

## MAINTAINING THE CREDIBILITY OF THE WORLD HERITAGE CONVENTION

### Background

The UNESCO World Heritage Convention (WHC) was signed in 1972. There are now 175 State Parties (as of 28 September 2002), and 730 World Heritage Sites (including 144 natural and 23 mixed natural/cultural properties). The Convention is regarded as one of the most important and effective international instruments for co-operation in protecting outstanding natural and cultural sites. The World Heritage Committee, formed by representatives of 21 State Parties (see Annex 1), is the decision-making body of the Convention and its implementation is guided by the Convention's Operational Guidelines. Three Advisory Bodies - IUCN, ICOMOS and ICCROM - provide technical advice to the Committee.

IUCN plays a critical role as an Advisory Body to the Convention with specific responsibilities to advise the Committee on natural and mixed sites in respect of:

- nominations of sites for inscription on the World Heritage List,
- the State of Conservation of existing sites, including those that should go on the List of World Heritage in Danger, and
- supporting functions, such as capacity building for World Heritage site managers, and the development of Global Studies on the completion of the World Heritage List.

### The Challenge: maintaining the credibility of the Convention

Although it is the creation and responsibility of governments, the credibility of the WHC mainly arises from the independence of the World Heritage Committee and the way the Convention's operations are open to civil society. Indeed, these are key factors behind the high standing that the Convention enjoys with governments, the conservation community, donors and beyond. The credibility of the WHC is directly linked to its Operational Guidelines. These are in effect the "ground rules" for the day-to-day running of the Convention and are adopted by the Committee.

The Committee has embarked on an important exercise to consolidate and simplify the guidelines so that State Parties, the UNESCO World Heritage Centre (the Secretariat) and the Advisory Bodies can exercise their responsibilities under the Convention more clearly and effectively. However, an effort is being made to use this exercise also to propose significant changes in the operation of the Convention. If agreed to, the effect would be:

- *to reduce the role of the World Heritage Committee vis-à-vis individual State Parties,*
- *to weaken the role of the Advisory Bodies to the Convention, including IUCN's role as an advisory body on natural and mixed sites, and*
- *to erode the protection that the Convention offers to sites on the World Heritage List.*

While four difficult policy issues have been proposed for changing the Operational Guidelines there is one of particular importance (see point 1 below) that has been referred for decision to the 6<sup>th</sup> Extraordinary Session of the World Heritage Committee to be held in Paris (17-22 March 2003). The four issues are:

#### **1. Placing World Heritage sites on the Danger List – *Raising the international attention where it is most needed***

Present practice: The Committee, based on the IUCN/World Heritage Centre report on the State of Conservation of WH sites, can and has put existing World Heritage sites on the Danger List where there is a particularly acute threat to a site. There are currently 19 natural sites on the Danger List. This action has been shown to be a very effective way to signal the serious threats to a property and to mobilise national and international action to safeguard the property in question (through addressing problems and helping rehabilitate damaged areas). The mere possibility that a site may be put on the Danger List can help to focus the attention of the government involved in managing

the property in question and increase the resources allocated to it. Where natural values are concerned, the Committee looks to IUCN for advice on whether to take such action, as well as hearing from the responsible government. It has been accepted since the early years of the Convention's operation that this action by the Committee can be taken *even against the wishes of the State Party*. The relevant provisions of the Convention clearly give sufficient authority to the Committee to list properties on the List of World Heritage in Danger without the consent of the relevant State Party, though this is very much a last resort.

Proposed change in the new Operational Guidelines: Those seeking to amend the Operational Guidelines argue that in future no 'In Danger Listing' should take place without the express approval of the country in question (allowing as the only exception a situation where there is effectively no government in charge).

Implications: Based upon IUCN's experience the proposed change would erode the credibility and strength of the Convention among an increasingly wide constituency of concerned civil society interests. In addition this change would reduce State Parties' accountability to the World Heritage Committee and the international community.

## **2. Removing sites from the World Heritage List – Listing only “the best of the best”**

Present practice: Similar arguments apply here. Though no site has yet been removed from the World Heritage List, it is unfortunately quite possible that a property may become so degraded that the Committee may consider that de-listing would be appropriate. This would be a last resort and not something that the Committee would recommend lightly, but its possibility cannot be denied.

Proposed change in the new Operational Guidelines: As with the 'In Danger' question, it has been proposed that in future no 'delisting' should take place without the explicit approval of the country in question.

Implications: IUCN considers that this would reduce the credibility of the Convention and State Parties' accountability to the World Heritage Committee. If State Party consent were required for removal, this could lead to situations of abuse of the Convention by State Parties who disagreed with the assessment by the Committee, and who may wish to retain the World Heritage listing for economic or political reasons. According to IUCN's legal advice, the existing provisions under the Operational Guidelines provide the Committee with an unequivocal discretion to delete properties.

## **3. Reactive Monitoring - Knowing the State of Conservation of WH sites**

Present practice: IUCN presents a State of Conservation report to the World Heritage Centre prior to each World Heritage Committee meeting (this is a key part of the process known as “reactive monitoring”). The Centre draws heavily on this account in drafting its own report to the Committee. Much of IUCN's “intelligence” on the real situation in World Heritage sites comes from a variety of sources: IUCN members, indigenous peoples groups, international and local NGOs, as well as from experts of IUCN Commissions. Though both IUCN and the World Heritage Centre seek to verify the facts with the State Party concerned, IUCN has hitherto been free to make its own representations through the World Heritage Centre and – at meetings - directly to the World Heritage Committee. This has been shown time and again to be an effective way of helping the Committee to have a “reality check” of what is happening in World Heritage sites. Such reporting has led to many of the success stories of the Convention.

Proposed change in the new Operational Guidelines: It has been proposed that, in future, IUCN's reports should be made only to the State Party concerned; leaving it to the State Party to decide whether or not the matter should be brought before the World Heritage Committee.

Implications: This would greatly diminish the value of reactive monitoring as a means of alerting the Committee on emerging problems. It would mean that the Committee would not receive objective technical advice. Even given a 100% co-operative State Party, acting with uncustomary speed, the Committee would still get a delayed, filtered report. Overall the Committee would remain

uninformed and unaware of the situation on the ground thus limiting its influence to mobilize national and international support to solve the problems.

#### **4. World Heritage “values” or “properties” – *Ensuring site integrity***

Present practice: A nominated World Heritage site is evaluated against a set of agreed criteria in the Operational Guidelines in order to establish if it has “outstanding universal value”. However, it is the whole property that is inscribed. This process recognises the idea that sites have “integrity” that it is essential to maintain the values for which the site has been inscribed as well as other associated values and resources. There is nothing in the existing or proposed revised Guidelines which specifically states that only the values are to be the subject of protection.

Proposed change in the new Operational Guidelines: It has been proposed, however, that in future the focus of management of World Heritage sites should be on the “World Heritage values”. IUCN believes that this is too narrow an approach and would put at risk important qualities of natural sites which may not be of outstanding universal value in themselves but which are essential to the integrity of the property as a whole. It believes that management of World Heritage sites should be directed at the safeguarding of *both* the World Heritage values *and* the property as a whole.

Implications: The unique reliance on the use of “World Heritage values” makes it possible to argue that – since these values may occur elsewhere in a World Heritage site – their loss in one part can be permitted as long as the ‘values’ still exist elsewhere in the site. On the other hand, this change will open the door for allowing development – mining, oil, gas, mass-tourism, or others - within World Heritage site’s boundaries as long as it does not affect the “values” for which the site was inscribed. Thus this would seriously jeopardise the long-term protection of World Heritage sites.\_

**Overall IUCN welcomes the review of the Operational Guidelines, but believes that the purpose of this exercise should be to strengthen the Convention, not weaken it. Indeed it considers that several proposed amendments are within neither the content *nor* the spirit of the legal text of the Convention and contradict accepted Committee understandings and practice over many years. As things stand at present, it is quite possible that the WHC may emerge from this review process in a substantially weaker form than is currently the case. IUCN hopes that members of the World Heritage Committee will wish to reinforce the protection given by the Convention, by confirming the Committee’s authority in relation to the matters discussed above.**