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CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE

World Heritage Committee
Twelfth Session

(Brasilia, 5-9 December 1988)

REVIEW OF PROCEDURES FOR ELECTION OF MEMBERS OF THE COMMITTEE

1. The sixth General Assembly of States Parties to the Convention concerning the protection of the world cultural and natural heritage (30 October 1987), asked the Chairman of the Committee "to see to it that the procedures for the election of the Committee members be reviewed in order to ensure the universal and cultural representation within the Committee foreseen by the Convention." (para. 21 of the Summary Record of the General Assembly, document CC-87/CONF.013/6). This request was made after the elections to the World Heritage Committee and after several delegates had declared that "without putting into question the results of the voting, it was possible to note a lack of balance in the distribution of seats to the different geographical groups."

2. At its eleventh session, held in December 1987, soon after the sixth session of the General Assembly, the Committee itself discussed this question and "agreed that there was a need to ensure an equitable representation of the different regions and cultures of the world, as is stated in Article 8, paragraph 1 of the Convention." The Committee requested the Secretariat "to present the Bureau and the Committee with proposals which would respond to this need and which could eventually be adopted by the 7th General Assembly of States Parties in 1989."

3. It should be recalled that the problem of the turnover in membership had been raised earlier in the Committee itself. At its ninth session (1985) the Committee requested the Bureau to look at ways of ensuring a better turnover in the membership of States Parties on the Committee. The matter was discussed at the tenth sessions of both the Bureau and the Committee (1986) as a separate agenda item: "ways of ensuring a better turnover in the membership of the World Heritage Committee."

4. At the tenth session of the Bureau, a document prepared by the Secretariat indicated the length of term of office and the rules of re-eligibility followed by six other intergovernmental

committees. Although no consensus was reached as to whether or not a limit should be placed on the number of terms of office of members of the Committee, the members of the Bureau who sought changes in the existing system put forward two ideas that were communicated to the tenth session of the Committee in document CC-86/CONF.003/9.

5. The Committee's own discussion on the matter is reflected in the report of the Rapporteur in the following terms:

"49. The Committee noted the report on the discussion of this item at the Bureau meeting, at which no consensus had been reached, with some members holding that there should be no limit placed on the number of terms of office of members of the Committee, while others were of the opinion that there were good grounds to change the present system (document CC-86/CONF.003/9).

50. One member suggested that the Committee consider recommending to all States Parties at the next General Assembly that the Assembly adopt a procedure whereby, prior to the election of States to the Committee, the Chairman of the General Assembly would, in the interest of equitable rotation, call 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.

51. Although aware of the need for rotation in the membership of the Committee, other members considered that it was not proper for the Committee to make a recommendation on this question to the General Assembly, since States could not be prevented from submitting their candidature in accordance with established electoral procedures. As there was no clear consensus on this matter, the Committee decided not to make any recommendation to the General Assembly.

52. The Committee fully recognized the need to ensure an equitable representation of the different regions and cultures of the world in the composition of the Committee, as stipulated in Article 8 (2) of the Convention."

6. As will be noted, para. 52 cited above introduced another idea, that of the need to ensure an equitable representation of the different regions and cultures of the world in the composition of the Committee. Thus both the question of turnover of membership and that of equitable representation need to be considered by the Committee.

7. Since the eleventh session, the Secretariat has once again examined these two related questions as the Committee requested.

A. Turnover in membership

8. With respect to this first issue, it should be pointed out that the Committee itself is now expressly mandated by the

General Assembly of States Parties to make constructive recommendations to the latter.

9. Given the excellent climate of co-operation that has always reigned within the Committee, it is therefore suggested that conditions now exist for the acceptance by the Committee of the idea put forward in 1986 and cited under paragraph 4 above (para. 50 of the Report of the tenth session). If this principle is accepted by the Committee a new paragraph 13.2 could be proposed in the Rules of Procedure of the General Assembly of States Parties and submitted to the latter for adoption in accordance with Rule 16. The new paragraph 13.2 would read as follows:

"Before the election, the Chairman should, in the interest of rotation of membership, call 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."

10. If this solution is not acceptable, the Secretariat can propose an alternative. It has looked once again at the procedure adopted by the Intergovernmental Copyright Committee, whose rule on re-eligibility, cited in document CC-86/CONF.003/9 is that

"at least one-third, but not more than two-thirds of the States proposed on the list (of candidates) shall be States that are not members of the Committee at the date of the elections."

11. Adoption of this solution, however, would require a cumbersome procedure to be adopted by the General Assembly, one that has not always been easy to follow in the above-mentioned Intergovernmental Committee. Rules 47 and 48 of the latter's Rules of Procedure cover this procedure and are quoted in extenso below:

"Rule 47 - Elections on the basis of a proposal submitted by a nominations Committee"

1. A nominations committee composed of the Chairman of the Committee, the two Vice-Chairmen and two ad hoc members designated by the Committee shall meet, in private, during each ordinary session of the Committee. Where anyone of these persons is unable to participate in the meeting of the nominations committee, the Committee shall proceed to elect a substitute.

2. The nominations committee shall propose a list of eligible States party to the Universal Convention. When establishing this list, provision shall be made for an equitable balancing of national interests on the basis of geographic situation, population, languages and degree of development. At least one-third of the States proposed on

the list shall be States that are not members of the Committee at the date of the elections.¹

3. The proposal of the nominations committee shall not be subject to amendment and shall be voted upon as a whole. Its adoption shall require a two-thirds majority. Rule 35 shall apply to this Rule.

Rule 48 - Election where proposal of nominations committee is not adopted

1. When the majority required by Rule 47(3) is not obtained, such election shall take place in two stages of voting :

- (i) in the first stage of voting, two-thirds of the seats shall be filled from among all eligible States party to the Universal Convention.²
- (ii) in the second stage of voting, the remaining one-third of the seats shall be filled from among those eligible States party to the Universal Convention that are not members of the Committee at the date of the elections.³

2. Where more States receive votes than the number of the seats to be filled, those States shall be declared elected which have received the most votes. Where two or more States receive the same number of votes and the seats available to them are fewer than their number, a new vote shall be taken among those States with the same number of votes. In the case of a new tie vote, selection shall be by drawing of lots.

3. Where fewer States receive votes than the number of seats to be filled, voting shall continue until the remaining seat or seats are filled."

12. If the idea of such a procedure is preferred by the Committee it is suggested that the Secretariat be entrusted with drafting a detailed revision of Rule 13 of the Rules of Procedure of the General Assembly for consideration by the thirteenth session of the Bureau in 1989 prior to the submission of this revision to the seventh session of the General Assembly. It should be understood that in this case the Bureau of the World Heritage Committee would perform the functions of the "Nominations Committee" cited in para. 11 above.

¹. Article 47(2) as modified at the third ordinary session of the Committee (second part, October 1979).

². Article 48(1) (i) as modified at the third ordinary session of the Committee (second part, October 1979).

³. Article 48(1)(ii) as modified at the third ordinary session of the Committee (second part, October 1979).

B. Equitable representation of different regions and cultures

13. With regard to the issue of representation, the Secretariat has considered those intergovernmental committees whose electoral body is the General Conference. Through the mechanism of the Nominations Committee of the General Conference, which establishes a certain number of seats to be filled by States from each region, elections at the General Conference, where the electoral body is the aggregate of Member States attending the Conference, result in the desired regional representation. It would appear that a comparable procedure could be developed by the General Assembly itself, which is the electoral body for elections to the World Heritage Committee, on the basis of regional groupings of States Parties. The 5 regional groupings could follow the definition of regions used for the execution of the Organization's regional activities and the number of seats to be allocated to each grouping could be pro rated to the number of States Parties from each region at the time of the General Assembly. The groupings are as follows, with, in parentheses, the numbers of States Parties from each respective region as of 24 October 1988: Africa (26), Arab States (15), Asia and the Pacific (18), Europe⁴ (26), Latin America and the Caribbean (21). These numbers would yield the following number of seats on the Committee for each regional grouping: Africa: 5; Europe: 5; Arab States: 3; Asia and the Pacific: 4; Latin America and the Caribbean: 4.

14. If such a procedure is deemed acceptable by the Committee it is suggested that the Secretariat be entrusted with drafting the precise additions to Rule 13 of the Rules of Procedure of the General Assembly which would establish a voting procedure based on the principle that a specified number of seats is to be filled from each region. These additions could be examined by the thirteenth session of the Bureau in 1989 prior to their submission to the seventh session of the General Assembly.

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⁴ "Europe" includes both North America and the Socialist countries.