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# World Heritage

# 32 COM

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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 second Session  
Quebec City, Canada  
2 - 10 July 2008

**Item 14 of the Provisional Agenda: Continuation of the reflection on the elections of the members of the World Heritage Committee**

**Progress report by the Chairperson of the Working Group**

#### SUMMARY

Following the Resolution taken by the General Assembly of States Parties to the *Convention* at its 15th session (UNESCO, 2005), the General Assembly decided, at its 16th session (UNESCO, 2007) (Resolution **16 GA 3A**) to “intensify the examination of all possible alternatives to the current election system” and to establish an open-ended Working Group in order to make recommendations on this issue. This Working Group is due to deliver its final report to the 17th session of the General Assembly in 2009.

This document presents the preliminary results of the first two meetings of the Working Group held in January and May 2008.

**Decision required: 32 COM 14, see Point V.**

## I. BACKGROUND

1. At its 13th session (UNESCO, 2001), the General Assembly of States Parties to the *World Heritage Convention* adopted Resolution **13 GA 9** for an equitable representation within the World Heritage Committee, inviting States Parties to voluntarily reduce their mandate from 6 to 4 years, discouraging them from seeking consecutive mandates and confirming the allocation of “a certain number of seats” for States Parties having no property inscribed on the World Heritage List.
2. At its 15th session (UNESCO, 2005) by its Resolution **15 GA 9**, the General Assembly requested the Secretariat to initiate a process to discuss possible alternative mechanisms to ensure a balanced geographical and cultural representation within the World Heritage Committee, as well as a faster and less complex voting system.
3. Following this request, the World Heritage Committee, by Decision **30 COM 18B**, decided to invite States Parties to submit written comments concerning document *WHC-06/30.COM/18B*. The results were presented at its 31st session (Christchurch, 2007) in Document *WHC-07/31.COM/17*.
4. Finally, at its 16th session (UNESCO, 2007), the General Assembly decided (Resolution **16 GA 3A**) to “intensify the examination of all possible alternatives to the current election system” and to establish an open-ended Working Group in order to make recommendations on this issue. This Working Group is due to deliver its final report to the 17th session of the General Assembly in 2009.

## II. Chronological Overview of the first two meetings of the Working Group

5. As per Resolution **16 GA 3A**, H. E. Mr. Kondo, Ambassador and Permanent Delegate of Japan to UNESCO, was requested to chair this Working Group in his personal capacity. At its first meeting in January 2008, the Working Group elected H. E. Mr. Kridelka, Ambassador and Permanent Delegate of Belgium to UNESCO, as Vice-Chairperson, and Mr. Gábor Soós (Hungary) as Rapporteur. It was decided that the Rules of Procedure of the General Assembly would be considered valid for the meetings of the Working Group.
6. The first meeting (28 January 2008, UNESCO Headquarters) was devoted to a preliminary exchange of views on major points identified by the Chairperson, searching viable and sustainable solutions on the long-run. At the opening of the first meeting, the Chairperson outlined that the feeling of the States Parties was that it was preferable that the General Assembly take action on this sensitive political issue, rather than the World Heritage Committee, and that a step-by-step and consensus-based approach was necessary in order to achieve viable and sustainable solutions. The States Parties agreed that a preliminary exchange of views would be appropriate to deal with this complex issue with links to the Global Strategy, the Credibility of World Heritage List, at the crossroads between representation and expertise and at the very heart of the implementation of the *Convention* itself. The constructive debates as well as the high number and level of participation from States Parties, building on the valuable work accomplished so far by the World Heritage Committee, showed that a general political will is gaining momentum towards important modifications in the current election

7. Several issues were identified as needing to be addressed by the Working Group:
  - a) Number of World Heritage Committee members,
  - b) Number of rounds in the election of World Heritage Committee members,
  - c) Duration of the mandate of the World Heritage Committee members,
  - d) Mechanism to facilitate better rotation;
  - e) Establishment of quotas or minimum number of seats per Electoral Group; and possible adoption of electoral groupings,
  - f) Reserved seat for a State Party with no property on the World Heritage List,
  - g) Establishment of a mandatory gap-period between two mandates, longer than 2 years;
  - h) Possibility for World Heritage Committee members to refrain from presenting nominations of sites during their mandate,
  - i) Capacity building.
8. The second meeting (26 May 2008, UNESCO Headquarters) focused on several key issues, building upon the outcome of the 1st meeting. It brought important progress on the various issues. It became clear that most of the States Parties wish to make eventual agreement on a more sustainable basis (by consensus) than engagements taken on a merely voluntary basis ("*gentlemen's agreement*"). Therefore, technical and legal solutions have to be found to translate the issues where there is consensus / unanimity into specific procedural terms. It was also agreed that the Working Group should have a clear view about what sort of procedural or other measures (amendment of the *Convention*, amendment of the Rules of Procedure of the General Assembly, General Assembly Resolutions, Statements of intents, etc...) are possible/appropriate for each issue, such as shorter mandate, longer gap between two mandates, moratorium on nomination by Committee members, etc. A position paper from the Legal Office is expected on these issues.

### **III. Discussion and preliminary outcomes of the Working Group**

#### **A. Number of World Heritage Committee members**

9. The number of World Heritage Committee members (21) is set by Article 8.1 of the *Convention*. Changing this number would require an amendment of this Article of the *Convention*. In this regard, the Legal Advisor indicated that a revised *Convention* would need to be adopted by the General Conference, in accordance with Article 37.1 of the *Convention*, and to be ratified by States before its entry into force.
10. The proposal of amending the *Convention*, being a long and cumbersome process, was not completely ruled out but received little support. The Working Group was of the opinion that the same results could possibly be achieved differently, without amending the text of the *Convention*.

**B. Number of rounds in the election of World Heritage Committee members**

11. The Working Group generally agreed that the time-consuming voting mechanism does not achieve the required goal of encouraging States Parties to inflect their vote in the sense of a more balanced geographical distribution. During the debate, some members of the Working Group concurred with the fact that, when voting, most Delegates follow instructions they have received from their Capital cities, leaving therefore no or little *marge de manoeuvre* to adjust any imbalance.
12. No final conclusion was reached and this issue will need to be further discussed during subsequent meetings of the Working Group, taking into account the progress of other important issues, such as possible introduction of minimum quotas system.

**C. Duration of the mandate of the World Heritage Committee members**

13. The Working Group discussed the duration of the mandate of Committee members as a way to possibly facilitate a better rotation (to date, 77 States Parties have been elected at least once as Committee members; 37 have failed to do so). Various options were mentioned and there seems to be a general agreement to keep the mandate of Committee members to 4 years, on a voluntary basis, or preferably on a more solid basis, in order to allow more States Parties to be elected.
14. After a rich debate, the majority of the members of the Working Group was of the view that a 2-year mandate would be far too short as it takes more than a year for newly elected Committee members to familiarise themselves with the functioning of the Committee and its complex procedures.

**D. Establishment of quotas or minimum number of seats per Electoral Group and possible adoption of electoral groupings**

15. Many members of the Working Group, referring to the voting procedures of other normative instruments administered by UNESCO, suggested the adoption of the UNESCO Executive Board Electoral Groups (as defined in Appendix 2 of Rules of Procedure of the General Conference of UNESCO) and the establishment of quotas for each one of them, or a minimum number of seats for each of these groups in order to ensure a better equitable geographical representation in the Committee.
16. The UNESCO Legal Advisor confirmed that the establishment of such quotas or minimum number of seats was at the entire discretion of the General Assembly of States Parties and did not require any amendment of the text of the *Convention*.
17. An issue of concern was whether the distribution of seats would be proportional to the number of States Parties per group, or introduction of a minimum number of seats per group might suffice. The combination of a minimum number of seats (1 or 2) per group with other measures to ensure rotation received some support.
18. The establishment of a maximum number of seats per group as well as the proportionate distribution of all seats got very little support from the Working Group members.

**E. Reserved seat for a State Party with no property on the World Heritage List**

19. The Working Group debated at length whether the seat reserved for a State Party without property on the World Heritage List (44 States Parties) should be maintained as

such, or whether this reserved seat should be allocated to a State Party that have never been elected to the Committee (37 States Parties have been candidates but never elected).

20. The Working Group discussed if there are other mechanisms to be put into place for the States Parties that have never been elected, but no conclusion was reached in this regard, and this issue will need to be further discussed.

**F. *Rotation and establishment of a mandatory gap-period between two mandates***

21. As of January 2008, 77 States Parties, out of a total of 185, have been at least once members of the World Heritage Committee; with some of them having spent up to 23 years as Committee members.
22. To give an easier access to the World Heritage Committee, various options were indicated during the meetings: reserving a seat (or more) for such State Parties similarly to the reserved seat for a State Party with no property on the World Heritage List; or establishing a mandatory / voluntary minimum period before which any outgoing Committee members could not present their candidatures for re-election. The periods ranging from 4 to 6 years were mentioned to prevent States Parties to seek consecutive mandates. A gap period of 4 years seems to have gained more support. It was suggested that the gap between two mandates be equivalent to the duration of the mandate (4 or 6 years) but no conclusion was reached on this issue.

**G. *Possibility for World Heritage Committee members to refrain from presenting nominations of sites during their mandate***

23. The Legal Adviser Office recalled the document it had already prepared in this regard and in which it stated that any measure aiming at States Parties refraining from presenting any nominations of sites for inscription on the World Heritage List during their mandate would only be acceptable on a legal point of view if done on a voluntary basis (See Document *WHC-04/7.EXT.COM/4B.Add*). No conclusion was reached on this issue.
24. It was also pointed out that a “moratorium” could contradict other reforms / measures designed to encourage States Parties with less experience to join the Committee and could cause technical problems (“pipeline” problems) that arise from possible sites referred or deferred in previous years.

**H. *Capacity building***

25. The importance of local knowledge and expertise in the World Heritage Committee has also been mentioned by a great number of members of the Working Group, with complex considerations in several interventions. Indeed, for a majority of members of the Working Group, expertise in the Committee is not seen as being as important as the representativity; while for some others, the expertise is a far more important issue than representativity; some other feeling that the two reinforce each other. However, States Parties seem to agree that the equitable representation of sites on the World Heritage List was not achieved partly due to lack of capacity.

#### IV. Preliminary conclusions

26. In spite of the wide division on how to evaluate the current system, namely between a group which deems the past record a great success and wishes to maintain the current system, and one which thinks the past record shows a failure due to lack of geographical balance on the World Heritage Committee, the Working Group is willing to make a further in-depth discussion is necessary on:
- a) 4 or 6-year gap between two mandates (linked possibly to the reduction of mandate from 6 to 4 years);
  - b) Simplification of voting system;
  - c) Need to link membership and expertise of members of the Committee with broader issues on capacity-building in particular in the countries of the South / developing countries / under-represented countries;
  - d) Pros and cons of a “moratorium” on nominating sites while seating in the Committee.
27. Some issues do still require further discussion to achieve consensus:
- a) Allocation of States Parties into Electoral Groups based on the divisions followed at the Executive Board and widely used in the UN-system ;
  - b) Introduction of minimum quota / minimum threshold for each Electoral Group;
  - c) Reserved Seat for State Party with no property on the World Heritage List and/or for a State Party that has never been elected to the Committee.
28. The next meeting of the Working Group will be held in autumn 2008. On this occasion, the Bureau (Vice-Chairperson(s) and Rapporteur) will be renewed. The Working Group might wish to establish a drafting group (Friends of the Chair) tasked to put emerging consensus into specific languages.

#### V. DRAFT DECISION

**Draft Decision:      32 COM 14**

*The World Heritage Committee,*

1. *Having examined Document WHC-08/32.COM/14,*
2. *Recalling Decision **31 COM 17**, adopted at its 31st session (Christchurch, 2007) and Resolution **16 GA 3A**, adopted at the 16th session of the General Assembly of States Parties to the World Heritage Convention (UNESCO, 2007),*
3. *Takes note of the outcomes of the first two meetings of the open-ended Working Group on the reflection on the procedures for the election of the members of the World Heritage Committee.*