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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-fifth session

Paris, UNESCO Headquarters 19-29 June 2011

<u>Item 7.2 of the Provisional Agenda</u>: Evaluation of the Reinforced Monitoring Mechanism

SUMMARY

This document presents the evaluation of the Reinforced Monitoring Mechanism adopted by the World Heritage Committee at its 31st session (Christchurch, 2007) by Decision **31 COM 5.2**. This evaluation for the 2007-2011 period was requested by the World Heritage Committee with Decision **34 COM 7.2** at its 34th session following the previous reports on the implementation of this mechanism at the 32nd and 33rd sessions of the World Heritage Committee.

Draft Decision: 35 COM 7.2, see Point IV

This document should be read in conjunction with Document WHC-11/35.COM/INF.7C

I. Introduction

- 1. Following the decision adopted by the Executive Board at its 176th session (176 EX/Special Plenary Meeting/Decision), which "requests the Director-General within the framework of the World Heritage Convention, to propose to the World Heritage Committee at its forthcoming session a mechanism to ensure the proper implementation of the World Heritage Committee decisions", the Reinforced Monitoring Mechanism (RMM) was established by the World Heritage Committee at its 31st session (Decision 31 COM 5.2) to allow the sending of one or a series of reports to the World Heritage Committee in the interval between two sessions. In 2007, it was applied to 7 properties at the request of the World Heritage Committee: the Dresden Elbe Valley in Germany, the Old City of Jerusalem and its Walls and the five natural heritage properties in the Democratic Republic of the Congo.
- 2. The World Heritage Committee at its 32nd session (Quebec City, 2008) enlarged the application of the Reinforced Monitoring Mechanism to 4 additional properties for a total of 11 cases. It continued to be applied for the seven properties requested in 2007 (all on the List of World Heritage in Danger), while the 4 additional properties were not: Historic Sanctuary of Machu Picchu (Peru), Timbuktu (Mali), Bordeaux, Port of the moon (France), and Samarkand Crossroads of Cultures (Uzbekistan). At the same time, the Committee requested a review of its operational aspects.
- 3. Prior to the 33rd session (Seville, 2009), the Reinforced Monitoring Mechanism was decided for 2 additional properties by decision of the Director-General of UNESCO: a) the Temple of Preah Vihear (Cambodia), in response to a request for a mission by the State Party following the shooting incident of 15 October 2008 and b) Medieval Monuments in Kosovo (Serbia) following a mission to the site carried out from 19 to 22 January 2009 by the UNESCO BRESCE Office which recommended applying the Reinforced Monitoring Mechanism. After having carefully considered the situation, the Director-General decided to apply the Reinforced Monitoring Mechanism to this property on 1 April 2009.
- 4. The World Heritage Committee, by Decision **32 COM 7.3**, requested the World Heritage Centre and the Advisory Bodies to refine the operational aspects of the Reinforced Monitoring Mechanism. This review and considerations were presented to the World Heritage Committee at its 33rd session (Seville, 2009).
- 5. At its 33rd session (Seville, 2009), the World Heritage Committee took note (Decision 33 COM 7.2) of the operational aspects that had been presented by the World Heritage Centre and Advisory Bodies, and especially of their proposal to clearly state the nature of the monitoring mission and the frequency of reporting required. The World Heritage Committee decided to review each application of this mechanism annually and stated that it was designed to assist only in exceptional and specific cases, as defined by Document WHC-09/33.COM/7.2 Paragraph 27, and predominantly restricted to the monitoring of properties inscribed on the List of World Heritage in Danger where the Committee fears the loss of Outstanding Universal Value in the short-term.
- 6. The World Heritage Committee also noted at its 33rd session (Seville, 2009) that if the Reinforced Monitoring Mechanism is used as an alternative to the established monitoring procedures such as the inclusion of properties on the List of World Heritage in Danger, it creates potential for ambiguity and may reduce the credibility of the existing reactive monitoring system and its procedures. The World Heritage Committee also requested an evaluation of the mechanism (33 COM 7.2) and recommendations

for the future.

- 7. During the 34th session (Brasilia, 2010), the World Heritage Committee decided (34 COM 7.2) to set a ceiling on the budget for the operation of the Reinforced Monitoring Mechanism at USD 100,000 starting from 2010 in order to cover its costs, and requested the World Heritage Centre to present a report on the effectiveness of the Reinforced Monitoring Mechanism at its 35th session in 2011, in view of its integration in the Operational Guidelines.
- 8. This evaluation was carried out by the World Heritage Centre both on the reports of the existing cases and their procedural processes, as well as with a statistical analysis. In the last part, recommendations are formulated (which have been reviewed with the Advisory Bodies).

II. Overview of Application of the Reinforced Monitoring Mechanism

- 9. The following tables (see Annexes) provide an overview of the situation with regards to all properties under the Reinforced Monitoring Mechanism from 2007 until 2011 in a chronological order of decisions.
- 10. As requested by the World Heritage Committee at its 33rd session, an updated report on the effectiveness and efficiency of the Reinforced Monitoring Mechanism in the cases applied in view of assessing its formalization in the *Operational Guidelines* is presented in this document.
- 11. Since the establishment of the Reinforced Monitoring Mechanism in 2007, 40 decisions have been adopted by the World Heritage Committee, on 14 different World Heritage properties with regard to the Reinforced Monitoring Mechanism. Those decisions were of different nature and can be grouped as follows: Application of the Reinforced Monitoring Mechanism to a property; continuation or discontinuation of the application of the Reinforced Monitoring Mechanism to a property; indication on the duration of the application of the Reinforced Monitoring Mechanism and indication on the periodicity of the Reinforced Monitoring Mechanism reports requested.

Periodicity of the Reinforced Monitoring Mechanism reporting

- 12. Since 2007, when the Reinforced Monitoring Mechanism, as proposed by the Director-General of UNESCO, was established by the World Heritage Committee, 14 properties have been subject to its application. A total of 10 Reinforced Monitoring Mechanism missions have taken place between 2007 and early 2011 and 16 Reinforced Monitoring Mechanism reports have been prepared (Note: 3 missions and 9 reports were related to the Mughrabi Ascent in the Old City of Jerusalem).
- 13. Out of the 40 decisions adopted by the World Heritage Committee with regard to the Reinforced Monitoring Mechanism, only 5 (12.5%) set a clear periodicity for the Reinforced Monitoring Mechanism reports to be prepared (cases of Jerusalem and Dresden). Such reports were requested "every 2 months", "at least every 3 months" or "bi-monthly". However, in the very large majority of the decisions (80%), there is no mention or request for such Reinforced Monitoring Mechanism report; only a state of conservation report for the following year is requested, as part of the reactive monitoring process. In 5 cases, both Reinforced Monitoring Mechanism and state of conservation reports are requested. In a large majority of cases (80%), no specific Reinforced Monitoring Mechanism reports or missions are requested and the World

Heritage Committee's decision only relies on the established reactive monitoring process. This tends to show that the existing mechanisms (reactive monitoring reporting and missions, Danger-listing) can satisfactorily address the issues, and the added-value of the Reinforced Monitoring Mechanism therefore remains to be demonstrated. Furthermore, as stated in Document WHC-09/33.COM/7.2, there is potential for confusion between the Reinforced Monitoring Mechanism and its relationship with the other monitoring and reporting mechanisms for the stakeholders.

- 14. The Reinforced Monitoring Mechanism was established to enhance the communication with the concerned States Parties and to strengthen the conservation of the properties (reporting to Committee members between two sessions is the main potential advantage of the Reinforced Monitoring Mechanism). It appears that such reporting is rarely requested and that the usual reactive monitoring reports prevail, as per the *Operational Guidelines*. In a few cases, the security situation at the properties prevents any Reinforced Monitoring Mechanism mission to take place, or any intermediate reporting due to lack of new information.
- 15. In the two cases where the Reinforced Monitoring Mechanism was decided upon by the UNESCO Director-General and not by the World Heritage Committee (i.e. the Temple of Preah Vihear and the Medieval Monuments in Kosovo), there has been no request for reports or missions. Furthermore, in the case of the Medieval Monuments in Kosovo, no decision was taken by the Committee in 2009 and 2010 besides an adjournment of debate until the next session.
- 16. In the case of the Old City of Jerusalem, the Reinforced Monitoring Mechanism is applied only to the issue of the ascent leading to the Mughrabi Gate and therefore, does not reflect the overall state of conservation of the property as a whole. The reports thereon go through an extensive internal visa process and requires the approval of the Chairperson of the World Heritage Committee before being transmitted in both languages to the World Heritage Committee members. However, the decision adopted by the Committee at its ordinary sessions is a consensual one, only presented for adoption without debate.
- 17. Therefore, in terms of the improved frequency of reporting to the World Heritage Committee, the benefit of the application of the Reinforced Monitoring Mechanism for the conservation of the properties and for the implementation of the Committee's decisions has still to be demonstrated.

Duration of the application of the Reinforced Monitoring Mechanism

- 18. In 6 decisions (15%), the World Heritage Committee has given an indication regarding the duration of the application of the Reinforced Monitoring Mechanism ("for one year", "for one more year", "for two years"). However, in the majority of the decisions (60%), there is only a request for the continuation of the application of this mechanism, with no timeframe. In 6 cases, the World Heritage Committee has decided to discontinue the application of the Reinforced Monitoring Mechanism to the concerned properties. Finally, in 4 other cases (10%), there is no mention at all of the Reinforced Monitoring Mechanism (decisions on the Medieval Monuments in Kosovo and the Temple of Preah Vihear), despite the fact that the two properties are still under this mechanism.
- 19. It is also interesting to note that at its 33rd session (Seville, 2009), the World Heritage Committee decided to continue to apply the Reinforced Monitoring Mechanism to 5 properties "for one year", yet this application was renewed with no timeframe the following year at its 34th session (Brasilia, 2010). On the other hand, in 2008, the Committee applied the Reinforced Monitoring Mechanism to the Historic Sanctuary of

Machu Picchu "for 2 years", yet it was discontinued the following year, while noting the limited progress in addressing some of the issues and while the draft decision recommended the possible inscription on the List of World Heritage in Danger in the absence of substantial progress. The World Heritage Committee only noted the State Party's request for the re-application of the Reinforced Monitoring Mechanism to the property.

20. To avoid any confusion, it would be useful to clarify in the decision whether the application of the Reinforced Monitoring Mechanism is continued or not. As previously indicated (see Document WHC-09/33.COM/7.2), in view of the exceptional nature of the Reinforced Monitoring Mechanism and its significant cost (both in human and financial resources), the Reinforced Monitoring Mechanism should not be applied on an on-going basis and a ceiling of 2 years should be sought for its application.

Reinforced Monitoring Mechanism and Danger-listing

As mentioned in Document WHC-09/33.COM/7.2, the application of the Reinforced Monitoring Mechanism to properties not included on the List of World Heritage in Danger has been noted as a key concern regarding the operation of the Reinforced Monitoring Mechanism, as it was adopted in each of the four cases as an alternative to the consideration of inclusion of the property on the List of World Heritage in Danger. This, in the view of the Advisory Bodies and the World Heritage Centre, resulted in the Reinforced Monitoring Mechanism cutting directly across one of the longest established processes of the Convention, and a requirement of the Convention itself. The suggestion that a mechanism that is not specified in the Operational Guidelines and does not yet have its operational aspects properly defined would be regarded as a meaningful alternative to the List of World Heritage in Danger clearly exposes the Convention to the charge of lacking credibility and directly undermines the establishment of the List of World Heritage in Danger as required in Article 11.4 of the Convention. There is an urgent need to restrict the Reinforced Monitoring Mechanism to exceptional cases as originally conceived, and as already decided by the Committee.

Lack of mechanism to respond to recommendations resulting from the Reinforced Monitoring Mechanism

- 22. A major weakness of the Reinforced Monitoring Mechanism is the lack of a mechanism to respond, within the framework of the Reinforced Monitoring Mechanism, to the information provided to the World Heritage Committee between its sessions. In order to provide a mechanism that would add value to the existing mechanisms, a procedure would be needed to allow the Chairperson of the World Heritage Committee, in consultation with the 5 Vice-Chairpersons, to officially put forward concrete requests for action to the State(s) Party/ies, based on the information gathered and inputs provided by the World Heritage Centre and the Advisory Bodies.
- 23. For any decisions to be adopted between two sessions of the World Heritage Committee, the Committee's Rules of Procedure might need to be amended. Furthermore, the establishment of a permanent subsidiary body (composed of the Chairperson and the 5 Vice-Chairpersons) on the issue of Reinforced Monitoring Mechanism, which could gather at its own convenience, would not facilitate the process. Indeed, Rule 21.6 of the Committee's Rules of Procedure indicates that "Subsidiary bodies' recommendations to the Committee shall be made in the form of draft decisions". This means that subsidiary bodies cannot adopt any decision.
- 24. There is therefore a need to further reflect on the procedure required for concrete

action to be taken between two ordinary sessions of the Committee.

III. Recommendations on the principles of the Reinforced Monitoring Mechanism

25. The World Heritage Committee has already noted in WHC-09/33.COM/7.2 a number of principles for the operation of the Reinforced Monitoring Mechanism. Following their successful operation in subsequent years, they are proposed for adoption by the Committee at its 35th session in 2011, as follows:

Principles for operation

- The Reinforced Monitoring Mechanism should only apply to properties inscribed on the List of World Heritage in Danger;
- The Reinforced Monitoring Mechanism should be used in exceptional situations, where action is required between sessions to properties and where there is a critical danger of the property losing its Outstanding Universal Value between sessions;

Activation of the Reinforced Monitoring Mechanism

- If there is a significant likelihood that a property under threat might lose its Outstanding Universal Value, and therefore face deletion from the World Heritage List;
- If the level of political issue involved is of such an overriding nature that the involvement of the Chairperson of the Committee may be required, as well as the intervention of the most senior levels of political leadership in a State Party:
- If the Director-General, having consulted the Chairperson of the Committee, considers that there is an overriding likelihood of a property losing its Outstanding Universal Value, such that urgent action is required that cannot wait for a decision by the Committee;

Nature of the Reinforced Monitoring Mechanism

The Reinforced Monitoring Mechanism should also only be considered when the normal mechanisms of the *Convention* are not sufficient, e.g. in case of:

- Decisions of the Chairperson on action required between sessions of the World Heritage Committee, having consulted the five vice chairpersons;
- Situations where intercession by the Director-General of UNESCO with the Director-General/Head of other international bodies;
- Situations requiring the highest level of intervention within a State Party;

Reporting

- Reporting to the World Heritage Committee between two sessions appears to be the central advantage of the Reinforced Monitoring Mechanism as it allows the Committee to be informed on a regular basis on serious threats to specific World Heritage properties;
- Reports, to be meaningful should be completed quickly and immediately distributed to the Committee by the World Heritage Centre, further to the approval of the Chairperson;

Timeframe of the Reinforced Monitoring Mechanism

The Committee should decide also on the timeframe for the application of the

- Reinforced Monitoring Mechanism (periodicity of the activities -missions and/or report- but also on the duration of the mechanism);
- The Reinforced Monitoring Mechanism should not be applied on an ongoing basis, and a ceiling of 2 years should be sought for its application;

<u>Budget</u>

- The Reinforced Monitoring Mechanism could be linked to other World Heritage processes such as the international assistance and it could be envisaged that the properties under Reinforced Monitoring Mechanism could get priority for international assistance, if requested by the State Party;
- Prior to adopting decisions to apply the Reinforced Monitoring Mechanism, the Committee clearly considers the costs of its application and indicates the source of the budget.

IV. Draft Decision

Draft Decision: 35 COM 7.2

The World Heritage Committee,

- 1. Having examined Document WHC-11/35.COM/7.2,
- 2. Recalling Decisions **31 COM 5.2, 32 COM 7.3, 33 COM 7.2** and **34 COM 7.2**, adopted at its 31st (Christchurch, 2007), 32nd (Quebec City, 2008), 33rd (Seville, 2009) and 34th (Brasilia, 2010) sessions respectively,
- 3. <u>Notes</u> the evaluation report on the implementation of the Reinforced Monitoring Mechanism presented and the detailed statistical analysis;
- 4. Adopts the recommendations presented in Part III of the above-mentioned document;
- 5. <u>Taking into account</u> that Reinforced Monitoring Mechanism was only applied to 14 cases since its adoption in 2007, and the varying nature of its application regarding the List of World Heritage in Danger, <u>requests</u> the World Heritage Centre and the Advisory Bodies, prior to the inclusion of a section on the Reinforced Monitoring Mechanism into the Operational Guidelines, to further elaborate on its processes, for examination by the World Heritage Committee at its 36th session in 2012;
- 6. <u>Decides</u> to set the ceiling on the budget for the operations of the monitoring processes at USD 100,000 for 2011.

Annex 1 - Table 1: Synthetic table of properties under the Reinforced monitoring mechanism (RMM) since 2007

Name of property	DL	2007	2008	2009	2010	RMM missions	RMM reports	Cost	Responses by Committee members
Old City of Jerusalem and its Walls (site proposed by Jordan)	Yes	31 COM 7A.18	Continued	Continued	Continued	Aug. 2007 Jan. 2008 Feb. 2008 Prior 35COM	9	Cost of missions: USD 15.860,77 Translation of reports: (80p.) USD 3.950	0
Dresden Elbe Valley (Germany)	Yes	31 COM 7A.27	Continued	Property deleted 33 COM 7A.26		Feb. 2008 Mar. 2009	2	Translation of report: (4p.) USD 200	0
Virunga National Park (DRC)	Yes	31 COM 7A.32	Continued	Continued	Continued	Mar. 2009	1	Cost of mission: USD 3.130,05 Translation of report: (13p.)	0
Kahuzi-Biega National Park (DRC)	Yes	31 COM 7A.32	Continued	Continued	Continued			USD 650	
Garamba National Park (DRC)	Yes	31 COM 7A.32	Continued	Continued	Continued				
Salonga National Park (DRC)	Yes	31 COM 7A.32	Continued	Continued	Continued				
Okapi Wildlife Reserve (DRC)	Yes	31 COM 7A.32	Continued	Discontinued 33 COM 7A.8					
Historic Sanctuary of Machu Picchu (Peru)	No		32 COM 7B. 44	Discontinued 33 COM 7B.42		Jan. 2009	1	Cost of mission: USD 6.016,96 Translation of report: (90p.) USD 4.400	0

Name of property	DL	2007	2008	2009	2010	RMM missions	RMM reports	Cost	Responses by Committee members
Samarkand, Crossroads of Cultures (Uzbekistan)	No		32 COM 7B.79	Discontinued 33 COM 7B.84		Mar. 2009	1	Cost of mission: USD 1.883,53 Translation of report: (6p.) USD 300	0
Timbuktu (Mali)	No		32 COM 7B.49	Discontinued 33 COM 7B.45		Mar. 2009	1	Cost of missions: USD 3.576,30 Translation of reports: (37p.) USD 1.800	0
Bordeaux, Port of the Moon (France)	No		32 COM 7B.89	Discontinued 33 COM 7B.101		Jan. 2009	1	Cost of mission: USD1.469,64 Translation of report: (5p.) USD 250	0
Temple of Preah Vihear (Cambodia)	No		Applied by DG 10/2008	Continued	Continued		0	0	0
Medieval Monuments in Kosovo (Serbia)	Yes			Applied by DG 01/04/2009 and continued by Committee	Continued	0	0	0	0
Manovo Gounda St. Floris National Park (Central African Republic)	Yes			33 COM 7A.1	Continued	0	0	0	0
TOTAL						10 missions	16 reports	USD 43.987,25	

Annex 2 - Table 2: Synthetic table of the decisions adopted by the Committee under the RMM since 2007

Name of property	2007	2008	2009	2010
Old City of Jerusalem and its Walls (site proposed by Jordan)	Apply RMM Report every 2 months	Continue RMM Report at least every 3 months Normal SOC report	Continue RMM Report at least every 3 months Normal SOC report	Continue RMM Report at least every 3 months Normal SOC report
Dresden Elbe Valley (Germany)	Taking into account Removal of "deletion of the property the day the construction starts" Apply RMM Normal SOC report	Regrets; Expresses its deep concern; Strongly urges Continue RMM "deletion if the planned works continue" instead of DR Option 1: "Deletes" Bi-monthly report Normal SOC report	• Regrets • Deletion	
Virunga National Park (DRC)	Regrets; Strongly regrets Apply RMM Normal SOC report	Regrets; Notes with concern Continue RMM Normal SOC report	Expresses the hope; Expresses its deep concern; Regrets; Continue RMM for 1 more year Normal SOC report	Welcomes the efforts; Acknowledges steps taken; Expresses its deep concern Continue RMM Normal SOC report
Kahuzi-Biega National Park (DRC)	Regrets Apply RMM Normal SOC report	Notes with concern Continue RMM Normal SOC report	Notes with satisfaction; Notes with concern; Regrets Continue RMM for 1 more year Normal SOC report	Congratulates; Notes with concern; Regrets Continue RMM Normal SOC report
Garamba National Park (DRC)	Expresses its utmost concern Apply RMM Normal SOC report	Expresses its utmost concern; Continue RMM Normal SOC report	Notes with deep concern; Expresses its great concern Continue RMM for 1 more year Normal SOC report	Congratulates; Reiterates its concern; Expresses its great concern Continue RMM Normal SOC report
Salonga National Park (DRC)	Expresses its concern Apply RMM Normal SOC report	Expresses its satisfaction; Notes with concern Continue RMM Normal SOC report	Notes with concern; Regrets Continue RMM for 1 more year Normal SOC report	Reiterates its concern; Expresses concern Continue RMM Normal SOC report
Okapi Wildlife Reserve (DRC)	Strongly regrets Apply RMM Normal SOC report	Notes with concern; Welcomes; Expresses its concern Continue RMM Normal SOC report	Takes note of the efforts; progress achieved Not to continue RMM Normal SOC report	

Name of property	2007	2008	2009	2010
Samarkand, Crossroads of Cultures (Uzbekistan)		Notes with concern Removal of danger listing proposal in the absence of progress Apply RMM Normal SOC report	Removal of the proposal to continue the RMM Not to continue RMM Normal SOC - 2 years	
Historic Sanctuary of Machu Picchu (Peru)		Expresses its concern; Urges SP to consider requesting DL Removal of the Regrets and "deep" concern Removal of the proposal for DL Apply RMM for 2 years Normal SOC report	Recognizing progress Removal of "great concern on the limited progress" Removal of the proposal for DL in the absence of progress Not to continue RMM Normal SOC report	
Timbuktu (Mali)		Deeply regrets; Expresses its concern; Removal of "serious concern" Removal of inscription on DL in option 1 Removal of proposal for DL in the absence of progress in option 2 Apply RMM Normal SOC report	Notes with satisfaction; Expresses its concern; Welcomes Removal of the proposal to continue the RMM Not to continue RMM Normal SOC report	
Bordeaux, Port of the Moon (France)		Strongly regrets; Strongly urges; Requests the SP to consider requesting DL; deletion if no progress at next session Apply RMM Normal SOC report	Notes; Regrets Not to continue RMM Normal SOC – 2 years	
Temple of Preah Vihear (Cambodia)		Activated by DG	Notes No mention of continuation of RMM or not Normal SOC report	Takes note; Further welcomes No mention of continuation of RMM or not Normal SOC report
Medieval Monuments in Kosovo (Serbia)		Activated by DG	Adjournment of debate until next session	Adjournment of debate until next session
Manovo Gounda St. Floris National Park (Central African Republic)			Expresses its deep concern Apply RMM for 1 year (COM added the one year duration in Decision) Normal SOC report	Notes with concern Continue RMM Normal SOC report