

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE

World Heritage Committee

Thirteenth Session
(Paris, 11-15 December 1989)

Item 4 of the Provisional Agenda: Equitable representation of
the different regions and cultures of the world: examination
of the conclusions of the 7th General Assembly

Background

1. In accordance with the conclusions of the Committee at its twelfth session (Brasilia, December 1988), the Bureau of the Committee examined, during its thirteenth session, on the basis of the proposals made by the Secretariat (Annexes 1 and 2), different solutions which could be adopted in order to respond to the need of ensuring an equitable representation of all regions on the Committee.
2. It will be recalled that, at its twelfth session, the Committee was in favour of a solution which aimed at arranging for a better rotation of its members at each election, considering that this would constitute the first step towards a better balance. A number of States Parties have been members of the Committee for more than ten years or will have been members for fifteen years in 1993. At the time, the Committee had considered favourably the possibility of requesting the General Assembly to adopt a procedure, the terms of which would stipulate that its Chairman, before the election of the Committee members, would request the States having completed their terms of office to consider waiting for some time before standing for re-election for a further term.
3. The Bureau rejected the ideas of resorting to a procedure for revising the Convention in order to increase the number of Committee members to thirty-six, and of fixing a quota of seats per region (following the example of other governmental committees). The Bureau recommended that the Committee amend its Rules of Procedure by inserting into Rule 8 a paragraph introducing a new category of observers (whose conditions of participation would be determined by the Committee), namely representatives of outgoing States for a

period of four years. Such a solution would enable an active participation, as of 1991, of thirty-five States Parties including the twenty-one Committee members and the fourteen outgoing members, it being understood that, subject to a decision of the Committee at its present session, this participation could amount to twenty-eight States Parties as from December 1989.

The Bureau consequently expressed the wish that the seventh General Assembly of States Parties to the Convention concerning the Protection of the World Cultural and Natural Heritage should examine the possibility of adopting a resolution drawing the attention of States Parties to the importance of ensuring an equitable rotation of Member States on the Committee and requesting the Committee to consider amending its Rules of Procedure in order to allow participation in its work of a new category of participants as mentioned above.

4. The members of the Committee were also of the opinion that ways should be sought to increase the participation in its sessions of Committee Members to the Convention.

For its part, the Bureau was in favour of allocating funds from the World Heritage Fund to finance, in whole or in part, the participation of specialists in the preservation of the cultural or natural heritage who were nationals of least-developed countries (LDC) that were members of the Committee. Such grants would give those countries an opportunity to participate regularly in the Committee's work and could be assimilated to the funding of study tours which would enable specialists to attend technical meetings.

Conclusions reached by the General Assembly

5. The General Assembly discussed this question at length. Most speakers were of the opinion that a better rotation of members on the Committee was necessary to improve the geographical and cultural representation on the Committee. Numerous speakers were of the opinion that, in addition to the rotation, the World Heritage Committee should consider establishing new procedures for the next elections, such as determining quotas of seats per region in order to ensure effective representation of the different regions and cultures of the world. A few speakers, while recognizing the difficulties inherent in a procedure for revising the Convention, nonetheless considered that in the long term it might be necessary to resort to a revision of the Convention in order to increase the number of Committee members to thirty-six, currently fixed by Article 8, paragraph 1, of the Convention.

6. The intermediate solution proposed by the Bureau of the Committee aiming to formally institute a new category of observers which would have enabled outgoing members of the

Committee to be associated in its work for a period of four years, it being understood that they would not be able to stand for re-election before six years, was not accepted. However, the General Assembly considered that it was desirable that outgoing States Members would remain closely associated for this period of four years. At the conclusion of the debate on this item, the Assembly consequently adopted following Resolution:

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

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

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

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

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

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

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

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

7. In conclusion, the Committee is invited to define the modalities of granting the allocations mentioned in paragraph 4 above. Furthermore, it would be useful if the Committee could define precisely to the Secretariat the type of information which it would like to have available at its fourteenth session in order to consider additional procedures that would ensure at future elections an equitable representation of the different regions and cultures of the world.

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

Bureau of the World Heritage Committee

Thirteenth Session

Paris, 27-30 June 1989
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".

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).

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 revised 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.

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Thirteenth Session

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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).

As regards rotation of States Parties within the Committee, the Secretariat presented to the Committee at its twelfth session a new paragraph 13.2 to be inserted in the Rules of Procedure of the General Assembly of States Parties, which would read as follows :

"Before the election, the Chairman, in the interest of rotation of membership, calls on all those States completing their term of office on the Committee to consider waiting two years before standing for re-election for a further six year term."

Considering that this proposal was "acceptable", the Committee thought, however, that "some flexibility might be required, especially to take into account the preferences of States Parties within the same region." Furthermore, it has been stressed that "the principle of rotation was not a mechanical exercise and that it should be applied taking into account the varied technical qualifications that representatives of States Parties from all regions could bring to the Committee, which was an essentially technical body" and that "States parties seeking a seat on the Committee should approach this matter with a sense of this responsibility."

In response to the need for flexibility in the means of ensuring the rotation of the States within the Committee, the Secretariat suggests that the General Assembly, better than amending its Rules of Procedure, adopt a Resolution which would be part of the Summary Records and read as follows :

" The General Assembly of States Parties to the Convention concerning the protection of the World Cultural and Natural Heritage,

Recalling the necessity of ensuring an equitable rotation of the States Parties within the Committee;

Noting that the World Heritage Committee considered that the principle of rotation was not a mechanical exercise and should be applied with some flexibility, taking into account the varied technical qualifications that representatives of States Parties from all regions could bring to the Committee, which is an essentially technical body;

Invites the States Parties to the World Heritage Convention completing their term of office on the Committee to consider waiting two years before standing for re-election for a six-year term ;

Requests the President, before the election, to call on States Parties to take into account the present Resolution."