

# **NON-PAPER ON REVISIONS OF RULES OF PROCEDURE OF THE WORLD HERITAGE COMMITTEE**

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## **1. Introduction**

This non-paper has been prepared by the UK Permanent Delegation to UNESCO in order to help discussion at the open-ended working group for the revision of the rules of procedure of the General Assembly on 23-24 January 2014. The paper does not represent UK government policy, but instead lists a number of different ideas that have been generated from discussions with other delegations in a range of regional groups. The paper does not present a set of formal proposals, but rather a list of issues options that merit discussion.

## **2. Summary of Recommendations**

The Committee should be effective, representative, and expert-led. A number of measures are needed to ensure that all of these principles are maintained.

On effectiveness, introducing a rule suspending consideration of any proposed new sites within serving members of the Committee is an important safeguard that would address the concerns raised by the external auditor, and help protect the integrity of the Committee.

On representation, seats should not be allocated on a purely geographical basis as this would not achieve equitable geographical representation, and would undermine the integrity and quality of expertise on the Committee. Introducing a stronger 'safety net' would better meet the objective of equitable geographical representation, and could be combined with other measures such as reserving a seat for a country that has not previously been represented, increasing the gap between mandates, re-introducing multiple rounds of voting, and ensuring that all votes are used. Limitations on electoral campaigns could also help.

On expertise, the electoral process should ensure that there is a choice of candidates at each stage, preventing clean slates. A set of common standards for electoral campaigns would make it easier for States Parties to assess candidacies of the merits of their expertise and national cultural experience, and would provide a level-playing field for previously under-represented regions.

### **3. Background**

The World Heritage Committee brings together experts from around the world to establish, maintain and protect world heritage. This is a cornerstone of UNESCO's mandate and a priority for many member states. As stated in the Convention, election of members to the Committee shall ensure an equitable representation of the different regions and cultures of the world (article 8.2) and States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage (article 9.3).

The rules of procedure therefore need to ensure that the following objectives are met:

- (a) Efficient and effective working of the committee, so that it is able to fulfil its mandate and maintain its integrity;
- (b) An equitable representation of the different regions and cultures of the world;
- (c) Well-qualified, dedicated experts with the knowledge and capacity to undertake this work.

However, the results of the last elections to the Committee in November 2013 demonstrated that the current electoral system is failing to meet these objectives. In particular, one group, Sub-Saharan Africa, failed to win any new seats, leaving them severely under-represented on the Committee. This is not only a problem for the Africa Group – it is a problem for all countries. Without adequate representation from all regions the Committee will not fully represent the different regions and cultures of the world, nor will it have the necessary understanding and experience of these regions and cultures in

order for it to fulfil its mandate. This highlights the need to amend the rules of procedure to ensure that all of these objectives – effectiveness, representation and expertise - can be met.

#### **4. The Way Forward: How to Ensure an Effective, Representative and Expert Committee**

There is probably no perfect system which will allow the core objectives mentioned above to be met in full. All of the core objectives – effectiveness, representation and expertise – are important, and no one objective should be pursued at the expense of the others. For example, measures to ensure the best possible expertise might need to be accompanied by safeguards to ensure equitable representation, or vice versa. But change is definitely needed. It is therefore likely that, in order to reach the best possible outcome, a combination of several measures will be needed.

Similarly, there is no definition of ‘equitable geographical representation’. The different regions are unequal in size, number of states parties, and population. Sharing Committee seats out on the basis of an equal number per region would severely disadvantage those Countries in the larger electoral groups, who would have to wait much longer, on average, between serving on the Committee (see table in Annex 1, below). Nevertheless, it is clear that the last elections did not deliver equitable geographical representation. So Member States must find a way to improve this, even if we cannot clearly define what equitable geographical representation would look like.

The possible measures to support each objective are discussed below.

##### **4.1. Possible Measures to Preserve the Efficient and Effective Working of the Committee**

###### *4.1.1 Suspending Consideration of new sites in Countries serving on the Committee*

As noted by the external auditor, there is a potential conflict of interest when members of the Committee are asked to consider new sites within their own countries<sup>1</sup>. The Committee has been asked to strengthen its measures to address this<sup>2</sup>. It may not be possible to prevent sites within the territory of members of the Committee from being nominated, as the Convention confers the right on all States Parties to submit nominations. Instead, the Committee could suspend consideration of any proposals for new World Heritage sites within the territory of any serving member of the Committee, for the duration of their mandate. This would help to protect against potential conflicts of

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<sup>1</sup> External Auditor’s report on the Global Strategy and the PACT Initiative noted “a strong correlation between the countries represented on the World Heritage Committee and the location of properties nominated”.

<sup>2</sup>The open-ended working group established by Resolution 18 GA 8 asked the Committee to address any potential conflicts of interest of its members and to strengthen its Decision 35 COM 12B, encouraging States Parties members of the Committee not to submit nominations during their mandate.

interest, and would ensure that those States parties who were candidates for the Committee could devote their full energies to supporting the core mandate of the World Heritage Centre and the Committee. This rule could be introduced gradually so that it would not affect currently serving members of the Committee.

*Recommendation: Introducing a rule suspending consideration of any proposed new sites within serving members of the Committee is an important safeguard that would address the concerns raised by the external auditor, and help protect the integrity of the Committee.*

## **4.2 Possible Measures to Ensure an Equitable Representation of Different Regions and Cultures**

*4.2.1 Reserving a seat for a country that has not previously been represented*  
Currently, there is a reserved seat on the Committee for a country that does not have any World Heritage sites. However, this may no longer make sense if the recommendations of the external auditor are followed, to prevent consideration of new sites within serving members of the Committee. It may be preferable to replace this with a reserved seat for a country that has not previously been represented. The selection process for this seat would mirror the process for the reserved seat for electoral groups that risk being unrepresented, with a safeguard to ensure a choice of candidates.

*4.2.2 Increasing the Gap between mandates in the Committee*  
The introduction of a four-year gap between mandates in the Committee<sup>3</sup> has facilitated access for States Parties that had never previously been elected, and encouraged more States Parties to run for elections<sup>4</sup>. Increasing this Gap between mandates from four to eight years would help to broaden out representation on the Committee, making it easier for more countries, and cultures, to be represented.

*4.2.3 Ensure all votes are used*  
Analysing the results from the last elections to the Committee, one factor seems to be that some States parties did not use all of their votes, and so did not cast as many votes as they might have for countries outside their own electoral group. While there may be sound reasons for this, such as a greater understanding of neighbouring countries' expertise, it can result in certain regions having an unfair advantage/disadvantage. One possibility might therefore be to require that all ballot papers have to have cast the full number of possible votes, otherwise they will be declared invalid.

*4.2.4 Re-Introducing Multiple Rounds of Voting*  
In 2009, the General Assembly introduced a streamlined voting procedure, replacing the earlier system of multiple rounds of voting. This has led to a smoother, more efficient process. However, it has also removed a potential safeguard against geographical imbalances. In a process with multiple

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<sup>3</sup>Resolution 17 GA 3A the General Assembly

<sup>4</sup> Based on the analysis in paper WHC-13/19.GA/4

rounds, it would be easier for states parties to identify potential imbalances in the composition of the committee (e.g. if one group had won a large/small number of seats in the first round), and adjust their voting in subsequent rounds in order to address this.

#### *4.2.5 Allocating seats on a regional basis*

Ahead of the World Heritage General Assembly in November 2013, there were two separate proposals for amending the rules of procedure to allocate all 21 seats for the Committee by UNESCO electoral group. Brazil and others proposed allocating a minimum of three seats to each Group, with the remaining three seats allocated in proportion to the number of States parties. Palestine initially proposed an equal allocation of 3.5 seats per Group (with floating seats alternating between Groups I and II, Groups III and IV, and Groups Va and Vb). Annex 1, below, summarises the number of States parties per Group, the number of seats allocated to each Group under each proposal, and the number of years that a country in each Group would have to wait, on average, between finishing a term on the Committee and starting a new one. Annex 1 also shows the scenario of seats allocated by Group purely on the basis of the number of States parties in that Group.

Allocating seats on a regional basis would ensure that the different regions were all represented. However, there are a number of concerns with this approach. Firstly, as can be seen in Annex 1, allocating seats by Group would not necessarily result in an 'equitable' distribution. In particular, under the earlier proposals, countries in some Groups, especially Africa, would have to wait much longer than others between their terms on the Committee (41 years on average for Africa, compared with 27 years for Group 1, and even less for some other groups).

Secondly, there is a risk that, if seats for an Electoral Group were effectively guaranteed, States Parties may have less incentive to present the best possible expertise within their candidacy, and the overall quality of expertise on the Committee would suffer. Similarly, allocating seats purely on the basis of Electoral Groups would risk politicising the work of the Committee.

#### *4.2.5 Introducing a Safety Net for a Minimum Representation for each Region*

The current system includes a reserved seat for States Parties from Electoral Groups that risk not being represented in the composition of the next Committee. However, as the last elections to the Committee demonstrated, there is still a risk that some Electoral Groups can be grossly under-represented. In order to address this risk, the General Assembly could introduce a stronger safety net. This could involve a mechanism that would be triggered if any region risked being severely under-represented. This would build on the process already introduced under Resolution 17 GA 3A for a reserved seat for potentially non-represented Electoral Groups.

For example, at the last elections to the Committee, no new States Parties from Africa Group were elected, despite a strong field of African candidates. The rules for the reserved seat did not apply because one African country, Senegal, had remained on the Committee. However, this left the region severely under-represented (just 5% of the seats despite having 24% of the

States Parties). With a safety net, there would have been at least one seat reserved for candidates from Africa.

There are a number of ways that this could work. One option would be to guarantee one seat per electoral group per election, if that group risked falling below its 'fair share' of the total number of seats (i.e. a share of the seats that reflected its share of the total states parties, as set out in Annex I). The seat would not be guaranteed if the Group were already well-represented on the Committee.

A second option would be a safety net to prevent any Electoral Group from falling too far below its 'fair share'. Under this mechanism, if any Electoral Group risked being severely under-represented in the composition of the next Committee, there would first be an election for a reserved seat for that Electoral Group.

One complicating factor with this approach is how to define 'under-represented', as the Electoral Groups themselves vary enormously in size. For example, there are two-thirds more States Parties in Group Va than in Group I. The table in Annex I indicates what a roughly proportional share of seats would look like for each Electoral Group. Electoral Groups could be considered to be severely under-represented if their number of seats would be two or more lower than their 'proportional share'<sup>5</sup>.

*Recommendation: Seats should not be allocated on a purely geographical basis as this would not necessarily achieve equitable geographical representation, and would undermine the integrity and quality of expertise on the Committee. Introducing a stronger 'safety net' would better meet the objective of equitable geographical representation, and could be combined with other measures such as reserving a seat for a country that has not previously been represented, increasing the gap between mandates, re-introducing multiple rounds of voting, and ensuring that all votes are used. Limitations on electoral campaigns (see below) could also help.*

### **4.3. Possible Measures to Preserve the Expertise of the Committee**

#### **4.3.1 Maintaining a choice of candidates**

Currently, the elections process aims to ensure that there is a choice of candidates, so that States parties may select those who they believe will best fulfil the mandate of the Committee. It is important to maintain the principle of 'choice', in order both to encourage countries to put forward the best possible candidacies, through inclusion of their best expertise, and to deliver an overall high calibre of expertise within the Committee.

Any new electoral arrangement should ensure that there are no clean slates proposed at any point during the electoral process. As part of this, all

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<sup>5</sup> For Groups whose proportional share is not a whole number (Groups III and IV in the table in Annex I), the total number of seats over the previous as well as the new composition of the Committee would be taken into consideration.

Electoral Groups could be required to put up at least two-three credible nominations at each election. This rule would also apply to any 'reserved' seats, whether for particular electoral groups or for countries that had not previously been represented.

#### *4.3.2 Standardising and Introducing Limitations on Electoral Campaigns*

The choice of States Parties to be elected to the Committee should primarily be based on the expertise that they are able to bring to the role, both in terms of the qualifications and expertise of their experts, and their own national cultural experience. The Committee should be able to draw on a range of different types of expertise, as well as experience from different cultures. Some Member States are able to fund more lavish campaigns, including visits to cultural sites, which may give them an unfair advantage over others, particularly from developing countries. Focusing the campaign on the factors that really matter – the quality of national experts and the national cultural experience – could help to address this.

With this in mind, there could be a clearer set of common standards for electoral campaigns. All candidate countries would refrain from offering hospitality or visits, and would instead circulate the CVs of the national experts that would serve on the Committee, together with a supporting statement setting out the overall package of expertise, and how their national cultural experience would support the work of the Committee. Similarly, there could be an open meeting in which all candidate countries are invited to give a short presentation of their candidacy.

*Recommendation: the electoral process should ensure that there is a choice of candidates at each stage, preventing clean slates. A set of common standards for electoral campaigns would make it easier for States Parties to assess candidacies on the merits of their expertise and national cultural experience, and would provide a level playing field for previously under-represented regions.*

## **5. Conclusion**

The results from the last Committee elections show clearly that the Committee is not meeting its objective of equitable geographical representation. Achieving this will require significant changes to the rules of procedure – simply allocating seats by region will not work. States Parties must work together to find the right range of safeguards in order to achieve the objectives of effectiveness, representation and expertise.

## Annex 1: Different Scenarios for Allocation of Seats by Region

This annex sets out the possible scenarios that might arise if all 21 seats on the Committee were allocated on a regional basis. Three possible scenarios are examined:

1. Seats are allocated by region in a way that is wholly proportional to the number of States parties to the Convention in each region (this would entail 1 floating seat that alternated between groups III and IV);
2. A minimum of 3 seats per region with the remaining seats allocated in proportion to the number of States parties (as proposed by some member states in DR 19 GA 4);
3. An equal allocation of seats for each electoral group (as previously proposed in DR 19 GA4).

The table below shows the number of seats that would be allocated to each region, as well as the number of years that a member state of that region would have to wait, on average, between leaving the Committee and being re-elected.

Table 1: Possible seats by group and years' wait between mandates

Group	I	II	III	IV	Va	Vb
No. of states parties to the Convention <sup>6</sup> <i>As % of total</i>	27 14.7%	25 13.2%	32 16.8%	41 21.6%	45 23.7%	19 10%
Current no. seats on Committee <i>As % of total</i>	4 19.0%	3 14.3%	3 14.3%	7 33.3%	1 4.8%	3 14.3%
Scenario 1: Seats allocated in proportion to number of States parties						
No. of seats on the Committee <i>As % of total</i>	3 14.3%	3 14.3%	3.5 16.7%	4.5 21.4%	5 23.8%	2 9.5%
Average wait between mandates (in years)	32.0	29.3	32.6	32.4	32	34
Scenario 2: Three seats per Group with remainder allocated in proportion to number of States parties						
No. of seats on the Committee <i>As % of total</i>	3.5 16.7%	3 14.3%	3.5 16.7%	4 19.0%	4 19.0%	3 14.3%
Average wait between mandates (in years)	26.9	29.3	32.6	37.0	41.0	21.3
Scenario 3: Equal number of seats per Group						
No. of seats on the Committee <i>% of total</i>	3.5 16.7%	3.5 16.7%	3.5 16.7%	3.5 16.7%	3.5 16.7%	3.5 16.7%
Average wait between mandates (in years)	26.9	24.6	32.6	42.9	47.4	17.7

<sup>6</sup>One State party, Holy See, is not a member of any UNESCO electoral group.