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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

Thirty-sixth session

**Saint Petersburg, Russian Federation
24 June– 6 July 2012**

Item 12 of the Provisional Agenda: Future of the World Heritage Convention

**12B: Decision-making procedures of the statutory organs of the
*Convention***

SUMMARY

At its 35th session (UNESCO, 2011), the World Heritage Committee examined the summary of the discussions and the recommendations of the expert meeting on the decision-making procedures of the statutory organs of the *World Heritage Convention* (15-17 December 2010, Manama, Bahrain). The World heritage Committee subsequently adopted Decision **35 COM 12B**, requesting a number of activities to be implemented to improve the conduct of statutory meetings, the capacity building related activities, the transparency of documents and statutory meetings, as well as to provide clarification on some World Heritage processes.

This document presents the progress made in the implementation of this decision. Annex I also provides an overview of the reform measures already adopted by the World Heritage Committee.

Draft Decision: 36 COM 12B, see Point III.

I. BACKGROUND

1. At its 17th session (UNESCO, 2009), the General Assembly of States Parties welcomed the offer of the States Parties of Bahrain and Australia to host an expert meeting in Bahrain on the decision-making procedures of the statutory organs of the *World Heritage Convention*. The aim of this meeting was to identify opportunities for an increased efficiency and more transparent procedures (Resolution **17 GA 9**). A preparatory meeting took place in Manama (Bahrain) in December 2009. It focused on 6 broad important themes (Conduct of meetings; Responsibilities of the statutory organs; Statutory meetings; Quality of decisions; Experts Meetings; Confidentiality of documents and statutory meetings) and proposed an agenda for the main expert meeting held in 2010.
2. At its 34th session (Brasilia, 2010), the World Heritage Committee adopted the recommended agenda and asked that the expert meeting “*study and prepare measures to optimise the work of the statutory organs of the World Heritage Convention*”, examine the Rules of Procedure and “*provide proposals for consideration by the 35th session of the World Heritage Committee in 2011*” (Decision **34 COM 12**).
3. The expert meeting on decision-making procedures of the statutory organs of the *World Heritage Convention* (15-17 December 2010, Manama, Bahrain), organised by the UNESCO World Heritage Centre in cooperation with the Kingdom of Bahrain - Ministry of Culture and with the support of the Government of Australia, included experts from all regions, former and current Chairs and Rapporteurs and representatives of the Advisory Bodies (ICOMOS, IUCN, ICCROM) and UNESCO World Heritage Centre. The summary of the discussions and the 37 recommendations of the expert meeting, according to the 6 main themes identified, were presented to the World Heritage Committee at its 35th session (UNESCO, 2011) (Document WHC-11/35.COM/12B).
4. At its 35th session (UNESCO, 2011), the World Heritage Committee noted the recommendations of the expert meeting and adopted a number of them (Decision **35 COM 12B**) (see page <http://whc.unesco.org/en/decisions/4403>).

II. PROGRESS IN THE IMPLEMENTATION OF DECISION 35 COM12B

A. Amendments to Rules of Procedure

5. The World Heritage Committee decided to amend Rules 8.3, 14 and 22 of its Rules of Procedures. Document WHC.2-2011/5 (Rules of Procedures of the World Heritage Committee) was updated accordingly and uploaded on the World Heritage Centre’s webpage for ease of access by all States Parties to the *Convention* at the following address: <http://whc.unesco.org/en/committeerules/>
6. The new Rules will therefore be applied by the Chairperson of the World Heritage Committee for the conduct of debates at the forthcoming 36th session (Saint Petersburg, 2012).

B. Responsibilities of Statutory Organs

7. In line with Decision **35 COM 12B** paragraph 5, the World heritage Centre worked with the UNESCO Internal Oversight Service (IOS) to conduct a study and propose options for the oversight and monitoring mechanism for the statutory organs of the *World Heritage Convention* to ensure that actions associated with priority policy issues are implemented. The results of its study are presented in Annex 2.

C. Expert meetings

8. As requested by the Committee, a clarification on the different types of expert meetings attended by the Secretariat follows:
 - a) Expert meetings requested by the World Heritage Committee organized by the Secretariat, such as the ones on Integrity for Cultural heritage in Abu Dhabi (March 2012) (Decision **33 COM 13**) and on the Criterion (vi) in Poland (March 2012) (Decision **35 COM 13**),
 - b) Regional expert meetings organized by the national authorities within the framework of the Periodic Reporting exercise (See documents related to Agenda Item 10),
 - c) Regional or national expert meetings or Capacity-building meetings organized by the national authorities within the framework of the harmonization of Tentative Lists, preparation of Nomination dossiers and upstream process,
 - d) Conferences or other specific World Heritage-related meetings organized by the national authorities, universities, including on links with other conventions (See Document WHC-12/36.COM/INF.5A),
 - e) Meetings related to other bodies.
9. Due to limited financial resources, the attendance of members of the Secretariat to meetings has been considerably reduced since November 2011. However, a list of all meetings attended is presented to the World Heritage Committee, as requested, in Document WHC-12/36.COM/5A.

D. Conduct of statutory meetings

10. As far as policy discussions are concerned, most of the debates are now taking place in the form of open-ended working groups (i.e. “consultative bodies” as per Rule 20 of the Rules of Procedures), allowing interventions from non-members of the Committee on policy agenda items (Working groups on the Future of the *Convention*; on the *Operational Guidelines*; etc...). Another such consultative body on the *Operational Guidelines* is also foreseen during the 36th session of the Committee as per Decision **35 COM 13**.
11. With reference to the organization of three ordinary (not extended) sessions of the World Heritage Committee per biennium, a note has been added to Rule 2 of the Committee’s Rules of Procedure. However, considering the current financial situation, there are several possible options regarding the holding of a third ordinary session in 2013:
 - a) Subject to the availability of funds and the agreement of the Secretariat of the UNESCO General Conference, the 38th ordinary session of the World Heritage Committee will take place in October/November 2013, within the period of UNESCO’s 37th General Conference,
 - b) If no funding is available, the implementation of this decision (**35 COM 12B** para. 9c) will, temporarily, not be feasible,
 - c) If only limited funding is available, a brief session could be organized on the occasion of the 19th session of the General Assembly in 2013, for selected strategic and policy items.
12. The official establishment of a minimum 2-year cycle for the examination of state of conservation reports for individual properties has already been taken into account in the draft decisions proposed in documents WHC-12/36.COM/7B and WHC-12/36.COM/7B.Add, as well as for the discussion of the properties inscribed on the List

of World Heritage in Danger, except for cases of utmost urgency. As for the past two years, the World Heritage Centre, in consultation with the Advisory Bodies, will propose in due course to Committee members a list of those properties for which the state of conservation should be discussed at the 36th session (see Document WHC-12/36.COM/INF.7).

13. In its Decision **35 COM 12B** para. 11, the World Heritage Committee requested to restrict the *Operational Guidelines* to providing operational guidance, and to develop a new document, "Policy Guidelines", as a means to capture the range of policies of the Committee and the General Assembly. The World Heritage Centre is currently undertaking a broader review of the *Operational Guidelines* in order to extract policy issues that are so far introduced in the *Operational Guidelines* and has consulted with the Advisory Bodies on the preparation of the Policy Guidelines. The World Heritage Centre attended two working group meetings with ICOMOS and IUCN (November 2011 and February 2012) on human rights issues where the decision on the Policy Guidelines, human rights policies including indigenous people policies in the field of heritage were discussed. The World Heritage Centre will continue the on-going and effective dialogue and information sharing with relevant stakeholders. A draft document on the Policy Guidelines will be presented at the 37th session of the World Heritage Committee (June/July 2013).

E. Capacity building for participation in statutory meetings

14. As in the past few years already, the World Heritage Centre and the Advisory Bodies will propose an orientation session for Committee members. This session will take place the day prior to the beginning of the 36th session and will be attended by both the Chairperson of the Committee, the Rapporteur and Committee members. It will focus, amongst other issues, on the conduct of business, on clarifying the consequences of each type of decision, and will also give some important highlights on the *Operational Guidelines*.
15. To facilitate the work of all stakeholders of the *Convention*, the World Heritage Centre has also developed an integrated searchable database of decisions adopted by the World Heritage Committee (see page <http://whc.unesco.org/en/sessions/decisions/>). The World Heritage Centre has also already started to develop "Frequently Asked Questions" pages whenever relevant (for example, see page <http://whc.unesco.org/en/fagelections> for information on the election of Committee members).
16. Explanations on the processes and methods used for the monitoring of the state of conservation of World Heritage properties and for the evaluation of nominations are provided to all States Parties in the introductions of documents WHC-12/36.COM/7B (state of conservation), WHC-12/36.COM/INF.8B.1 (ICOMOS evaluations) and WHC-12/36.COM/INF.8B.2 (IUCN evaluations), respectively.
17. Finally, to further undertake the capacity building for the Chairperson of the Committee, regular meetings are organized, including the preparation of critical issues and briefings. Prior to the session, exchanges are also foreseen with the Rapporteur on the organization of the work. An information session is scheduled each year, soon after the distribution of the first working documents (six weeks prior to the beginning of the session, as per Rule 45), to provide explanation on specific issues to Committee members and States Parties.

F. Guidance on draft decisions

18. In order to improve consistency on the drafting of decisions, the World Heritage Centre has developed "drafting guidance" for the state of conservation and for the evaluation

of nominations. This guidance has been circulated amongst all concerned staff members and Advisory Bodies. It includes guidance on the standard wording to be used and consequences of each request (for example, if Danger listing is proposed for a property, then the State Party should also be requested to develop a draft Statement of Outstanding Universal Value (in case not yet available) as well as a set of time framed corrective measures and a draft Desired state of conservation for the removal of the property from the List of World Heritage in Danger). This guidance also helps in addressing a specific issue in a consistent manner across regions.

19. However, due to the reduction of the World Heritage Fund, systematically recommending the use of International Assistance, as a standard practice, in case of funding being required for particular actions, proves to be more difficult. In this sense, a proposal is being made by the Secretariat and the Advisory Bodies (see Document WHC-12/36.COM/14) to focus the International Assistance on the World Heritage Committee's decisions, which would make it a more Committee-driven process.
20. Finally, with regard to the costing of the requested actions, the World Heritage Centre and the Advisory Bodies propose, as in the previous years, in Document WHC-12/36.COM/INF.7, a costed list of all reactive monitoring missions requested for adoption by the World Heritage Committee at its 36th session. Furthermore, a list of standard modular costs for core activities has been developed and is proposed in Annex 3 of the present document.

G. Transparency of documents and statutory meetings

21. For the first time, and in compliance with Decision **35 COM 12B** para. 22, the 36th session of the World Heritage Committee (Saint Petersburg, 2012) will be live-streamed over the Internet and will be open to accredited journalists.
22. Furthermore, to continue improve transparency, all working documents will be made public (on the World Heritage Centre's relevant webpage: <http://whc.unesco.org/en/sessions/36COM/documents>) as soon as they are available for distribution to the States Parties, and not after the session as the practice used to be in the past.

III. DRAFT DECISION

Draft Decision: 36 COM 12B

The World Heritage Committee,

1. *Having examined Document WHC-12/36.COM/12B,*
2. *Recalling Decision **35 COM 12B**, adopted at its 35th session (UNESCO, 2011),*
3. *Welcomes the progress made by the World Heritage Centre and the Advisory Bodies in improving the conduct of statutory meetings, the capacity building related activities, the transparency of documents and statutory meetings, as well as the clarifications provided on the various World Heritage processes;*
4. *Requests the World Heritage Centre and the Advisory Bodies to continue their work on the implementation of the remaining activities;*

5. Takes note of the *Study on oversight and monitoring mechanisms on priority policy issues prepared by the World Heritage Centre and the UNESCO Internal Oversight Service (IOS) as presented in Annex 2 of Document WHC-12/36.COM/12B*;
6. Decides to assess the feasibility of an ordinary session in October/November 2013, as requested in its Decision **35 COM 12B** paragraph 9c, at its 37th session (June/July 2013);
7. Also requests the World Heritage Centre to present the draft “Policy Guidelines” document for examination by the World Heritage Committee at its 37th session in 2013.

Reform Measures adopted by the World Heritage Committee

The World Heritage Committee had launched a process of reflection on the “Future of the World Heritage Convention”, in anticipation of its 40th anniversary and the impending inscription of the 1000th site, and in order for it to meet the emerging challenges while also increasing its relevance and engagement with communities around the world. As a result of this process, the World Heritage Committee has adopted a number of statutory reform measures and the main ones amongst these are outlined below, together with an explanation of the implications or intent of each of them:

I. Working methods of statutory organs of the *Convention*

Decision: 35 COM 12B

Amendments to Rules of Procedure

22.3 The Chairperson, at his discretion, shall call on speakers from the Advisory Bodies and the Secretariat prior to the Committee taking a final decision.

[This will enable the Advisory Bodies and the World Heritage Centre to provide clarifications and explanations before a final decision is adopted by the Committee, without having considered all facts of the case]

22.5 The Chairperson shall put Committee members’ questions to a State Party once at the end of the Committee’s debate on the property.

[This is expected to prevent leading questions being asked and responses being given by the State Party that would amount to lobbying for inscription of its site]

22.6 Committee members shall not speak to World Heritage properties in their own territories, except at the explicit invitation of the Chairperson and in response to specific questions posed. Advocacy in favour of a particular proposal will not be entertained.

[To prevent advocacy of own nominations by Committee members]

22.7 Representatives of a State Party, whether or not a member of the Committee, shall not speak to advocate the inclusion in the World Heritage List of a property nominated, [the state of conservation of a property on their territory] or the approval of an assistance request submitted by that State Party, but only to deal with a point of information in answer to a question. This provision also applies to other observers mentioned in Rule 8.

[To prevent advocacy of own nominations by Committee members]

Conduct of statutory meetings

1. **Recommends** Committee members consider refraining from bringing forward new nominations that might be discussed during their term serving on the Committee, without prejudice to nomination files already submitted, deferred or referred during previous Committee sessions, or nominations from least represented States Parties and that this provision be implemented on an experimental basis and be reviewed at its 38th session in 2014;

[To prevent advocacy of own nominations by Committee members]

2. Also recommends that States Parties already well represented on the World Heritage List should exercise restraint in bringing forward new nominations in order to achieve a better balance of the List;

[To enable a balancing of the World Heritage List and allow more nominations to come forward from non-represented and under-represented countries]

3. Requests States Parties to consider refraining from providing additional information regarding nominations and/or state of conservation issues after the deadlines indicated in the *Operational Guidelines*, as this information is not able to be evaluated by the Advisory Bodies;

[To prevent the World Heritage Committee from basing its decisions on unverified information]

Transparency of documents and statutory meetings

22. Decides that World Heritage Committee meetings should be live-streamed over the web and requests the World Heritage Centre to strengthen relations with media, including through media briefings prior to the opening of Committee sessions, capacity building for journalists on World Heritage matters, regular interface between the media and the Chairperson during Committee sessions and media training for the Chairperson and representatives of the Advisory Bodies and decides to open the meetings to accredited journalists;

23. Requests the World Heritage Centre to transmit Advisory Body evaluation reports to the relevant States Parties as soon as they are finalised, to allow time for proper dialogue and to make working documents public, at the time of their distribution to the States Parties;

[To enable transparency and openness in the World Heritage Committee's decision-making processes. It is expected that this will bring about a more consultative process in the conduct of statutory business]

II. Reflection concerning the upstream process

Decision: 35 COM 12C

4. Welcomes all the actions undertaken to improve the processes and practices prior to consideration by the World Heritage Committee of a nomination (the 'upstream processes') and expresses its appreciation to States Parties for their collaboration in the selection of the proposed pilot projects and to the Advisory Bodies and the World Heritage Centre that prepared the feasibility studies;

[The experimental and voluntary "upstream process" is expected to result in a reform of the procedures by which tentative list sites are prioritised for preparing nominations, and the manner in which the international community, including the Advisory Bodies and the World Heritage Centre can provide support for the preparation of prioritised nominations]

Decision: 35 COM 17

3. Requests the World Heritage Centre to formally notify States Parties, as soon as possible, of the evaluations and recommendations from the Advisory Bodies with respect to their nominations;
4. Strongly encourages the Advisory Bodies to give consideration to identifying means of strengthening the dialogue with States Parties, under their mandates and within available resources and timelines;

[This provision complements the above decision on upstream support to States Parties]

III. Revision of the *Operational Guidelines*

Decision: 35 COM 13

65. States Parties shall submit Tentative Lists to the Secretariat, ~~preferably~~ at least one year prior to the submission of any nomination. States Parties are encouraged to re-examine and re-submit their Tentative List at least every ten years.

[This is expected to enable a proper reflection and attention being given to the tentative listing process, and prevent ad hoc decisions being made on the sites to be nominated]

Study on oversight and monitoring mechanisms on priority policy issues by UNESCO Internal Oversight Service (IOS)

At its 35th session (UNESCO, 2011), the World Heritage Committee requested (Decision **35 COM 12B** point 5):

“the World Heritage Centre to present a study, for consideration at the 36th session of the World Heritage Committee (2012), on options for:

- a) oversight and monitoring mechanisms for the statutory organs of the World Heritage Convention to ensure that actions associated with priority policy issues are implemented, and*
- b) enhancing the role of the Bureau in facilitating the work of the Committee (without it assuming a decision-making role);”*

Decision **35 COM 12B** point 5 presents some challenges, as the statutory bodies are both the World Heritage Committee (21 Members) and the General Assembly (189 States Parties). Furthermore, the Bureau (7 Members), which is established under the World Heritage Committee, reports to and assists the Committee in the preparation of its agenda and decisions (Rule 12 of the Committee’s Rules of Procedure) and meets only during the sessions of the Committee. Therefore, the roles and responsibilities of each of these bodies will have to be clearly specified for them to exercise the envisaged oversight and monitoring functions. Additionally, it may be noted that the statutory organs also regularly monitor the implementation of their decisions through the Secretariat’s reports.

An effective monitoring and oversight framework will normally include: (a) clear objectives and strategies aligned to policy decisions; (b) an expected results chain; (c) measurable indicators that meet the monitoring and reporting needs; and (d) systematic and regular processes for collecting, managing and reporting information.

The programme of work under the World Heritage Convention is guided by Strategic Objectives – the 5 “C”s. In addition, the 18th General Assembly of States Parties has adopted (Resolution **18 GA 11**) the “*Strategic Action Plan for the Implementation of the World Heritage Convention 2012 – 2022*” in November 2011, which clearly outlines the Vision, the Mission, the Goals and their corresponding Priorities and Outcomes.

One of the 6 Goals specifically relates to the topic of this study and is titled as follows: “*Goal 6: Decisions of statutory meetings are monitored and effectively implemented*”. The corresponding Priority identified for this goal is: “*Implementation Plan*” and the related Outcome is: “*Actions under the Strategic Action Plan are linked to priorities and available budget, and outcomes monitored and reviewed*”. The “Strategic Action Plan” also contains a section on implementation and review and in particular, the following text which allows for oversight and monitoring by the statutory organs:

“Outcomes against the Strategic Action Plan will be reported to the General Assembly of States Parties. This will ensure that activities undertaken under the framework of the Strategic Action Plan are linked to agreed priorities and budget allocations and will provide an opportunity for States Parties to retest Committee priorities, check progress and where necessary, revise priorities and the allocation of resources. The Secretariat’s annual report to the World Heritage Committee should also be adapted to follow this structure.”

Paragraph 5 of Resolution **18 GA 11** contains further the following request:

“Recalls the request by the 35th session of the World Heritage Committee to the World Heritage Centre and the Advisory Bodies to develop a draft Implementation Plan, including appropriate roles, responsibilities and accountabilities, an implementation schedule and list of priority actions, for consideration by the World Heritage Committee at its 36th session in 2012;”

The requested “implementation plan” is currently under development and will be presented to the 36th session of the World Heritage Committee. This implementation plan will outline priority actions for achieving each of the goals, priorities and outcomes of the Strategic Plan.

Proposals:

The following **3 options** are proposed for an oversight and monitoring mechanism for the statutory organs of the *World Heritage Convention* to ensure that actions associated with priority policy issues are implemented:

1. Firstly, a monitoring and oversight function could be delegated to the World Heritage Bureau: the Bureau could on a regular basis recommend to the Committee to update its policy decisions. The advantage of this option is that the Bureau meets regularly during the World Heritage Committee sessions and thus, there will be no additional logistical meeting costs. The Bureau, however, has no direct relationship with the General Assembly. A further possibility under this option could be to enable the Bureau to also meet outside the Committee session (which would require an amendment to Rule 12 of the Rules of Procedure) to enhance its role in facilitating the functions of the Committee. However, the latter option would have additional cost implications.
2. Secondly, as mentioned in the Strategic Action Plan, the Secretariat’s annual Report to the World Heritage Committee could be re-designed to include a clear table showing that activities undertaken under the framework of the Strategic Action Plan are linked to agreed priorities and budget allocations. This option has small financial implications for staff costs and reproduction costs.
3. As a final option, the following framework is proposed as a potential oversight and monitoring tool for the statutory organs to review periodically. This framework envisages the translation of the priorities and outcomes of the Strategic Action Plan into implementable actions, with related performance indicators and benchmarks. The table below presents one completed example, and the other priorities and outcomes of the Strategic Action Plan would be similarly elaborated, if this option is considered to be an appropriate monitoring and oversight framework:

| World Heritage Goal 1: The Outstanding Universal Value of World Heritage sites is maintained | | | | | | |
|---|---|--|--|--|--|---|
| Priority | Outcomes | Action under Implementation Plan¹ | Performance indicators | Means of verification | Benchmarks | Risk factors |
| 1.1 | Statements of Outstanding Universal Value | Re-confirm the concept of OUV and the purpose of the Convention in an accessible Guidance document prepared for the World Heritage Committee | Number of statements submitted by States Parties | Statements are adopted by the WH Committee | X – number for each particular session | Statements are not developed by the States Parties Resources are not available for review by the Advisory Bodies |
| 1.2 | | | | | | |
| 1.3 | | | | | | |

¹ The Implementation Plan is presented separately in Document WHC-12/36.COM/12A;

**List of standard modular costs for core activities
for consideration at the 36th session of the World Heritage Committee**

| Core activities ² | Average unit costs ³ (in USD) |
|---|---|
| MEETINGS | |
| High Level meeting with States Parties | \$40,000 |
| Donor Conference | \$50,000 |
| International expert meeting (20-50 participants) | \$100,000-250,000 |
| Open-ended Working Group meeting at HQs (2 days with interpretation) | \$30-40,000 |
| MONITORING | |
| Joint World Heritage Centre / ICOMOS monitoring mission | $\$3,500 + 5,000 = 8,500$ |
| Joint World Heritage Centre / IUCN monitoring mission | $\$3,500 + 6,000 = 9,500$ |
| Joint World Heritage Centre / ICOMOS / ICCROM monitoring mission | $\$3,500 + 5,000 + 3,250 = 11,750$ |
| Joint World Heritage Centre / ICOMOS / IUCN monitoring mission | $\$3,500 + 11,000 = 14,500$ |
| TECHNICAL ASSISTANCE | |
| Advisory mission by ICOMOS/IUCN expert(s) | \$ 5-6,000 |
| Advisory mission by WHC staff | \$ 3,500 + 1,664 (4 days staff time - P4) |
| Review/updating of Tentative List | \$1,248 (3 day staff time - P4) |
| Review of proposed development/restoration project and provision of technical advice by WHC staff and ICOMOS/IUCN | \$1,248 (3 day staff time - P4) |

² NB: These activities do not include normal tasks carried out systematically by WHC and Advisory Bodies as part of their function, such as receiving, treating and evaluating nominations or requests of International Assistance, etc.

³ Based on 2010 and 2011 actual costs.

| Core activities² | Average unit costs³ (in USD) |
|---|--|
| Thematic study by ICOMOS or IUCN | \$ 20-25,000 |
| CAPACITY-BUILDING | |
| Development of Resource Manual/Handbook | \$20-30,000 |
| Development of Position Paper | \$10,000 |
| Workshop (25-30 participants) | \$100-150,000 |
| WHC staff attending as a resource person (3-day, included travel costs) | \$3,500 + 1,248 (3 day staff time - P4) |
| Development of curriculum and materials for training course | \$50,000 |