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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Twenty-ninth Session

Durban, South Africa

10-17 July 2005

Item 18 of the Provisional Agenda: Working methods of the World Heritage Committee
– Recommendations on constitution and operation of Working Groups in other
conventions

SUMMARY

As requested by the World Heritage Committee by Decision 7 EXT.COM 4B.1, this document intends to make recommendations to the Committee on the composition and operation of Working Groups, based on a comparison with other international conventions.

Draft Decision : 29 COM 18, see point IV

I. Introduction

1. As requested by the World Heritage Committee by Decision **7 EXT.COM 4B.1**, this document intends to make recommendations to the Committee on the composition and operation of Working Groups, based on a comparison of various international conventions, without any regard to the creating body (Conference of Parties, Intergovernmental Committee, General Assembly, etc..).
2. In this regard, the Rules of procedures of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973), of the Convention on Biological Diversity (CBD, 1992), of the Convention on Wetlands (Ramsar, 1971) and of the Convention on Climate Change (CC, 1992) have been studied and compared to the *Rules of Procedures* of the World Heritage Committee.

A. Previous Decisions of the World Heritage Committee

3. The following Decision was adopted by the World Heritage Committee at its 7th extraordinary session (UNESCO, 2004):

7 EXT.COM 4B.1, paragraph 14

“The World Heritage Committee,

Also decides to examine the previous practice in the framework of the 1972 *Convention* and of other conventions regarding the constitution and operation of Working Groups – *inter alia*, in parallel with the plenary sessions at the times prescribed by them - and requests the Director of the World Heritage Centre to make recommendations on this matter at its 29th session”

The recommendations contained in this document will be reviewed by the Working Group on working methods according to Decision **7 EXT.COM 4B.3**.

B. Consultative and Subsidiary bodies (Working Groups) of the World Heritage Committee

4. As per Rule 20 of the World Heritage Committee’s *Rules of Procedures*, Consultative Bodies are created to improve the performance of the Committee’s work. These bodies can include States non members of the Committee. The Committee decides to which extent its *Rules of Procedures* apply to the Consultative Bodies.
5. As per Rule 21 of the World Heritage Committee’s *Rules of Procedures*, Subsidiary Bodies are created to assist the Committee in the conduct of its work. These bodies can only be constituted from States amongst members of the Committee. The Committee’s *Rules of Procedures* apply *mutatis mutandis*¹ to the Subsidiary Bodies.

¹ with due alteration of details

6. Both Consultative and Subsidiary Bodies have defined terms of reference (mandate and duration of office).
7. Based on previous experience, the main difference between Consultative and Subsidiary Bodies remains the capacity to prepare or not Draft Decision for adoption by the Committee. Only the Subsidiary Body, which is strictly composed by Committee members, has the capacity to draft Decisions.

II. **Other international conventions**

This study is based on the comparison of the following international conventions:

- Convention concerning the protection of the World cultural and natural Heritage (1972)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973),
- Convention on Biological Diversity (CBD, 1992),
- Convention on Wetlands (Ramsar, 1971),
- Convention on Climate Change (CC, 1992).

C. **Similarities with the World Heritage Committee's Working Methods for Working Groups**

Creation and composition of Working Groups

8. Working Groups can be created **whenever it is deemed necessary** for the implementation of the convention (CBD, CITES, Ramsar, CC).

Officers and meetings

9. Participants may be selected with due regard to the principle of **equitable geographical and cultural representation** (CC).
10. The Working Groups **elect their own Chairpersons and officers** (CC).
11. Working Groups may meet **in conjunction with the session** of the Committee / Conference of the Parties (CBD, Ramsar, CC), unless otherwise decided.

Decisions

12. A majority of the Parties designated to take part in such Working Groups shall constitute a **quorum** (Ramsar, CBD, CC) (one quarter of the Parties in the case of an open-ended Working Group) (Ramsar, CBD). Otherwise, the Working Group shall not decide on any matter.

D. **Differences and innovations of interest for the World Heritage Committee**

Creation and composition of Working Groups

13. Some **permanent Working Groups** can be created, such as "Subsidiary Body for the implementation of the Convention" (CC) or "Subsidiary Body for Scientific and Technological (and/or Technical) Advice" (CBD, CC).

14. Participants to the Working Groups can be **of any States / Contracting Parties, as well as experts** of NGOs (CBD) and are held in public (unless otherwise decided by the Committee / Conference of the Parties).
15. A very useful document called “*Modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)” (CBD) clearly states the functions of the Subsidiary body, its Rules of procedure, frequency and timing of meetings, documentation, organization of work, preparatory meetings, focal points, etc....

Officers and meetings

16. The Chairperson of the Working Group is **elected by the Committee / Conference of the parties** (CBD, Ramsar), and not by the Working Group itself.
17. The **Chair of permanent Working Groups shall rotate** among United Nations regional groups and the term of office shall be of **2 years only** (CBD). Officers of such permanent Working Groups (Chairperson, Vice-chairpersons and Rapporteur) may not be re-elected for a second (CC) or third (CBD) consecutive term.
18. Working Groups may meet in the period **between two ordinary sessions** of the Committee / Conference of the Parties (Ramsar, CBD).
19. The Ramsar Convention allows an innovative way of meetings: **online meetings**. For these online meetings, a Website is accessible to all participants of such Working Groups. This Website has pages of resource material, access to searchable experts’ database, and a discussion forum with an address list relevant to each Working Group.

Decisions

20. Decisions shall be taken by **a majority of the Parties present and voting** (the Chairperson of a Working Group may exercise the right to vote).

III. Recommendations

21. Whereas it is important to maintain the distinction between Working Groups working on technical matters (Consultative bodies) and those working on the functioning of the Committee itself (Subsidiary bodies), this distinction is often not clear in terms of scope of action and deserves to be **clarified**. In this regard, a clarification in the *Rules of Procedures* of the Committee could be considered.
22. While it is important for the work of the Committee to create Consultative or Subsidiary Bodies whenever necessary, the establishment of a **permanent Subsidiary Body** on issues such as **financial and administrative issues** (Budget, International Assistance, Working Methods, etc...) would be of extreme relevance at a time where the duration of Committee sessions does not allow the review of all the items on the Agenda.
23. The Committee could decide on the Working Groups meeting time, taking into account of the desirability of holding such meetings **in conjunction with the sessions** of the Committee.

24. Two options could be considered:

- a) Option A : a permanent Subsidiary Body for financial and administrative issues which works simultaneously with the Plenary session during one day. This solution, which is going to be experimented at the 29th session, has the advantage of doubling the efficiency of the Committee. It is a disadvantage for small delegations which cannot afford to send numerous experts to Committee sessions. It doubles also the costs of interpretation;
- b) Option B : financial and administrative issues could be examined in a systematic manner during two evening sessions. This solution offers as much time as Option A. It allows small delegations to participate fully. The cost of interpretation is lower than Option A. The disadvantage is to limit the possibility to have simultaneously other evening sessions.

25. In case of Option A, the current procedure of **equitable geographical and cultural representation** amongst members should not be altered. The Chair of a **permanent** Subsidiary Body should be elected for one year by the Committee members and should be subject to **rotation** among the five geographical regions (Africa, Asia and Pacific, Arab States, Europe and North America, Latin America and Caribbean).

IV. Draft Decision

Draft Decision : 29 COM 18

The World Heritage Committee,

- 1. *Having examined Document WHC-05/29.COM/18,*
- 2. *Recalling its Decision 7 EXT.COM 4B.1, adopted at its 7th extraordinary session (UNESCO, 2004),*
- 3. *Notes the report of the Chairperson of the Working Group on working methods,*
- 4. *Recommends that a new article 21.6 be added to the Rule 21 of the Rules of Procedures:*

“Subsidiary Bodies’ recommendations to the World Heritage Committee should be made in the form of Draft Decisions”
- 5. *Decides that, in accordance with Rule 51 of the Rules of procedure, this amendment to the Rule 21 constitutes an Agenda Item at its 30th session in 2006;*

Option A

- 6. *Decides to create a permanent Subsidiary Body on financial and administrative issues in conformity with Rule 21 of the Rules of Procedure. The Chair of such permanent Subsidiary Body will be elected on a yearly basis and will rotate among the five*

geographical regions (Africa, Asia and Pacific, Arab States, Europe and North America, Latin America and Caribbean); or

Option B

6. *Decides to establish a working group on financial and administrative issues in conformity with Rule 21 of the Rules of Procedure. Such group will conduct its work during each meeting of the Committee, at the times and with the frequency to be defined by it.*