

UNITED NATIONS EDUCATIONAL
SCIENTIFIC AND CULTURAL ORGANIZATION
CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE

Bureau of the World Heritage Committee

Thirteenth Session

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Room VI

Item 10 of the provisional agenda : means of ensuring an equitable representation of the different regions and cultures of the world (Article 8.2 of the Convention)

1. During its twelfth session, the World Heritage Committee asked the Secretariat to study the means to ensure an equitable representation of the different regions and cultural areas. To this end, besides the proposal to modify the Rules of procedure of the General Assembly of the States Parties to the Convention with a view to ensuring a better rotation of the States within the Committee, the latter foresaw two measures :

- 1) allocation of funds under the World Heritage Fund to finance, according to very strict criteria, the participation in the sessions of the Bureau and the Committee of experts in cultural and/or natural heritage from the least developed States Parties.
- 2) increase to 36 of the number of States Members of the Committee.

I. Possibility to grant allocations under the Fund to finance the participation in the sessions of the Bureau and the Committee of experts in cultural and/or natural heritage from the least developed States Parties

2. Article 13 (6) of the Convention stipulates that "the Committee shall decide on the use of the resources of the Fund..." and article 15 (4) specifies that "contributions to the Fund ... may be used only for such purposes as the Committee shall define".

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Article 15 (1) stipulates that the objective of the Fund is "the Protection of the World Cultural and Natural Heritage", protection which is carried out according to various conditions within the framework of the international assistance which can be granted to States Parties, under the terms of articles 19 and 22, it being understood that the aforementioned assistance is intended for "property forming part of the cultural or natural heritage ... situated within" the territory of the requesting State.

Article 23 holds that "the Committee may also provide international assistance to national or regional centres for the training of staff and specialists ...".

Finally, Article 1 of the Financial Regulations for the Fund stipulates that "the purpose of this Fund shall be ... to make payments ... to assist in the protection of properties forming part of the World Cultural and Natural Heritage ..." and Article 4 (1) indicates the forms which may take such purposes as the World Heritage Committee shall define, for which the resources of the Fund may be used.

3. Thus, it results from the provisions of the Convention and from the Financial Regulations for the Fund that the resources of the Fund may only be used by the Committee for the protection of properties inscribed on the World Heritage List. The question whether financing the participation in the sessions of the Bureau and the Committee of experts of the least advanced countries fits in this framework comes under the Committee's appreciation, but in any case this does not emerge from the texts. Indeed, the Committee brought up the possibility of this measure not because of its concern for ensuring a protection stricto sensu of the heritage, but because of its concern for ensuring an equitable representation of the various regions and cultural areas of States Parties, taking into consideration the multiplier effects in favour of the World Heritage of the attendance at the meetings of the Committee and the Bureau of all those involved.

4. According to the wish expressed by the Committee, supporting the travel of delegates or experts of cultural and/or natural heritage would only apply for the least advanced developing countries, of which the list has been decided on by the General Assembly of the United Nations, and which totals at present 42 States of which 24 are Parties to the Convention, three of them being members of the Committee (Malawi, United Republic of Tanzania and Arab Republic of Yemen which is also member of the Bureau).

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5. In the event that the Committee decided to grant such allocations under the Fund, on the basis of covering travel fares and per diem of four delegates or experts, one of them being assigned to attend the Bureau, this would represent - according to Unesco standard costs in force at present - an annual expenditure of approximately US \$ 20.000, expenditure which should be understood as bound to increase, due to the foreseeable constant rise of the aforementioned standard costs.

II. Possibility to bring to 36 the number of States Members of the Committee

6. Article 8 (1) of the Convention sets at 21 the number of States Parties which compose the Committee and Article 8 (2) specifies that "election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world". Furthermore, Article 37 (1) stipulates that the Convention "may be revised by the General Conference of Unesco. Any such revision shall, however, bind only the States which shall become Parties to the revising convention".

7. Thus, revision of the Convention to increase from 21 to 36 the number of Committee Members, however limited, can only take place by the adoption of a Convention (which, for the circumstance, could be named "Protocole") by the General Conference. However, the adoption of an international standard by the General Conference is governed by the "Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution" of Unesco, completed by Resolution 32.1 adopted by the General Conference at its 20th session.

8. It results from these texts (paragraph 1 (c) of Resolution 20 C/32.1, articles 6 and 3 of the aforementioned Rules of Procedure) the necessity of an intervention of the General Conference at, at least, three consecutive sessions, i.e. a minimum of four years to make possible the adoption of a revising convention.

9. An intermediate or temporary solution could consist in modifying the Rules of Procedure of the Committee so as to foresee a provision which would give to the States Parties to the Convention not members of the Committee, a status of privileged observers with the right to participate in the debates, the only restriction being with respect to the right to vote. These States would not only be informed of the meetings of the Committee, but they would also be invited to participate in them. However, it should be mentioned that a larger participation in the debates of the Committee might have consequences on the length of the meetings.