



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

World Heritage

31 COM

Distribution Limited

WHC-07/31.COM/5.2
Paris, 15 June 2007
Original: English/French

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

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

WORLD HERITAGE COMMITTEE

Thirty-first Session

Christchurch, New Zealand
23 June – 2 July 2007

Item 5 of the Provisional Agenda: Report of the World Heritage Centre on its activities and on the implementation of the Decisions of the World Heritage Committee

Mechanism proposed by the Director-General to ensure the proper implementation of the World Heritage Committee decisions

SUMMARY

Following the decision adopted by the Executive Board (176 EX/Special Plenary Meeting/Decision), the Director-General of UNESCO proposes to the World Heritage Committee a mechanism “to ensure the proper implementation of the World Heritage Committee decisions”. The proposed mechanism aims at strengthening already existing monitoring modalities of the implementation of World Heritage Committee decisions. A “reinforced monitoring mechanism” is proposed, where the roles and responsibilities of all entities concerned in the implementation of the World Heritage Committee decisions are clarified, in order to improve accountability and efficiency in the protection of World Heritage properties. This “Reinforced Monitoring” mechanism is applicable to all World Heritage properties. It may be activated when it is considered that, in order to protect the integrity or authenticity of a site, the implementation of the thereto related decision requires a more effective monitoring and reporting activity beyond the standard state of conservation report asked for by the Committee.

Draft Decision: 31 COM 5.2, see Point III

I. Context

1. The decisions of the World Heritage Committee concerning the state of conservation of properties have not always been fully implemented by the States Parties concerned or have been implemented with delays.
2. On some occasions, the Committee had to consider, in the case of the lack of implementation of its decisions, the inscription of a site on the List of World Heritage in Danger, and in some cases it also evoked the possibility of removing a site from the World Heritage List.
3. It has also occurred that the information provided by States Parties, in view of the preparation of the state of conservation reports by the Secretariat and the Advisory Bodies, has appeared insufficient and incomplete in the light of the requests made by the Committee. This has led the Committee to express concern and/or ask for additional reactive monitoring missions or other safeguarding measures aimed at improving the implementation of its decisions.
4. Moreover, in some situations, the World Heritage Committee has asked for urgent and frequent monitoring actions, in order to prevent threats to the outstanding universal value of the sites.
5. A recent case – albeit not the only one – concerned the World Heritage property of the Old City of Jerusalem and its Walls, inscribed on the World Heritage List in 1981 following a proposal by Jordan, and inscribed on the List of World Heritage in Danger in 1982. In discussing the case of the Mughrabi ascent in the Old City of Jerusalem, the Executive Board at its 176th Session adopted a decision (176 EX/Special Plenary Meeting/Decision), which:
 10. *“Requests the Director-General, within the framework of the World Heritage Convention, to propose to the World Heritage Committee at its upcoming meeting a mechanism to ensure the proper implementation of the World Heritage Committee decisions”.*
6. As stated in Article 14.2 of the *World Heritage Convention*, the Director-General has a major responsibility in the implementation of the World Heritage Committee decisions: *“The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.”*
7. Moreover, the *Operational Guidelines for the Implementation of the World Heritage Convention* stipulate in their paragraphs 27 and 28 that: *“the World Heritage Committee is assisted by a Secretariat appointed by the Director-General of UNESCO”, whose main tasks inter alia are: “the implementation of decisions of the World Heritage Committee and resolutions of the General Assembly and reporting to them on their execution.”*
8. When a decision of the World Heritage Committee invites a given State Party to take a safeguarding measure for a particular site, the primary responsibility for the implementation of such a decision rests with the State Party. At the same time, in order

for the Committee to monitor and oversee the implementation of those decisions, the Director-General has the responsibility to assist the States Parties in their implementation, as indicated in Article 14.2 quoted above.

9. The reporting to the World Heritage Committee is based on an annual cycle with the presentation by its Secretariat and by the Advisory Bodies of the state of conservation reports. This frequency of reporting may be insufficient to monitor the implementation of decisions, especially when the protection of the integrity and authenticity of a property requires special attention. In such cases, a “reinforced monitoring” on a more frequent, systematic and proactive basis, may be needed so as to bring all the relevant information to the attention of the members of the Committee in the period between two sessions.
10. The main difference between “reactive monitoring” and the newly proposed “reinforced monitoring mechanism” lies in the frequency of the information gathering activities, and on the reporting process. “Reactive monitoring” is defined by Para. 169 of the *Operational Guidelines* as follows: *“Reactive Monitoring is the reporting by the Secretariat, other sectors of UNESCO and the Advisory Bodies to the Committee on the state of conservation of specific World Heritage properties that are under threat. To this end, the States Parties shall submit by 1 February to the Committee through the Secretariat, specific reports and impact studies each time exceptional circumstances occur or work is undertaken which may have an effect on the state of conservation of the property.”* In this definition “Reactive Monitoring” is a cooperative process initiated by the State Party with a Report to the Committee. Only in some circumstances, at the request of the Committee and the invitation of the States Parties, a mission or an information gathering activity is organized by the Secretariat and the Advisory Bodies. “Reactive Monitoring” leads to a report that is presented to the Ordinary Session of the Committee once a year.
11. “Reinforced Monitoring” remains a cooperative process with the State Party, but it is a more flexible and need-based process, which can be initiated either by the Committee or by the Director General at any time of the year between sessions of the Committee. “Reinforced Monitoring” is based on information received from the State Party, and can require one or more technical missions, as well as other more systematic activities aimed at obtaining information from different sources. The mission team can comprise members of the UNESCO Secretariat and the Advisory Bodies, but also experts from other institutions. The “Reinforced Monitoring” process could result in a report or in a series of reports that could be transmitted to the Chairperson and to the members of the Committee during the year in the interval between two sessions.

II. Proposed mechanism to ensure the monitoring of the implementation of the World Heritage Committee decisions

12. The “Reinforced Monitoring” mechanism may be activated in either of the following circumstances:
13. First, when considering the State of conservation of World Heritage sites and World Heritage sites in Danger, the Committee may decide that the implementation of its decision on a particular site be subject to the “Reinforced Monitoring”;
14. Secondly, when, in-between two sessions of the Committee, the Director-General receives information from a source other than the State Party concerned containing allegations of critical issues in relation to the implementation of a decision of the Committee, the Director-General shall, as far as possible, verify immediately the source

- and the contents of the information in consultation with the State Party concerned and request its quick comments.
15. In the first case, the World Heritage Committee will also decide on the nature (reports, missions of experts, consultation of specialists, for example) and the timeframe for such a “Reinforced Monitoring”, which could, at the difference of the “Reactive Monitoring”, be asked to be made available to the members of the Committee before the date of its next session.
 16. In the second case:
 - (a) the State Party may acknowledge the reported allegations and provide explanatory elements to support its position;
 - (b) the State Party may provide contrary information on the reported allegations;
 - (c) the State Party may not reply in a reasonable period of time (for example within three weeks).
 17. In case (a) above, the Director-General shall immediately seek the comments of the appropriate Advisory Bodies and transmit the information provided by the State Party together with the comments of the appropriate Advisory Bodies to the Chairperson of the Committee, who shall inform without delay the members of the Committee thereafter.
 18. In cases (b) and (c) above, the Director-General shall have the responsibility of verifying the information received in close liaison with the Advisory Bodies of the *Convention*. The verification could, for example, take the form of one or more technical missions composed of experts on the World Heritage site concerned or the consultation of specialists; the result of which is immediately brought to the attention of the Chairperson of the World Heritage Committee who shall inform the members of the Committee without delay.
 19. If the UNESCO Secretariat is not in a position to make such verification for reasons beyond its control, it shall inform the Chairperson of the World Heritage Committee accordingly. The Chairperson will then inform the Members of the Committee thereafter.
 20. No more than three months should occur between the time the Director-General receives initial information leading to the activation of the reinforced monitoring mechanism and the time when the World Heritage Committee Members are informed.
 21. The Parties concerned shall collaborate with the World Heritage Centre in this endeavor in order to facilitate its task and all States Parties are invited to cooperate in the implementation of the “Reinforced Monitoring” mechanism.
 22. Once the Members of the Committee have been informed accordingly, they shall decide if the reported situation requires the convening of an extraordinary session (Rule 2.2 of the *Rules of Procedure of the Committee*: “*The Committee shall meet in extraordinary session at the request of at least two-thirds of the States members*”).
 23. In sum, the roles and responsibilities in the “Reinforced Monitoring” mechanism for the implementation of the World Heritage Committee decisions would be as follows:
 - a) The World Heritage Committee:
 - decides to apply the “Reinforced Monitoring”, including its nature and timeframe, in one of its decisions;

- decides on the follow-up to apply to information received from the Director-General through the Chairperson concerning critical issues in relation to the implementation of one of its decisions.
- b) The Chairperson of the World Heritage Committee:
 - transmits without delay to the Members of the Committee any information received from the Director-General concerning critical issues in relation to the implementation of one of its decisions;
 - convenes an extraordinary session at the request of at least two-thirds of the States Members of the Committee.
- c) The States Parties:
 - have the responsibility to provide all relevant information to the World Heritage Committee on the implementation of its decisions;
 - cooperate in the implementation of the “Reinforced Monitoring” mechanism.
- d) The Director-General:
 - activates the “Reinforced Monitoring” mechanism in the period between two sessions if he receives information from a source other than the State Party concerned containing allegations of critical issues in relation to the implementation of a decision of the Committee;
 - transmits all information provided by the State Party or gathered through fact-finding missions or other sources together with the comments of the appropriate Advisory Bodies to the Chairperson of the Committee.
- e) The Advisory Bodies:
 - cooperate, upon request of the World Heritage Committee or the Director-General, in the implementation of the “Reinforced Monitoring” mechanism.

III. Draft Decision

Draft Decision 31 COM 5.2

The World Heritage Committee,

1. Having examined Document WHC-07/31.COM/5.2,
2. Recalling the decision adopted by the Executive Board at its 176th session (176 EX/Special Plenary Meeting/Decision),
3. Adopts, with immediate effect, the Reinforced Monitoring mechanism proposed by the Director-General in the aforementioned document to ensure the proper implementation of the World Heritage Committee decisions.