



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

World Heritage

17 GA

Distribution limited

WHC-09/17.GA/3A
Paris, 17 September 2009
Original: English/French

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION**

**SEVENTEENTH SESSION OF THE GENERAL ASSEMBLY OF
STATES PARTIES TO THE CONVENTION CONCERNING THE PROTECTION
OF THE WORLD CULTURAL AND NATURAL HERITAGE**

Paris, UNESCO Headquarters
23 - 28 October 2009

**Item 3 of the Provisional Agenda: Elections to the World Heritage
Committee**

3A: Amendments to the Rules of Procedure of the General Assembly following the reflection on election procedures of World Heritage Committee members and on the distribution of seats to ensure an equitable representation of the different regions and cultures of the world.

SUMMARY

By its Resolution **16 GA 3A** adopted at the 16th session (UNESCO, 2007), the General Assembly of States Parties to the *Convention* decided 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.

Draft Resolution: 17 GA 3A, see Item III

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. This resolution invited States Parties to voluntarily reduce their mandate from 6 to 4 years and discouraged States Parties from seeking consecutive mandates. It also confirmed 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** (see *Annex 1*), the General Assembly requested the Secretariat, in cooperation with the Chairperson of the World Heritage Committee, to initiate a process to discuss possible alternative mechanisms to ensure a balanced geographical and cultural representation within the Committee, as well as a speedier and less complex voting system. The General Assembly also requested that these alternatives be presented to its 16th session in 2007.
3. Following this request, the World Heritage Committee, by Decision **30 COM 18B**, decided at its 30th session (Vilnius, 2006) 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 of States Parties to the *Convention* decided 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. As per Resolution **16 GA 3A** (see *Annex 2*), H. E. Mr. Kondo (Japan) was requested to chair this working group in his personal capacity and the World Heritage Centre to give the necessary support to the working group. This Working Group was to inform the World Heritage Committee of its work and to deliver its final report to the 17th session of the General Assembly in 2009.
5. A series of four meetings were convened at UNESCO Headquarters, Paris (France) by the Chairperson:
 - 28 January 2008
 - 26 May 2008
 - 10 February 2009
 - 19 May 2009

The individual Reports of these meetings are available online at the following Web address: <http://whc.unesco.org/en/election-reflection>. For the synthetic report of the four meetings see *WHC-09/17.GA/INF.3A*.

6. The interest of States Parties in the issues covered by the mandate of the Working Group was manifested in the high number and level of participation in the four meetings. It also showed that a general political will was gaining momentum towards important modifications in the current election system. The discussions, which could also build on the valuable work accomplished so far by the World Heritage Committee, took stock of the different views, the debates were rich and constructive and showed that this complex issue has links to the Global Strategy, the Credibility of the World Heritage List, and is at the crossroads between representation and expertise and at the

very heart of the implementation of the *Convention* itself.

7. 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. Many delegates stressed that the *Convention* is a success story of effective multilateralism, and while there is room for improvement, particular attention has to be paid in order not to impair elements of the system that are working. Other members were more concerned by the current deficiencies of the system regarding equitable representation in the Committee and balance and representativity of the World Heritage List.
8. By the second meeting it became clear that most of the States Parties wish to make eventual agreement on key issues by consensus and on a more sustainable basis than engagements taken on a merely voluntary basis (the kind of “*gentlemen’s agreement*”). As concrete solutions were developed in the course of constructive discussions, the positions of the Members of the Working Group evolved flexibly allowing for the contours of a consensus to emerge on most of the issues. Therefore, technical and legal solutions were elaborated to translate the emerging consensus into specific legal and procedural terms.
9. At its third meeting, the Working Group worked on continuously evolving draft amendments to the Rules of Procedure of the General Assembly and reached an understanding on how to reform the voting mechanism in order to ensure that all Electoral groups are represented in the World Heritage Committee. It was agreed that a four-year gap between two mandates should be also formalized into an amendment to the Rules of Procedure of the General Assembly. The draft text was asked to be reviewed by the Bureau in terms of drafting and needs to be further discussed in detail at the next meeting.
10. During the fourth meeting, the draft text reviewed by the Bureau was debated as well as the question of the different kinds of majorities. It was agreed that the proposed Draft Resolution containing the amendments to the Rules of Procedure be submitted for consideration by the General Assembly prior to the beginning of the election.

II. CONCLUSIONS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY

11. The Working Group agreed to stay within the current legal framework set by the *Convention* and to propose to the General Assembly, modifications of the electoral mechanism of Members of the World Heritage Committee. These modifications require amendments to the Rules of Procedure of the General Assembly of States Parties to the *Convention*. The Working Group agreed on the need that the amendments to the Rules of Procedure should become effective prior to the election of Members of the World Heritage Committee that will take place in October 2009. Therefore the Working Group proposes that the proposed Draft Resolution containing these amendments to the Rules of Procedure be submitted for consideration by the General Assembly prior to the beginning of the election. These proposals cover the following points:
 - Reiterating the invitation to States Parties to the *World Heritage Convention*, to voluntarily reduce their term of office from six to four years (footnote to Rule 13 recalling Resolution 13 GA, paragraph 6);

- a rule of a four-year gap between mandates in the World Heritage Committee. (Rule 13.1);
- reserved seat(s) for States Parties from one or more Electoral Group(s) that risk(s) not being represented in the composition of the next Committee: a “safety net” to be activated when necessary (Rules 14.1, 14.8, 14.9, 14.10, 14.11);
- a streamlined electoral mechanism with absolute majority in the first round of each ballot and relative majority in the second round (Rules 14.1, 14.8, 14.9, 14.10, 14.11).

Note:

12. After the last meeting of the open-ended Working Group for the reflection on the election of the World Heritage Committee members, the Chairperson and the Bureau found out that there are mathematical possibilities that in the first round of voting, more candidates might receive a majority than there are seats available, yet there is no procedure to solve this issue in the amendments proposed by the Working Group. Therefore the Chairperson and the Bureau propose the introduction of a tie breaker clause in order to solve this issue.
13. Subsequently, the Chairperson, with the support of the Bureau of the Working Group, requested the Secretariat to issue this revision of the proposed amendments.
14. The new wording of Paragraph 5 of draft Resolution **17 GA 3A**, that would foresee a tie-breaking procedure in the first round, for examination by the General Assembly, is **highlighted in grey**.

III. DRAFT RESOLUTION

Draft resolution: 17 GA 3A

The General Assembly,

1. *Having examined Documents WHC-09/17.GA/3A and WHC-09/17.GA/INF.3A,*
2. *Recalling Resolutions **15 GA 9** and **16 GA 3A**, adopted respectively at its 15th and 16th sessions, requesting to initiate a « process to discuss possible alternatives to the existing system of elections to the World Heritage Committee » and to establish an open-ended Working Group in order to make recommendations on this issue,*
3. *Noting that the development of capacity building would also enhance expertise and would encourage a broader electoral process to the Committee,*
4. *Recognizing that a greater role for Observers in the future would facilitate the electoral process of the Committee,*
5. *Decides to amend its Rules of Procedure as follows (amendments are underlined):*

Rule 13 – Procedures for the presentation of candidatures to the World Heritage Committee¹

13.1 – The Secretariat shall ask all States Parties, at least three months prior to the opening of the General Assembly, whether they intend to stand for election to the World Heritage Committee. If so, its candidature should be sent to the Secretariat at least six weeks prior to the opening of the General Assembly.

13.2 Members of the World Heritage Committee may ~~only~~ stand again for election four years after the expiry of their mandate.

Rule 14.1 - Election of members of the World Heritage Committee

a) The election of members of the World Heritage Committee shall be conducted by secret ballot whenever five or more delegations having the right to vote so request, or if the Chairperson so decides.

b) In case one or more electoral group(s), as defined by the UNESCO General Conference at its most recent session², might have no State Party in the composition of the next Committee³, one seat per such electoral group(s) shall be reserved.

c) Notwithstanding, at each election, one seat shall be reserved for States Parties with no property on the World Heritage List.

d) Ballot(s) for reserved seat(s) shall precede the ballot(s) for the remaining seats to be filled. Unsuccessful candidates in a ballot for any reserved seat shall be eligible to stand for election in subsequent ballot(s).

Remain unchanged : 14.2; 14.3, 14.4, 14.5, 14.6, 14.7.

14.8 In all ballots, the candidate(s) obtaining, in the first round, the majority of the votes of States Parties present and voting shall be declared elected, up to the number of seat(s) to be filled. If there still remain seat(s) to be filled, there shall be a second round.

14.9 In the second round, the candidates obtaining the greatest number of votes, up to the number of seat(s) to be filled, shall be declared elected.

14.10 If in the first or second round, two or more candidates obtain the same number of votes, and, as a result, the number of these candidates is greater than the remaining number

¹ Resolution 13 GA 9 (paragraph 6) invites the States Parties to the *World Heritage Convention*, to voluntarily reduce their term of office from six to four years.

² It being understood that “Group V” shall consist of two separate groups for the African and Arab States.

³ “That is to say, that either there is no State Party in the composition of the Committee from a given electoral group at the beginning of the ordinary session of the General Conference, or that the term of office of all States Parties from a given electoral group expires at the end of the ordinary session of the General Conference.

of seats to be filled, the Chairperson shall decide by drawing lots among them in order to allocate the remaining seat(s).

14.11 After each round, the Chairperson shall announce the results.

The texts of present rules 14.9, 14.10 and 14.11 are deleted

Annex 1

Resolution 15 GA 9 adopted by the General Assembly of States Parties on the voting mechanism at its 15th session (UNESCO, 2007)

The General Assembly of States Parties to the *World Heritage Convention* requests the Secretariat, in cooperation with the Chairperson of the World Heritage Committee, to initiate before the General Assembly in 2007, a discussion process on possible alternatives to the existing election system to the World Heritage Committee.

The alternative or alternatives presented to the General Assembly in 2007 should ensure an equitable representation of the different regions and cultures of the world within the Committee, a more rapid and less complicated voting system and allow focus on important issues in the proceedings of the General Assembly.

Annex 2

Resolution 16 GA 3A adopted by the General Assembly of States Parties on the voting mechanism at its 16th session (UNESCO, 2008)

The General Assembly,

1. Having examined Documents *WHC-07/16.GA/3A* and *WHC-07/16.GA/INF.3A*,
2. Recalling Resolution **15 GA 9**, adopted at its 15th session (UNESCO, 2005), requesting to initiate a « process to discuss possible alternatives to the existing system of elections to the World Heritage Committee » before its 16th session,
3. Keeping in mind the discussions held during the 31st session of the World Heritage Committee (Christchurch, 2007) and during the 16th session of the General Assembly of States Parties to the *Convention* (UNESCO, 2007),
4. Reiterating the need to ensure a more equitable representation of the different regions and cultures of the world, as well as a fair rotation in the composition of the Committee,
5. Emphasizing the need to envisage a less complex and less time-consuming voting method to better focus on other important issues for discussion,
6. Decides to intensify the examination of all possible alternatives to the current election system and to this end establishes an open-ended working group in order to make recommendations thereon, to inform the World Heritage Committee of its work, and to deliver its final report to the 17th session of the General Assembly in 2009;
7. Requests **H. E. Mr. Kondo (Japan)** to chair this working group in his personal capacity and the World Heritage Centre to give the necessary support to the working group;
8. Calls upon the World Heritage Committee to examine at its upcoming sessions the progress achieved by this working group and to make possible recommendations on it;
9. Further decides to inscribe this item on the agenda of its 17th session (October-November 2009) to examine possible modifications to its Rules of Procedure.