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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-ninth session**

**Bonn, Germany  
28 June – 8 July 2015**

**Item 5 of the Provisional Agenda: Reports of the World Heritage Centre and the Advisory Bodies**

**5E. Recommendations of the evaluation of the Global Strategy - Follow-up to Decision 38 COM 9C**

#### **SUMMARY**

This document is presented further to Resolution **19 GA 9** concerning the implementation of the recommendations of the independent evaluation by UNESCO's External Auditor on the implementation of the Global Strategy and pursuant to Decision **38 COM 9C** by which the Committee decided to establish an ad-hoc Working Group that will meet during its 39th session in 2015 to discuss the External Auditor's Recommendation 20.

The information contained in this document constitutes the background information in view of the meeting of the ad-hoc Working Group mentioned above.

***Draft Decision:*** *The World Heritage Committee may wish to adopt an appropriate Decision after having examined the results of the ad-hoc Working Group that will meet during its 39th session.*

## I. BACKGROUND

1. The General Assembly at its 17th session (2009) requested the World Heritage Centre to provide it, at its 18th session (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) [...]” (Resolution 17 GA 9).

2. At its 18th session (2011), 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 Revision of its Rules of Procedure on the Agenda of its 37th session.

4. After an extensive debate on this subject, the World Heritage Committee, at its 37th session, adopted Decision **37 COM 11** by which it amended a number of its Rules of Procedure.

5. The General Assembly, by Resolution **19 GA 9**, 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 re-examine these recommendations at its 38th session with a view to their implementation. For ease of reference, the status of implementation of recommendations 12 and 20 that was presented to the Committee at its 38th session is annexed to this Document.

6. After having examined Document WHC-14/38.COM/9C, the 38th session of the World Heritage Committee adopted Decision **38 COM 9C** by which it notably:

- *Recalled the principle that submission of nominations to the World Heritage List is an exclusive prerogative of the States Parties, in conformity with the World Heritage Convention,*
- *Reiterated the necessity to progress on the implementation of the recommendations of the independent evaluation by UNESCO’s External Auditor on the implementation of the Global Strategy,*
- *Strongly encouraged the States Parties, with the exception of those that have no sites inscribed on the World Heritage List, to refrain on a voluntary basis from submitting new nominations during their mandate, taking into consideration the External Auditor recommendation 12 and in accordance with pertinent resolutions of the General Assembly, and within the context of the Global Strategy;*
- *Decided to establish an ad-hoc Working Group that will meet during its 39th session in 2015 to discuss the External Auditor Recommendation 20;*

- *Also decided to report on the outcomes of the discussions on recommendations 12 and 20 to the 20th session of the General Assembly to be held in 2015.*

7. On the basis of the present Document and after having examined the results of the ad-hoc Working Group that will meet during its session, the Committee may wish to adopt an appropriate decision.

## II. DRAFT DECISION

### **Draft Decision: 39 COM 5E**

*The World Heritage Committee,*

1. Having examined Document WHC-15/39.COM/5E,
2. ....

**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><b><u>Recommendation 12</u></b></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><b><i>No Committee Decision in this regard</i></b></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><b>Revised Rules of Procedure as adopted by the Committee ( Decision 37 COM 11):</b></p> <p><i>“Rule 23. Text of proposals</i></p> <p><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></p> <p><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><b>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.</b></p> <p><b>Covered by the existing Operational Guidelines which is to be applied by the World Heritage Committee in its decision-making concerning nominations.</b></p>

Recommendation by the External Auditor	Recommendation by the OEWG	Status of implementation
<p><b><u>Recommendation 20</u></b></p> <p>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><b><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></b></p> <p><b><i>Revised Rules of Procedure as adopted by the Committee ( Decision 37 COM 11):</i></b></p> <p><i>“Rule 22. Order and time-limit of speeches</i></p> <p><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></p> <p><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>

