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# World Heritage

# 37 COM

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

WORLD HERITAGE COMMITTEE

Thirty-seventh session

Phnom Penh, Cambodia  
16 – 27 June 2013

**Item 11 of the Provisional Agenda: Revision of the Rules of Procedures**

**11. Revision of the *Rules of Procedures***

## SUMMARY

In the framework of the Progress report on the implementation of the recommendations of the evaluation of the Global Strategy and the PACT initiative, the World Heritage Committee at its 36th session took note of the Implementation Plan concerning the Global Strategy prepared by the first meeting of the Open-Ended Working Group established by the 18th session of the General Assembly.

By its Decision **36 COM 9A**, the Committee noted that a number of recommendations concerned the revision to its *Rules of Procedures*; it therefore decided to include an item on Revisions to the *Rules of Procedures* on the agenda of its 37th session.

The present document contains proposals in view of the Revision of the *Rules of Procedure* of the World Heritage Committee based on the recommendations made in this regard by the Open-Ended Working Group.

Document WHC-12/36.COM/9A can be found at the following address:

<http://whc.unesco.org/archive/2012/whc12-36com-9A-en.pdf>

**Draft Decision: 37 COM 11**, see Point III.

## I. BACKGROUND

1. The 17th General Assembly requested the World Heritage Centre to provide it, at its 18th session in 2011 “with a summary of the work undertaken in relation to the reflection on the Future of the Convention, including an independent evaluation by UNESCO’s external auditor on the implementation of the Global Strategy from its inception in 1994 to 2011 and the Partnerships for Conservation Initiative (PACT), based on indicators and approaches to be developed during the 34th and 35th sessions of the World Heritage Committee”.
2. The Committee at its 35th session (UNESCO 2011), by Decision **35 COM 9A**, requested the World Heritage Centre to transmit the independent evaluation by the UNESCO’s external auditor to the 18th session of the General Assembly (UNESCO, 2011) for examination. The General Assembly decided (Resolution **18 GA 8**) to establish an Open-Ended Working Group including experts from the different geographic regions, whose composition would be determined by States Parties and depending significantly on extrabudgetary funds. This Open-Ended Working Group was requested to examine the report of the External Auditor, in order to produce an implementation plan for the recommendations for consideration by the World Heritage Committee and to present a final report to the 19th session of the General Assembly.
3. The General Assembly at its 18th session also invited “the World Heritage Centre, in close collaboration with the Advisory Bodies, to produce a working document, which: a) proposes a prioritized list of recommendations in the framework of the objectives of the Strategic Action Plan, adopted in resolution **18 GA 11**, and considering decisions **35 COM 12A** to **35 COM 12E**, b) indicates the financial implications, c) suggests the allocation of responsibility between States Parties, the General Assembly, the World Heritage Committee, the Advisory Bodies and the World Heritage Centre.”
4. The Committee, at its 36th session, took note of the Implementation Plan concerning the Global Strategy prepared by the first meeting of the Open-Ended Working Group in May 2012. By Decision **36 COM 9A**, the Committee noted that a number of recommendations concerned the revision to its *Rules of Procedures*; it therefore decided to include an item on Revisions to the *Rules of Procedures* on the agenda of its 37th session.

## II. PROPOSALS TO REVISE THE RULES OF PROCEDURES

5. The Implementation Plan concerning the Global Strategy prepared by the first meeting of the Open-Ended Working Group recommended notably, as a highest priority, to “revise the *Rules of Procedure* of the Committee to forbid a State Party serving on the Committee to take part in the decision following debates on state of conservation reports concerning a property located in its territory”. In this regard, the Working Group recalled that the *Rules of Procedures* were amended in 2011, but are not yet in line with this recommendation; and invited the Committee to introduce a provision in its *Rules of Procedures*, in order to prevent members of the Committee to take part and vote on the decision on the state of conservation of properties located in their territory.
6. The Open-Ended Working Group also recommended, as a high priority, to the Committee “to address any potential conflicts of interest of its members”.
7. The Open-Ended Working Group recommended finally to “make the necessary changes in relevant documents, including *Rules of Procedures*, with regard to the 3 last points in Recommendation 12” of the Final Report of the audit of the global strategy and the PACT initiative. The 3 last points of the Recommendation 12 of the external auditor are the following:

[Revise, for a better application of the Convention, the Rules of Procedure of the Committee to]

- “proscribe the practice of the presentation of signed amendments before the opening of the debate on the nomination of the site;
- effectively ensure the transparency of the process through the publicity of debates;
- prohibit nominations that do not fulfill the conditions set out in the *Guidelines*.”

Concerning these three points, the first one is relevant in the framework of the revision of the *Rules of Procedures*, i.e. to “proscribe the practice of the presentation of signed amendments before the opening of the debate on the nomination of the site.”

The second point is being implemented through Decision **35 COM 12B** as the debates of the World Heritage Committee are made public via the live web-cast since the 36th session of the World Heritage Committee.

The third point is covered by the existing *Operational Guidelines* (to “prohibit nominations that do not fulfil the conditions set out in the Guidelines”) which is to be applied by the World Heritage Committee in its decisions making concerning nominations.

8. Therefore, and in line with the recommendation of the Open-Ended Working Group, Rule 22.7 should be amended as follows ***[the proposed amendment appears in bold and italic in the text below]***:

***22.7 [In order to avoid any potential conflicts of interest], representatives of a State Party, whether or not a member of the Committee, shall not speak to advocate [and vote on] the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State, but only to deal with a point of information in answer to a question. This provision also applies to other observers mentioned in Rule 8.***

However, the Legal Adviser consulted, at the time of the drafting of this document, on this recommendation by the open-ended group gave the following advice: “The additional proposed wording in Rule 22.7, “and vote on” cannot be accepted for the following reason. This proposed wording would prevent a State Party member of the Committee from voting on “the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State”. This would not be in conformity with the Convention concerning the Protection of the World Cultural and Natural Heritage which does not foresee such a limitation on the voting rights of members of the Committee.”

Furthermore, and also in line with the recommendation of the Open-Ended Working Group, an additional paragraph should be added to Rule 23 stating that:

***[23.2. The practice of the presentation of signed amendments before the opening of the debate on the nomination of the site should be prohibited]***

However, consulted at the time of the preparation of this document, the Legal Adviser indicated that it would be advisable to use the following wording:

***[23.2. Drafts of amendments, proposals and decisions, when they concern nominations, shall not be accepted or circulated prior to the opening of the debate if they display signatures or other written/ printed expressions of support except that of the one Committee Member that is the author thereof.]***

9. In line with the recommendations of the Open-Ended Working Group and taking into account the Legal Adviser recommendation, the Committee may wish to consider the following proposed amendments to its *Rules of Procedure* ***[the proposed amendment appears in bold and italic in the text below]***:

#### Rule 22. Order and time-limit of speeches

22.6 ***[To avoid any potential conflicts of interest, advocacy by Committee members in favour of a particular proposal(s) concerning World Heritage properties on their territory will not be entertained.]*** Committee members shall not speak to World Heritage properties in their own territories, except at the explicit invitation of the Chairperson and in response to specific questions posed.

22.7 ***[In order to avoid any potential conflicts of interest]***, representatives of a State Party, whether or not a member of the Committee, shall not speak to advocate the inclusion in the World Heritage List of a property nominated, the state of conservation of a property on their territory or the approval of an assistance request submitted by that State, but only to deal with a point of information in answer to a question. This provision also applies to other observers mentioned in Rule 8.

#### Rule 23. Text of proposals

***[23.1]*** At the request of any member of the Committee, supported by two other members, discussion of any substantive motion, resolution or amendment shall be suspended until the text is circulated in the working languages to all Committee members present.

***[23.2. Drafts of amendments, proposals and decisions, when they concern nominations, shall not be accepted or circulated prior to the opening of the debate if they display signatures or other written/ printed expressions of support except that of the one Committee Member that is the author thereof.]***

### III. DRAFT DECISION

#### **Draft Decision: 37 COM 11**

*The World Heritage Committee,*

1. *Having examined Document WHC-13/37.COM/11,*
2. *Recalling Decisions **35 COM 12B and 36 COM 9A** adopted at its 35th (UNESCO, 2011) and 36th sessions (Saint Petersburg, 2012) respectively,*
3. *Decides to amend its Rules of Procedure, as proposed in paragraph 9 of Document WHC-13/37.COM/11.*