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CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Thirty-eight session

Doha, Qatar

15 – 25 June 2014

Item 9 of the Provisional Agenda: Global Strategy for a representative, balanced and credible World Heritage List

9C. Recommendations of the evaluation of the Global Strategy and the PACT initiative: Follow-up to Resolution 19 GA 9

SUMMARY

As requested by Resolution **18 GA 8**, a final report on the implementation of the recommendations of the External Auditor on the Evaluation of the Global Strategy and the PACT initiative established further to the recommendations of the Open-ended working group (OEWG) was presented to the 19th session of the General Assembly. By Resolution **19 GA 9**, the General Assembly appreciated the work of the OEWG and endorsed its recommendations. However, the General Assembly also noted that the World Heritage Committee, at its 37th session, had decided not to implement recommendations 12 and 20, related to conflicts of interest. Therefore, the General Assembly, requested the Committee to reexamine these recommendations with a view to their implementation.

Draft Decision: *The World Heritage Committee may wish to adopt an appropriate Decision after having examined the present document.*

I. BACKGROUND

1. The General Assembly at its 17th session (UNESCO, 2009) requested the World Heritage Centre to provide it, at its 18th session in 2011 “with a summary of the work undertaken in relation to the reflection on the Future of the Convention, including an independent evaluation by UNESCO’s external auditor on the implementation of the Global Strategy from its inception in 1994 to 2011 and the Partnerships for Conservation Initiative (PACT) [...]”.

2. At its 18th session, the General Assembly, after having examined the report presented by the World Heritage Centre (WHC-11/18.GA/8 and WHC-11/18.GA/INF.8) decided to establish an Open-Ended Working Group (OEWG) to examine the report of the External Auditor, in order to produce an implementation plan for the recommendations for consideration by the World Heritage Committee and to present a final report at its 19th session (Resolution 18 GA 8).

3. By Decision **36 COM 9A**, the World Heritage Committee took note of the Implementation Plan concerning the Global Strategy prepared by the first meeting of the OEWG. On this occasion, the Committee decided to implement the recommendations of the OEWG on the recommendations by the External Auditor within its mandate; and noted that some of these recommendations concerned revisions to its Rules of Procedure. It therefore decided to include an item on the Revisions of its Rules of Procedure on the agenda of its 37th session.

4. The Secretariat prepared for the 37th session of the Committee a working document proposing amendments to the Rules of Procedures further to the Recommendations of the OEWG (see Document WHC-13/37.COM/11 contained in Annex I). After an extensive debate on this subject, the Committee adopted an amended Decision **37 COM 11**, as contained in Annex II of this document.

5. The General Assembly, by Resolution **19 GA 9** (see Annex III), noted that the World Heritage Committee, at its 37th session, decided not to implement recommendations 12 and 20 related to conflicts of interest. Consequently, the General Assembly requested the Committee to reexamine these recommendations with a view to their implementation.

6. This document presents the status of implementation of the recommendations of the OEWG on the recommendations of the the External Auditor related to conflict of interest in view of their re-examination by the Committee as requested by Resolution **19 GA 9**.

7. The Secretariat has reproduced, in Part II of the present document, the recommendations formulated by the External Auditor and the Working Group. Given that implementing these recommendations could be construed by certain States Parties as requiring a prior amendment of the Convention, it would be advisable for the States Parties to the Convention to consult the legal or treaty department of their Foreign Ministries to obtain views and/or instructions. The Secretariat cannot provide a definitive interpretation of treaties.

8. After having examined the present document, the World Heritage Committee may wish to adopt an appropriate Decision.

II. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS 12 AND 20 (for the sake of clarity, and in conformity with Resolution 19 GA 9, only aspects of these recommendations related to conflict of interests have been referred to in the table below)

Recommendation by the External Auditor	Recommendation by the OEWG	<i>Status of implementation</i>
<p><u>Recommendation 12</u></p> <p>Revise, for a better application of the Convention, the Rules of Procedure of the Committee to:</p> <p>- forbid a State Party to present a nomination during its mandate (or at least to suspend the examination of a file by the Committee as long as the State Party is present) and take part in the decision on the follow-up of state of conservation reports concerning a property located on its territory;</p>	<p>- The Working Group recommends to the Committee to address any potential conflicts of interest of its members (see also Recommendation No. 20);</p> <p>- The Working Group recommends to the Committee to refine Decision 35 COM 12B, confirming a transitional period on a voluntary basis for the States Parties presently members of the Committee;</p> <p>- The Working Group invites the Committee, after this period, to postpone the examination of nominations presented by members of the Committee during their mandate, with the exception of referred back and transboundary nominations;</p> <p>- The Working Group recommends to the Committee to consider the possibility of establishing a mechanism of allowing outgoing members of the Committee to catch up on the nominations-backlog;</p>	<p><i>No Committee Decision in this regard</i></p>

Recommendation by the External Auditor	Recommendation by the OEWG	Status of implementation
<p>- proscribe the practice of the presentation of signed amendments before the opening of the debate on the nomination of the site;</p> <p>- effectively ensure the transparency of the process through the publicity of debates;</p> <p>- prohibit nominations that do not fulfil the conditions set out in the Guidelines.</p>	<p>- The Working Group recommends to the Committee to make the necessary changes in relevant documents, including Rules of Procedures, with regard to the 3 last points in Recommendation 12;</p>	<p>Revised Rules of Procedure as adopted by the Committee (Decision 37 COM 11): <i>“Rule 23. Text of proposals</i> <i>23.1 At the request of any member of the Committee, supported by two other members, discussion of any motion, resolution or amendment may be suspended until the written text is circulated in the working languages to all Committee members present.</i> <i>23.2. The proposed amendments or Decisions will only be accepted and communicated to the members of the Committee if they are signed only by the member of the Committee who is author.”</i></p> <p>Being implemented through Decision 35 COM 12B as the debates of the World Heritage Committee are made public via the live web-cast since the 36th session of the Committee.</p> <p>Covered by the existing Operational Guidelines which is to be applied by the World Heritage Committee in its decision-making concerning nominations.</p>

Recommendation by the External Auditor	Recommendation by the OEWG	Status of implementation
<p>Recommendation 20 Fully use the mechanism of In-Danger listing, in conformity with the provisions of the Guidelines (both for inscription and removal); revise the Rules of Procedure of the Committee to forbid a State Party serving on the Committee to take part in the decision following debates on state of conservation reports concerning a property located in its territory.</p>	<p>- The Working Group recalls that the Rules of Procedures were amended in 2011, but are not yet in line with this recommendation; it invites the Committee to introduce a provision in its Rules of Procedures, in order to prevent members of the Committee to take part and vote on the decision on the state of conservation of properties located in their territory;</p>	<p><i>The Legal Adviser consulted on this recommendation by the open-ended group gave the following advice: “The additional proposed wording [in Rule 22.7], “and vote on” cannot be accepted for the following reason. This proposed wording would prevent a State Party member of the Committee from voting on “the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State”. This would not be in conformity with the Convention (...) which does not foresee such a limitation on the voting rights of members of the Committee.”</i></p> <p><i>Revised Rules of Procedure as adopted by the Committee (Decision 37 COM 11):</i> <i>“Rule 22. Order and time-limit of speeches</i> <i>22.6 States Parties shall not speak to World Heritage properties in their own territories, except at the explicit invitation of the Chairperson within the allowed time for their speech and in response to specific questions posed.</i> <i>22.7 Representatives of a State Party, whether or not a member of the Committee, may be invited by the Chairperson to present their views after the Advisory Bodies have presented their evaluation of the site proposed by the State, a report on the state of conservation of a property on their territory, or to support the approval of an assistance request submitted by that State. After this permitted time, the State Party may be allowed to take the floor again, but only in order to answer questions, within a limited time, that have been asked. This provision also applies to other observers mentioned in Rule 8.”</i></p>

III. DRAFT DECISION

Draft Decision: 38 COM 9C

The World Heritage Committee,

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ANNEX I



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
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World Heritage

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC
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CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Thirty-seventh session

Phnom Penh, Cambodia
16 – 27 June 2013

Item 11 of the Provisional Agenda: Revision of the *Rules of Procedures*

11. Revision of the *Rules of Procedures*

SUMMARY

In the framework of the Progress report on the implementation of the recommendations of the evaluation of the Global Strategy and the PACT initiative, the World Heritage Committee at its 36th session took note of the Implementation Plan concerning the Global Strategy prepared by the first meeting of the Open-Ended Working Group established by the 18th session of the General Assembly.

By its Decision **36 COM 9A**, the Committee noted that a number of recommendations concerned the revision to its *Rules of Procedures*; it therefore decided to include an item on Revisions to the *Rules of Procedures* on the agenda of its 37th session.

The present document contains proposals in view of the Revision of the *Rules of Procedure* of the World Heritage Committee based on the recommendations made in this regard by the Open-Ended Working Group.

Document WHC-12/36.COM/9A can be found at the following address:

<http://whc.unesco.org/archive/2012/whc12-36com-9A-en.pdf>

Draft Decision: 37 COM 11, see Point III.

I. BACKGROUND

1. The 17th General Assembly requested the World Heritage Centre to provide it, at its 18th session in 2011 “with a summary of the work undertaken in relation to the reflection on the Future of the Convention, including an independent evaluation by UNESCO’s external auditor on the implementation of the Global Strategy from its inception in 1994 to 2011 and the Partnerships for Conservation Initiative (PACT), based on indicators and approaches to be developed during the 34th and 35th sessions of the World Heritage Committee”.
2. The Committee at its 35th session (UNESCO 2011), by Decision **35 COM 9A**, requested the World Heritage Centre to transmit the independent evaluation by the UNESCO’s external auditor to the 18th session of the General Assembly (UNESCO, 2011) for examination. The General Assembly decided (Resolution **18 GA 8**) to establish an Open-Ended Working Group including experts from the different geographic regions, whose composition would be determined by States Parties and depending significantly on extrabudgetary funds. This Open-Ended Working Group was requested to examine the report of the External Auditor, in order to produce an implementation plan for the recommendations for consideration by the World Heritage Committee and to present a final report to the 19th session of the General Assembly.
3. The General Assembly at its 18th session also invited “the World Heritage Centre, in close collaboration with the Advisory Bodies, to produce a working document, which: a) proposes a prioritized list of recommendations in the framework of the objectives of the Strategic Action Plan, adopted in resolution **18 GA 11**, and considering decisions **35 COM 12A** to **35 COM 12E**, b) indicates the financial implications, c) suggests the allocation of responsibility between States Parties, the General Assembly, the World Heritage Committee, the Advisory Bodies and the World Heritage Centre.”
4. The Committee, at its 36th session, took note of the Implementation Plan concerning the Global Strategy prepared by the first meeting of the Open-Ended Working Group in May 2012. By Decision **36 COM 9A**, the Committee noted that a number of recommendations concerned the revision to its *Rules of Procedures*; it therefore decided to include an item on Revisions to the *Rules of Procedures* on the agenda of its 37th session.

II. PROPOSALS TO REVISE THE RULES OF PROCEDURES

5. The Implementation Plan concerning the Global Strategy prepared by the first meeting of the Open-Ended Working Group recommended notably, as a highest priority, to “revise the *Rules of Procedure* of the Committee to forbid a State Party serving on the Committee to take part in the decision following debates on state of conservation reports concerning a property located in its territory”. In this regard, the Working Group recalled that the *Rules of Procedures* were amended in 2011, but are not yet in line with this recommendation; and invited the Committee to introduce a provision in its *Rules of Procedures*, in order to prevent members of the Committee to take part and vote on the decision on the state of conservation of properties located in their territory.
6. The Open-Ended Working Group also recommended, as a high priority, to the Committee “to address any potential conflicts of interest of its members”.
7. The Open-Ended Working Group recommended finally to “make the necessary changes in relevant documents, including *Rules of Procedures*, with regard to the 3 last points in Recommendation 12” of the Final Report of the audit of the global strategy and the PACT initiative. The 3 last points of the Recommendation 12 of the external auditor are the following:

[Revise, for a better application of the Convention, the Rules of Procedure of the Committee to]

- “proscribe the practice of the presentation of signed amendments before the opening of the debate on the nomination of the site;
- effectively ensure the transparency of the process through the publicity of debates;
- prohibit nominations that do not fulfill the conditions set out in the *Guidelines*.”

Concerning these three points, the first one is relevant in the framework of the revision of the *Rules of Procedures*, i.e. to “proscribe the practice of the presentation of signed amendments before the opening of the debate on the nomination of the site.”

The second point is being implemented through Decision **35 COM 12B** as the debates of the World Heritage Committee are made public via the live web-cast since the 36th session of the World Heritage Committee.

The third point is covered by the existing *Operational Guidelines* (to “prohibit nominations that do not fulfil the conditions set out in the Guidelines”) which is to be applied by the World Heritage Committee in its decisions making concerning nominations.

8. Therefore, and in line with the recommendation of the Open-Ended Working Group, Rule 22.7 should be amended as follows ***[the proposed amendment appears in bold and italic in the text below]***:

22.7 [In order to avoid any potential conflicts of interest], representatives of a State Party, whether or not a member of the Committee, shall not speak to advocate [and vote on] the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State, but only to deal with a point of information in answer to a question. This provision also applies to other observers mentioned in Rule 8.

However, the Legal Adviser consulted, at the time of the drafting of this document, on this recommendation by the open-ended group gave the following advice: “The additional proposed wording in Rule 22.7, “and vote on” cannot be accepted for the following reason. This proposed wording would prevent a State Party member of the Committee from voting on “the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State”. This would not be in conformity with the Convention concerning the Protection of the World Cultural and Natural Heritage which does not foresee such a limitation on the voting rights of members of the Committee.”

Furthermore, and also in line with the recommendation of the Open-Ended Working Group, an additional paragraph should be added to Rule 23 stating that:

[23.2. The practice of the presentation of signed amendments before the opening of the debate on the nomination of the site should be prohibited]

However, consulted at the time of the preparation of this document, the Legal Adviser indicated that it would be advisable to use the following wording:

[23.2. Drafts of amendments, proposals and decisions, when they concern nominations, shall not be accepted or circulated prior to the opening of the debate if they display signatures or other written/ printed expressions of support except that of the one Committee Member that is the author thereof.]

9. In line with the recommendations of the Open-Ended Working Group and taking into account the Legal Adviser recommendation, the Committee may wish to consider the following proposed amendments to its *Rules of Procedure* ***[the proposed amendment appears in bold and italic in the text below]***:

Rule 22. Order and time-limit of speeches

22.6 ***[To avoid any potential conflicts of interest, advocacy by Committee members in favour of a particular proposal(s) concerning World Heritage properties on their territory will not be entertained.]*** Committee members shall not speak to World Heritage properties in their own territories, except at the explicit invitation of the Chairperson and in response to specific questions posed.

22.7 ***[In order to avoid any potential conflicts of interest]***, representatives of a State Party, whether or not a member of the Committee, shall not speak to advocate the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State, but only to deal with a point of information in answer to a question. This provision also applies to other observers mentioned in Rule 8.

Rule 23. Text of proposals

[23.1] At the request of any member of the Committee, supported by two other members, discussion of any substantive motion, resolution or amendment shall be suspended until the text is circulated in the working languages to all Committee members present.

[23.2. Drafts of amendments, proposals and decisions, when they concern nominations, shall not be accepted or circulated prior to the opening of the debate if they display signatures or other written/ printed expressions of support except that of the one Committee Member that is the author thereof.]

III. DRAFT DECISION

Draft Decision: 37 COM 11

The World Heritage Committee,

1. *Having examined Document WHC-13/37.COM/11,*
2. *Recalling Decisions **35 COM 12B and 36 COM 9A** adopted at its 35th (UNESCO, 2011) and 36th sessions (Saint Petersburg, 2012) respectively,*
3. *Decides to amend its Rules of Procedure, as proposed in paragraph 9 of Document WHC-13/37.COM/11.*

11. Revision of the Rules of Procedure

Decision: 37 COM 11

The World Heritage Committee,

1. Having examined Document WHC-13/37.COM/11,
2. Recalling Decisions **35 COM 12B** and **36 COM 9A** adopted at its 35th (UNESCO, 2011) and 36th sessions (Saint Petersburg, 2012) respectively,
3. Decides to amend Articles 22.6, 22.7, 23.1 and 23.2 of the Rules of Procedure as follows:

Rule 22. Order and time-limit of speeches

22.6 States Parties shall not speak to World Heritage properties in their own territories, except at the explicit invitation of the Chairperson within the allowed time for their speech and in response to specific questions posed.

22.7 Representatives of a State Party, whether or not a member of the Committee, may be invited by the Chairperson to present their views after the Advisory Bodies have presented their evaluation of the site proposed by the State, a report on the state of conservation of a property on their territory, or to support the approval of an assistance request submitted by that State. After this permitted time, the State Party may be allowed to take the floor again, but only in order to answer questions, within a limited time, that have been asked. This provision also applies to other observers mentioned in Rule 8.

Rule 23. Text of proposals

23.1 At the request of any member of the Committee, supported by two other members, discussion of any motion, resolution or amendment may be suspended until the written text is circulated in the working languages to all Committee members present.

23.2. The proposed amendments or Decisions will only be accepted and communicated to the members of the Committee if they are signed only by the member of the Committee who is author.

9. Global Strategy for a representative, balanced and credible World Heritage List: Report on the Follow-up to Resolution 18 GA 8

Resolution: 19 GA 9

The General Assembly,

1. Having examined Document WHC-13/19.GA/9,
2. Recalling Decisions **35 COM 9A** and **36 COM 9A** adopted by the World Heritage Committee at its 35th (UNESCO, 2011) and 36th (Saint Petersburg, 2012) sessions respectively and Resolution **18 GA 8** of the 18th session of the General Assembly (UNESCO, 2011),
3. Appreciates the work of the open-ended working group on the Implementation Plan for the recommendations of the External Auditor on the Global Strategy and the PACT Initiative carried out in 2012 and 2013 and endorses its recommendations;
4. Notes the implementation of a number of recommendations as indicated in the updated implementation plan;
5. Also notes that the World Heritage Committee, at its 37th session, decided not to implement recommendations 12 and 20 of the open-ended working group related to conflicts of interest and requests the Committee to reexamine these recommendations with a view to their implementation;
6. Encourages States Parties, on a voluntary basis, not to submit nominations for inscription on the World Heritage List during their term on the World Heritage Committee;
7. Urges the World Heritage Committee to continue implementing any pending requests in relation to its mandate;
8. Welcomes Resolution **37 C/49** (item 6.4) adopted by the 37th session of the UNESCO General Conference on governance reform and invites the World Heritage Centre to launch a consultation process open for all States Parties as soon as possible, based on the self-assessment framework to be delivered by the External Auditor;
9. Also encourages the continuation of the efforts to link the follow-up to the Implementation Plan for the recommendations of the External Auditor on the Global Strategy and the PACT Initiative with the implementation on the Strategic Action Plan for the *World Heritage Convention*;
10. Also welcomes the harmonization of PACT with UNESCO's partnership strategies;
11. Also notes the adoption by the 37th session of the World Heritage Committee (Phnom Penh, 2013) of the PACT strategy to improve the development of partnerships for World Heritage with the private sector, their implementation and their evaluation through adequate tools and guidelines;

12. Also requests the External Auditor to make a progress report on the implementation of the recommendations on the Global Strategy to be presented to the General Assembly at its 20th session in 2015.