

Distribution limited

WHC-03/6 EXT.COM/5
Paris, 2 February 2003
Original : English/French

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL
AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Sixth extraordinary session
Paris, UNESCO Headquarters, Room II
17 – 22 March 2003

Item 5 of the Provisional Agenda: Revision of the *Operational Guidelines*

Draft Decision on the revision of the *Operational Guidelines*

SUMMARY

This document consists of 2 sections:

Section I: Chronological background
Section II: Draft Decision

This document should be read in conjunction with:

1. *Operational Guidelines for the Implementation of the World Heritage Convention* (WHC.02/2, July 2002);
2. **WHC-03/6 EXT.COM/INF.5A** Report of the March 2002 Drafting Group on the Revision of the *Operational Guidelines for the Implementation of the World Heritage Convention* (formerly WHC-02/CONF.202/14A);

and most importantly,

3. **WHC-03/6 EXT.COM/INF.5B** 3rd Draft Annotated Revised *Operational Guidelines for the Implementation of the World Heritage Convention* prepared by the March 2002 Drafting Group (formerly WHC-02/CONF.202/14B).

I. CHRONOLOGICAL BACKGROUND

1. At the **22nd session of the World Heritage Committee (Kyoto 1998)** the Committee decided that the World Heritage Centre should work with the Advisory Bodies to develop certain sections of the *Operational Guidelines* in order to revise them. At its following session (Marrakesh 1999), the Committee welcomed the generous invitation of the United Kingdom to host a working group concerned with providing a global vision for the revision of the *Operational Guidelines*. In Canterbury (April 2000), the **International Expert Meeting on the Revision of the Operational Guidelines** proposed the following key recommendations:

- (i) to create a user-friendly document that would be logical, streamlined and simplified with material being relocated to Annexes;
- (ii) to retain as much of the original text of the *Operational Guidelines* as possible but adding for the first time a consolidated section on the protection and conservation of World Heritage properties; and
- (iii) to propose text for paragraphs where text did not exist to date.

2. The Expert Meeting also concluded that the revision to the *Operational Guidelines* should be made for key users, namely States Parties to the *World Heritage Convention*, members of the World Heritage Committee and its Bureau, the Advisory Bodies, the UNESCO Secretariat and partners in site management.¹

3. Following this meeting, the **24th session of the World Heritage Committee (Cairns 2000)** decided that the *Operational Guidelines* be restructured according to a new overall framework as follows:

- I. INTRODUCTION
- II. ESTABLISHMENT OF THE WORLD HERITAGE LIST
- III. PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES
- IV. INTERNATIONAL ASSISTANCE
- V. ACTIVITIES IN SUPPORT OF THE *WORLD HERITAGE CONVENTION*

4. The Committee requested that the *Operational Guidelines* be simplified, streamlined and presented in a user-friendly form with most of the supporting material to be moved to annexes and other documentation. It also asked that the *Operational Guidelines* be organized in a logical way, returning to the fundamental principles of the *World Heritage Convention*.

5. The Committee decided that the process for revising the *Operational Guidelines* should be co-ordinated by the World Heritage Centre through a collaborative process involving representatives of States Parties, the Advisory Bodies and the Secretariat. It was agreed that revised *Operational Guidelines* should reflect different regional and cultural perspectives.

6. Following agreement at the **25th session of the Bureau of the World Heritage Committee (Paris, June 2001)**, the first compilation of the *Operational Guidelines* that was prepared by the Centre was posted on the Centre's web site (<http://whc.unesco.org/opgu/>) and distributed to States Parties for comment in July 2001. Seventeen submissions were received in response.

¹ See Report of the International Expert Meeting on the Revision of the *Operational Guidelines*, Canterbury (April 2000), document WHC-2000/CONF.202/9

7. The Bureau agreed that a meeting of a small **Drafting Group** be held to prepare the revision of the *Operational Guidelines* at UNESCO Headquarters from **8 to 12 October 2001**. The Drafting Group comprised experts nominated by each Bureau member, a representative from each of the Advisory Bodies, one additional expert from the United Kingdom, and representatives of the World Heritage Centre.

8. Following the meeting of the October 2001 Drafting Group, the 2nd Draft Annotated Revised *Operational Guidelines* were submitted for discussion and decision to the **25th session of the Committee in Helsinki (2001)** as Annex IV to document WHC-01/CONF.208/6. The Drafting Group had considered that several issues required legal and policy consideration by the Committee before drafting could be finalised. These were:

- (i) The role of State Party consent in reactive monitoring;
- (ii) The role of State Party consent for the inscription of a property on the List of World Heritage in Danger and for the deletion of a property from the World Heritage List; and
- (iii) The capacity of the World Heritage Committee to decide on the inscription of a property on the List of World Heritage in Danger and for the deletion of a property from the World Heritage List.

9. The Committee took note of the progress made by the Drafting Group in October 2001, and approved the organization of another meeting of the group at UNESCO Headquarters from 18 to 22 March 2002 to review the Annexes and the sections of the *Operational Guidelines* still requiring finalisation. The Committee also considered that the Drafting Group should only examine technical questions and should leave discussions on legal and policy issues to the Committee.

10. The task of the Drafting Group was to review the Annexes and sections of the *Operational Guidelines* still requiring finalization, and submit a revised document for discussion and decision to the 26th session of the Committee (Budapest, 24-29 June 2002).

11. The March 2002 Drafting Group worked with reference to the 22 submissions received in response to Circular Letter CL/WHC.16/01, dated 21 December 2001, which requested comments on the 2nd Draft Annotated Revisions of the *Operational Guidelines* (30 November 2001). The submissions are available on the web site <http://whc.unesco.org/opgu/>

12. Draft annexes that were prepared before the meeting of the Drafting Group by the World Heritage Centre and the Advisory Bodies were posted on the website <http://whc.unesco.org/opgu> to enable the experts to review them prior to the meeting.

13. The Drafting Group made excellent progress in the revision of the *Operational Guidelines* and produced a final draft of Sections I-V of the Guidelines and ten Annexes, through positive and co-operative discussions, seeking consensus wherever possible. The text developed by the March 2002 Drafting Group represents a significant stage in the revision of the *Operational Guidelines*.

14. The March 2002 Drafting Group identified a number of additional legal/policy issues for decision by the Committee before the revision process is finalised, which are as follows:

- (i) Who can nominate a property to the World Heritage List in the case of an emergency?;

- (ii) Final wording for criterion (v) and criterion (vi); and
- (iii) Is a management plan necessary before inscription on the World Heritage List?

15. At the **26th session of the World Heritage Committee** (Budapest, June 2002), in view of the time constraints, it was decided to defer discussion on the revision of the *Operational Guidelines* to the 6th Extraordinary Session of the Committee.

II. DRAFT DECISION

DRAFT 6 EXT.COM 5

The World Heritage Committee,

1. *Thanks the Drafting Group and all other experts, representatives of States Parties to the World Heritage Convention, the Advisory Bodies and the World Heritage Centre for work accomplished to date on the revision of the Operational Guidelines;*
2. *Takes note of the Report of the March 2002 Drafting Group on the Revision of the Operational Guidelines for the Implementation of the World Heritage Convention presented as document WHC-03/6 EXT.COM/INF.5A;*
3. *Considers that the 3rd Draft Revised Operational Guidelines presented in document WHC-03/6 EXT.COM/INF.5B represents a substantial effort. However, further work is required to make them more user-friendly and to reflect the recent decisions of the Committee (namely 6 EXT.COM 3 and 6 EXT.COM 4);*
4. *Recalls the decision of the 25th session of the Committee to allocate US \$ 50,000 from the World Heritage Fund in 2003 for the revision of the Operational Guidelines and the subsequent decision 26 COM 24.2 (paragraph 3) to reduce this amount by US \$ 28,000.*
5. *Takes note of the proposal by the Belgian Delegation presented in Figure 1 of document WHC-02/CONF.202/15 for the preparation of a Handbook on the World Heritage Convention and of the positive comments on this proposal received from States Parties in responses to Circular Letter CL/WHC.12/02 (concerning the revision of the Rules of Procedure);*
6. *Requests the World Heritage Centre, working in collaboration with the Advisory Bodies to:*
 - a) *Carry out the tasks itemized in the Technical Annex to this decision; and*
 - b) *Take into account comments made during the 6th extraordinary session of the Committee in order to present revised user-friendly Operational Guidelines to the World Heritage Committee for adoption at its 27th session (Suzhou, China 29 June-5 July 2003);*
7. *Further requests the World Heritage Centre, working in collaboration with the Advisory Bodies, to present to the 27th session of the World Heritage Committee a budgeted proposal for the preparation of guidelines for the protection of World Heritage properties that would supplement the Operational Guidelines. These could include detailed guidelines on the nomination and management of certain types of*

World Heritage properties, case studies of best practices or guidelines on particular management issues;

8. *Invites the World Heritage Centre, in consultation with interested States Parties and the Advisory Bodies, to develop an outline, publication plan (including budget and potential publisher) and a proposal for financing a Handbook on the World Heritage Convention in English and French for presentation to the 28th session of the World Heritage Committee in 2004;*
9. *Decides to include an item on the adoption of the revised Operational Guidelines on the agenda of the 27th session of the Committee.*

TECHNICAL ANNEX FOR THE REVISION OF THE OPERATIONAL GUIDELINES

(with reference to the draft Revised *Operational Guidelines* WHC-03/6 EXT.COM/INF.5B)

THROUGHOUT THE TEXT

1. *Improve the presentation and design of the revised Guidelines, ensure consistency of language and check concordance between the English and French texts, remove any paraphrasing of the Convention itself wherever possible and complete references and cross-references.*

SECTION I: INTRODUCTION

2. *Revise the text on the basis of decision **6 EXT.COM 3** concerning the revision of the Rules of Procedure and decision **6 EXT.COM 4** concerning reactive monitoring, inscription of a property on the List of World Heritage in Danger and deletion of a property from the World Heritage List.*
3. *Reinstate some or all elements of paragraphs 122-125 (on the World Heritage Fund) of the July 2002 Operational Guidelines.*

SECTION II: ESTABLISHMENT OF THE WORLD HERITAGE LIST

4. *Revise the text on the basis of decision **6 EXT.COM 3** with particular reference to the role of the Bureau and decision **6 EXT.COM 4** with particular reference to emergency nominations for inscriptions to the World Heritage List and the List of World Heritage in Danger.*
5. *In section II.C "Criteria for the inclusion of properties on the World Heritage List":*
 - a) *revise criterion(v) in accordance with the recommendation of the October 2001 Drafting Group: "(v) be an outstanding example of a traditional human settlement or land-use which is representative of a culture(or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change"; and*
 - b) *revise criterion (vi) in accordance with the option preferred by most of the members of the Bureau at its 25th session (June 2001, WHC-2001/CONF.205/10): "(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance".*
6. *Reinstate text from paragraph 25 of the July 2002 Operational Guidelines stating that "Nominations of immovable property which are likely to become movable will not be considered".*

7. *Reinstate some elements of paragraphs 44(b)(v) and 44(b)(vi) of the July 2002 Operational Guidelines (relating to operational plans, boundaries that may coincide with existing or proposed protected areas and multiple management zones).*

SECTION III: PROTECTION AND CONSERVATION OF WORLD HERITAGE PROPERTIES

8. *Revise the text on the basis of decision **6 EXT.COM 3** (concerning the revision of the Rules of Procedure, particularly the role of the Bureau) and **6 EXT.COM 4** (concerning reactive monitoring, inscription of a property on the List of World Heritage in Danger and deletion of a property from the World Heritage List).*
9. *Reinstate some or all elements of paragraphs 22, 48, 49, 50(a)-(c), 55 and 56 of the July 2002 Operational Guidelines concerning the development of corrective measures and reactive monitoring procedures.*
10. *Re-order the text to ensure a logical presentation of the procedures for management and monitoring, reactive monitoring of the state of conservation of World Heritage properties, inscription on the List of World Heritage in Danger and deletion from the World Heritage List.*
11. *Move the text on Periodic Reporting to the end of Section III of the Operational Guidelines to clearly differentiate day-to-day management and monitoring by the State Party and reactive monitoring from the six-year cycle of periodic reporting.*

SECTION IV: INTERNATIONAL ASSISTANCE

12. *Revise the text on the basis of decision **6 EXT.COM 3** concerning revision of the Rules of Procedure with particular reference to the role of the Bureau.*
13. *With reference to **26 COM 25.3** revise the text to clarify International Assistance procedures and mechanisms concerning,*
 - a) *Types of international assistance;*
 - b) *Deadline for submission of requests;*
 - c) *Budget ceilings; and,*
 - d) *Authority for approval (Director, World Heritage Centre, Chairperson, Bureau or Committee).*

particularly for Emergency Assistance.

SECTION V: MOBILISATION OF NATIONAL AND INTERNATIONAL SUPPORT IN FAVOUR OF THE WORLD HERITAGE CONVENTION

14. *No changes foreseen.*

ANNEX 1: WORLD HERITAGE CONVENTION

15. *Delete this Annex and maintain as separate document.*

ANNEX 2: MODEL INSTRUMENT OF RATIFICATION/ACCEPTANCE AND ACCESSION

16. *Delete this Annex and maintain as separate document.*

ANNEX 3: TENTATIVE LIST SUBMISSION FORMAT

17. *No changes foreseen.*

ANNEX 4: GUIDELINES ON THE INCLUSION OF SPECIFIC TYPES OF SITES IN THE WORLD HERITAGE LIST

18. *No changes foreseen pending the preparation of separate updated guidelines in the future.*

ANNEX 5: AUTHENTICITY IN RELATION TO THE WORLD HERITAGE CONVENTION

19. *No changes foreseen.*

ANNEX 6: GUIDELINES FOR THE PREPARATION OF NOMINATIONS OF PROPERTIES FOR INCLUSION ON THE WORLD HERITAGE LIST

20. *Revise on the basis of decision 6 EXT.COM 3 with particular reference to the role of the Bureau and 6 EXT.COM 4 with particular reference to emergency nominations for inscriptions on the World Heritage List and on the List of World Heritage in Danger.*
21. *Enhance the design and presentation of this Annex.*
22. *Ensure that the references to management requirements are consistent with the text in paragraphs II.C. 23 and 24.*

ANNEX 7: EVALUATION PROCEDURES OF ICOMOS AND IUCN

23. *Delete this Annex and maintain in the evaluation report of IUCN and ICOMOS.*

ANNEX 8: PROCESS OF PERIODIC REPORTING AND FORMAT AND EXPLANATORY NOTES

24. *No changes foreseen.*

ANNEX 9: INTERNATIONAL ASSISTANCE

25. *Revise the text on the basis of decision 6 EXT.COM 3 concerning revision of the Rules of Procedure with particular reference to the role of the Bureau.*
26. *With reference to 26 COM 25.3 revise the text to clarify procedures and mechanisms for International Assistance particularly with regard to:*
- a) *Types of international assistance;*

- b) Deadline for submission of requests;*
- c) Budget ceilings; and,*
- d) Authority for approval (Director, World Heritage Centre, Chairperson, Bureau or Committee).*

ANNEX 10: GUIDELINES AND PRINCIPLES OF THE USE OF THE WORLD HERITAGE EMBLEM

27. *No changes foreseen.*

BIBLIOGRAPHY/SELECT READING LIST

28. *To be added.*

WWW/INTERNET RESOURCES

29. *Websites for UNESCO, World Heritage Centre and Advisory Bodies to be included in the Bibliography.*

ACRONYMS AND ABBREVIATIONS

30. *To be included at the beginning of the Guidelines.*

GLOSSARY

31. *To be added.*

INDEX

32. *To be added.*