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

WORLD HERITAGE COMMITTEE

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**Review of the Operational Guidelines for the implementation of
the World Heritage Convention: Revision of Provisions relating
to World Heritage in Danger and Emergency Assistance**

**World Heritage Committee Meeting
December 1993**

**REVIEW OF THE OPERATIONAL
GUIDELINES FOR THE
IMPLEMENTATION OF THE WORLD
HERITAGE CONVENTION:**

**REVISION OF PROVISIONS RELATING
TO WORLD HERITAGE IN DANGER
AND EMERGENCY ASSISTANCE**

Consultant:

Professor Patrick J. Boylan

**Professor Patrick J. Boylan
BSc, PhD, FGS, FMA, FIMgt, FRSA
Department of Arts Policy and Management
City University
Frobisher Crescent, Barbican
London EC2Y 8HB, England.
Tel. [+44] 71-477.8750
Fax. [+44] 71-477.8887**

**OPERATIONAL GUIDELINES FOR THE IMPLEMENTATION OF THE WORLD
HERITAGE CONVENTION: REVISION OF PROVISIONS RELATING TO
WORLD HERITAGE IN DANGER AND EMERGENCY ASSISTANCE**

DRAFT REVISED TEXT

PART II

ESTABLISHMENT OF THE LIST OF WORLD HERITAGE IN DANGER

A. The inclusion of properties in the List of World Heritage in Danger

1. The Committee is required under the *Convention* to prepare, publish and keep up to date a *List of World Heritage in Danger*. However, the scope of the *List* is quite closely constrained. The Committee may consider including a property on the *List of World Heritage in Danger* only if the requirements set out in Article 11, paragraph 4, of the *Convention* are met, as follows:

"The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of *List of World Heritage in Danger*, a list of the property appearing in the *World Heritage List* for the conservation of which major operations are necessary and for which assistance has been requested under this *Convention*."

"This list shall contain an estimate of the cost of such operations."

"The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as:

"the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects;

"destruction caused by changes in the use or ownership of the land;

"major alterations due to unknown causes;

"abandonment for any reason whatsoever;

"the outbreak or the threat of armed conflict;

"calamities and cataclysms;

"serious fires, earthquakes, landslides;

"volcanic eruptions;

"changes in water level, floods, and tidal waves."

"The Committee may at any time, in case of urgent need, make a new entry in the *List of World Heritage in Danger* and publicise such entry immediately."

2. A property can only be inscribed on the *List of World Heritage in Danger*, if it is already (or in an emergency, simultaneously) inscribed on the *World List* either following the normal procedures set out in the *Convention* and amplified in Part I (G) (paras. 37 - 57)

of these *Operational Guidelines*, or through some emergency procedure approved by the Committee in the face of a specific identified threat.

3. Article 11(3) of the Convention also provides that "The inclusion of a property in the *World Heritage List* requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute." This basic premise of the Convention may significantly constrain the ability of the Committee, and the international community generally, to respond to obvious severe threats to World Heritage properties in some cases, for example where the site is affected by a territorial dispute, by current or threatened armed conflicts, or where the State Party for any reason is unwilling to support such emergency action.

B. *Criteria for the inclusion of properties in the List of World Heritage in Danger*

4. A World Heritage List property, as defined in Articles 1 and 2 of the Convention, can be entered on the *List of the World Heritage in Danger* when the Committee is satisfied that the condition of the property corresponds to at least one of the criteria in either of the two cases described below.

5. *World Heritage List cultural properties in ascertained danger:*

The property is considered to be in ascertained danger when in the opinion of the Committee it is facing specific and proven imminent danger, such as:

- (a) serious deterioration of the structure, construction materials used and/or the property's surface, decorative or ornamental features, through natural processes, or as the result of a specific natural disasters or calamities and cataclysms, such as serious fires, earthquakes, landslides, volcanic eruptions, floods or tidal waves;
- (b) serious deterioration of the structure, construction materials used and/or the property's surface, decorative or ornamental features through grave civil disaster such as fire, explosion or the impact of vehicles or aircraft, or military or terrorist action;
- (c) serious deterioration of architectural or town-planning coherence;
- (d) serious deterioration of urban or rural space, or the natural setting and/or environment;
- (e) military action and/or physical occupation for military purposes directly affecting the property or within its immediate vicinity in breach of the 1954 *Hague Convention*, whether in an international or civil war or other serious armed conflict or breakdown in law and order;
- (f) actually or seriously threatened significant loss of historical authenticity;
- (g) other important loss of cultural significance;
- (h) other specific and imminent threat as the result of grave disruption of the normal order, staffing and/or and technical services of the property, such as that following a serious natural or civil disaster, or military operations;

6. In considering possible cases of 'ascertained danger' the physical or cultural deteriorations to which the property has been subjected should be analyzed case by case in relation to the original criteria justifying the inclusion of the property on the World Heritage List, judged according to the assessed intensity of the deterioration or other effects.

7. ***World Heritage List cultural properties in potential danger:***

A property is considered to be in potential danger when in the opinion of the Committee it is faced with threats which could have serious deleterious effects on the inherent characteristics justifying its inclusion on the *World List*. Such threats are, for example:

- (a) changes in national or local law or modification of the legal status of the property under relevant law which have the effect of reducing the level of legal protection;
- (b) threats from changes in regional planning or town planning policies and practices;
- (c) the potential impact of regional or local development projects, including major construction projects, transportation initiatives, including new or significantly increased road, rail, port or air transport facilities, new tourism developments and policies;
- (d) the serious risk of destruction or damage as a consequence of changes in the ownership and/or use of the property;
- (e) abandonment for any reason whatsoever;
- (f) the potential impact of serious deterioration in the local infrastructure required for the protection of the property, such as deterioration of surface drainage, increases in atmospheric or other pollution, whether existing or forecast future pollution levels;
- (g) lack of adequate conservation and/or management policies for the property, or serious failure or inability on the part of the relevant authorities to implement and/or uphold approved conservation policies;
- (h) the outbreak or threat of armed conflict, whether international war, civil war, or serious internal conflict, affecting the country or region within which the property is located;
- (i) changes in water level, or in the pattern, frequency or intensity of periodic floods;
- (j) gradual changes due to geological, ecological, climatic or other environmental factors.
- (k) observed and recorded other major changes due to apparently unknown causes.

8. In considering possible cases of 'potential danger' the risk or nature of the anticipated threat should take into account the normal evolution of the social and economic setting of the property, longer-term demographic change (whether growth or population decline leading to the risk of greatly reduced use or total abandonment).

9. Assessing the potential danger of armed conflicts is particularly difficult, because of the suddenness of changes in the military situation. It is essential that as soon as there appears to be a real risk of military action in the vicinity of protected properties appropriate temporary protective measures be taken in accordance with the principles of the *Convention on the Protection of Cultural Property in the Event of Armed Conflict*, The Hague, 1954. Specific action should also be taken in order to reduce the impact of shell-fire and bombing blast and incendiary weapons, to identify and mark protected properties and provide all necessary information on these to all parties to the dispute through Protecting Powers, UNESCO and the United Nations. Similarly, prompt action should be taken to remove, so far as possible, potential legitimate military targets from the proximity of World Heritage List properties, and to mark these clearly in accordance with the 1954 *Hague Convention*.
10. In order to justify inclusion on the *List of World Heritage in Danger* the natural and/or human factor or factors threatening the integrity of the World Heritage List property must be those which are judged to be capable of being corrected or significantly ameliorated by human intervention. Examples of remedial or preventive measures that might be appropriate, according to the circumstances, include physical maintenance and conservation, corrective administrative or legal action, improving the legal or administrative status, or the cancellation or amendment of a proposed public or private works project regarded as threatening the property.
11. ***World Heritage List natural properties in ascertained danger:***

The property is considered to be in ascertained danger when in the opinion of the Committee it is facing specific and proven imminent danger, such as:

- (a) serious decline in the ecosystem as a whole, or of the endangered species or other species of outstanding universal value, according to the criteria under which the property was inscribed on the World Heritage List to protect, either by natural factors such serious disease among endangered species, or changes due to as calamities and cataclysms, including serious fires, landslides, volcanic eruptions, long-term changes in water levels such as diversions of river channels, catastrophic natural drainage of lakes, or due to human factors, such as poaching;
 - (b) severe deterioration of the natural beauty or scientific value of the property resulting from human factors, such as human settlement, construction of reservoirs which flood important parts of property, industrial and agricultural development including changing agricultural practice, use of pesticides and fertilizers, major public or private construction works, including mining, pollution and logging;
 - (c) other serious humanly induced degradation, including illicit agricultural encroachments, other encroachments on boundaries, non-sustainable extraction of firewood, illicit hunting.
12. ***World Heritage List natural properties in potential danger:***

A property is considered to be in potential danger when in the opinion of the Committee it is faced with threats which could have serious deleterious effects on the inherent characteristics justifying its inclusion on the *World List*. Such threats are, for example:

- (a) changes in national or local law or modification of the legal status of the property under relevant law which have the effect of reducing the level of legal protection;
- (b) threats from changes in regional planning or conservation policies and practices;
- (c) the potential impact of regional or local development projects, including major construction projects, transportation initiatives, including new or significantly increased road, rail, port or air transport facilities, new tourism developments and policies;
- (d) the serious risk of destruction or damage as a consequence of changes in the ownership and/or use of the property;
- (e) abandonment or serious decline of traditional land management practices which have created and maintained the ecosystems that the property is intended to exemplify and protect;
- (f) the potential impact of serious deterioration in the local infrastructure required for the protection of the property, such as deterioration of surface drainage, increases in atmospheric or other pollution, whether existing or forecast future pollution levels;
- (g) lack of adequate conservation and/or management policies for the property, or serious failure or inability on the part of the relevant authorities to implement and/or uphold approved conservation policies;
- (h) the outbreak or threat of armed conflict, whether international war, civil war, or serious internal conflict, affecting the country or region within which the property is located;
- (i) changes in water level, or in the pattern, frequency or intensity of periodic floods;
- (j) gradual changes due to geological, ecological, climatic or other environmental factors.
- (k) observed and recorded other major changes due to apparently unknown causes.

Issues relevant to both cultural and natural properties:

- 13. In considering possible cases of 'potential danger' the risk or nature of the anticipated threat should take into account the normal evolution of the social and economic setting of the property, and longer-term demographic change. In the case of cultural properties both natural factors and human factors may be threatening, while in the case of natural properties most threats are likely to be humanly induced.
- 14. The *Convention* requires that the factor or factors threatening the integrity of the property must be those that are amenable to correction by human action. No assistance may be given in the case of threats from totally natural, uncontrollable, processes.

14. Finally, in its appraisal the Committee should take into account any cause or effect of unknown or unexpected origin which endangers a cultural or natural property.

C. Procedure for the inclusion of properties in the List of World Heritage in Danger

15. In accordance with the general principles of the sovereignty of independent States under international law and the provisions of the *Convention*, all action relating to the application of the *Convention*, including proposals for the inclusion of properties in the *List of World Heritage in Danger*, should normally be initiated by the State Party in whose territory the World Heritage Site is located. In the case of federated or other non-unitary States in which the relevant legal jurisdiction lies at the level of the internal States, countries, cantons or provinces, the federal or other central government of the State Party shall represent and act on behalf of the competent authorities in accordance with the principles of Article 34 of the *Convention*.
16. However, in exceptional circumstances or cases of special urgency, the Committee or the Secretariat may on their own initiative approach the State Party concerned reminding it of the possibility of special assistance through the *Convention* and asking if it wishes the Secretariat to examine the situation with a view to possible international assistance and/or inscription on the *List of World Heritage in Danger*.
17. Examples of exceptional circumstances or special urgency which might lead the Committee or Secretariat to approach the State Party concerned in accordance with the above paragraph include the receipt of reports of a general or specific disaster or threat including the outbreak of armed conflict, which *prima facie* appears to have already affected or seem likely to affect a current or proposed World Heritage Site. In considering whether to approach a State Party enquiring about the possibility of initiating such exceptional action, the Committee or Secretariat may take into consideration information on the practical situation or likely threat received from inter-governmental and non-governmental organisations, particularly UNESCO, other United Nations agencies, ICOMOS, IUCN, ICCROM, humanitarian aid organisations and the media.
18. Where the territory within which the actual or potential World Heritage property is subject to some form of *de jure* or *de facto* external control or occupation, such as a United Nations Security Council resolution or mandate, or military occupation to which the provisions of the 1954 *Hague Convention* applies, the Committee and Secretariat shall seek to consult with all parties concerned on a strictly *ad hoc* basis, stressing in all such cases that the contact relates solely to practical and factual issues relating to the universal value of the property under consideration, and that such communications should not in any way be regarded as in any sort of commentary or opinion on sovereignty or jurisdiction issues or disputes.
19. When considering a proposal for the inclusion of a property on the *List of World Heritage in Danger*, whether on the direct initiative of the State Party or by the Committee or Secretariat with the consent of the State Party, the Committee shall develop and adopt, in consultation with the State Party concerned, a practical programme of measures intended to correct or ameliorate the identified adverse circumstances.
20. In order to develop the programme referred to in the previous paragraph, the Secretariat shall investigate and report on, in cooperation with the State Party concerned and with appropriate expert advice, the present condition of the property,

the dangers to it, and the feasibility of undertaking corrective measures. As part of the investigation process the Committee may decide to send a mission or missions of qualified experts, including observers from IUCN, ICOMOS, ICCROM or other specialist organisations to visit the property, to evaluate the nature and extent of the threats to the property and particularly to the special features and qualities justifying its inclusion on the World Heritage List, and to recommend remedial and other appropriate measures.

21. The information received, together with the comments of the State Party and the recommendations of the appropriate advisory organisation(s), shall be communicated to the Committee by the Secretariat.
22. The Committee shall examine the information available and take a decision. Such a decision on any proposal to add a property to the *List of World Heritage in Danger* shall normally be taken at a regular or specially convened meeting of the World Heritage Committee, and the inscription on the list shall require a positive majority of two-thirds of the Committee members present and voting, in accordance with the Committee's *Rules of Procedure*.
23. However, in the cases of extreme and unpredicted urgency, such as that following a grave and sudden natural or humanly induced disaster, the matter shall be considered by the Chairman of the Committee in consultation with the State Party, the Director-General of UNESCO, and ICOMOS, IUCN and/or ICCROM as appropriate in the particular case. In the light of these consultations the Chairman may decide to submit the proposal for inscription on the *List of World Heritage in Danger* and proposals for emergency assistance or other measures to the Committee for decision by postal ballot following the prior distribution of all available documentation to all members of the Committee by postal or electronic means.
24. Voting on such proposals shall be by post or facsimile, and shall require a positive majority of two-thirds of the total membership of the Committee (i.e. abstentions and voting papers not returned are counted as negative votes). All decisions taken under this exceptional emergency procedure shall be subject to detailed review at the next following meeting of the full Committee, and shall in any event be effective for a maximum of three years. During this period all normal procedures and the full documentation and expert report requirements must be complied with and reported to the full Committee, failing which the property shall be deleted from both the *List of World Heritage in Danger* and the World Heritage List.
25. The Secretariat shall communicate all decisions of the Committee concerning the *List of World Heritage in Danger* without delay to the State Party (and any other organisation or administration with a *de jure* or *de facto* interest in the territory in which the property is located, e.g. the United Nations in the case of a U.N. mandate).
26. Article 11(4) of the Convention provides that entries in the *List of World Heritage in Danger* shall contain an estimate of the cost of the required remedial or protective operations. In the case of inscriptions on the *List* following the standard procedures such estimates shall be prepared in detail as part of the assessment process, and placed before the Committee at the time the matter is under consideration. In the case of any extremely urgent action taken under the procedure for cases of extreme and unpredicted urgency (para. 20 above) an interim estimate of the likely costs shall be submitted at the time, and high priority shall be given to the preparation of the required details as soon as possible afterwards.
27. Except in the case of unforeseen disasters, most actions or decisions affecting World Heritage properties are taken by governments or local administrations, or are

sanctioned by them directly or indirectly through the application of national or local legal procedures. It is most important to ensure at the local, national and international levels that the World Heritage interest is taken fully into consideration in such cases. The advice of the World Heritage Committee can often be decisive if it can be given before decisions are taken on matters which may threaten the property.

28. In each budget exercise, the Committee shall allocate a specific, significant, proportion of the World Heritage Fund to meeting expenses and funding requests relating to World Heritage properties inscribed on the *List of World Heritage in Danger*.
29. The Committee shall review at regular intervals the current condition of property on the *List of World Heritage in Danger*. These reviews shall include such monitoring procedures and expert missions as may be considered necessary by the Committee. On the basis of these regular reviews the Committee shall decide, in consultation with the State Party concerned:
 - (i) additional measures required to conserve the property;
 - (ii) to delete the property from the *List of World Heritage in Danger* if the property is no longer under serious threat;
 - (iii) to consider the deletion of the property from both the *List of World Heritage* and the *List of World Heritage in Danger* if the property has deteriorated to the extent that it has lost those characteristics which justified its inclusion in the World Heritage List.

PART III

INTERNATIONAL ASSISTANCE

A. Different forms of assistance available under the World Heritage Fund

(i) Preparatory assistance

(NOT WITHIN THE SCOPE OF THE PRESENT REVIEW)

(ii) Emergency assistance

30. In the event of serious and unpredicted urgency, such as that following a grave and sudden natural or humanly induced disaster or the threat of such an emergency, States Parties may request emergency assistance for work in connection with cultural and natural properties included in, or suitable for, the World Heritage List. Such emergencies may include cases of ascertained danger, of which examples are given in paragraphs [5 and 6] above, or serious potential danger, of which examples are detailed in para. [7 to 9] above.
31. Emergency assistance is not applicable in cases of damage or deterioration caused by gradual processes such as decay, pollution, erosion etc., though sudden grave events, such as actual or threatened structural collapse consequent on natural gradual deterioration may justify an application for emergency assistance.

32. In accordance with the general principles of the sovereignty of independent States under international law and the provisions of the *Convention*, all action relating to the application of the *Convention*, including requests for emergency assistance, should normally be initiated by the State Party in whose territory the World Heritage Site is located. In the case of federated or other non-unitary States in which the relevant legal jurisdiction lies at the level of the internal States, countries, cantons or provinces, the federal or other central government of the State Party shall represent and act on behalf of the competent authorities in accordance with the principles of Article 34 of the *Convention*.
33. However, in exceptional circumstances of special urgency, the Committee or the Secretariat may take into consideration information received from other sources, including media reports and information and/or representations from specialists in the area, e.g. UNESCO, UN, ICOMOS, IUCN, ICCROM and from other non-governmental organisations and others. If the Committee and Secretariat consider it necessary or appropriate, they may on their own initiative approach the State Party concerned reminding it of the possibility of emergency assistance through the *Convention* and asking if it wishes the Secretariat to examine the situation with a view to possible international assistance.
34. In accordance with Article 21(2) of the *Convention*, requests for emergency assistance relating to the threat or consequences of human or natural disasters or calamities shall be given immediate priority consideration by the Secretariat and the Committee, and in approved cases shall be met from the reserve fund established for the purpose of assisting with such emergencies.
35. In considering requests and proposals for emergency assistance the Secretariat shall seek appropriate expert advice from IUCN, ICOMOS, ICCROM or other specialist organisations, and may decide to send a mission or missions of qualified experts, including observers to visit the property, to evaluate the nature and extent of the threats to the property and particularly to the special features and qualities justifying its inclusion on the World Heritage List, and to recommend remedial and other appropriate measures.
36. In addition, the Director-General of UNESCO, in the name of World Heritage Committee, shall in appropriate cases seek information and assistance from other international organisations operating in the disaster area, such as:
 - (a) United Nations and its operations and specialist agencies (through the Secretary-General in accordance with UN - UNESCO protocol) including the General Assembly, Security Council, Military Staff Committee, U.N. Peace-Making and Peace-Keeping operations and forces, UN High Commission for Refugees (UNHCR), UN Disaster Relief Organisation (UNDRO), United Nations Development Programme (UNDP);
 - (b) in the event of armed conflict, any Commissioners-General appointed under the *Convention on the Protection of Cultural Property in the Event of Armed Conflict*, The Hague, 1954, or any representatives of Protecting Powers nominated under the Geneva Conventions;
 - (c) inter-governmental organisations when these are undertaking emergency operations, particularly regional bodies such as Council of Europe, European Union, ALESCO, the Commonwealth.
 - (d) international non-governmental organisations involved in humanitarian assistance, for example, the International Committee of the Red Cross (ICRC);

37. The Secretariat should similarly seek information and assistance from the international organisations specially recognised within the *World Heritage Convention* i.e. ICCROM, ICOMOS, IUCN, or by the World Heritage Committee, and - if considered appropriate - with national and non-governmental organisations operating in the area. These may include:
- (a) national governments and their agencies when these are undertaking emergency operations or have special knowledge or expertise relevant to the property or subject concerned;
 - (b) national, regional and local non-governmental organisations engaged in relevant voluntary rescue and assistance in relation to the cultural and natural heritage.
 - (c) intergovernmental and non-governmental organisations involved in action to protect and rescue important moveable cultural property in the same emergency.
38. Emergency assistance, whether in form of expert assistance, financial assistance or both, may be offered by the Committee for one or more of the following purposes:
- (a) to prepare urgent applications and nominations of properties for the World Heritage List in general and particularly for the *List of World Heritage in Danger* in conformity with the *Convention* and these *Operational Guidelines*;
 - (b) to draw up emergency plans for the safeguarding of properties inscribed on or nominated for inclusion in the World Heritage List, and longer-term disaster-preparedness plans for such properties;
 - (c) to undertake emergency measures for the safeguarding of a property inscribed on or nominated to the World Heritage List;
 - (d) in support of urgent promotional or publicity work needed to draw attention to the threat to the property and the need for international assistance with the emergency;
 - (e) in support of representations to the competent authorities responsible for the perceived threat to the property urging measures to remove or ameliorate the threat.
39. Emergency assistance activities which may be supported, in accordance with the terms of the *Convention*, are:
- (a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation;
 - (b) the provision of experts, technicians and skilled labour;
 - (c) the emergency training of staff and specialists at all levels in the field of identification, protection, conservation and rehabilitation of the cultural and natural heritage;
 - (d) financial assistance with emergency measures for the safeguarding of a property inscribed on or nominated to the World Heritage List;

- (e) the supply of specialised equipment and conservation etc. materials which the State concerned does not possess or is not in a position to acquire;
 - (f) low-interest or interest-free loans which might be repayable on a long-term basis;
 - (g) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.
40. In addition, the provision in Article 11 (4) authorizing the publicizing of an emergency entry in the *List of World Heritage in Danger* shall be deemed to include assistance by the Committee and Secretariat with publicity and promotional work to draw international attention to the threat to the inscribed or proposed World Heritage List property and the need for emergency assistance, including support for efforts to seek both practical and financial support for the emergency measures from States Parties to the Convention, from other agencies and from both inter-governmental and non-governmental organisations and foundations.
41. Article 24 of the *Convention* requires that "International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of the Convention. The studies shall also seek means of making rational use of the resources available in the State concerned." For the purposes of this Article the expression "large scale" shall be interpreted according to the financial limits for expenditure from the World Heritage Fund laid down by resolution of the Committee from time to time. However, in the case of urgent assistance following major emergencies where there has not yet been sufficient time to prepare all the longer-term scientific etc. studies specified in Article 24 of the *Convention*, the Committee may, by a two-thirds majority decision, either in general meeting or by written consultation and agreement by mail, facsimile, telex or telegram, approve emergency assistance at a "large scale" level, in advance of the completion of all the required special studies, if sufficient funds are available in the appropriate budget.
42. In all cases any financial limit specified in these *Operational Guidelines* or any *Financial Regulations* shall apply only to any contribution from the World Heritage Fund. The proceeds of any specific contributions, donations and other fund-raising in relation to the specific emergency and/or site or group of sites, whether from States Parties or any other official or private source, shall be available at the discretion of the Committee for assisting both during the immediate emergency and in longer-term follow-up programmes.
43. Requests for emergency assistance may be sent to the Secretariat at any time of the year, using form WHC/5. The Secretariat shall submit these requests to the Chairman for decision under the powers delegated to the Chairman in the case of amounts of up to \$20,000. For requests above \$20,000 the Chairman shall consult the other members of the Bureau in writing (by facsimile, telex or telegram) before taking a decision.