

**Experts meeting on decision-making procedures
in statutory organs of the *World Heritage Convention***

15-17 December 2010

Manama, Bahrain

BACKGROUND DOCUMENT 1:

KEY ISSUES AND CHALLENGES

(drafted by UNESCO/CLT/WHC/POL/rv)

I. Background / Context

1. Adopted in 1972, the *World Heritage Convention* is considered one of the most successful international instruments for the conservation of heritage sites. Its success is demonstrated by its almost universal membership (187 out of 193 current Member States of UNESCO are States Parties to the *Convention*) and the large number of listed properties under its protection (911 in 151 countries as of August 2010). The *World Heritage Convention* is approaching two important milestones: 40 years since it came into force and the inscription of the 1000th property on the World Heritage List. However, the very success of the *World Heritage Convention* poses a series of challenges and opportunities not fully envisaged at the time of its adoption.
2. In February 2009, an important experts meeting took place at UNESCO Headquarters to reflect on the future of the *World Heritage Convention* and identified a number of global strategic issues, key challenges, as well as trends and opportunities facing the *World Heritage Convention* (see document *WHC-09/33.COM/14A*). The results of this workshop were endorsed both at the 33rd session of the World Heritage Committee (Seville, 2009) and at the 17th session of the General Assembly of States Parties (UNESCO, 2009). During the debates, States Parties emphasized the need for the World Heritage system to continue adapting to a constantly changing world in order to make a vital and integrated contribution to the achievement of UNESCO's broader objectives. Among other priority items, the reflection process on the future of the *Convention* has also identified the need for the World Heritage system and processes to be transparent, equitable, accountable and efficient.
3. To this end, at its 17th session (UNESCO Headquarters, 23-28 October 2009), the General Assembly of States Parties to the *World Heritage Convention* welcomed (Resolution **17 GA 9**), the offer of Australia and Bahrain to host an expert meeting in Bahrain on the decision-making procedures of the statutory organs of the *World Heritage Convention* to identify opportunities for increasing the efficiency and transparency of these procedures. In mandating the expert meeting, the General Assembly requested the World Heritage Centre, in cooperation with these two States Parties, to launch and facilitate consultations on the meeting's scope and agenda for discussion by the World Heritage Committee at its 34th session in 2010 (see document *WHC-10/34.COM/12*).

II. Consultation meeting (December 2009, Manama, Bahrain)

4. A consultation meeting was organized by the UNESCO World Heritage Centre with the support from the Kingdom of Bahrain (Ministry of Culture and Information, Culture and National Heritage) and the Government of Australia, on 16-17 December 2009 in Manama, Bahrain. This consultation meeting was attended by 18 participants, which included former chairpersons and rapporteurs of the World Heritage Committee and General Assembly, representatives of the Advisory Bodies (IUCN, ICOMOS and ICCROM) as well as representatives from the World Heritage Centre. This consultation meeting provided a fruitful discussion on the scope and agenda of an Expert meeting on the procedures, logistics and technological requirements for decision-making within the statutory organs of the *World Heritage Convention*.

III. Key issues and challenges

5. The major key issues and challenges identified and discussed during the consultation meeting included *inter alia*:
 - a. **Responsibilities** of the different organs (World Heritage Committee / General Assembly): At its 31st session (Christchurch, 2007) (Decision **31 COM 16A**), the World Heritage Committee invited the General Assembly of States Parties to consider that strategic policy issues (including *inter alia* the Strategic Objectives, the Global Strategy for a representative, balanced and credible World Heritage List, Orientations in relation to World Heritage Programmes and the World Heritage Fund, Reflection on major themes of cultural and natural heritage, the implementation of previous General Assembly resolutions, State of conservation of World Heritage properties) may become permanent items of its Agenda. Is this feasible? What is the best way to discuss strategic orientations amongst the 187 States Parties to the *Convention*? Are the roles and responsibilities of the statutory organs, as described in the *Operational Guidelines*, para. 17-18 (AG), and para. 19-26 (Committee), still valid or should they be updated?
 - b. **Agenda and workload**: Ever-growing number of items on the World Heritage Committee's Agenda (for example, 27 Agenda items in 2001; 44 in 2010) and their subsequent workload, both for the Secretariat and the Advisory Bodies in the preparation of the working and information documents (44 documents in 2001, 75 in 2010) as well as for delegates during the sessions (almost 300 decisions to adopt in 2008).
 - c. Overloaded **statutory calendar**: To the "regular" statutory meetings (World Heritage Committee and General Assembly sessions), which are time and resources consuming to prepare, there are a number of other statutory meetings (e.g. experts meetings, working groups, information meetings, ...) as well as additional events which need to be organized and/or attended to by World Heritage Centre staff members, Advisory Bodies and Committee members. These come in addition to all the activities planned within the framework of the already overloaded state of conservation reporting (including reinforced monitoring mechanism) and nomination processes.
 - d. **Frequency of meetings**: The number of yearly ordinary sessions of the World Heritage Committee has been mentioned a number of times considering the fact that Agendas have become unrealistically complex to manage within the allocated timeframe. It is also important to consider the value (or lack of) of additional preparatory/parallel meetings (e.g. expert exchange before decision-making), together with the technological alternatives to face to face meetings in order to improve the conditions in which decisions are taken. This would need to be connected to item j) below on Experts meeting and the status of their recommendations.
 - e. **Time management**: There are very strong constraints due to time management during the World Heritage Committee and General Assembly sessions to be able to complete the debates on all Agenda items and thus, to avoid having to call for extraordinary sessions. This resulted in an increase of the duration of the World

Heritage Committee sessions (from 5 working days in 2001 to 8 working days in 2010), but which still remains insufficient to cover all Agenda items adequately (although the number of hours of debates has been extended 1,6 times since 2001, the average time spent for each decision has decreased 1,5 times during the same period). The participants to the consultation meeting noted that the time-consuming matters during World Heritage Committee sessions are the votes, the examination of state of conservation reports, the examination of nominations and the subsequent congratulations.

- f. **Conduct of meetings:** There would an interesting reflection to conduct regarding the current order in which speakers are given the floor during sessions (Committee members / States Parties Observers / Other observers / Advisory Bodies), and how this could be improved in order to rationalize the time allocated for each Agenda item and improve the efficiency of the decision-making process. The respective roles of the Chairperson and the Rapporteur and their sequence of intervention may also need to be specified/clarified/reviewed in this sense. The number of speakers invited to take the floor on any given Agenda item, their status and duration of speech allowed (1 minute? 2 minutes?...) are also to consider in the wider context of time management. Finally, the right to speak and vote for Committee members on their own nominations and state of conservation reports could also deserve some attention, in the broader reflection of the voting mechanism during statutory meetings of the *World Heritage Convention* (show of hands, secret ballot, electronic, etc...).
- g. **Quality of decisions** e.g. to facilitate access to information and documentation including archives for the Committee to take the best-informed decision. Example: role of thematic studies in decision making with respect to nominations). As indicated by the Expert meeting on the Upstream processes (Phuket, Thailand, April 2010), has the multiplication of thematic studies by the Advisory Bodies over the past few years (Rock art, Cultural landscapes, Collieries, Caves and karts, Volcanoes, etc...) improved the quality of the decisions adopted by the statutory organs of the *Convention*?
- h. **Consistency of decisions:** Considering that Committee members change over time (since October 2007, all new members have been elected on a 4-year mandate), it is important to keep consistency of decisions/resolutions between and within sessions. How can this be better attained? Through their drafting prior to the sessions? Through the decision records and their accessibility? Etc...
- i. **Implications of decisions:** Each decision has an implication either on the budget of the World Heritage Centre and/or on the World Heritage Fund, or an implication on the timeline and subsequent workload. For example, a request for a reactive monitoring mission associating the World Heritage Centre and one of the Advisory Bodies has an average cost of USD 8.500. A request to inscribe a property on the List of World Heritage in Danger also means that the property needs to have a Desired state of conservation for the removal of the Danger List, a set of corrective measures with the associated timeline for implementation, and particularly a Statement of Outstanding Universal Value around which all monitoring processes will be based. A request to organize an expert meeting has also an impact on the workload of the World Heritage Centre in terms of organization, preparation of background documents, participation and reporting, etc.... How to ensure that this important fact is fully taken into account at the time of adopting a decision?

- j. **Expert meetings:** Another issue mentioned during the consultation meeting relates to the status of the Expert meetings requested by the World Heritage Committee or General Assembly (Expert meetings on the Future of the *Convention*, on the relationship between World Heritage and sustainable development, on serial transnational nominations, on Historic Urban Landscapes, etc...). Their status seems sometimes unclear, as well as the status of their recommendations and the way to integrate them into the *Convention* procedures.
 - k. **Monitoring procedures:** In order to improve the efficiency and transparency of the decision-making process and to better take into account that decisions have to be in line with the reality on the ground, there could be a need to look at ways to reengineer monitoring procedures (reactive monitoring, reinforced monitoring mechanism, periodic reporting) in their different steps (e.g. enforcing a 2-year cycle for reactive monitoring, etc...).
 - l. **Media participation** in statutory meetings. This issue also relates to item m below on confidentiality of the sessions. Is the presence of the media desirable throughout the entire session of the World Heritage Committee? How could it be integrated to improve the decision-making procedure? In which capacity could the media have access to the working documents, and when? The issue of the information given to the media during the preparatory process (e.g. reactive monitoring missions or nomination evaluation missions) should also be considered.
 - m. **Confidentiality:** The confidentiality of both the statutory meetings and documents related to the sessions poses some concern. Should media attend the World Heritage Committee and/or General Assembly sessions in their entirety or just selected parts? To what extent can observers attend the statutory meetings? What is the desirable level of access (public, restricted, to whom?) of working and information documents and of meeting records; but also of all preparatory documents such as mission reports, letters, etc...
 - n. **Partnerships:** It seems to be agreed by all parties that the engagement of external partners (external to the "World Heritage system": e.g. other than Committee members, States Parties, Advisory Bodies and Secretariat) can only improve the efficiency and transparency of the decision-making processes of the statutory organs e.g.: the participation of the civil society, NGOs.
6. The participants of this consultation meeting made a number of recommendations, which were subsequently endorsed by the World Heritage Committee at its 34th session (Brasilia, 2010) (Decision **34 COM 12** – see Annex 1):
- a. The expert meeting should be open to 25-30 experts;
 - b. Participants in the expert meeting should be nominated on the basis of their experience with decision-making processes in statutory organs of the *World Heritage Convention* and other international standard-setting instruments;
 - c. An invitation for nominations of a certain number of experts should be sent to the regional groups of UNESCO to ensure an equitable representation of the different regions and cultures relevant to the *World Heritage Convention*, also observing a gender balance;
 - d. The scope of the expert meeting aims at increasing the efficiency and transparency of the decision-making procedures. It should include *inter alia*: the responsibilities of

statutory organs; options for streamlining procedures of statutory meetings; the conduct of meetings; options for improving the quality of decisions; the nature of meetings of an advisory character; and the confidentiality of statutory meetings and documents;

- e. A few keynote speeches could be dedicated to:
 - i. The evolution of decision-making procedures of the statutory organs of the *Convention*, including previously suggested innovations and the status of their implementation,
 - ii. The legal framework of decision-making procedures in statutory organs of the *Convention*, including the roles and responsibilities of the different statutory organs, their chairpersons, vice-chairpersons and rapporteurs as well as legal mechanisms/constraints to change,
 - iii. A comparison with decision-making procedures in other frameworks and conventions,
 - iv. An external independent analysis of the established decision-making procedures;
- f. The UNESCO World Heritage Centre, in cooperation with the Advisory Bodies, should prepare the following background documentation for discussion during the expert meeting on the decision-making procedures of the statutory organs of the *World Heritage Convention*:
 - i. Mapping of key issues and challenges,
 - ii. Statistical analysis of decision-making by the statutory organs during the last ten years,
 - iii. Mapping of all stakeholders' workload,
 - iv. Distribution of expert and diplomatic members of delegations during the last ten year sessions of the statutory organs.

IV. Objectives and agenda of the meeting (15-17 December 2010, Manama, Bahrain)

- 7. The Experts meeting on the decision-making procedures of the statutory organs of the *World Heritage Convention* aims at identifying opportunities to improve the efficiency and transparency of those decision-making procedures.
- 8. The expert meeting should also study and prepare measures to optimize the work of the statutory organs of the *World Heritage Convention* and provide proposals for consideration by the World Heritage Committee at its 35th session in 2011.
- 9. The Agenda for the Expert meeting, as adopted by the World Heritage Committee at its 34th session (Brasilia, 2010) (Decision **34 COM 12**), is as follows:
 - a. Welcome
 - b. Context of expert meeting and relationship with the process to reflect on the "future of the *World Heritage Convention*"
 - c. Keynote speeches and presentation of background documentation

- d. Improving current processes or reengineering decision-making procedures of the statutory organs of the *World Heritage Convention*:
 - i. Responsibilities of statutory organs (roles of different statutory organs and relationships among them)
 - ii. Statutory meetings (frequency, agenda, workload, additional meetings, alternative technologies to face-to-face meetings, time management)
 - iii. Conduct of meetings (order of speakers, role of chairperson, vice-chairpersons and rapporteur, right to speak and vote, voting)
 - iv. Quality of decision (consistency of decisions between and within sessions, working document needs, awareness of implications of decisions)
 - v. Meetings of advisory character (expert meetings, working groups and consultative bodies, status, integration of recommendations into statutory organ procedures, engagement of external partners to assist decision-making)
 - vi. Confidentiality of statutory meetings and document (publication of documents, media participation in statutory meetings)
 - e. Drafting of Recommendations for discussion during the 35th session of the World Heritage Committee in June/July 2011.
10. In addition to this Agenda, the World Heritage Committee also requested the Expert meeting to include the examination of the Rules of Procedure on the conduct of and participation in World Heritage Committee meetings, and in particular, on adoption of decisions particularly in respect of:
- a. The application of the procedure for secret ballots during the course of the adoption of decisions;
 - b. An analysis of the frequency and context of the application of the secret ballot while in the course of the adoption of decisions;
 - c. Possible implications for the interpretation of Rules 25, 26, 40, 41 and 42 and their amendments;
 - d. The participation of persons qualified in the field of cultural and natural heritage (as set out in Rule 5.2) and the transmission of their qualification (as set out in Rule 5.3);
 - e. The application of Rule 45.

Decision adopted at the 34th session
of the World Heritage Committee (Brasilia, 2010)

Item 12: Reflection on the Future of the *World Heritage Convention*

Extract of Decision: 34 COM 12

The World Heritage Committee,

1. Having examined Documents WHC-10/34.COM/12A, WHC-10/34.COM/12B and WHC-10/34.COM/14,
2. Recalling Decision **32 COM 10** adopted at its 32nd session (Quebec City, 2008), Decision **33 COM 14A.2** adopted at its 33rd session (Seville 2009) and Resolution **17 GA 9** adopted at the 17th General Assembly of States Parties (UNESCO Headquarters, 2009),
3. Notes that the *World Heritage Convention* is fast approaching a number of important milestones, including its 40th anniversary in 2012, the potential inscription of the 1000th property to the World Heritage List, and near universal ratification and that it is therefore appropriate to reflect on the successes of the *Convention* and on how it can best evolve to meet emerging challenges;
4. Recognizes the ongoing open-ended and inclusive participation of States Parties, Advisory Bodies, UNESCO Category 2 Centres specializing in cultural and natural heritage and non-governmental organizations in promoting and implementing the *World Heritage Convention*, including in relation to the transparent process of reflection on the future directions of the *Convention*;
5. Also notes that documents relating to the process of reflection on the future of the *World Heritage Convention* continue to be available for States Parties and other interested organizations at <http://whc.unesco.org/en/futureoftheconvention/> ;
6. Welcomes the progress made on the reflection on the Future of the *Convention* at the Committee's 34th Session (Brasilia, 2010);

[...]

IV. Working methods of statutory organs of the *Convention*

23. Notes moreover the report provided by the participants of the consultation meeting (held Manama 16-17 December 2009) on the scope and agenda of the expert meeting on the decision-making procedures of statutory organs of the *World Heritage Convention* and adopts the recommendations in Attachment D that define the scope, objectives, agenda and method of participant selection of the expert meeting on decision-making procedures in statutory organs of the *World Heritage Convention*;

24. Welcomes moreover the offer of Australia and Bahrain to host the expert meeting in Bahrain, 2-4 October 2010, on the decision-making procedures of the statutory organs of the *World Heritage Convention* to identify opportunities for increasing the efficiency and transparency of these procedures; further takes note of Document WHC-10/34.COM/14 which presents the results of a feasibility study on the possibility of holding two annual sessions of the World Heritage Committee; requests in addition that the expert meeting study and prepare measures to optimize the work of the statutory organs of the *World Heritage Convention*; and finally requests the expert meeting to provide proposals for consideration by the 35th session of the World Heritage Committee in 2011.
25. Requests the organizers of the expert meeting in Bahrain to also include the examination of the Rules of Procedure on the conduct of and participation in World Heritage Committee Meetings, and in particular, on adoption of decisions particularly in respect of:
- a) The application of the procedure for secret ballots during the course of the adoption of decisions;
 - b) An analysis of the frequency and context of the application of the secret ballot while in the course of the adoption of decisions;
 - c) Possible implications for the interpretation of Rules 25, 26, 40, 41 and 42 and their amendments;
 - d) The participation of persons qualified in the field of cultural and natural heritage (as set out in Rule 5.2) and the transmission of their qualification (as set out in Rule 5.3);
 - e) The application of Rule 45.

Recommendations of consultation on decision-making procedures in statutory organs of the *World Heritage Convention*

The following recommendations are aimed at defining the scope, objectives, agenda and method of participant selection of the expert meeting on decision-making procedures in statutory organs of the *World Heritage Convention* (Manama, Bahrain, 16-17 December 2009):

1. The expert meeting on the decision-making procedures of the statutory organs of the *World Heritage Convention* should be organized in Bahrain, 2 - 4 October 2010
2. The expert meeting should be open to 25-30 experts and appreciates the offer of the State Party of Bahrain to provide funding to facilitate the participation of least developed countries (LDC)
3. Participants in the expert meeting should be nominated on the basis of their experience with decision-making processes in statutory organs of the *World Heritage Convention*, and other international standard-setting instruments;
4. An invitation for nominations of a certain number of experts should be sent to the regional groups of UNESCO to ensure an equitable representation of the different regions and cultures relevant to the *World Heritage Convention*. It is suggested, that if the number of nominations exceeds the places available per regional group, the best qualified experts shall be selected in consultation by the hosting States Parties, the World Heritage Centre and the Presidents of the UNESCO regional groups observing a regional and gender balance;
5. The scope of the expert meeting aims at increasing the efficiency and transparency of the decision-making procedures. It should include inter alia: the responsibilities of statutory organs; options for streamlining procedures of statutory meetings; the conduct of meetings; options for improving the quality of decisions; the nature of meetings of an advisory character and the confidentiality of statutory meetings and documents;
6. Keynote speeches could be dedicated to:
 - a. The evolution of decision-making procedures of the statutory organs of the *World Heritage Convention*, including previously suggested innovations and the status of their implementation,
 - b. The legal framework of decision-making procedures in statutory organs of the *World Heritage Convention*, including the roles and responsibilities of the different statutory organs, their chairpersons, vice-chairpersons and rapporteurs as well as legal mechanisms/constraints to change,
 - c. A comparison with decision-making procedures in other frameworks and conventions,
 - d. An external independent analysis of the established decision-making procedures;

7. The UNESCO World Heritage Centre, in cooperation with the Advisory Bodies, should prepare the following background documentation for discussion during the expert meeting on the decision-making procedures of the statutory organs of the *World Heritage Convention*:
 - a. Mapping of key issues and challenges,
 - b. Statistical analysis of decision-making by the statutory organs during the last ten years,
 - c. Mapping of all stakeholders' workload,
 - d. Distribution of expert and diplomatic members in delegations to the sessions of the statutory organs during the last ten years;
8. The expert meeting should adopt the following agenda:
 - a. Welcome
 - b. Context of expert meeting and relationship with the process to reflect on the 'Future of the *World Heritage Convention*'
 - c. Keynote speeches and presentation of background documentation
 - d. Improving current processes or reengineering decision-making procedures of the statutory organs of the *World Heritage Convention*:
 - i. Responsibilities of statutory organs (roles of different statutory organs and relationships among them)
 - ii. Statutory meetings (frequency, agenda, workload, additional meetings, alternative technologies to face-to-face meetings, time management)
 - iii. Conduct of meetings (order of speakers [Committee Members/ State Party Observers/ Observers/ AdvisoryBodies], role of chairperson, vice-chairpersons and rapporteur, right to speak and vote [nominations/state of conservation], voting)
 - iv. Quality of decision (consistency of decisions between and within sessions, working document needs, awareness of implications of decisions [budget, time and workload])
 - v. Meetings of advisory character and engagement of external partners to assist decision-making (expert meetings, working groups and consultative bodies, status, integration of recommendations into statutory organ procedures)
 - vi. Confidentiality of statutory meetings and documents (publication of documents, media participation in statutory meetings)
 - vii. Drafting of Recommendations for discussion during the 35th session of the World Heritage Committee in June/July 2011.
 - viii. Closing
9. The full report of the consultation meeting is available at:
<http://whc.unesco.org/en/futureoftheconvention/>