Heritage Convention*;
- (2) Develop and update inventories of natural and cultural heritage within their territories;
- (3) Develop and update Tentative Lists;
- (4) Produce Nomination Dossiers that take cognizance of the recommendations of the Global Strategy meetings and other decisions of the World Heritage Committee also guided by the NEPAD and other African initiatives;
- (5) Develop conservation and management plans for heritage sites within their territories;
- (6) Develop and update their policy, legislative and institutional frameworks relating to cultural and natural heritage;
- (7) Raise awareness about policies and legislation relating to cultural and natural heritage;
- (8) Develop both the capacities and the human resources of heritage institutions and organs at all levels (local, provincial and national) to implement policies;
- (9) Support all initiatives towards integration and coordination of the heritage sector both within their boundaries and among Member States;
- (10) Conduct skills audits of personnel and of institutions involved in cultural and natural heritage;
- (11) Develop strategies and programmes to improve skills both quantitatively and qualitatively;
- (12) Broaden their skills development approaches to embrace strategic planning and project development and management;
- (13) Widen their human resource base and capacity by employing and developing women, youth and other disadvantaged groups;

- (14) *Provide* adequate resources for the development and management of cultural and natural heritage at all levels;
- (15) *Adopt and develop* economically and socially sound measures that act as incentives for the conservation, protection and sustainable use of World Heritage sites and their resources;
- (16) *Devise* ways and means to demonstrate the contribution of natural and cultural heritage to the Gross Domestic Product;
- (17) *Support* the establishment of the African World Heritage Fund and to contribute to the Fund;
- (18) *Draw* National Action Plans;
- (19) *Establish* National World Heritage Committees;
- (20) *Integrate* heritage into overall national development plans;
- (21) *Ensure*, with the assistance of World Heritage Centre and Advisory Bodies, that heritage incorporated into national educational curriculum;
- (22) *Identify and document* heritage taking cognisance of, and utilizing Indigenous Knowledge Systems (IKS);
- (23) *Adopt* a holistic approach to ensure wider representation of heritage, including spiritual heritage.

The World Heritage Committee to:

- (1) *Note* that the implementation of the *World Heritage Convention* has not yielded optimum results in Africa;
- (2) *Recognize* and act on the fact that previous efforts to redress the disadvantaged position of Africa's cultural and natural heritage have not yet produced the desired effect on the status and condition of that heritage; in particular the *Africa Periodic Report 2002*; Pre-WSSD World Heritage in Africa and Sustainable Development and the four Global Strategy meetings held in Africa;
- (3) *Proactively rectify* the above situation by, *inter alia*, having active strategies for implementation according to the Action Plan as set out in this Africa Position Paper;
- (4) *Recognize and adopt* the African initiative captured and enunciated in the Africa Position Paper and *request* that the Position Paper together with the recommendations of the 29th session of the Committee be presented to the General Assembly of States Parties of the World Heritage Convention in October 2005;

- (5) *Support* the establishment of the African World Heritage Fund;
- (6) *Implement* the Suzhou-Cairns Decision with respect to Capacity-building for States Parties underrepresented on the World Heritage List;
- (7) *Assist* African States Parties in reducing and eventually eliminating the number of properties on the List of World Heritage in Danger;
- (8) *Assist* African States Parties in setting up and improving policy, legal and institutional frameworks necessary for the implementation of the *World Heritage Convention* in Africa;
- (9) *Ensure* that all efforts are made to complement the efforts of African States Parties in fulfilling the goals and objectives of this Africa Position Paper;
- (10) *Assist* States Parties to draw national action plans;
- (11) *Compile* and keep a directory of experts and practitioners out of which a possible African think tank and resource pool could be formed;
- (12) *Assist* in the promotion of Indigenous Knowledge Systems through indigenous languages.

Strategic Partners to:

- (1) *Support* the Africa Position Paper;
- (2) *Support* the process of undertaking a feasibility study for the establishment of the African World Heritage Fund;
- (3) *Support and contribute* to the African World Heritage Fund.

The Advisory Bodies to:

- (1) *Assist* African States Parties in the development of Tentative Lists;
- (2) *Assist* African States Parties in the pre-evaluation of nomination dossiers (without compromising advisory body objectivity);
- (3) *Continue* to undertake comparative, thematic and regional studies that are necessary in the identification of sites of outstanding universal value;
- (4) *Assist* African States Parties in the management and conservation of African World Heritage properties;

- (5) *Develop* in close collaboration with African States Parties, appropriate training programmes necessary for the implementation of the *World Heritage Convention*.

Finally

The Africa Group calls upon all Parties cited herein to note that the implementation of the Africa Position Paper will address the current challenges in the implementation of the *World Heritage Convention* in Africa. However, this will depend on the support rendered by Parties and the process should be fully inclusive of all parties at all levels.

II. DRAFT PROPOSAL FOR THE ESTABLISHMENT OF THE AFRICAN WORLD HERITAGE FUND

A. Introduction

9. At its 26th Session held in Budapest, Hungary, in 2002, the World Heritage Committee (WHC) adopted the *Africa Periodic Report (APR)*. That report dealt with the challenges faced by many African countries regarding the implementation of the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage (Convention)*. Among others, the APR found that:

- Given its cultural and natural diversity, Africa is under-represented in the World Heritage List, constituting only 7% of the properties on the List, as at the date of the report;
- Many African countries have not yet ratified the *Convention*;
- Many African States Parties to the *Convention* have not revised and updated their Tentative Lists;
- 43% of the properties on the List of World Heritage in Danger are from the African Continent; and
- The management of the African properties needs to be strengthened.

The reasons for this state of affairs are varied and include the lack of adequate human and financial resources as well as development pressures.

10. Consequently, the APR recommended, *inter alia*, the establishment of an African Heritage Fund to augment the financial resources required to deal with the challenges that face the conservation, protection and management of World Heritage properties on the African continent.
11. A similar recommendation is made by the Africa Group at UNESCO in its *Position Paper* developed in 2004/2005, to be presented to the 29th Session of the World Heritage Committee to be held in South Africa, Durban, in July 2005 (*Position Paper*).

12. The proposal to establish an African World Heritage Fund (AWHF / Fund) was endorsed by the African World Heritage Experts Meeting held in Cape Town from 15 to 17 March 2005 (Experts Meeting).
13. This document provides a summary of the draft legal, institutional and financial framework for the establishment of an institution to be known as the AWHF.

B. Terms of reference

14. Following on the Experts Meeting, the Development Bank of Southern Africa Limited (DBSA) was asked to lead a Task Team consisting of representatives from the South African Department of Arts and Culture, the World Heritage Centre and NEPAD (Task Team / Team) to conduct a feasibility study into the establishment of the AWHF. This study was done in accordance with certain clearly set out terms of reference developed by the Task Team. Among the issues the Team was asked to consider, were the appropriate mandate of the Fund, the structure of the Fund as well as the sources of the establishment and sustainable funding of the Fund.

C. Scope and mandate of the AWHF

15. In developing the appropriate scope and mandate of the Fund, the Task Team examined a number of existing continental and global initiatives, programmes and structures. In particular, the Team considered, *inter alia*, to the findings of the APR as set out above, the Strategic objectives of the *Position Paper* and its ten year action plan, the mandate of the World Heritage Fund and the support provided by the various Funds in Trust that countries have established with UNESCO.

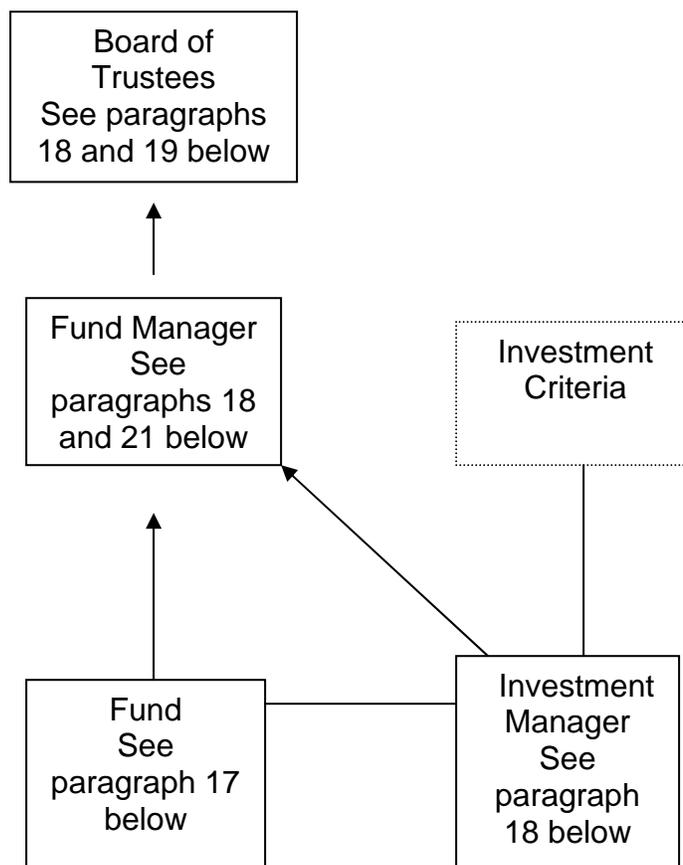
Consequently, the Team recommends that the mandate of the Fund should entail the following:

- a) **Preparatory Assistance.** This must include assistance with the process for the compilation of national inventories, updating of the Tentative Lists by the States Parties and the compilation of nomination dossiers. To the extent required, it must also include capacity building to assist in the training of staff in the execution of the above exercise;
- b) **Conservation and Management Assistance** of heritage properties in general, including those already inscribed on the World Heritage List. This must include assistance with the development of integrated management plans; and
- c) **Rehabilitation Assistance** for the immediate rehabilitation assistance of those properties on the List of World Heritage in Danger.

16. Given the wide reach of the mandate and the fact that the Fund is unlikely, initially, to have the resources, financially and otherwise, to fully execute this mandate, the Team recommends that such mandate be implemented in phases over a ten year period. The suggestion is that the priorities for each phase of implementation should entail a balance between **Preparatory Assistance, Conservation and Management Assistance** and **Rehabilitation Assistance**.

D. Proposed structure of the AWHF

The Team recommends the following legal structure and institutional arrangements:



Legal and Institutional Framework

Legal Nature of the Fund

17. The proposal is that the Fund should be set up as a Trust. In proposing this structure, the Team wanted to achieve a structure that is both lean and tax efficient. For the purposes of the feasibility study, a tax opinion was also obtained to confirm that the proposed structure complies with all South African tax laws and that it will be exempt from all taxes imposed in terms of the local laws.

Governance Structures of the Fund and Roles of the Parties

18. The proposal is that the Fund should have a Board of Trustees (BoT), a Fund Manager and an Investment Manager. It is anticipated that the BoT will act as Trustees for the Fund exercising fiduciary duties in relation to the Fund whilst the Fund Manager will essentially act as a secretariat for the Fund. The Investment Manager's main role will be to attend to the investment and management of the Trust's funds in accordance with predetermined Investment Criteria.
19. The report recommends that the BoT be composed of five (5) members drawn from the five regions of the African Union. These must be people with technical expertise and know-how on heritage matters. It is also proposed that the African Union and the World Heritage Centre should each have permanent observer status on the BoT. In addition, there will be a donor representative on the BoT to look after the interests of various donors to the Fund. The proposal is that each representative to the BoT should hold office on a non remunerated basis, for a period of **three years, renewable once**. The chairmanship of the BoT should be held for a one year rotating period.
20. A mechanism to institutionalize regular interaction between the Fund and the World Heritage Committee, giving effect to the letter and spirit of international co-operation of the *Convention*, is being envisaged.
21. As regards the Fund Manager, the report recommends that this be a small office consisting of four (4) full time remunerated staff made up of the Executive Director / Chief Executive Officer, two Operational Officers (one natural and one cultural specialist) and a support staff member.

Membership of the Fund

22. Regarding the mandate of the Fund, the Team recommends that membership of the Fund be opened to existing and new African signatories to the *Convention*, whether or not such countries are members of the AU.

Financial and Accounting Framework

23. The financial and accounting framework deals with issues such as the size of the Fund, contributions by States Parties and other potential sources of funds. In this regard, the Team recommends that States Parties be required to make compulsory contributions to the Fund. The quantum and frequency of such contributions is still to be determined. In addition, the Team recommends that other potential sources of finance be investigated. These include donor funding, private sector contributions, user charges and contributions from the African Development Finance Institutions. The Team also recommends that the Fund becomes self sustainable in the medium to long term.

E. Conclusion

24. As can be seen from the discussion above, the idea of an AWHF is feasible. There are, however, a number of questions that still require careful consideration before the structure of the Fund can be finalized. This document has tried to provide a legal, institutional and financial framework within which such a Fund can be established.

III. DRAFT DECISION

Draft decision : 29 COM 11C.2,

The World Heritage Committee,

1. *Having examined Documents **WHC-05/29.COM/11C.1** and **WHC-05/29.COM/11C.2.Rev**,*
2. *Recalling its decisions **7 EXT.COM 5C** and **7 EXT.COM 7.2** adopted as its 7th Extraordinary Session (UNESCO, 2004) to support the African initiative to hold a meeting of African experts on the implementation of the World Heritage Convention and on the State of Conservation of World Heritage sites in Africa in March 2005 in Cape Town, South Africa and to participate in the next summit of the African Union through an exhibit by the World Heritage Centre on cultural and natural World Heritage in Africa during the next summit of the African Union,*
3. *Welcomes with appreciation the Africa Position Paper, which addresses challenges facing Africa's World Heritage properties and the possibilities of setting up an African World Heritage Fund, being the strategic outcomes of the meetings held in Somerset West, South Africa from 15 - 18 March 2005;*
4. *Expresses its appreciation to the State Party of South Africa for hosting the above meeting;*
5. *Emphasizes its commitment to the development of strategies to conserve and protect Africa's World Heritage properties, including human resources development;*
6. *Recalling also the Africa Periodic Report 2002 (WHC-02/26.COM/16) which inter alia calls for the establishment of an African Heritage Fund,*
7. *Supports the Africa Position Paper as a major step and strategic document in implementing the Africa Periodic Report 2002 adopted at its 26th Session (Budapest, 2002);*
8. *Endorses the principles, objectives and recommendations enshrined in the Africa Position Paper;*
9. *Commends the Africa Position Paper and transmits it to the States Parties to the World Heritage Convention at the 15th Session of the General Assembly;*

10. *Supports the establishment of the African World Heritage Fund and requests the World Heritage Centre to report to the World Heritage Committee at its 30th session on the progress made towards the establishment of such a Fund;*
11. *Invites the African World Heritage Fund to report to the World Heritage Committee on a regular basis on its activities;*
12. *Invites States Parties to the World Heritage Convention to make voluntary contributions to the Fund;*
13. *Further invites the African States Parties to present the 10-year Action Plan to the World Heritage Committee at its 30th session in 2006;*
14. *Reaffirms its commitment to implement its Decision 7 **EXT.COM** 7.2 and the recommendations set forth in the Africa Position Paper.*