Item 18 of the Provisional Agenda: Working methods of the World Heritage Committee – Recommendations on constitution and operation of Working Groups in other conventions

SUMMARY

As requested by the World Heritage Committee by Decision 7 EXT.COM 4B.1, this document intends to make recommendations to the Committee on the composition and operation of Working Groups, based on a comparison with other international conventions.

Draft Decision: 29 COM 18, see point IV
I. Introduction

1. As requested by the World Heritage Committee by Decision 7 EXT.COM 4B.1, this document intends to make recommendations to the Committee on the composition and operation of Working Groups, based on a comparison of various international conventions, without any regard to the creating body (Conference of Parties, Intergovernmental Committee, General Assembly, etc.).


A. Previous Decisions of the World Heritage Committee

3. The following Decision was adopted by the World Heritage Committee at its 7th extraordinary session (UNESCO, 2004):

7 EXT.COM 4B.1, paragraph 14

“The World Heritage Committee,

Also decides to examine the previous practice in the framework of the 1972 Convention and of other conventions regarding the constitution and operation of Working Groups – inter alia, in parallel with the plenary sessions at the times prescribed by them - and requests the Director of the World Heritage Centre to make recommendations on this matter at its 29th session”

The recommendations contained in this document will be reviewed by the Working Group on working methods according to Decision 7 EXT.COM 4B.3.

B. Consultative and Subsidiary bodies (Working Groups) of the World Heritage Committee

4. As per Rule 20 of the World Heritage Committee’s Rules of Procedures, Consultative Bodies are created to improve the performance of the Committee’s work. These bodies can include States non members of the Committee. The Committee decides to which extent its Rules of Procedures apply to the Consultative Bodies.

5. As per Rule 21 of the World Heritage Committee’s Rules of Procedures, Subsidiary Bodies are created to assist the Committee in the conduct of its work. These bodies can only be constituted from States amongst members of the Committee. The Committee’s Rules of Procedures apply mutatis mutandis\(^1\) to the Subsidiary Bodies.

\(^1\) with due alteration of details
6. Both Consultative and Subsidiary Bodies have defined terms of reference (mandate and duration of office).

7. Based on previous experience, the main difference between Consultative and Subsidiary Bodies remains the capacity to prepare or not Draft Decision for adoption by the Committee. Only the Subsidiary Body, which is strictly composed by Committee members, has the capacity to draft Decisions.

II. Other international conventions

This study is based on the comparison of the following international conventions:
- Convention concerning the protection of the World cultural and natural Heritage (1972)
- Convention on Biological Diversity (CBD, 1992),
- Convention on Wetlands (Ramsar, 1971),
- Convention on Climate Change (CC, 1992).

C. Similarities with the World Heritage Committee’s Working Methods for Working Groups

Creation and composition of Working Groups

8. Working Groups can be created whenever it is deemed necessary for the implementation of the convention (CBD, CITES, Ramsar, CC).

Officers and meetings

9. Participants may be selected with due regard to the principle of equitable geographical and cultural representation (CC).

10. The Working Groups elect their own Chairpersons and officers (CC).

11. Working Groups may meet in conjunction with the session of the Committee / Conference of the Parties (CBD, Ramsar, CC), unless otherwise decided.

Decisions

12. A majority of the Parties designated to take part in such Working Groups shall constitute a quorum (Ramsar, CBD, CC) (one quarter of the Parties in the case of an open-ended Working Group) (Ramsar, CBD). Otherwise, the Working Group shall not decide on any matter.

D. Differences and innovations of interest for the World Heritage Committee

Creation and composition of Working Groups

13. Some permanent Working Groups can be created, such as “Subsidiary Body for the implementation of the Convention” (CC) or “Subsidiary Body for Scientific and Technological (and/or Technical) Advice” (CBD, CC).
14. Participants to the Working Groups can be of any States / Contracting Parties, as well as experts of NGOs (CBD) and are held in public (unless otherwise decided by the Committee / Conference of the Parties).

15. A very useful document called “Modus operandi of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)” (CBD) clearly states the functions of the Subsidiary body, its Rules of procedure, frequency and timing of meetings, documentation, organization of work, preparatory meetings, focal points, etc....

**Officers and meetings**

16. The Chairperson of the Working Group is elected by the Committee / Conference of the parties (CBD, Ramsar), and not by the Working Group itself.

17. The Chair of permanent Working Groups shall rotate among United Nations regional groups and the term of office shall be of 2 years only (CBD). Officers of such permanent Working Groups (Chairperson, Vice-chairpersons and Rapporteur) may not be re-elected for a second (CC) or third (CBD) consecutive term.

18. Working Groups may meet in the period between two ordinary sessions of the Committee / Conference of the Parties (Ramsar, CBD).

19. The Ramsar Convention allows an innovative way of meetings: online meetings. For these online meetings, a Website is accessible to all participants of such Working Groups. This Website has pages of resource material, access to searchable experts’ database, and a discussion forum with an address list relevant to each Working Group.

**Decisions**

20. Decisions shall be taken by a majority of the Parties present and voting (the Chairperson of a Working Group may exercise the right to vote).

**III. Recommendations**

21. Whereas it is important to maintain the distinction between Working Groups working on technical matters (Consultative bodies) and those working on the functioning of the Committee itself (Subsidiary bodies), this distinction is often not clear in terms of scope of action and deserves to be clarified. In this regard, a clarification in the Rules of Procedures of the Committee could be considered.

22. While it is important for the work of the Committee to create Consultative or Subsidiary Bodies whenever necessary, the establishment of a permanent Subsidiary Body on issues such as financial and administrative issues (Budget, International Assistance, Working Methods, etc…) would be of extreme relevance at a time where the duration of Committee sessions does not allow the review of all the items on the Agenda.

23. The Committee could decide on the Working Groups meeting time, taking into account of the desirability of holding such meetings in conjunction with the sessions of the Committee.
24. Two options could be considered:

   a) **Option A**: a permanent Subsidiary Body for financial and administrative
   issues which works simultaneously with the Plenary session during one day. This
   solution, which is going to be experimented at the 29th session, has the
   advantage of doubling the efficiency of the Committee. It is a disadvantage
   for small delegations which cannot afford to send numerous experts to
   Committee sessions. It doubles also the costs of interpretation;

   b) **Option B**: financial and administrative issues could be examined in a
   systematic manner during two evening sessions. This solution offers as much
   time as Option A. It allows small delegations to participate fully. The cost of
   interpretation is lower than Option A. The disadvantage is to limit the
   possibility to have simultaneously other evening sessions.

25. In case of Option A, the current procedure of **equitable geographical and
cultural representation** amongst members should not be altered. The Chair of a
permanent Subsidiary Body should be elected for one year by the Committee
members and should be subject to **rotation** among the five geographical regions
(Africa, Asia and Pacific, Arab States, Europe and North America, Latin
America and Caribbean).

IV. **Draft Decision**

**Draft Decision : 29 COM 18**

*The World Heritage Committee,*

1. **Having examined** Document *WHC-05/29.COM/18,*

2. **Recalling** its Decision 7 *EXT.COM 4B.1*, adopted at its 7th extraordinary session
   (UNESCO, 2004),

3. **Notes** the report of the Chairperson of the Working Group on working methods,

4. **Recommends** that a new article 21.6 be added to the Rule 21 of the Rules of
   Procedures:

   “Subsidiary Bodies’ recommendations to the World Heritage Committee should be
   made in the form of Draft Decisions”

5. **Decides** that, in accordance with Rule 51 of the Rules of procedure, *this amendment to
   the Rule 21 constitutes an Agenda Item at its 30th session in 2006*;

**Option A**

6. **Decides** to create a permanent Subsidiary Body on financial and administrative issues
in conformity with Rule 21 of the Rules of Procedure. **The Chair of such permanent
Subsidiary Body will be elected on a yearly basis and will rotate among the five
geographical regions (Africa, Asia and Pacific, Arab States, Europe and North America, Latin America and Caribbean); or

Option B

6. Decides to establish a working group on financial and administrative issues in conformity with Rule 21 of the Rules of Procedure. Such group will conduct its work during each meeting of the Committee, at the times and with the frequency to be defined by it.