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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

**Twenty-fourth session
Cairns, Australia
27 November – 2 December 2000**

**Item 6.3 of the Provisional Agenda: Proposals concerning equitable
representation in the World Heritage Committee**

SUMMARY

These proposals concerning equitable representation in the World Heritage Committee were prepared at the request of the Special Session of the Bureau (Budapest, 2 - 4 October 2000).

The proposals summarized in section II of this document refer to:

- Relevant Articles of the *World Heritage Convention*
- Previous Resolution of the General Assembly of States Parties
- Recommendation of the Working Group on Equitable Representation within the World Heritage Committee (see WHC-2000/CONF.204/INF.9)
- Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest
- Options for implementation through voluntary action without revising the *Convention*
- Required revisions to the *Rules of Procedure* of the General Assembly of States Parties, *Rules of Procedure* of the Committee and/or the *Operational Guidelines*
- Action required by the 24th session of the Committee

Action required: The Committee is requested to examine the proposals in the table in section II concerning:

1. Reduction in term of office of members of the World Heritage Committee
2. Discouragement of consecutive terms by States Parties
3. Enhanced involvement of, and rotation within, all regions in the work of the Committee
4. Increase in members of the Committee
5. Distribution of a fixed number of seats to groups of States Parties, while leaving a number of seats open for election on a free basis
6. Other options

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I. BACKGROUND

12th General Assembly of States Parties, 1999

I.1 In October 1999 the 12th General Assembly adopted a Resolution¹ by consensus for the establishment of a working group to study the importance of an equitable representation of the World Heritage Committee and the need to increase the number of its members.

I.2 The Resolution

- (i) requested the World Heritage Committee to submit proposals to the 13th General Assembly and,
- (ii) have an item included on the agenda of the 31st General Conference of UNESCO.

I.3 The President of the 12th General Assembly noted that a possible increase in the number of States members of the Committee, fixed at 21, according to Article 8 of the *World Heritage Convention* could make it necessary to revise the *Convention*. The UNESCO Legal Advisor explained the procedure for modifying the Convention as referred to in Article 37 of the Convention which states that :

Article 37

1. This Convention may be revised by the General Conference of the United Nations, Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States that shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.²

¹ "The General Assembly of States Parties:

*Underlining the importance of an equitable representation of the World Heritage Committee and the need to increase the number of its members,
Taking into consideration the intervention of the Chairperson of the World Heritage Committee on this subject,*

Requests the World Heritage Committee:

- a. to set up a working group to study this question and to submit proposals to the thirteenth General Assembly of States Parties,*
- b. to request the inscription of an item on the agenda of the thirty-first General Conference concerning this issue."*

² A paper outlining the difficulties associated with revising the *Convention* was presented to the Working Group in March 2000 by the Secretariat. The Secretariat's paper is available at <http://www.unesco.org/whc/wg-repcom> or on request from the Secretariat.

Working Group on Equitable Representation within the World Heritage Committee

I.4 On 21 January 2000, at a meeting of States Parties, a Working Group on Equitable Representation within the World Heritage Committee was established under the chairmanship of H.E. Ambassador J. Musitelli (France). The report of the Working Group is made available to the Committee as WHC-2000/CONF/204/INF.9.

I.5 In summary the Working Group adopted the following 3 recommendations to ensure an equitable representation in the World Heritage Committee:

1. to reduce to four years the current term of office of the Members of the World Heritage Committee,
2. and at the same time to increase to twenty-eight the current number of Members of the World Heritage Committee,
3. to distribute a fixed number of seats to groups of States Parties, while leaving a number of seats open for elections on a free basis.

I.6 One of the observers of the Working Group introduced a proposal for a special category of Members Elect as follows. The Working Group embraced this proposal as a possible alternative to increasing the number of members, in case this increase proves impracticable. However, some members and observers expressed their reservations on introducing such a category preferring instead a simple increase in the number of Committee members. It would however, not require an amendment to the *Convention*.

The Members Elect would be guided by the following principles:

- The General Assembly would choose at the next available meeting seven Members of the World Heritage Committee and seven Members Elect.
- The following General Assembly would confirm the seven Members Elect as Members of the Committee, and at the same time elect a new group of seven Members Elect.
- Members Elect will possess the same rights and privileges as Members of the Committee, except the right to vote.³

Special Session of the Bureau of the World Heritage Committee (Budapest, Hungary 2-4 October 2000)

I.7 The Special Session of the Bureau agreed that a set of proposals should be prepared by the Rapporteur (K. Keeffe, Australia, in consultation with the Secretariat and an informal working group of States Parties – France, Belgium and the United States of America) for consideration by the 24th Committee session in Cairns and subsequent transmittal to the 13th General Assembly and 31st General Conference of UNESCO. It was agreed that the deadline for the Centre to submit the proposals to

³ WHC-2000/CONF.204/INF.9, Paragraph 9

the Committee would be two weeks prior to the session. The paper should give precise recommendations for Committee consideration.

I.8 The Bureau agreed that specific proposals to be considered by the Committee would aim to achieve implementation of the intent of the Resolution of the 7th General Assembly of States Parties (1989)⁴, and the recommendations of the Working Group on Equitable Representation in the Committee and specifically to:

- encourage State Parties to voluntarily reduce term of office on the Committee from six to four years
- increase the rotation of States Parties on the Committee
- discourage consecutive terms by States Parties
- enhance the involvement of, and rotation within, all regions in the work of the Committee
- encourage the participation of States Parties that are under-represented on the World Heritage List
- define a number of seats for under-represented States Parties while leaving a certain number of seats open to election on a free basis
- take into account the potential of other options that may arise after consideration of the feasibility study into the proposed sub-committee system.

⁴ "The General Assembly of States Parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage,

Recalling Article 8, paragraph 2, of the Convention which stipulates that 'Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world';

Considering that for this purpose it is important to observe the practice of rotation in the representation of States Parties on the Committee;

Invites the States Parties to the World Heritage Convention, whose mandates on the Committee expire, to consider not to stand for re-election during an appropriate period;

Requests the Chairman, at each election, to invite States Parties to take account of this Resolution:

Invites the President of the World Heritage Committee to do everything in his power to encourage the States Parties, whose mandates on the Committee have just expired, to remain closely associated with its work for a period of four years, in conformity with Article 8.1 of the Committee's Rules of Procedure;

Invites the World Heritage Committee to give further consideration at its meetings in the next two years to additional procedures, such as regional quotas, to ensure an equitable representation of the different regions and cultures of the world, as required by Article 8, paragraph 2, of the Convention;

Invites furthermore the World Heritage Committee to formulate proposals in view of financing, in whole or in part, travel and sojourn expenses for the members of the Committee representing the least developed countries."

The proposals should consider and legally assess all options and tools available to the Committee for enhancing the representativity of the Committee without the necessity for changes to the *World Heritage Convention*, including amending:

- the *Rules of Procedure for the General Assembly*, to include (i) the possibility of changing the election of Committee members to a system based on regional or geo-cultural regions with or without some seats remaining free for open election and (ii) to also include the election of members of the three proposed sub-committees with chairs and rapporteurs
- the *Operational Guidelines for the Implementation of the World Heritage Convention*

The informal working group would, after consideration of the legal advice, provide a revised set of specific proposals to the Committee in Cairns.

I.9 An earlier draft of this document was prepared by Australia and discussed by the informal group (Australia, France, Belgium and the United States of America) at a meeting convened at the World Heritage Centre on 30 October 2000. The UNESCO Legal Adviser attended the meeting. Further comments from the Legal Adviser will be provided at the time of the Committee session.

II. PROPOSALS CONCERNING EQUITABLE REPRESENTATION IN THE WORLD HERITAGE COMMITTEE

II.1 **Table I** presents proposals for decision by the Committee concerning equitable representation in the World Heritage Committee according to the following headings:

1. Reduction in term of office of members of the World Heritage Committee
2. Discourage consecutive terms by States Parties
3. Enhanced involvement of, and rotation within, all regions in the work of the Committee
4. Increase in members of the Committee
5. Distribution of a fixed number of seats to groups of States Parties, while leaving a number of seats open for election on a free basis
6. Other options

TABLE I: PROPOSALS CONCERNING EQUITABLE REPRESENTATION IN THE WORLD HERITAGE COMMITTEE

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24th session of the Committee
1. Reduction in term of office of members of the World Heritage Committee						
Article 9 1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.		To reduce to four years the current six year term of office of the Members of the World Heritage Committee. ⁵	Encourage State Parties to voluntarily reduce term of office on the Committee from six to four years	Reducing terms of office from six to four years is proposed as a voluntary action and thus would not require amendment to the <i>Convention</i> . Immediate and voluntary implementation as of the 13 th General Assembly in 2001.	Voluntary action would not require revisions to the <i>Rules of Procedure</i> .	The Committee may wish to: (i) endorse the recommendation of the Working Group and Special Session of the Bureau for voluntary reduction in the term of office on the Committee from four to six years and (ii) prepare a Draft Resolution for recommendation to the 13 th General Assembly and the 31st General Conference of UNESCO in 2001.

⁵ In a paper prepared by the Secretariat (<http://www.unesco.org/whc/wg-repcom>) the following comment was provided:

A clause revising Article 9, which provides for a six-year period for members of the World Heritage Committee, would in effect have to be inserted into a new Convention, which would have to be accepted first by a 2/3 majority in the General Conference and then by each Party (currently 158) to the present Convention depositing an instrument of acceptance or ratification. In legal terms, whether the instrument is drafted as a revision or amendment to the present Convention, or as a Protocol, it is still a revision which would need to be consistent with Article 37.

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24th session of the Committee
2. Discourage consecutive terms by States Parties						
	7th General Assembly 1989 "... <u>Invites</u> the States Parties to the World Heritage Convention, whose mandates on the Committee expire, to consider not to stand for re-election during an appropriate period; <u>Requests</u> the Chairman, at each election, to invite States Parties to take account of this Resolution: <u>Invites</u> the President of the World Heritage Committee to do everything in his power to encourage the States Parties, whose mandates on the Committee have just expired, to remain closely associated with its work for a period of four years, in conformity with Article 8.1 of the Committee's Rules of Procedure..."		Discourage consecutive terms by States Parties.	Discouraging consecutive terms by States Parties is proposed as a voluntary action and thus would not require amendment to the <i>Convention</i>. Immediate and voluntary implementation as of the 13th General Assembly in 2001.	Voluntary action would not require revisions to the <i>Rules of Procedure</i> .	The Committee may wish to: (i) reaffirm the Resolution of the 7th General Assembly and endorse the recommendation of the Special Session of the Bureau to discourage consecutive terms by States Parties and (ii) prepare a Draft Resolution for recommendation to the 13th General Assembly and the 31st General Conference of UNESCO in 2001.

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24th session of the Committee
3. Enhanced involvement of, and rotation within, all regions in the work of the Committee						
	7th General Assembly 1989 “ ... it is important to observe the practice of rotation in the representation of States Parties on the Committee ... “		Increase the rotation of States Parties on the Committee.	Increasing the rotation of States Parties on the Committee is proposed as a voluntary action and thus would not require amendment to the <i>Convention</i> . Immediate and voluntary implementation as of the 13th General Assembly in 2001.	Voluntary action would not require revisions to the <i>Rules of Procedure</i> .	The Committee may wish to: (i) endorse the recommendation of the Special Session of the Bureau for voluntary increase in the rotation of States Parties on the Committee and (ii) prepare a Draft Resolution for recommendation to the 13 th General Assembly and the 31 st General Conference of UNESCO in 2001.

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24 th session of the Committee
3. Enhanced involvement of, and rotation within, all regions in the work of the Committee (continued)						
Article 8 2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.	7th General Assembly 1989 “... <u>Invites</u> the World Heritage Committee to give further consideration at its meetings in the next two years to additional procedures, such as regional quotas, to ensure an equitable representation of the different regions and cultures of the world, as required by Article 8, paragraph 2, of the Convention; <u>Invites</u> furthermore the World Heritage Committee to formulate proposals in view of financing, in whole or in part, travel and sojourn expenses for the members of the Committee representing the least developed countries.”		Enhance the involvement of, and rotation within, all regions in the work of the Committee.		New Committee <i>Rules of Procedure</i> 20.4 and 21.3. To take effect after Committee decision.	The Committee may wish to amend its <i>Rules of Procedure</i> to give due regard to equitable representation of the different regions and cultures in its appointment of consultative and subsidiary bodies. Text for new Rule 20.4 to read, for example: “In appointing consultative bodies, due regard shall be given to the need to ensure an equitable representation of the different regions and cultures of the world.” Text for new Rule 21.3 to read, for example: “In appointing subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions and cultures of the world.”

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24th session of the Committee
3. Enhanced involvement of, and rotation within, all regions in the work of the Committee (continued)						
					New Committee <i>Rules of Procedure</i> 4.1. To take effect after Committee decision.	The Committee may wish to amend its <i>Rules of Procedure</i> to give due regard to equitable representation of the different regions and cultures in its determination of the place its sessions are to take place. Text for new Rule. 4.3 to read, for example: "In determining at each session the place of the next session, the Committee shall give due regard to the need to ensure an equitable representation of the different regions and cultures of the world."
					New text for <i>Operational Guidelines</i>. To take effect after Committee decision.	The Committee may wish to amend the <i>Operational Guidelines</i> to encourage Advisory Bodies in the carriage of their roles and responsibilities under the <i>Convention</i>, to give due regard to equitable representation of the different regions and cultures of the world.

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24th session of the Committee
4. Increase in members of the Committee						
Article 8 1. ... The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.		At the same time to increase to twenty-eight the current number of Members of the World Heritage Committee. ⁶	The majority of members of the Bureau stated that they were not in favour of increasing the number of members of the Committee as this would, <i>inter alia</i> , require amending the <i>Convention</i> which would be a long complex and potentially risky option.	Requires revision to the <i>Convention</i> .		The Committee may wish to decide not to increase the number of members of the Committee as this would, <i>inter alia</i> , require amending the <i>Convention</i> .

⁶ In a paper prepared by the Secretariat (<http://www.unesco.org/whc/wg-repcom>) the following comment was provided:

This would require an amendment of Article 8(1). This Article, as is known, provided for an increase of the Committee from 15 to 21 when the number of States Parties reached 40. This is an explicit provision allowing for an increase in members of the Committee when the number of States Parties reaches 40. This suggests that the drafters considered the problem of increasing membership of the Convention but did not consider it necessary to provide for further increase.

Relevant Articles of the <i>World Heritage Convention</i>	Previous Resolution of the General Assembly of States Parties	Recommendation of the Working Group on Equitable Representation within the World Heritage Committee	Recommendation of the Special Session of the Bureau, 2-4 October 2000, Budapest	Options for implementation through voluntary action without revising the <i>Convention</i>	Required revisions to the <i>Rules of Procedure</i> of the General Assembly of States Parties, <i>Rules of Procedure</i> of the Committee and/or the <i>Operational Guidelines</i>	Action required by the 24th session of the Committee
5. Distribution of a fixed number of seats to groups of States Parties, while leaving a number of seats open for election on a free basis.						
		To distribute a fixed number of seats to groups of States Parties, while leaving a number of seats open for elections on a free basis.	Identifying an appropriate allocation of fixed seats for under-represented States Parties while leaving a certain number of seats open to election on a free basis.		Revision to Rule 13, <i>Rules of Procedure</i> of the General Assembly. Potential implementation after 13th General Assembly 2001.	The Committee is requested to propose a specific amendment to Rule 13 of the <i>Rules of Procedure</i> of the General Assembly as a way of identifying an appropriate allocation of fixed seats for under-represented States Parties while leaving a certain number of seats open to election on a free basis.
6. Other options						
			Take into account the potential of other options that may arise after consideration of the feasibility study into the proposed sub-committee system.	To be determined.	To be determined.	The Committee is requested to ensure, in any discussion of the introduction, composition and function of a system of sub-committees, due regard to equitable representation of the different regions and cultures.