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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE**

**30th Anniversary
(1972-2002)**

WORLD HERITAGE COMMITTEE

Twenty-sixth session

**Budapest, Hungary
24 - 29 June 2002**

**Item 16 of the Provisional Agenda: Discussion on the relationship between the World
Heritage Committee and UNESCO**

SUMMARY

This document is presented in three parts:

I. Background

**II. The relationship between the World Heritage Centre and the different sectors and
divisions of UNESCO**

**III. The relationship between the various World Heritage and UNESCO governing
bodies, in particular**

- (i) the relationship between the World Heritage Committee, the General Conference and the Executive Board; and,
- (ii) the roles and responsibilities of the Secretariat, the World Heritage Committee and the General Assembly of States Parties as indicated in the World Heritage Convention.

Action required:

The Committee may wish to:

- (i) Examine the analysis presented in this document, and
- (ii) Take appropriate decisions following discussion of the issues.

I. BACKGROUND

1. During the 25th session of the World Heritage Committee (Helsinki, 2001) clarification was sought on the relative roles of the UNESCO governing bodies (General Conference and Executive Board) and the World Heritage Committee¹.
2. Following examination of document WHC-02/CONF.201/7, the 26th session of the Bureau (April 2002) requested that the following information be provided to the Committee:
 - "(i) the relationships (co-ordination, collaboration, communication, roles and responsibilities and objectives) between the World Heritage Centre, the different Sectors and Divisions of UNESCO (including the Culture Sector, the Division of Cultural Heritage, the Science Sector, the Division of Ecological Sciences and the Man and the Biosphere Programme, the Communications Sector and the MOST Programme etc.);
 - (ii) the relationships between the World Heritage Committee, the General Conference and the Executive Board;
 - (iii) the roles and responsibilities of the Secretariat, the World Heritage Committee and the General Assembly of States Parties as indicated in the World Heritage Convention; and
 - (iv) previous Committee decisions and discussions on this subject (in particular, the 21st session of the Committee (Naples, 1997))²."
3. In order to proceed to the analysis of the above mentioned issues, the following documents have been examined: the UNESCO Constitution, the UNESCO Financial Regulations, the World Heritage Convention, the Rules of Procedure of the General Assembly, the Rules of Procedure of the World Heritage Committee, the Financial Regulations for the World Heritage Fund, the reports of the World Heritage Committee and its Bureau and relevant Notes issued by the Director-General of UNESCO.
4. It must be noted that this document is not intended to provide an exhaustive analysis of the issues or an interpretation of the provisions established by the main regulatory texts mentioned above.

II. RELATIONSHIP BETWEEN THE WORLD HERITAGE CENTRE AND THE DIFFERENT SECTORS AND DIVISIONS OF UNESCO

(i) Brief Administrative History of the World Heritage Centre

5. In order to better assess the nature of the relationship between the World Heritage Centre and the different sectors and divisions of UNESCO a brief administrative history of the World Heritage Centre follows.
6. Article 14.1 of the World Heritage Convention stipulates that the "Committee shall be assisted by a Secretariat appointed by the Director-General of UNESCO". Up until 1992, the Secretariat to the World Heritage Committee was provided jointly by staff of the Division of Ecological Science (Science Sector) and the Cultural Heritage Division (Culture Sector). In 1992, the UNESCO World Heritage Centre was established by the Director-General of UNESCO on the occasion of the twentieth anniversary of the World Heritage Convention. On that occasion, the Director-General stated that:

¹ See Report of the World Heritage Committee, 25th session (Helsinki 2001), III.16

² See Report of the Rapporteur of the 26th session of the Bureau (WHC-02/CONF.202/2, VIII.2).

"The main purpose of the Centre will be to carry out, rapidly and efficiently, activities relating to the implementation of the Convention concerning the protection of the World Heritage; to encourage its application in Member States; to ensure the broadest possible promotion of the Organization's work in the field of the cultural and natural heritage; and to make special efforts to collect extrabudgetary resources.

The Centre's operations will be closely co-ordinated with the activities coming under Major Programme Areas II and III, which are implemented by the CLT/CH and SC/ECO divisions.(...) The Centre endeavours to promote an integrated transdisciplinary approach to the conservation of cultural and natural heritage of outstanding universal value."³

7. During the period following its creation (and specifically in the 26C/5 (1992 - 1993) and the 27C/5 (1994 - 1995)), the World Heritage Centre was placed under the direct authority of the Director-General and considered an inter-sectoral service (although the Centre's staff and budget remained under Major Programme III - Culture). However under the 28C/5 (1996-1997) the Centre appeared in the organigramme of UNESCO under the Culture Sector.
8. This situation was further confirmed when, in January 2000, the Director-General of UNESCO attached the World Heritage Centre to the Culture Sector. In doing so, he stated that:

"Since its establishment, the Centre has succeeded in giving its activity a visibility that makes an essential contribution to UNESCO's public image. It is therefore of the greatest importance to continue to ensure this visibility, as well as the smooth functioning of the Centre. At the same time I consider it desirable, in the interest of rationalization and efficiency, for it to be attached to the Culture Sector, it being understood that its specificity will be preserved.

Under the authority of ADG/CLT, the Director of the Centre will maintain close coordination between the activity of the Centre and that of all the Secretariat units concerned, in particular the Cultural Heritage Division in the Culture Sector, the Division of Ecological Sciences in the Natural Sciences Sector, and the Associated Schools Project Coordination Unit in the Education Sector. This interaction is essential to ensure the greatest possible consistency between programmes designed to protect, enhance and make better known the cultural and natural heritage of humanity."⁴

(ii) Relationship between the World Heritage Centre and the different Sectors and Divisions of UNESCO

Introduction

9. The following overview gives examples of the various types of co-ordination, collaboration, communication, roles, responsibilities and objectives as requested by the Bureau at its 26th session (April 2002) (see paragraph 2 above). It is by no means an exhaustive survey, however it seeks to demonstrate the Centre's role as interdisciplinary co-ordinator of World Heritage activities and its inter-sectoral relationships.

³ DG/Note/92/13, 13 April 1992

⁴ DG/Note/00/1, 13 January 2000

Culture Sector

10. The World Heritage Centre's collaboration with the Culture Sector, at Headquarters (primarily the Cultural Heritage Division) and the field units, relates mainly to operational activities at World Heritage properties (for example, the Historic Centre of St Petersburg (Russian Federation), My Son Sanctuary (Vietnam), Vat Phu (Laos) and Angkor (Cambodia).
11. To ensure consolidated action for the benefit of cultural heritage conservation, for example in Afghanistan, the Assistant Director-General for Culture is working to strengthen co-ordination of these activities.
12. In addition to the many projects at World Heritage sites managed by the Centre, the Cultural Heritage Division manages other operational projects at World Heritage sites. Some examples taken from the last 6 years are listed below:
 - International campaign for the protection of Tyre (Lebanon)
 - International campaign for the protection of the Island of Gorée (Senegal)
 - International campaign for the protection of Lalibela (Ethiopia)
 - Rehabilitation of the Royal Palaces of Abomey (Benin)
 - Conservation and restoration of the Longmen Grottoes (China)
 - Conservation of the wall paintings of the royal tomb of Amenophis III (Egypt)
 - Campaign for the preservation and presentation of Angkor (Cambodia)
 - Protection and conservation of the palace of Daming, Xian (China)
 - International campaign for the protection of Moenjodaro (Pakistan)
 - Preservation of Tchogha Zanbil (Iran)
 - Conservation and preservation of the Buddhist monuments in Sanchi and Satchara (India)
 - Restoration of the Monastery of the Saint Cross in the Medina of Tunis (Tunisia)
 - Contribution to the restoration of the museum of the Hermitage in St. Petersburg (Russian Federation)
 - Co-operation with the World Bank for the rehabilitation of Medina of Fez (Morocco)
13. In addition, the Centre is in communication with the International Standards Section and the Intangible Cultural Heritage Section of the Division of Cultural Heritage on a broad range of issues concerning the implementation of the World Heritage Convention and UNESCO's other cultural heritage conservation Conventions and Recommendations and the development of the draft Convention on the protection of the intangible cultural heritage.

Science Sector

14. The World Heritage Centre's collaboration with the Science Sector, at Headquarters (namely the Division) and the Field, relates primarily to operational activities at World Heritage properties. Key collaborators include the Division of Ecological Sciences, the Division of Geological Sciences and Science officers from Apia, Jakarta, Cairo, and Montevideo amongst others.

15. With more than 70 of the 721 properties on the World Heritage List also internationally recognized as Biosphere Reserves within the framework of UNESCO's Man and the Biosphere (MAB) Programme, there are considerable opportunities for linkages between the work of the Division of Ecological Sciences and the World Heritage Centre. Furthermore, the Centre and the Division recently collaborated, for example, on key events contributing to the International Year on Mountains proclaimed by the United Nations.
16. In addition, the Centre and the Division of Geological Sciences are in close communication on issues relating to the identification of potential geological and fossil sites currently poorly represented on the World Heritage List.
17. Working with the Science Sector, the Centre recently contributed to the finalisation of the Memorandum of Understanding with the Convention on Migratory Species which was recently endorsed by the CMS Secretariat in Bonn and 164th Session of the Executive Board of UNESCO.

Social and Human Sciences Sector

18. Collaboration between the **Social and Human Sciences Sector** and the World Heritage Centre includes joint participation in an inter-sectoral project on "Small historical coastal cities" (within the framework of the France-UNESCO Agreement) which was initiated by the MOST Programme in conjunction with the Natural Sciences Sector.
19. The Centre is collaborating with colleagues in the Social and Human Sciences Sector and the Cultural Heritage Division on a Cross-Cutting Project under the theme of Poverty Reduction approved as part of the 31C/5. The project on "Sustainable Management of World Heritage Sites for Poverty Reduction" includes pilot projects in Guyana, Benin, China, Laos, Mauritania and Senegal.

Education Sector

20. Collaboration between the World Heritage Centre and the Education Sector, at Headquarters and in the Field (for example notably Amman, Bangkok and Quito), continues as part of a programme of work on World Heritage Education.
21. This collaboration continues with the development of educational materials and the first of a series of kits development workshops for young people. With many national language versions of World Heritage in Young Hands published and in preparation and with the forthcoming publication of the 2nd edition of the Kit (English and French) the collaboration has extended to involve the UNESCO Publishing Office.

Communication and Information Sector (CI)

22. The World Heritage Centre collaborated with CI and the Sectors of Culture, Education and Science in the preparation of the cross-cutting project on "The contribution of ICTs to the development of Education, Science and Culture" approved as part of the 31C/5.

Bureau of Public Information (BPI)

23. For all promotional projects concerning World Heritage the collaboration between the Centre and BPI ensures that all World Heritage projects with outside partners are identified, evaluated and implemented in conformity with agreed guidelines and procedures.
24. For press releases, especially those relating to the inclusion of new properties on the World Heritage List and special events concerning World Heritage, the Centre collaborates with the Editorial Section of BPI.

Division of Information Systems and Telecommunications (DIT)

25. Technical assistance of DIT led to the development of a World Heritage Statutory Documents database containing all of the Working Documents of World Heritage statutory meetings between 1977 and 2000. In addition, selected UNESCO meeting documents are included which touch on the establishment of the World Heritage Convention between 1950 and 1976 (see <http://whc.unesco.org/req1.asp>).

III. THE RELATIONSHIP BETWEEN THE VARIOUS WORLD HERITAGE AND UNESCO GOVERNING BODIES

26. The structure of the analysis is as follows:

- (i) Introduction
- (ii) The relationship between the World Heritage Committee, the General Conference and the Executive Board; and
- (iii) The roles and responsibilities of the Secretariat, the World Heritage Committee and the General Assembly of States Parties as indicated in the World Heritage Convention.

(i) Introduction

27. 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).
28. 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".

(ii) The relationship between the World Heritage Committee, the General Conference and the Executive Board

29. Article 29.3 of the World Heritage Convention states that "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". This provision establishes the principal obligation assigned to the Committee 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 which are not regulated by the Convention, the UNESCO Constitution nor other relevant instruments. For instance, the General Conference and the Executive Board have, on several occasions called on the Committee and the Bureau to undertake a specific action. In one case this request resulted in the adoption of a General Assembly Resolution. For this and other cases of interaction between the Committee, the General Conference and the Executive Board see Annex I, in particular the 13th General Assembly Resolution on the Protection of Cultural Heritage of Afghanistan.
30. At the 21st session of the World Heritage Committee (Naples 1997) this issue was raised in the context of a discussion concerning the World Heritage Fund. The Chairperson of the Committee (Professor Francioni) expressed the following views:

"there is no way that the World Heritage Committee may be considered as a "subsidiary body" of the "UNESCO supreme governing body" i.e. the General Conference. It should be clear that the World Heritage Committee is an intergovernmental body elected by the States Parties to the World Heritage Convention, made up of sovereign states accountable to the General Assembly of States Parties. Therefore, the idea that the World Heritage Committee is not in a position to give opinions on activities, initiatives or programmes that affect the very object and purpose of the World Heritage Convention because of a perceived relationship of subordination of the General Conference is wrong.

Its relation to the General Conference is one of co-operation and co-ordination between institutions of equal standing both based on international treaties of equal hierarchical value. In point of policy, the object and purpose of the Resolution is that of building confidence and co-operation between the World Heritage Committee and UNESCO through appropriate mechanisms that will ensure transparency, communication and harmonisation of respective objectives".⁵

iii) The roles and responsibilities of the Secretariat, the World Heritage Committee and the General Assembly of States Parties as indicated in the World Heritage Convention

a) Roles and responsibilities of the Secretariat

31. Article 14 of the World Heritage Convention establishes that

"the World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of UNESCO. The Director-General [assisted by the Secretariat] shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions".

The Convention does not further specify the Secretariat's role. However, the roles and responsibilities of the Secretariat are indicated throughout the March 1999 Operational

⁵ Report of the World Heritage Committee, 21st session (Naples 1997) XI.11

Guidelines and have been enumerated in paragraphs I.D.32-33 of the 3rd draft annotated revised Operational Guidelines (WHC-02/CONF.202/14B).

b) Roles and responsibilities of the World Heritage Committee

32. The World Heritage Committee's responsibilities as indicated by the Convention are listed in the following Table. Moreover, paragraphs I.D.9-19 of the 3rd draft annotated revised Operational Guidelines (WHC-02/CONF.202/14B) provide a general overview of the Committee's functions and workings.

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.

c) Roles and responsibilities of the General Assembly

33. 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).⁶
34. 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

⁶ See also paragraph I.D.8 of the 3rd draft annotated revised Operational Guidelines (WHC-02/CONF.202/14B)

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.

35. 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.⁷ 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).
36. 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).
37. On this point, it must be mentioned that during the 24th session of the Bureau (Paris 2000)

"the Bureau also asked for legal clarification on the differential roles of the General Assembly of States Parties and the Committee. The Legal Adviser of UNESCO noted that there was a general legal principle of deferring to the plenary body which can deal with any questions related to the Convention. It was noted that the World Heritage Convention is different from many other international conventions in that all the substantive powers are designated to the Committee and not to the General Assembly. The Committee can transfer powers to the General Assembly".⁸

⁷ World Heritage Committee Report, 16th Session (Santa Fe, Dec. 1992), Strategic Orientations, III.II.D

⁸ Report of the Bureau of the World Heritage Committee, 24th session (Paris 2000) VI.7

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 ⁹	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 ¹⁰	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.

⁹ 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).

¹⁰ 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 the past met in June, the General Assembly in October and the Committee in the past met in December).