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# World Heritage

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**UNITED NATIONS EDUCATIONAL,  
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**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**

**Report by the Chairperson of the Working Group on the election of  
the members of the World Heritage Committee**



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Seville, 28 June 2009  
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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-third session

Seville, Spain  
22-30 June 2009

**Item 14B of the Provisional Agenda: Report by the Chairperson of the  
Working Group on the election of the members of the World Heritage  
Committee**

## SUMMARY

**SYNTHETIC FINAL REPORT OF THE OPEN-ENDED WORKING GROUP  
ON THE REFLECTION ON THE PROCEDURES FOR THE ELECTION OF  
THE MEMBERS OF THE WORLD HERITAGE COMMITTEE, Paris,  
UNESCO Headquarters, 2008-2009**

**SYNTHETIC FINAL REPORT  
OF THE OPEN-ENDED WORKING GROUP ON THE REFLECTION ON THE  
PROCEDURES FOR THE ELECTION OF THE MEMBERS  
OF THE WORLD HERITAGE COMMITTEE**

Paris, UNESCO Headquarters  
**2008-2009**

*Report of the Rapporteur*

**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**, 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 1*), 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.

**II. CHRONOLOGICAL OVERVIEW**

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 the first three meetings are available online at the following Web address: <http://whc.unesco.org/en/election-reflection>.

6. Members of the Bureau of the Working Group were elected at the first meeting: H. E. Mr. Philippe Kridelka (Belgium; Group I) – Vice-Chairperson; Mr. Gábor Soós (Hungary; Group II) – Rapporteur, and at the third meeting when the Chairperson proposed to enlarge the Bureau of the Working Group and he repeated his call to Electoral Groups III, Va, and Vb to nominate representatives to the Bureau. Following nominations from the respective Electoral Groups, representatives from these groups were unanimously elected and the Bureau therefore attained the following composition:

*Vice-Chairs:*

- H. E. Mr. Philippe Kridelka (Belgium; Group I);
- Ms Chafica Haddad (Grenada; Group III)
- Mr Dawson Munjeri (Zimbabwe; Group Va),
- H. E. Ms. Sylvie Fadlallah (Lebanon; Group Vb)

*Rapporteur:*

- Mr. Gábor Soós (Hungary; Group II).

7. 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.
8. 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.
9. 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.

10. To achieve the three objectives stated in the mandate of the Working Group, (that is 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;” and “the need to envisage a *less complex and less time-consuming voting method*”) issues A to G in Part III (see below) were identified and discussed during the four meetings and the following main conclusions were reached. The three objectives of the mandate are indicated in brackets after the subtitles A to G but it has to be noted that they often overlap.

### III. DISCUSSION ON THE PROCEDURES FOR THE ELECTION OF THE MEMBERS OF THE WORLD HERITAGE COMMITTEE

#### A. Increase of number of Committee members (“*more equitable representation*”)

11. At the first meeting, several members of the Working Group wondered whether, with 21 members, the World Heritage Committee was correctly representing the quasi-universality of the *Convention* (185 States Parties as of January 2008), bearing in mind that a Committee of 21 members was foreseen in the *Convention* from when there were 41 States Parties. Some members of the Working Group suggested amending the text of the *Convention* in order to increase the number of members of the World Heritage Committee (Article 8.1). Various options, ranging from 24 to 28 members, have been advanced in this regard.
12. In response to the question concerning such an amendment, the UNESCO Legal Advisor indicated that amending the *World Heritage Convention* would be a very long procedure. He explained that the revised text of the Convention would need to be adopted by the General Conference (cf. Article 37 of the *Convention*), and to follow a new cycle of ratification by States Parties before its entry into force. He added that, during the period between the entry into force of the revised *Convention* and the moment when all States Parties to the 1972 *Convention* will have ratified the revised *Convention*, there would be two parallel *World Heritage Conventions* in force, unless the revised text clearly indicated that it would enter into force only when all States Parties to the 1972 *Convention* have ratified it. He recalled for reference the document produced in 2000 on this issue, see <http://whc.unesco.org/uploads/activities/documents/activity-493-1.pdf>
13. Having received these clarifications, a large majority of members expressed their reluctance to amend the *Convention*. Therefore, the second meeting of the Working Group started out on the premise that this Working Group will not propose to amend the *World Heritage Convention* but will seek to find solution to the problems identified *within* the current framework of the *Convention*.

14. 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 in the form of amendments to the Rules of Procedure of the General Assembly.

B. Reduction of term of office of Committee membership (“*fair rotation*”)

15. Members of the Working Group recalled that in Resolution **13 GA 9** the General Assembly of States Parties to the *World Heritage Convention* invited States Parties to voluntarily reduce their mandate from 6 to 4 years and that this has become standard practice in recent years. Members agreed that the reduction of term of office induces a better rotation in the Committee with some members being of the view that a 2-year mandate would be even more appropriate. The majority of the members of the Working Group were, however, of the view that a 2-year mandate would not be appropriate 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.

16. The Working Group agreed that ideally, the reduction of term of office from 6 to 4 years should be made mandatory. However, given that the term of office is defined in the *Convention* itself, some other mechanism within the current legal framework should be adopted.

17. The Working Group proposes a further incentive to reduce the term of office of Committee membership to 4 years by way of an amendment to the Rules of Procedure of the General Assembly. The amendment incorporates, in the form of a footnote to Rule 13, Resolution **13 GA 9** of the General Assembly. See *Annex 3*.

C. Increasing accessibility to membership of the Committee (“*fair rotation*”)

18. 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. 11 States Parties have had one or more consecutive mandates. To give an easier access to the World Heritage Committee to the 108 States Parties that have never been elected before, various options were indicated during the first meeting:

- (i) Reserve a seat for State Parties never elected to the Committee, similarly to the reserved seat for a State Party with no property on the World Heritage List.
- (ii) Establish a mandatory minimum period before which any out-going Committee members could not present their candidatures for re-election. This would prevent States Parties to seek consecutive mandates to the Committee.

The discussions explored both options.

19. With regard to option (i) the Chairperson recalled some statistics: out of 185 States Parties (*Note: at the date of 28 May 2008*), 77 have been elected at least once (including 2 without properties), 108 have never been Committee members (including 42 without

properties) out of which 37 have had failed candidatures while 71 have never even been candidates.

20. Members of the Working Group agreed that the actual figure to be looked at is the number of States Parties which have always failed to be elected (i.e. 37), and not the total number of States Parties that have never been members of the Committee (i.e. 108) so as to exclude the 71 States Parties which never presented candidatures to the Committee. It was however mentioned that among the 71 States Parties that have never been candidates for election, many had not done so due to lack of capacity and lack of resources to run a campaign with chances of success.
21. A large majority of States Parties concurred that the current measure to reserve a seat for a State Party with no property on the World Heritage List has to be maintained. The expertise gained while serving as a Committee member is largely seen as a tool for a State Party to propose a successful nomination in the future. It was however added that the number of States Parties with no property is decreasing (42 States Parties in May 2008) and is inferior to the number of States Parties that have never been elected to the Committee (108 States Parties). The introduction of a reserved seat for a State Party that has never been elected to the Committee was suggested by a number of States Parties but it did not receive sufficient support.
22. As for option (ii), the debate focused both on the length of the gap required before re-presenting candidatures to the Committee and on the means to formalise this principle into a more solid rule than mere gentlemen's agreement. Concerning the length of the gap, periods ranging from four to ten years were mentioned. The majority of the Group was in favour of having a longer gap than the current (gentleman's agreement-based, and not always observed) two-year gap between re-presenting candidatures. A longer gap might give a better opportunity for States Parties which have never been elected to become Committee members and would thus ensure better rotation. It was also proposed that the gap be in proportion to the duration of the mandate: six-year mandate means a six-year gap; a four-year mandate means a four-year gap. Finally, since concern was raised that gentlemen's agreement may not be fully effective to ensure full compliance, the Working Group agreed to propose to formalise this point in the Rules of Procedure of the General Assembly.

23. (i) The Working Group decided not to propose the introduction of a reserved seat for a State Party that has never been elected to the Committee.

(ii) The principle of a four-year gap between mandates was accepted unanimously by the Working Group. It was also agreed that this should be formally introduced in the Rules of Procedure of the General Assembly. The Working Group is proposing a draft amendment to Rule 13.1 (see Annex 3) to be adopted unanimously or by consensus by the General Assembly of States Parties as indicated in the "Note on certain proposals as possible alternatives to the current system of election to the World Heritage Committee" by the Office of International Standards and Legal Affairs (see Annex 2).

- D. Increase representativity in the composition of the Committee (“*more equitable representation*” and “*less complex and less time-consuming voting method*”)
24. The discussion on this issue started out by recalling that since the last elections in 2007, one region is not represented in the Committee. The vast majority of the members of the Working Group were of the view that there is a need to make sure no regional group is excluded from the Committee in the future.
25. Many members of the Working Group, referring to the election procedures of other normative instruments (in particular that of the *Convention for the safeguarding of the Intangible Cultural Heritage, 2003*; *Convention for the protection and promotion of the diversity of cultural expressions, 2005*), suggested the establishment of quotas for each one of the UNESCO Executive Board Electoral Groups (as defined in Appendix 2 of the Rules of Procedure of the General Conference of UNESCO; see *Annex 4*), or a minimum number of seats for each of these Groups in order to ensure an equitable geographical representation in the Committee. The introduction of a new regional division was suggested by one State Party but the Working Group preferred to retain the existing Electoral Grouping of UNESCO widely used in other UN fora as well.
26. The 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*.
27. This point was the most challenging issue for the Working Group. There seemed to be a consensus on the need to have representatives from each region in the World Heritage Committee but Members diverged on the means to achieve this goal. While several countries advocated securing two or even more seats per Electoral Group in order to have an equitable representation of the different regions and cultures of the world, other Members of the Working Group opposed the introduction of any system that might imply the introduction of a formal quota system in the Committee. The latter were concerned that this may lead to politicisation of the work of the World Heritage Committee that would have undesirable effects on the World Heritage List as well. Instead of a quota system, they emphasized the potential value of the exhortative action taken by the Chairperson of the General Assembly in between the different rounds of the election procedure as a way to remind States Parties of the potential regional gap in the composition of the World Heritage Committee.
28. A sustained and intense debate was held on these issues during all four meetings. Agreement on the principle of one reserved seat for a non-represented Electoral Group was only reached at the third meeting. Much of the discussion then focused on the technical solution of how to put it in practice in terms of an efficient and less time-consuming voting mechanism. Appropriate language also had to be drafted in order to introduce the new mechanism in the Rules of Procedure of the General Assembly. Based on the evolving consensus, during the third and fourth meetings, the Rapporteur, in close cooperation with the Secretariat, presented proposals to the Working Group regarding the electoral mechanism and its translation into operative terms in order to further crystallize the consensus in concrete terms. In doing so, under the leadership of the Chairperson, the Working Group also paid attention to the other aspect of the mandate, namely to envisage “*a less complex and less time-consuming voting method*”.



29. The mechanism adopted has two kinds of “reserved seats” as well as “open seats”:
- ✓ one reserved seat for States Parties not having a site on the World Heritage List;
  - ✓ one reserved seat for States Parties from an Electoral Group that risks not being represented in the composition of the next Committee (a kind of “safety net” activated only when necessary); (In the unlikely case that such risk exists for more than one Electoral Group, the number of such reserved seats increases accordingly.)
  - ✓ open seats for all States Parties (regardless whether they were candidates for any of the “reserved seats”).
30. A cross-cutting issue in both kinds of “reserved seats” as well as the “open seats” was the kind of majority required for being elected as World Heritage Committee member: absolute majority (more than half of the votes cast) or relative majority (greatest number of votes cast). The Working Group wanted to avoid that the simplification of the procedures should prejudice a better rotation and representativity in the Committee. Thus many countries were in favour of maintaining the need for absolute majority for at least one or two rounds in the ballot for “open seats” on the ground that this mechanism gives States Parties different slates of choices when casting their votes in the different rounds of the election procedure and thus provides the opportunity to take into account the need to ensure equitable representation of the different regions and cultures of the world in the Committee.
31. Once that mechanism is put in place for the “open seats”, it was agreed that the same mechanism should be followed in all ballots so as to avoid the case of having different kinds of seats with different methods of election. The solution of having a first round in each ballot where absolute majority is required and a second round with relative majority was retained. Drawing lots will be used to break a tie among candidates when necessary.

32. The Working Group proposes the introduction of a reserved seat for States Parties from an Electoral Group that risks not being represented in the composition of the next Committee: a “safety net” to be activated when necessary. The Working Group also proposes a streamlined electoral mechanism with absolute majority in the first round of each ballot and relative majority in the second round. See *Annex 3* for a series of amendments to the Rules of Procedure reflecting these choices (Rules 14.1, 14.8, 14.9, 14.10, 14.11)

E. Refraining from presenting a nomination to the World Heritage List during mandate in the Committee

33. The debate on this issue was intense but members of the Working Group still remained divided. On the one hand, this measure was seen as refraining non- or under-represented States Parties to be candidate to the Committee if they cannot present nominations during their term of office. Presenting nominations at any time they wish to do so was also seen as a sovereign right of States Parties. On the other hand, some

members of the Working Group see a conflict of interest in the fact that Committee members present new nominations during their term of office.

34. Some other States Parties suggested that any measure on presenting new nominations should be applied to Committee members in a differentiated manner based on the number of inscribed properties it already has on its territory.

35. As there was no consensus on the issue of refraining from presenting a nomination to the World Heritage List during mandate in the Committee, the Chairperson decided that no recommendation will be made on this point to the General Assembly.

F. Capacity building

36. Although not formally within the mandate of the Working Group, this issue came up several times in the course of the four meetings and was approached by Members of the Working Group from several angles:

- It was recalled on several occasions that a provision concerning expertise is contained in Article 9.3 of the *Convention*. While States Parties agree that expertise is necessary within the Committee, however, States Parties are elected, not individuals. They also recognized that expertise exists in each and every State Party to the *Convention*. The Working Group was not in favour of the systematic distribution of the CVs of States Parties' candidates prior to the elections, even though some were of the view that this information can be very useful.
- A large number of interventions highlighted that capacity building can provide many developing countries which have never been elected with the capacity and confidence necessary to run for the election and obtain a seat in the World Heritage Committee. It has become clear during this meeting that more States Parties need to benefit from training.
- The importance of local knowledge and expertise in the World Heritage Committee has also been mentioned by several members. For many members of the Working Group, expertise in the Committee is not as important as representativity; while for some others, expertise is a far more important issue than the representativity; some others are of the view that the two should reinforce each other.
- Some members pointed out the complex relationship between the sites inscribed on the World Heritage List and Committee membership: there are often coalescing efforts that contribute to gaining expertise, to building further capacity in the State Party, and to raising awareness in the region.

37. At the fourth meeting, the Chairperson presented a draft resolution to be proposed for adoption by the General Assembly encapsulating the main points above, in particular the need for further training. However, Members of the Working Group diverged on both the need and the required content of such a draft resolution. Some argued that this is not within the mandate of the Working Group, and others added that the issue of capacity building and expertise require a different and more encompassing treatment. It was agreed that a Draft Resolution containing the proposed amendments to the Rules of Procedure will briefly mention the issue of capacity building. It will be also covered in the oral report of the Chairperson in the sense of encouraging the General Assembly to take further consideration of this issue.

38. The Draft Resolution to be presented to the General Assembly containing the proposed amendments to the Rules of Procedure will also briefly mention the issue of capacity building. The point will also be taken up in the oral report of the Chairperson in the sense of encouraging the General Assembly to take further consideration of this issue.

G. Observers' role during the Committee sessions

39. The role of Observers during Committee sessions has indirect links to the mandate of the Working Group. The Working Group agreed that for 186 States Parties (as of May 2009) a Committee of 21 Members (cf. also III. A above) offers rather limited possibilities for non-Members to intervene on many crucial policy issues. Many States Parties feel particularly inclined to express themselves on such issues. Although no formal conclusion was reached on this matter, the Working Group agreed that the Chairperson should also mention this issue in his oral report so that the General Assembly take further consideration of the role of the Observers.

40. The Chairperson will mention the role of Observers during Committee sessions in his oral report in the sense of encouraging the General Assembly to take further consideration of this issue.

**IV. CONCLUSIONS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY**

41. 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 (see *Annex 3*). 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 9**, 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).

### **Resolution: 16 GA 3A**

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.

### NOTE ON CERTAIN PROPOSALS AS POSSIBLE ALTERNATIVES TO THE CURRENT SYSTEM OF ELECTION TO THE WORLD HERITAGE COMMITTEE

#### THE OFFICE OF INTERNATIONAL STANDARDS AND LEGAL AFFAIRS

2 June 2008

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#### INTRODUCTION

1. The General Assembly of States Parties to the 1972 Convention for the Protection of the World Cultural and Natural Heritage, recognizing, at its 16<sup>th</sup> session (2007), “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 World Heritage Committee” and “the need for a less complex and less time-consuming voting methods”, decided to intensively undertake “the examination of all possible alternatives to the current election system”<sup>1</sup>.
2. At the request of the Working Group established by the General Assembly, the UNESCO Office of International Standards and Legal Affairs submits herewith a Note containing the views that were presented orally on the following proposals at the 2nd meeting of the Working Group (26 May 2008). The Note addresses the question of the feasibility, from a legal point of view, of each of the proposals as well as possible forms in which such proposals may be put into practice.

#### I. Fixing an interval between two terms of offices of a Committee member

3. The Working Group is examining a proposal to set a minimum number of years before a State Party may stand for re-election to the Committee at the expiration of its normal term of office or at the time when it completes a voluntarily accepted shorter term of office. From the legal point of view, the proposal concerns the question of the eligibility of the States Parties for re-election.
4. In the World Heritage Convention, there is only one provision concerning eligibility of States Parties to the Committee. Article 16, paragraph 5 of the Convention, provides that “[a]ny State Party to the convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee...”. This is the sole condition set under the Convention as concerns the eligibility of States Parties to be a member of the Committee or to be re-elected to it. This implies that under the Convention, all the States Parties other than those defined in Article 16, paragraph 5 of the Convention, have a right to submit their candidature to

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<sup>1</sup> Resolution 16 GA 3A (2007)  
Report by the Chairperson of the  
Working group on the election of the members  
of the World Heritage Committee

be elected or to be re-elected to the Committee. In other words, the 1972 Convention does not contain a provision on term limitation regarding membership on the Committee.

5. A different situation prevails, for example, in the Convention for the Safeguarding of Intangible Cultural Heritage. Its Article 6, paragraph 6, provides that “[a] *State Member of the Committee may not be elected for two consecutive terms.*”
6. If States Parties are to be asked not to stand for re-election during a certain period of time after the end of their term of office as members of the Committee, this would be tantamount to setting a condition on the eligibility of States Parties, which goes beyond the condition set under the Convention. This could only be done, short of a formal amendment to the Convention, as a practice accepted by all States Parties to the Convention.
7. It should be recalled that the General Assembly of States Parties has adopted resolutions in the past whereby it “invite[d] the States Parties to the World Heritage Convention, whose mandate on the Committee expire, to consider not to stand for re-election during an appropriate period”<sup>2</sup> and “discourage[d] States Parties from seeking consecutive terms of office in the World Heritage Committee”<sup>3</sup>. Available evidence shows that these resolutions have been respected by States Parties seeking election to the Committee.
8. Article 31, paragraph 3, of the Vienna Convention on the Law of Treaties provides that for the interpretation of a treaty, “[f]here shall be taken into account (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions; (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation”.
9. Should all the States Parties agree, either unanimously or by consensus, to interpret and apply the World Heritage Convention in such a way as to require that States Parties must or should wait for a minimum number of years as set by the General Assembly before seeking re-election to the Committee, this may be considered as a subsequent agreement or a subsequent practice regarding the application of the provision of the Convention in accordance with Article 31.3 of the Vienna Convention on the Law of Treaties. Such generally accepted interpretation and application of the provisions of the Convention may be spelled out in the form of a resolution by the General Assembly of States Parties or as an additional rule in the Rules of Procedure of the General Assembly of States Parties, and may subsequently be included in the Operational Guidelines of the Convention.
10. Should however some States Parties express their objection to such a subsequent interpretation or application of the Convention, the proposed measure may be applied by States Parties only on a voluntary basis. The General Assembly may then adopt a resolution inviting, encouraging or appealing to States Parties to refrain from seeking consecutive terms of office.

## **II. RESERVING A SEAT FOR (A) CERTAIN CATEGORY(IES) OF STATES PARTIES**

11. The Working Group is considering a proposal to reserve one or more seats for (a) certain category(ies) of States Parties, in particular, those who do not have any site

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<sup>2</sup> The 7<sup>th</sup> session of the General Assembly of States Parties (1989)

<sup>3</sup> The 13<sup>th</sup> session of the General Assembly of States Parties (2001)

inscribed on the World Heritage List and/or those who have never been elected to the Committee.

12. It is noted that the General Assembly of States Parties at its 13<sup>th</sup> session (2001) amended the Rules of Procedure by adding new Rule 13.1 which provides that “[a] certain number of seats may be reserved for States Parties who do not have sites on the World Heritage List, upon decision of the World Heritage Committee at the session that precedes the General Assembly. Such a ballot for reserved seats would precede the open ballot for the remaining seats to be filled. Unsuccessful candidates in the reserved ballot would be eligible to stand in the open ballot.” This has been applied by the General Assembly at all the elections it held since that session and appears to be accepted by all States Parties to the Convention.
13. The General Assembly can decide to reserve one or more seats for any category of States Parties as defined by it with a view to ensuring “an equitable representation of the different regions and cultures of the world” in accordance with Article 8.2 of the Convention.

### **III. REFRAINING FROM PROPOSING A SITE FOR INSCRIPTION**

14. The Working Group is also examining a proposal that States Parties, while they serve as a member of the Committee, must or should refrain from proposing a site for inscription on the World Heritage List.
15. As concerns the legal feasibility of such a proposal in light of the provision of the Convention, the Office of the International Standards and Legal Affairs, at the request of the World Heritage Committee at its 28<sup>th</sup> session (2004), presented its opinion in writing to the Committee at its 7<sup>th</sup> extraordinary session (2004)<sup>4</sup>. This opinion is reproduced as an annex to this Note.

### **IV. ATTRIBUTING A FIXED NUMBER OF SEATS TO A GROUP OF STATES PARTIES**

16. As one of the means to “ensure an equitable representation of the different regions and cultures of the world” in the members of the Committee,<sup>5</sup> the Working Group is considering the allocation of a fixed number of seats to groups of States Parties. Such allocation may be proportionate to the number of States Parties in a given group or equal among all the groups. It could also be a minimum number of seats to be attributed to each group or a maximum possible number of seats that one group can have.
17. This proposal presupposes the introduction of a system of electoral groups, which the General Assembly would consider as equitably representing different regions and cultures of the world. The General Assembly may introduce such a system, but the composition of each group or the method of grouping must be clearly defined by the

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<sup>4</sup> Document WHC-04/7 EXT.COM/4B.Add.

<sup>5</sup> Article 8, paragraph 2 of the Convention provides that “Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.”

Assembly. For this purpose, the Assembly may decide to use the system of regional grouping established by the UNESCO General Conference for the purpose of the elections to the Executive Board or subsidiary bodies of the General Conference. It may also establish a system of grouping of its own. As the election on the basis of the electoral grouping has not been practiced by the General Assembly, the introduction of the grouping system as a method of election as well as the composition of the groups/ the methods of grouping must be defined in the Rules of Procedure of the Assembly.

18. Once the above issue is resolved, the Assembly may then attribute any number of seats among groups thus established, in such a way that as a result of elections, the different regions and cultures of the world are represented equitably in the composition of the Committee. The method by which the Assembly distributes seats among electoral groups would also need to be clearly established in the Rules of Procedure.



LEGAL OPINION ON POSSIBLE IMPLICATIONS  
OF CERTAIN MEASURES PROPOSED  
DURING THE 28<sup>TH</sup> SESSION OF THE WORLD HERITAGE COMMITTEE  
REGARDING SUBMISSIONS OF NOMINATIONS BY ITS MEMBERS

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## I. INTRODUCTION

1. At its 28<sup>th</sup> Session, the World Heritage Committee (hereinafter referred to as “the Committee”), discussed certain measures regarding possible limitations on submissions of nominations.

2. Among the measures considered by the Committee, the following proposal was put forward by the delegation of the United Kingdom:

*“ [The World Heritage Committee] proposes that the Committee should consider at its next session whether its members refrain from proposing nominations for inscriptions during their tenure. Committee members with no sites on the World Heritage List would be exempt from this obligation. This proposal would not come into effect before the 16<sup>th</sup> General Assembly of State Parties (2007).”*

3. Some Members of the Committee questioned the legality of the measures suggested in the proposal and asked the Committee to examine their implications. Consequently, the Committee adopted the following decision:

*“[The World Heritage Committee] (r)equest(ed) the Legal Advisor to study the legal implications of a rule restricting Committee members from proposing a site during their mandate whether or not an exemption is made for Committee members with no site on the World Heritage List” (28 COM 14B.57, paragraph 7).*

## II. LEGAL CONSIDERATION OF THE PROPOSED MEASURES

4. It should be noted at the outset that the measures proposed by the UK delegation and those referred to in the above decision of the Committee are quite different and would entail different legal consequences. Both are discussed below.

### **(A) VOLUNTARY ABSTENTION OF COMMITTEE MEMBERS FROM THE SUBMISSION OF NOMINATIONS**

5. First, the measures suggested in the UK proposal, as formulated above, are essentially of a programmatic nature. It is proposed to the Committee to “consider” at its next session “whether its members refrain from proposing nominations for inscriptions during their tenure”. Secondly, through the use of the term “refrain”, it

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<sup>6</sup> The legal opinion was reproduced in Document WHC-04/7 EXT.COM/4B.Add. Report by the Chairperson of the Working group on the election of the members of the World Heritage Committee

clearly refers to the possibility for Committee members to abstain from submitting nominations during their tenure, thus implying voluntary or self-imposed restrictions rather than restrictions imposed by the Committee itself. This interpretation is slightly contradicted by the reference in the second sentence of the UK text to an “obligation”. The use of the word “obligation” creates some confusion with regard to the overall intention of the proposal.

6. Nevertheless, if the proposal was intended to say that members of the Committee would **voluntarily** refrain from proposing nominations during their tenure, such a proposal would not pose any legal problem. States Parties may indeed voluntarily renounce to exercise their rights or privileges granted under the Convention or other relevant rules. Equally, as members of the Committee they may refrain from submitting nominations during their tenure. If, on the other hand, it was intended to be a restriction imposed by the Committee on its members as an obligation, such a restriction would produce certain legal consequences as explained in the analysis below.

#### **(B) IMPOSING RESTRICTIONS ON SUBMISSION OF NOMINATIONS BY COMMITTEE MEMBERS**

7. The decision of the Committee (28 COM 14B.57, paragraph 7) requests the legal adviser to study the legal implications of “a rule restricting Committee members from proposing a site during their mandate”.

8. In order to manage a large number of nominations, the Committee has, in the past, adopted decisions, by which it limited the number of nominations submitted by States Parties to the Committee. For example, the Committee decided at its 24<sup>th</sup> session that “*no States Parties should submit more than one nomination, except those States Parties that have no sites inscribed on the World Heritage List who will have the opportunity to propose two or three nominations*”. (“The Cairns Decision”, 24 COM VI.2.3). This limit was retained by the Committee at its 27<sup>th</sup> session (27 COM 14.1). At its 28<sup>th</sup> session, the Committee, further decided to “*examine up to two complete nominations per State Party, provided that at least one of such nominations concerns a natural property*”. These decisions of the Committee are based on the powers explicitly conferred upon it by the Convention for the establishment of its working methods and rules (e.g. the adoption of rules of procedures, the drafting of criteria, etc.) or on its inherent functions as defined in the Convention.

9. Should the use of the word “restriction” in the above decision be meant to denote a limitation of the number of nominations to be made<sup>7</sup>, it would be the same as previous limitations of nominations by the Committee, the only difference being that, in this case, it would not apply to all States Parties to the Convention, but only to those who are members of the Committee, throughout the duration of their membership (see also Section C below).

10. Should it, on the other hand, be meant to denote a prohibition to submit nominations during their tenure as Committee members, the legal consequences arising from such a decision would be substantially different and are analysed below.

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<sup>7</sup> The word “restriction” is defined as “a limiting condition or measure” or “the action or state of restricting or being restricted” (Oxford English Dictionary).

11. Article 11 of the Convention deals with the establishment by the Committee of the World Heritage List. Paragraph 1 thereof reads as follows:

*“Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee **an inventory of property** forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion for the list provided for in paragraph 2 of this Article.”* [emphasis added]

12. On the basis of such an inventory, the Committee is to establish the World Heritage List. In this regard, paragraph 2 of the same Article provides that:

*“On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of “World Heritage List” a list of properties forming part of the cultural heritage and natural heritage, as defined in Article 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established.”* [emphasis added]

13. Paragraph 3 of the same Article also provides that:

*“The inclusion of a property in the World Heritage List requires the consent of the State concerned...”*

14. It is clear from the above that, under Article 11, paragraph 1, States Parties have an obligation to submit an inventory (which is constituted by the “tentative list” defined in paragraph 7 of the present Operational Guidelines) to the extent that it is possible and is considered suitable for inclusion in the World Heritage List.

15. It is also clear that, under Article 11, paragraph 2, the Committee has an obligation to establish, keep up to date and publish the World Heritage List on the basis of the inventories submitted by States Parties. It follows from this that, once an inventory has been submitted by States Parties in accordance with Article 11, paragraph 1 of the Convention, those States Parties have **a right to have the inventory examined by the Committee for possible inclusion in the World Heritage List**. In examining the properties of States Parties, the Committee must give equal and objective consideration to the properties of all States Parties, in accordance with the general principles of law.

16. The right of States Parties to have their properties considered by the Committee for possible inclusion in the World Heritage List is exercised through the act of “nominations” introduced in the Operational Guidelines, as one of the procedural steps to be taken between the submission of the inventory by States Parties and the process of establishment of the World Heritage List by the Committee as defined under Article 11 of the Convention.

17. The Guidelines adopted by the Committee at its first session (1977) read as follows:

*“All States Parties to the Convention will be invited by the Director-General of UNESCO on behalf of the Committee to submit nominations to the World Heritage List in conformity with the decisions taken by the Committee with respect to the form and content of nominations to the World Heritage List and to the criteria in terms of which the inclusion of properties in the World Heritage List will be determined...”(Paragraph 15(a))*

18. The reference to the invitation by the Director-General was deleted as part of the amendments to the Guidelines at the 2<sup>nd</sup> session of the Committee. Under the present Operational Guidelines, in order for the Committee to establish the World Heritage List on the basis of the inventories submitted by States, as defined under Article 11 of the Convention, States Parties are requested to nominate properties from among the properties included in the inventory, which are first evaluated by advisory organizations, and then are examined by the Bureau of the Committee and finally by the Committee itself. Unless each of these procedural steps established by the Guidelines is taken, the Committee would not be able to include new properties in the World Heritage List.

19. Thus, the submission of nominations by States Parties constitutes the exercise of the right to have their inventory considered by the Committee, a right which stems from the terms of Article 11, paragraph 2. It is also the means by which States Parties express their consent, which is required for the inclusion of the properties under Article 11, paragraph 3 of the Convention.

20. In light of the above, it should be concluded that if members of the Committee were to be **prohibited** from proposing a site during their tenure, they would not be able to fully exercise their rights as foreseen under the Convention. A prohibition to submit nominations applicable only to the members of the Committee would therefore contravene the provisions of the Convention, in particular, their right to have their properties considered by the Committee for inclusion in the World Heritage List.

***(C) IMPOSITION OF RESTRICTIONS ON THE COMMITTEE ITSELF REGARDING THE EXAMINATION OF NOMINATIONS SUBMITTED BY ITS MEMBERS***

21. While it would be legally problematic to attempt to prohibit members of the Committee from submitting nominations, it does however appear to be possible that the Committee imposes on itself certain restrictions in examining nominations. The Committee is empowered to lay down rules, by which it imposes on itself a limit or a priority in the number or in the categories of nominations it examines during a session.

22. For instance, the Committee, at its 24<sup>th</sup> session, decided to set at 30 the number of nominations examined by it at its 27<sup>th</sup> session (“The Cairns Decision”, 24 COM VI.2.3). Later, at its 27<sup>th</sup> session, it also set the limit at 40 (27 COM 14.4). At its 28<sup>th</sup> session, it further decided to “*set at 45 the annual limit on the number of nominations it will review, inclusive of nominations deferred and referred by previous sessions of the Committee, extensions (except simple modifications of limits of the*

*property), transboundary nominations and nominations submitted on an emergency basis”(28 COM 13.1, paragraph 16).*

23. It would be legally possible that when examining nominations submitted by States Parties, the Committee decides to set a low priority to the nominations submitted by its members or not to examine them during the session, with a view to rationalizing its activities and methods of work and to avoiding that membership of the Committee be used to obtain priority consideration for nominations submitted by members of the Committee. Such limitations would not impinge on the basic right of members to have their properties considered for inclusion in the World Heritage List.

### *III. CONCLUSIONS*

24. From the analysis made in the preceding paragraphs, the following conclusions can be drawn both with regard to the measures proposed during the 28<sup>th</sup> session of the Committee by the United Kingdom and the decision of the Committee requesting the present legal opinion:

- (i) If it were intended, under the UK proposal, that members of the Committee **voluntarily** refrain from submitting nominations during their tenure, such voluntary abstention would not contravene the provisions of the Convention nor of any other rules established under it. It would therefore be possible for all Committee members or for some of them to renounce their right to submit nominations to the Committee during their tenure.
- (ii) On the other hand, should the Committee decide to **prohibit** its members from submitting nominations during their mandate, such an action would be contrary to the provisions of the Convention, in particular, the right of States Parties to submit the inventory of property and to have such property considered for inclusion in the World Heritage List as foreseen under Article 11 of the Convention.
- (iii) Nevertheless, it would be legally possible that, when examining nominations submitted by States Parties, the Committee decides to set a low priority to the nominations submitted by its own members or not to examine them during the session for the purpose of rationalizing its work and avoiding a situation where membership of the Committee might be used to obtain priority consideration for nominations submitted by members of the Committee.

**PROPOSED DRAFT AMENDMENTS TO THE RULES OF PROCEDURE  
OF THE GENERAL ASSEMBLY  
PROPOSITIONS D'AMENDEMENTS AU REGLEMENT INTERIEUR DE  
L'ASSEMBLEE GENERALE**

Amendments are underlined.

[Les amendements sont soulignés](#)

**Rule 13 – Procedures for the presentation of candidatures to the World  
Heritage Committee<sup>1</sup>**

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 stand again for election four years after the expiry of their mandate.

[13.2 Les membres du Comité peuvent se représenter à l'élection quatre ans après l'expiration de leur mandat.](#)

**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.

[a\)](#) L'élection des membres du Comité du patrimoine mondial se fait au scrutin secret lorsque cinq délégations au moins ayant le droit de vote le demandent ou si le/la Président(e) le décide.

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<sup>1</sup> Resolution 13 GA (paragraph 6) invited the States Parties to the World Heritage Convention, to voluntarily reduce their term of office from six to four years.

[<sup>1</sup>La résolution 13 GA \(paragraphe 6\) a invité les Etats parties à la Convention du patrimoine mondial à réduire volontairement la durée de leur mandat de six à quatre ans.](#)

b) In case one or more electoral group(s), as defined by the UNESCO General Conference<sup>2</sup> at its most recent session, might have no State Party in the composition of the next Committee<sup>3</sup>, one seat per such electoral group(s) shall be reserved.

b) Au cas où un ou plusieurs groupes électoraux, tel(s) que défini(s) par la Conférence générale de l'UNESCO<sup>2</sup>—à sa plus récente session, est/sont susceptible(s) de n'avoir aucun Etat partie dans la composition du Comité suivant, un siège sera réservé par groupe(s) électoral(aux) concerné(s).

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

c) Néanmoins, à chaque élection, un siège doit être réservé aux Etats parties n'ayant aucun bien sur la Liste du patrimoine mondial.

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).

d) Le(s) scrutin(s) pour le(s) siège(s) réservé(s) doit/doivent précéder le(s) scrutin(s) pour les autres sièges à pourvoir. Les candidats n'ayant pas été élus au scrutin des sièges réservés pourront se représenter au(x) scrutin(s) suivant(s).

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

**Demeurent inchangés: 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. If there still remain seat(s) to be filled, there shall be a second round. In the second round, the

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<sup>2</sup> It being understood that "Group V" shall consist of two separate groups for the African and Arab States - Etant entendu que le « Groupe V » est constitué de deux groupes distincts représentant l'Afrique et les Etats arabes

<sup>3</sup> "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., « En d'autres termes, soit il n'y a aucun Etat partie appartenant à un groupe électoral donné dans la composition du Comité au début de la session ordinaire de la Conférence générale, soit le mandat de tous les Etats parties appartenant à un groupe électoral donné expire à la fin de la session ordinaire de la Conférence générale ».

candidates obtaining the greatest number of votes, up to the number of seat(s) to be filled, shall be declared elected. If in this latter round, two or more candidates obtain the same number of votes, and, as a result, the number of these candidates is greater than the number of seats to be filled, the Chairperson shall decide by drawing lots among them in order to allocate the remaining seat(s).

À tous les scrutins, le(s) candidat(s) obtenant au premier tour la majorité des voix des États parties présents et votants sera/seront déclarés élu(s). S'il reste encore un/des siège(s) à pourvoir, il y aura un second tour. Au second tour, les candidats obtenant le plus grand nombre de voix, à concurrence du nombre de sièges à pourvoir, seront déclarés élus. Si lors de ce dernier tour de scrutin, deux ou plusieurs candidats obtiennent le même nombre de voix et que, de ce fait, le nombre des candidats est supérieur au nombre de sièges à pourvoir, le/la Présidente procédera à un tirage au sort entre eux afin d'attribuer le(s) siège(s) restant(s)

**The texts of 14.9 and 14.10 are deleted**

**Les textes de 14.9 et 14.10 sont supprimés**

**14.11 becomes new 14.9**

**14.11 devient le nouveau 14.9**

**14.9 After each round, the Chairperson shall announce the results.**

**14.9 A l'issue de chaque tour, le/la Président(e) proclame les résultats.**



APPENDIX 2 OF THE RULES OF PROCEDURE  
OF THE UNESCO GENERAL CONFERENCE

**Procedure for the election of Members  
of the Executive Board**

**I. Groupings of Member States for the purpose of elections to the Executive Board**

As decided by the General Conference at its 33rd session, the composition of electoral groups for the purpose of elections to the Executive Board and the distribution of seats on the Executive Board among the groups is as follows:

*Group I (27) Nine seats*

Andorra	Iceland	San Marino
Austria	Ireland	Spain
Belgium	Israel	Sweden
Canada	Italy	Switzerland
Cyprus	Luxembourg	Turkey
Denmark	Malta	United Kingdom of Great Britain and Northern Ireland
Finland	Monaco	United States of America
France	Netherlands	
Germany	Norway	
Greece	Portugal	

*Group II (24) Seven seats*

Albania  
Armenia  
Azerbaijan  
Belarus  
Bosnia and Herzegovina  
Bulgaria  
Croatia  
Czech Republic  
Estonia  
Georgia  
Hungary  
Latvia  
Lithuania  
Poland  
Republic of Moldova  
Romania  
Russian Federation  
Serbia and Montenegro  
Slovakia  
Slovenia  
Tajikistan  
The former Yugoslav  
Republic of Macedonia  
Ukraine  
Uzbekistan

*Group III (33) Ten seats*

Antigua and Barbuda	Dominica	Panama
Argentina	Dominican Republic	Paraguay
Bahamas	Ecuador	Peru
Nevis	El Salvador	Saint Kitts and Nevis
Barbados	Grenada	Saint Lucia
Belize	Guatemala	Saint Vincent and the Grenadines
Bolivia	Guyana	Suriname
Brazil	Haiti	Trinidad and Tobago
Chile	Honduras	
Tobago		
Colombia	Jamaica	Uruguay
Costa Rica	Mexico	Venezuela
Cuba	Nicaragua	

*Group IV (43) Twelve seats*

Afghanistan	Kazakhstan	Pakistan
Australia	Kiribati	Palau
Bangladesh	Kyrgyzstan	Papua New Guinea
Bhutan	Lao People's Democratic Republic	Philippines
Brunei Darussalam	Malaysia	Republic of Korea
Cambodia	Maldives	Samoa
China	Marshall Islands	Solomon Islands
Cook Islands	Micronesia (Federated States of)	Sri Lanka
Democratic People's Republic of Korea	Mongolia	Thailand
Fiji	Myanmar	Timor-Leste
India	Nauru	Tonga
Indonesia	Nepal	Turkmenistan
Iran (Islamic Republic of)	New Zealand	Tuvalu
Japan	Niue	Vanuatu
		Viet Nam

*Group V (64) Twenty seats*

Algeria	Ghana	Rwanda
Angola	Guinea	Sao Tome and Principe
Bahrain	Guinea-Bissau	Saudi Arabia
Benin	Iraq	Senegal
Botswana	Jordan	Seychelles
Burkina Faso	Kenya	Sierra Leone
Burundi	Kuwait	Somalia
Cameroon	Lebanon	South Africa
Cape Verde	Lesotho	Sudan
Central African Republic	Liberia	Swaziland
Chad	Libyan Arab Jamahiriya	Syrian Arab Republic
Comoros	Madagascar	Togo
Congo	Malawi	Tunisia
Côte d'Ivoire	Mali	Uganda
Djibouti	Mauritania	United Arab Emirates
Democratic Republic of the Congo	Mauritius	
	Morocco	

Egypt  
Equatorial Guinea  
Eritrea  
Ethiopia  
Gabon  
Gambia

Mozambique  
Namibia  
Niger  
Nigeria  
Oman  
Qatar

United Republic  
of Tanzania  
Yemen  
Zambia  
Zimbabwe

## **II. Provisions governing the procedure for the election of Member States to the Executive Board**

### *A. Submission of the names of candidate states*

Rule 1 The Director-General shall ask each Member State, at least three months prior to the opening of any ordinary session of the General Conference, whether it intends to stand for election to the Executive Board. If so, its candidature must be sent to him or her at least six weeks, as far as possible, prior to the opening of the session, it being understood that candidate Member States may at the same time communicate to the other Member States and to the Director-General any information they consider relevant, including the name and curriculum vitae of the person they intend, if elected, to designate as their representative on the Board.

Rule 2 At least four weeks prior to the opening of the ordinary session of the General Conference the Director-General shall send Member States the provisional list of Member States candidates.

Rule 3 At the opening of the ordinary session of the General Conference the Director-General shall have drawn up and delivered to the Chairperson of the Nominations Committee and to each head of delegation a list of the Member States' candidatures that have been transmitted to him or her by that date.

Rule 4 Subsequent candidatures shall be admissible only if they reach the Secretariat of the General Conference at least forty-eight hours before the beginning of the ballot.

Rule 5 The Nominations Committee shall submit to the General Conference a list of all the Member States candidates, indicating the electoral group to which they belong and the number of seats to be filled in each electoral group.

### *B. Election of Member States to the Executive Board*

Rule 6 The election of Members of the Executive Board shall be conducted by secret ballot.

Rule 7 Before the ballot begins, the President of the General Conference shall appoint two or more tellers from among the delegates present and shall give them the list of delegations entitled to vote and the list of Member States candidates. The duties of the tellers shall be to supervise the balloting procedure, count the ballot papers, decide on the validity of a ballot paper in any case of doubt, and certify the result of each ballot.

Rule 8 The Secretariat shall prepare for each delegation an envelope without any distinguishing mark and separate ballot papers, one for each of the electoral groups.

Rule 9 The ballot paper to elect Member States for each electoral group shall be of a different colour from the others and bear the names of all the Member States that are candidates for election in that electoral group. The voters shall indicate the candidates for which they wish to vote by inserting the sign x in the box appearing opposite the name of each candidate in this way: x. This sign will be considered as an affirmative vote in favour of the candidate so indicated. The ballot paper shall carry no other notation or sign than those required for the purpose of indicating the vote.

- Rule 10 Ballot papers and envelopes shall be distributed to delegations by the Secretariat the day before the ballot, together with relevant information concerning the carrying out of the ballot. Each delegation shall be invited to choose a person to vote on its behalf.
- Rule 11 The ballot shall be held in a room separate from the meeting rooms. This room shall be equipped with voting booths and with polling stations to which the delegations will be directed according to alphabetical arrangements corresponding to the names of their respective states. Ballot papers and envelopes shall also be available in the room.
- Rule 12 Voting shall be supervised by the President of the General Conference (or by a Vice-President designated by the President) and by the tellers. They will be assisted by members of the Secretariat designated by the Secretary of the General Conference.
- Rule 13 The tellers shall satisfy themselves that the ballot box is empty and, having locked it, shall hand the key to the President of the General Conference or the Vice-President designated by the President.
- Rule 14 Delegates may cast their vote at any time within the period indicated for the ballot. Before placing the envelope in the ballot box, each delegate will be required to write his or her name on the list of Member States entitled to vote at the session and sign it. A delegate who comes forward to vote on behalf of his or her delegation will be presumed to represent that delegation, once the tellers have checked that he or she belongs to that delegation, it being understood that only one vote per delegation is allowed. To indicate the recording of each Member State's vote, one of the tellers shall sign or initial the list mentioned above, in the margin opposite the name of the Member State concerned.
- Rule 15 After the closure of the ballot, the counting of votes shall be carried out under the supervision of the President or one of the Vice-Presidents of the General Conference designated for this purpose by the President.
- Rule 16 When the President of the General Conference or the Vice-President designated by the President has opened the ballot box, the tellers shall check the number of envelopes. If the number is greater or less than that of the voters, the President shall be informed, and shall then declare the vote invalid and announce that it is necessary to reopen the ballot.
- Rule 17 The following shall be considered invalid:
- (a) ballot papers on which a voter has cast an affirmative vote in favour of more candidates than there are seats to be filled;
  - (b) ballot papers on which the voters have revealed their identity, in particular by apposing their signature or mentioning the name of the Member State they represent;
  - (c) ballot papers on which the name of any candidate appears more than once;
  - (d) ballot papers containing no indication as to the intention of the voter;
  - (e) subject to the provisions (a), (b), (c) and (d) above, a ballot paper shall be considered valid when the tellers are satisfied as to the intention of the voter.
- Rule 18 The absence of any ballot paper in the envelope shall be considered as an abstention.
- Rule 19 The counting of the votes for each electoral group shall take place separately. The tellers shall open the envelopes, one by one, and shall sort the ballot papers into electoral groups. The votes cast for the candidate Member States shall be entered on the lists prepared for that purpose.
- Rule 20 When the counting of the votes is completed, the President shall announce, in a plenary meeting, the results of the ballot as specified in Rule 95 of the Rules of Procedure of the General Conference, separately for each of the electoral groups.

Rule 21 After the declaration of the results of the ballot, the ballot papers shall be destroyed in the presence of the tellers.

Rule 22 The lists on which the tellers have recorded the results of the vote, after signature by the President or the Vice-President designated by the President and by the tellers, shall constitute the official record of the ballot and shall be lodged in the archives of the Organization.