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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-sixth session

Paris, UNESCO Headquarters, Room IV
8 - 13 April 2002

Item 8 of the Provisional Agenda: Discussion on the relationship between the World Heritage Committee and UNESCO

SUMMARY

This document aims to facilitate the Bureau's deliberations by:

- (i) recalling the issues raised at the twenty-fifth session of the World Heritage Committee (Helsinki, December 2001) concerning the relationship between the various World Heritage and UNESCO governing bodies, and
- (ii) presenting a summary analysis of the main regulatory texts (i.e. UNESCO Constitution, UNESCO Financial Regulations, World Heritage Convention, General Assembly Rules of Procedure, World Heritage Committee Rules of Procedure and Financial Regulations for the World Heritage Fund).
- (iii) presenting some examples of the interaction between the UNESCO and the World Heritage governing bodies.

This document is not intended to provide an exhaustive analysis of these issues or an interpretation of the provisions established by the main regulatory texts mentioned above.

Action required:

The Bureau may wish to:

- (i) confirm that the issues presented in the document are accurately identified; and,
- (ii) make recommendations as to how this item of the Provisional Agenda should be examined by the twenty-sixth session of the World Heritage Committee (Budapest, 24-29 June 2002).

I. THE ISSUES

1. During the twenty-fifth session of the World Heritage Committee (Helsinki, December 2001) clarification was sought on the relative roles of the UNESCO governing bodies (General Conference and Executive Board) and the World Heritage Committee.
2. Furthermore the question was raised whether the World Heritage Committee has the authority to amend a Resolution of the General Assembly of States Parties to the World Heritage Convention.

II. SUMMARY ANALYSIS OF THE MAIN TEXTS

3. With reference to the issues mentioned above, the following documents have been analysed: the UNESCO Constitution, the UNESCO Financial Regulations, the World Heritage Convention (hereinafter the Convention), the Rules of Procedure of the General Assembly, the Rules of Procedure of the World Heritage Committee and the Financial Regulations for the World Heritage Fund.

The structure of the analysis is as follows:

- (a) Introduction
- (b) The World Heritage's Committee's role vis-à-vis the UNESCO General Conference and the Executive Board
- (c) The World Heritage's Committee's role vis-à-vis the General Assembly of States Parties to the World Heritage Convention
- (d) The General Assembly's role vis-à-vis the UNESCO General Conference and Executive Board

(a) Introduction

4. The UNESCO Constitution establishes that the Organisation shall be composed of three main organs: the General Conference, the Executive Board and the Secretariat (Article III). The General Conference, UNESCO's main decision-making body, has amongst its functions, the approval of the international conventions that are submitted to it (Article IV.4).

5. Invoking this authority, the UNESCO General Conference, on 16 November 1972, adopted the Convention concerning the protection of the world cultural and natural heritage, the World Heritage Convention. By so doing, the General Conference not only approved the World Heritage Convention, but also created the bodies established within the Convention (i.e. the World Heritage Committee and the General Assembly of States Parties to the World Heritage Convention). The Convention, its objectives and decision-making bodies form part of a wider UNESCO framework; Article 8.1 of the Convention expressly states that the "World Heritage Committee is hereby established within UNESCO".

(b) The World Heritage's Committee's role vis-à-vis the UNESCO General Conference and the Executive Board

6. In order to better comprehend the Committee's role vis-à-vis the UNESCO General Conference and the Executive Board, the Committee's main tasks - as established by the World Heritage Convention - will be analysed. These are as follows:

World Heritage Convention

- Article 11.2:** The Committee shall establish, keep up to date and publish [the] World Heritage List.
- Article 11.4:** The Committee shall establish, keep up to date and publish [the] List of World Heritage in Danger.
- Article 11.5:** The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned [World Heritage List and List of World Heritage in Danger].
- Article 13.1:** The World Heritage Committee shall receive and study requests for international assistance.
- Article 13.3:** The Committee shall decide on the action to be taken with regard to these requests.
- Article 13.6:** The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention [World Heritage Fund]. It shall seek ways of increasing these resources and shall take all useful steps to this end.
- Article 13.7:** The Committee shall co-operate with international and national governmental and non-governmental organisations having objectives similar to those of the Convention.
- Article 29.3:** The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

7. The latter is the main obligation that the Committee is assigned by the Convention vis-à-vis the UNESCO General Conference. Although the submission of the Committee's report to the General Conference is the primary link between the World Heritage Committee and the UNESCO General Conference, there are also other instances of interaction between these bodies. For instance, the General Conference and the Executive Board have, on several occasions, made requests to the Committee and the Bureau. In one case this request resulted in the adoption of a General Assembly Resolution (see Annex I, 13th General Assembly Resolution on the Protection of Cultural Heritage of Afghanistan).

c) The World Heritage's Committee's role vis-à-vis the General Assembly

8. The Convention only refers to two functions of the General Assembly – the election of the World Heritage Committee (Article 8.1) and the determination of the percentage of regular contributions to the World Heritage Fund by States Parties (Article 16.1).

9. However, over the years the General Assembly has acquired several additional functions. First, and in accordance with the UNESCO Financial Regulations (Articles 6.7, 3.4 and 3.7) and the Financial Regulations for the World Heritage Fund (Article 6.4), the General Assembly is responsible for the approval of the World Heritage Fund accounts that have been submitted to it. Consequently, it is the Committee who decides on the use of resources of the World Heritage Fund (Article 13.6 of the Convention), the General Conference who adopts the budget, upon recommendation of the Executive Board (Articles 3.4, 3.7 and 6.7 of the UNESCO Financial Regulations), and the General Assembly who takes note of these accounts as submitted by the Director-General (Article 6.4, Financial Regulations of the World Heritage Fund).

UNESCO Financial Regulations

- Article 6.7:** The purpose and limit of each Trust Fund, Reserve and Special Account shall be clearly defined by the appropriate authority. The Director-General may, when necessary in connection with the purposes of a Trust Fund, Reserve or Special Account, prepare special financial regulations to govern the operations of such funds and accounts, which shall be reported to the Executive Board; the Executive Board may make appropriate recommendations to the Director-General thereon. (...)
- Article 3.4:** The Executive Board shall examine budget estimates prepared by the Director-General and submit them to the ordinary session of the General Conference (...).
- Article 3.7:** The budget shall be adopted by the General Conference.

Financial Regulations for the World Heritage Fund

- Article 6.4:** The accounts shall be submitted by the Director-General to the General Assembly of States Parties to the Convention.

10. Furthermore, and since the adoption of the Strategic Orientations at the 16th session of the Committee (Santa Fe, 1992), the Chairperson of the Committee has presented its report of activities to the General Assembly.¹ Lastly, the General Assembly, especially during the last ten years, has adopted Resolutions requesting the Committee to undertake certain actions (see Annex I for examples).

(d) The General Assembly's role vis-à-vis the UNESCO General Conference and Executive Board

11. There are no specific provisions in the UNESCO Constitution or in the World Heritage Convention with regard to the relationship between the General Assembly and the UNESCO General Conference and Executive Board. Nevertheless, the General Conference and the Executive Board have also made requests to the General Assembly (see Annex I, 10th and 11th General Assembly Resolution concerning Periodic Reporting).

¹ World Heritage Committee Report, 16th Session (Santa Fe, Dec. 1992), Strategic Orientations, III.II.D

ANNEX I – some case studies of General Assembly Resolutions

GENERAL ASSEMBLY	RESOLUTIONS	PROPOSED/ PREPARED BY	ACTION REQUESTED
7th GA (Oct. 1989)	<u>Adopted</u> Resolution on Equitable Representation within the Committee	General Assembly	GA invited the Committee to ensure equitable representation of different regions and cultures of the world.
10th GA (Nov. 1995)	<u>Deferred</u> Resolution regarding the new monitoring activities of World Heritage sites ²	Recommended by 146th Executive Board (May-June 1995) following decision of Committee in 1994	GA requested the Committee to prepare a report and a Draft Resolution for the 11th GA.
11th GA (Oct. 1997)	<u>Adopted</u> Resolution on Periodic Reporting on the State of Conservation of World Heritage Sites	Prepared by 19th (Dec. 1997) and 20th (Dec. 1998) Committee in view of the recommendation of 146th Executive Board (May-June 1995)	GA requested that the Chairperson of the Committee transmit to the General Conference its views on monitoring and reporting, as well as its suggestion to the General Conference to activate the procedures in Article 29 of the Convention
12th GA (Oct. 1999)	<u>Adopted</u> Resolution on Ways and Means to Ensure a Representative World Heritage List	Prepared by 23rd Bureau (July 1999) as requested by 22 nd Committee (Dec. 1998)	GA invited the Committee to continue its actions within the framework of the Global Strategy and to adopt a multi-year Action Plan for the implementation of the Global Strategy.
	<u>Took note</u> of Resolution concerning the World Heritage Centre's Needs and Resources	Prepared by 23rd Bureau (July 1999)	States Parties asked to support the need to reinforce the working capacity of the World Heritage Centre to the Executive Board and the General Conference of UNESCO.
	<u>Adopted</u> Resolution on Equitable Representation within the Committee	General Assembly	GA asked the Committee to 'request the inscription of an item on the agenda of the thirty-first General Conference concerning this issue'.
13th GA (Oct. 2001)	<u>Adopted</u> Resolution on the Protection of Cultural Heritage of Afghanistan ³	Prepared by 25th Bureau (June 2001), in view of request by 161st Executive Board (May-June 2001)	GA invited the Committee to consider a number of issues related to measures and mechanisms for the protection of cultural heritage.
	<u>Deferred</u> discussion of Resolution for an Additional Voluntary Contribution by States Parties to the World Heritage Fund	Proposed by Mr King (former Chairperson of the World Heritage Committee)	GA suggested that the Committee reconsider this issue in greater depth.

² During the 146th session of the Executive Board (May – June 1995), this body recommended 'that the proposals concerning the new monitoring activities related to World Heritage sites should be the object of a consultation process among States Parties to the World Heritage Convention and submitted for approval to the General Assembly of States Parties (...), in the meanwhile, the activities should be held in abeyance'. (Decision 146 EX/Decision 4.2).

³ The Executive Board, at its 161st session (May–June 2001), adopted a Resolution concerning the protection of the cultural heritage of Afghanistan, whereby it invited Member States to pursue their efforts to ensure the full application of the principles of the existing UNESCO cultural heritage conventions. This invitation was seized by the Bureau members at its twenty-fifth session (Paris, June 2001) and observer States to draft a resolution concerning the Afghan cultural heritage, and recommend its adoption by the 13th General Assembly (October 2001). In this case, the Bureau and not the Committee drafted the Resolution in view of timing reasons (i.e. the Executive Board meets in May-June, the Bureau in June, the General Assembly in October and the Committee in December).