

ARTICLE 13 WORLD HERITAGE COMMITTEE AND INTERNATIONAL ASSISTANCE

*Ana Filipa Vrdoljak**

| | |
|---|-----|
| I. Introduction | 220 |
| II. International Assistance in the Context of the World Heritage Convention | 222 |
| A. Rationale | 222 |
| B. Relationship between UNESCO and World Heritage organs | 224 |
| III. Power to Receive Requests | 225 |
| IV. Power to Determine Requests and the Order of Priorities | 229 |
| A. Power to Determine Requests | 229 |
| B. Order of Priorities for its Operations | 232 |
| V. Power to Make Necessary Arrangements with the Government Concerned | 236 |
| VI. List of Grants | 237 |
| VII. World Heritage Fund and Fund-raising | 238 |
| VIII. Cooperation with other Organizations, Bodies, and Individuals | 240 |
| IX. Conclusion | 241 |

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists mentioned referred to in

* Senior Lecturer, Faculty of Law, University of Western Australia; and Marie Curie Fellow, Department of Law, European University Institute, Florence. The author is indebted to Dr Sarah Titchen, Programme Specialist for Culture, UNESCO, New York Office for the information provided in her background paper covering subject of this chapter.

paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.

2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and 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), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

I. Introduction

The core framework created by the World Heritage Convention (the Convention) which has rendered it innovative and successful is made up of three elements: international assistance, the World Heritage Fund (Fund) and the World Heritage Committee (Committee). While the World Heritage List

raises the profile of the properties in the public eye, it is the possibility of financial and technical assistance which has proved an additional incentive for states to sign up to the Convention. The creation, maintenance, and evolution of this international assistance under the Convention has only been possible through the combined effect of the Committee and the Fund. This chapter covers Article 13, which serves as the intersection of these three defining elements of the world heritage framework. Located within Chapter III of the Convention, this provision outlines the role of the World Heritage Committee in realizing the purposes of the treaty through the granting of international assistance and management of the World Heritage Fund. The conditions concerning requests and grants for and types of international assistance are defined in Articles 19 to 26, Chapter IV (Lemaistre and Lenzerini, pp.[cross-reference] below). The workings of the World Heritage Fund are regulated by Articles 15 and 16 of the World Heritage Convention (Lenzerini, pp.[cross-reference] below).

While certain provisions contained in Article 13 read independently provide a broader notion of the powers bestowed on the Committee, this commentary is delimited by the placement of Article 13 within Chapter III of the Convention entitled the 'Intergovernmental Committee for the Protection of World Cultural and Natural Heritage'. The Chapter articulates the composition, work method, and powers of the Committee. Accordingly, Article 13 as a whole can be read as defining the Committee's policy and decision-making role in respect of international assistance. The references to the Fund and the Advisory Bodies are to be read in the context of this role as defined by this provision. Nonetheless, Article 13 and Chapter IV cannot be read in isolation. Its implementation by the Committee must be informed by the Convention as a whole, particularly the purposes intimated in the Preamble, and the cross-references to related provisions contained in Chapters IV (Fund) and V (International Assistance).

This commentary on Article 13 focuses on the powers granted to the World Heritage Committee in respect of international assistance and the World Heritage Fund. First, there is an examination of the rationale for international assistance as it evolved from the negotiations leading up to the final text of the Convention to the recent evaluations of grants provided from 1978 to date. Second, the parameters of the Committee's power to receive requests for international assistance are considered. Next, the Committee's power to determine the outcome of requests and to set the order of priorities of its operations is examined. Then, the requirement that the Committee maintain and publicize a list of successful grants for international assistance is outlined briefly. Fifth,

the Committee's power in respect of the Fund and fund-raising is explained in the context of its role in international assistance. Finally, the power of the Committee to cooperate with international and national governmental and non-governmental organizations, public and private bodies, and individuals in the realization of its programmes and projects is examined.

II. International Assistance in the Context of the World Heritage Convention

The World Heritage Committee can be seen as the executive body of the institutional framework established by the Convention and related documents. Chapter III of the Convention lays down the binding policy and decision-making powers with which this organ is endowed. Article 13 defines this role in respect of granting international assistance and the use of the World Heritage Fund. To uphold the legitimacy of the World Heritage framework and the Committee its function must be carried out in accordance with its constitutional document (that is, the Convention) and established rules of procedure. As explained below, this has not always been straightforward. The intertwining of the World Heritage conventional framework with the institutional structure of the UNESCO has led to disputes concerning decision-making powers, and hierarchy between organs. Nonetheless, the Convention and the rationales for international cooperation for heritage protection must be the constant guide for the Committee's decision-making in respect of international assistance.

A. Rationale

The earliest proposals for the World Heritage Convention emphasized the need for international cooperation for the protection and preservation of sites of universal value when the relevant country on which it was located was unable to do so.¹ At the 14th session of the UNESCO General Conference, the Director General was requested to undertake a study of 'arranging an appropriate system of international protection at the request of the States concerned, for a few of the monuments that form an integral part of the cultural heritage of mankind'.² These efforts quickly gained momentum following the

¹ Report of the 16th Session of the World Heritage Committee, 14 December 1992, WHC-92/CONF.002/12, Annex: Speech by Russell E. Train, Chair of the World Wildlife Fund.

² Resolution 3.3411 adopted by the General Conference at its 14th session.

international forces marshalled to alleviate the damage sustained by cultural sites in Venice and Florence because of significant flooding in late 1966, and the submersion of Abu Simbel necessitated by the construction of the Aswan Dam in Egypt. The *travaux préparatoires* argued that this system of ‘international charity’ needed to be replaced by one based on ‘world-wide international solidarity’.³ It noted that:

[T]o provide international protection, the international authority can regulate these problems by international convention, establish such institutions as appear necessary and determine the assistance which it can give to States and the conditions under which it will be granted. Although both States and the international community have duties in regard to these monuments, groups of building and sites, the extent and subject and their responsibility are not the same in the two cases.⁴

The final text of the Convention’s Preamble captures the rationale and aims of the instrument. It states that due to a lack of resources at the national level, the protection of heritage by states can be ‘incomplete’; therefore, because of the scale and gravity of the threats posed to heritage of outstanding universal value, the international community will grant ‘collective assistance’ which shall not take ‘the place of action by the State concerned, [but] will serve as an effective complement thereto...’⁵

The initial Operational Guidelines for the Implementation of the World Heritage Convention adopted by the World Heritage Committee at its 1st session in 1977 stated again that ‘world heritage is now being impaired and lost everywhere at an alarming rate’ and that to ‘ensure as far as possible the proper identification, protection, preservation and presentation of the world’s most significant heritage’ the Convention was adopted by UNESCO Member States.⁶ They noted that the instrument ‘complements and in no way competes with heritage conservation programmes at the national level, provides for the establishment of a World Heritage Committee and a World Heritage Fund’.⁷ Elaborating upon the ‘immense’ responsibilities bestowed on the Committee, the Guidelines observed there was ‘no more worthwhile

³ SHC/MD/17, para.19.

⁴ *ibid*, para. 21.

⁵ Third and seventh recitals, Preamble of the Convention concerning the Protection of the World Cultural and Natural Heritage, Paris, 16 November 1972, in force 17 December 1975, 1037 UNTS 151, and (1972) 11 ILM 1358.

⁶ Operational Guidelines for the Implementation of the World Heritage Convention adopted by the World Heritage Committee at its 1st session, Paris, 20 October 1977, CC-77/CONF.001/8 Rev, paras 1 and 2.

⁷ *ibid*, para. 2.

task than an endeavour, on behalf of the peoples of the world, to assist the States in protecting for future generations those cultural and natural properties, which are of outstanding universal value.’⁸ The current Operational Guidelines adopted by the Committee in 2005 stated that: ‘International Assistance should be seen as supplementary to national efforts for the conservation and management of World Heritage and Tentative List properties when adequate resources cannot be secured at the national level.’⁹

In 2002, the Committee revisited the ‘dialectical relationship’ between respect for state sovereignty and effective international action when considering the inscription of properties on the List of World Heritage in Danger. It noted that: ‘[T]he clear aim of the Convention is to find a proper balance between the two objectives.’¹⁰ The Committee correctly observed that the States Parties willingly agreed to circumscribe the exercise of their sovereignty to the achievement of the objectives of the Convention—‘a treaty regime based on the recognition of [certain properties] “outstanding universal value” and consequently of the need to safeguard these properties, if necessary by means of appropriate international action’.¹¹ The Committee’s observations are equally applicable for the operation of the Convention as a whole, including the granting of international assistance.

B. Relationship between UNESCO and World Heritage organs

Within the institutional framework established by the World Heritage Convention, and in respect to Article 13 in particular, the World Heritage Committee must strike this ‘proper balance’ when determining requests for international assistance, and distributing the Fund. However, from time to time there have been disputes about the subordination of its powers within the UNESCO organizational hierarchy. UNESCO’s General Conference sponsors and adopts international instruments pursuant to Article IV.4 of its constitution.¹² It adopted the World Heritage Convention on 16 November

⁸ *ibid.*, para. 4.

⁹ Operational Guidelines, para. 233.

¹⁰ Legal Considerations concerning the Inscription of Properties on the List of World Heritage in Danger and the Deletion of Properties from the World Heritage List, 24 May 2002, WHC-02/CONF.202/8, para. 33.

¹¹ *ibid.*, para. 34.

¹² Constitution of the United Nations Education, Scientific and Cultural Organisation, London, 16 November 1945, in force 4 November 1946, 4 UNTS 275 (as amended) (hereafter ‘UNESCO Constitution’), reprinted in UNESCO, *Basic Texts* (2004 Edition, Paris, 2004), p. 7.

1972 during its 17th session. Article 8, paragraph 1 states that the World Heritage Committee is 'hereby established within UNESCO.' However, while the UNESCO General Conference and the Executive Board can make requests to the World Heritage Committee, its primary obligation to them is the provision of a report of its activities at the ordinary session of the General Conference (Article 29, paragraph 3).¹³ Even if the Convention was adopted by the UNESCO General Conference, and there is institutional cross-fertilization envisaged by the World Heritage Convention, it remains simply a treaty. Like any other treaty, the Convention does not bind states which have not formally consented to be bound by it (unless it has become customary international law in whole or part)¹⁴; nor are non-parties bound by decisions of the General Assembly of States Parties to the Convention or the World Heritage Committee. Similarly, the UNESCO Constitution is a multilateral agreement, and the decisions of the UNESCO General Conference, Executive Board, or Secretariat cannot bind countries which are not member states. In this sense, they are of equal hierarchical value. Francesco Francioni, Chairperson of the World Heritage Committee in 1997 noted: '[The Committee's] relation to the General Conference is one of co-operation and co-ordination between institutions of equal standing ...'¹⁵ However, States Parties to the World Heritage Convention have aired concerns that there is a need to clearly delineate the powers of the Committee and the various organs of UNESCO in respect of World Heritage protection.¹⁶

Nevertheless, in respect of the deciding requests for international assistance under the Convention and the dispersal of resources in the World Heritage Fund, Article 13 explicitly endows the World Heritage Committee with these powers.

III. Power to Receive Requests

Article 13, paragraph 1 states that the purpose of requests for international assistance 'may be to ensure the protection, conservation, presentation or rehabilitation' of property for which it is sought. These terms appear at various points

¹³ Discussion on the Relationship between the World Heritage Committee and UNESCO, 4 June 2002, WHC-02/CONF.202/12, para. 29.

¹⁴ Arts 11 and 38 of the Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, entered into force 27 January 1980, 1155 UNTS 331.

¹⁵ Report of the World Heritage Committee, 21st session, 1997, WHC-97/CONF.208/17, para. XII.11, p. 59.

¹⁶ WHC-02/CONF.202/INF.15, para. 14 (Chilean delegate).

throughout the Convention: including Article 5 (covering the obligations of states); 22 (concerning forms of international assistance); 23 (international assistance to non-States Parties); and 24 (studies for large-scale international assistance). The Operational Guidelines use the same words in respect of periodic reporting requirements of States Parties.¹⁷ Neither the Convention nor the Operational Guidelines provide any further guidance as to the interpretation to be placed on these terms beyond their ordinary meaning.¹⁸ The terms themselves do, however, suggest maintenance of properties in their current condition, as well as improvement of sites which have fallen into disuse or are degraded.

Article 13 empowers the Committee to receive and consider requests for international assistance for properties included or having the potential to be included on the World Heritage List (Article 11, paragraph 2) or the List of World Heritage in Danger (Article 11, paragraph 4). It may also consider requests concerning the identification of property falling with the definition contained in Articles 1 and 2 when 'preliminary investigations' indicate that further research is warranted. This position accords with Article 20, which provides that international assistance may be requested for sites which the Committee has listed or may decide to inscribe on either list. Therefore, a request for international assistance can be received and studied by the Committee which is not included on either list provided (implicitly) that it is of such outstanding universal value to warrant its listing at a later date. This interpretation is in keeping with the wording of the provisions themselves, and with the subsequent practice of the Committee including the current Operational Guidelines. For instance, preparatory assistance for the purpose of formulating nominations and tentative lists has consistently been defined as a type of international assistance by the Committee.¹⁹

Article 13 makes it clear that States Parties to the Convention can make a request for international assistance for *property within its territory*. It stipulates that these requests are 'formulated by States Parties... with respect to property... situated on their territory'. This is reaffirmed by Article 19, which states that 'any State Party to this Convention may request international assistance for property... within its territory'.²⁰ This requirement is consistent with the

¹⁷ Operational Guidelines, Annex 7, para. iv.

¹⁸ Vienna Convention on the Law of Treaties, Art. 31.

¹⁹ *ibid*, Article 31, para. 3; and Table: Modalities and Conditions of Types of International Assistance, Operational Guidelines, para. 241.

²⁰ The application form for requesting international assistance must be signed by the National Commission for UNESCO, the State Party Permanent Delegation to UNESCO, or appropriate governmental Department or Ministry (Operational Guidelines, para. 244 and Annex 8), and

rationale of the Convention, discussed earlier, and with practical reality. As noted above, the instrument is drafted with the primary obligation falling on States Parties, with international assistance supplementing national resources when the State Party is unable to meet its obligations. Equally, the Convention and the subsequent practice has afforded deference to state sovereignty—the practical reality being that without the cooperation of the territorial state any international assistance would have limited success.²¹

Nonetheless, as explained above, by consenting to be bound by the Convention, a State Party has voluntarily circumscribed its sovereignty by agreeing to pursue the instrument's objectives and be bound by its obligations. Given the *erga omnes partes* nature of the obligations under the Convention, the Committee may arguably refuse to approve a request for international assistance in response to the transgression of treaty obligations.²² This legal position explains the stance taken by the Committee in refusing to consider international assistance requests made by a State Party that is in arrears in paying its compulsory or voluntary contributions to the Fund.²³ However, to apply this remedy when the relevant site is facing imminent danger would be contrary to the purpose of the Convention. Therefore, the Committee has decided that it does not apply to requests for emergency assistance.²⁴

However, the requirement that a State Party on whose territory the property is located is the only entity able to make a request for international assistance under the Convention is qualified in at least three respects. First, Article 23 provides that national and regional centres for training staff and specialists may be provided with international assistance. Non-state actors like the IUCN, ICCROM, and universities and research institutes have applied and received international assistance under the Convention.²⁵

the contractual arrangements for approved grants of international assistance are finalised with government officials: see discussion on Art. 13, para. 3 below.

The wording of Art. 13 can be contrasted with the drafting of Art. 11, para. 4 concerning the nomination of properties for the List of World Heritage in Danger which is silent on this point: see Legal Considerations concerning the Inscription of Properties on the List of World Heritage in Danger and the Deletion of Properties from the World Heritage List, 24 May 2002, WHC-02/CONF.202/8, para. 36.

²¹ For example, in respect of the unsuccessful efforts to prevent the destruction of the Bamiyan Buddhas by the Taliban in Afghanistan, see F. Francioni and F. Lenzerini, 'The Obligation to Prevent and Avoid Destruction of Cultural Heritage: From Bamiyan to Iraq', in *Art and Cultural Heritage: Law, Policy and Practice*, B. Hoffman (ed.) (Cambridge, 2006) pp. 28–40.

²² WHC-02/CONF.202/8, para. 80.

²³ Operational Guidelines, para. 237; para. 238 and Decision 13 COM XII.34.

²⁴ *ibid.*

²⁵ See Information on the Evaluation of the World Heritage Fund's Preparatory Assistance, Technical Cooperation, Training, and Promotional and Educational Activities, 30 June 2005,

Second, request for assistance generally is a prerequisite for the inclusion of a property on the List of World Heritage in Danger (Article 11, paragraph 4). The relationship between this prerequisite and international assistance was elaborated upon by the Committee during its deliberations on the power to include properties on this list without the consent of the territorial state. The UNESCO Legal Adviser stated that the prerequisite would be fulfilled with a request for international assistance pursuant to Articles 13 and 22, but it does not have to take this form.²⁶ He added: ‘As regards the request for assistance, it results from a literal and contextual interpretation of the Convention that the assistance must have been requested by the State Party; albeit the Convention does not expressly exclude the possibility of a request for assistance from another entity.’²⁷ The Belgian delegate agreed with this interpretation because it was ‘in conformity with the evolving trends of international law’ and ‘the issues at stake also have implications in the field of human rights and environmental law’.²⁸

Thirdly, as explained below, the Committee has shifted from international assistance driven largely by requests to a programmatic approach which maximizes the impact of the limited resources of the Fund. It is only logical that sites and regions may benefit from such programmes even if the relevant territorial state has not requested (or could not request) the international assistance itself.

WHC-05/29.COM/14B, pp. 8 and 27 (hereafter ‘2005 Evaluation’).

²⁶ WHC-02/CONF.202/8, para. 37. The UNESCO Legal Advisor also made several observations concerning the temporal requirement for the submission of the request of international assistance before the nomination for inclusion on the List of World Heritage in Danger. He noted that the request is to be made within a reasonable timeframe before the inscription on this List, but it has been the practice of the World Heritage Committee to accept requests at the time of inscription (para. 39). However, he incorrectly relied on Article 22 as setting this timeframe for requesting international assistance.

²⁷ *ibid.*, para. 36. See also IUCN—The World Conservation Union, Draft Operational Guidelines, Analysis of the Legal Issues: Responding to the 2nd Draft Operational Guidelines and Issues Raised during the Drafting Group of October 2001, WHC.02/CONF.202/INF.12, p. 8:

The main argument is based on Article 13 para.1, relating to the relationship between the In-Danger listing process, and requests for assistance. It assumes that only the State Party can request assistance. The Operational Guidelines, however, have adopted the interpretation that a request for assistance may come from “any Committee member or the Secretariat”. Moreover, the Convention notes that such requests may be made either before or after the property is placed on the In Danger List, indicating that a site may be added to the In-Danger List without any request for assistance. Although clumsily drafted, the intent of this passage seems clear—a broad interpretation of the provisions for requests for assistance.

²⁸ Summary Record of the Committee’s deliberations of WHC-02/CONF.202/8, in WHC-02/CONF.202/INF.15, para. 12.

IV. Power to Determine Requests and the Order of Priorities

A. Power to Determine Requests

The World Heritage Committee is empowered to decide what action, if any, is taken concerning requests for international assistance under the Convention using the resources of the World Heritage Fund (Article 13, paragraph 3). This power includes: determining the nature and extent of the assistance; authorizing the finalization of arrangements, for implementation of international assistance, with the relevant government on its behalf; and setting the order of priorities for its operations (Article 13, paragraph 4).

1. *Power to decide what action is to be taken*

The Operational Guidelines approved by the Committee has delegated its decision-making power in respect of certain applications for international assistance. Currently, requests for international assistance for education, information, and awareness-raising up to US\$5,000 can be approved by the Director of the World Heritage Centre. The Chairperson of the Committee can approve application for assistance for emergency assistance up to US\$75,000, preparatory assistance up to US\$30,000, training and research assistance up to US\$30,000, technical cooperation up to US\$30,000, and assistance for education, information, and awareness-raising between US\$5,000 and US\$10,000.²⁹ Requests exceeding these maximums are determined by a two-thirds majority of the members of the Committee present and voting.³⁰ An evaluation of International Assistance (excluding Emergency Assistance) provided through the World Heritage Fund for the period 1998–2003 found that most requests were under US\$20,000 thereby ‘avoiding the requirement of review by the Bureau or Committee.’³¹ This situation is exacerbated because the evaluation criteria for international assistance are in the process of being formalized, at the time of writing.

The Committee meets on a biennial basis to determine requests for international assistance. A 2005 evaluation found that for the period under review

²⁹ Table: Modalities and Conditions of Types of International Assistance, Operational Guidelines, para. 241.

³⁰ *ibid.* See Art. 13, para. 8; and Rule 37 of the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, Rules of Procedure, adopted at its 1st session (Paris, 1977), and amended in 1978, 1979, 1996, 2000, 2001, and 2003, WHC-2003/5 (hereafter ‘Committee Rules of Procedure’).

³¹ 2005 Evaluation, note 25, above, p.18.

(1998–2003), funds were often exhausted by the mid-year.³² In 2006, the Committee accepted the report's recommendation to establish a periodical cycle of review and decided that requests for international assistance would be evaluated by a panel composed of the Chairperson of the World Heritage Committee or one Vice-Chairperson, representatives of the World Heritage Centre Regional Desks and Advisory Bodies, meeting at least twice a year before any action is decided by the Chairperson and Committee.³³

2. *Nature and extent of grants*

The nature (or types) and extent (or budget ceilings) of grants for international assistance referred to in Article 13, paragraph 3 are enumerated in the current Operational Guidelines approved by the Committee in 2005.³⁴ The types of international assistance are derived from Articles 21 and 22 of the World Heritage Convention (see commentary by Lemaistre and Lenzerini, pages xx–xx below). They include:

- *Emergency Assistance*—for actual or potential threats to properties on the World Heritage List or List of World Heritage in Danger which have suffered severe damage or are in imminent danger of such damage caused by 'sudden, unexpected phenomena.'
- *Preparatory Assistance*—for preparation and harmonization of tentative lists and preparation of nominations of properties for inscription and to prepare requests for technical cooperation with priority given to States Parties whose heritage is unrepresented and under-represented.
- *Training and Research Assistance*—training of staff and specialists at all levels for the identification, monitoring, conservation, management, and presentation of World Heritage; scientific and technical studies covering conservation, management, and presentation of benefiting World Heritage sites.
- *Technical Assistance*—covering experts, technicians, and skilled labour, equipment or low-interest or interest free loans for the conservation, management, and presentation of properties on the World Heritage List or List of World Heritage in Danger.
- *Assistance for education, information, and awareness-raising*—covers activities at the international or regional, and national levels.

³² *ibid.*, p. 26.

³³ Decision 30 COM 14A, para. 7(d).

³⁴ See note 29, above.

In recent years, a series of evaluations have been made concerning the granting of international assistance using the World Heritage Fund.³⁵ In response to these reports' recommendations, the Committee has reconfigured the nature and extent of its international assistance grant-making, and the order of priorities for its operations. First, in 2001, the Committee divided international assistance into two categories with the existing types placed into States Parties' requests, and a new category covering World Heritage Partnerships Initiative (WHPI) which would enable 'methodological coherence, scientific and technical rigour in dealing with conservation issues specific to various categories of properties'.³⁶ This programmatic approach to international assistance was a step towards maximizing its impact in the face of the dwindling value of the Fund, and gradually aligning requests for international assistance with the objectives of the Committee's operations generally.³⁷

In 2006, the Committee decided to pare down the categories of international assistance to three types: (1) emergency assistance; (2) preparatory assistance; and (3) conservation and management assistance.³⁸ The 2005 Evaluation had found that there was a lack of clear definition between assistance for training and research, technical cooperation, and promotion and education and there was a need to emphasize the importance of training within the other two categories. The report, therefore, recommended that these three types be amalgamated under one title.³⁹

This evaluation process also impacted upon the extent of funding allocated to the various types of international assistance. Previously, the Committee had earmarked funds for each type of international assistance, with emergency assistance and preparatory assistance being oversubscribed and the other funds not being used in full. When monies earmarked for one category

³⁵ See Report on the Evaluation of International Assistance provided under the World Heritage Fund, 12 October 2000, WHC-2000/CONF.206; Progress Report on the Evaluation of World Heritage Fund Emergency Assistance, 17 June 2004, WHC-04/28.COM/10B; 2005 Evaluation, note 25; and Examination of the Recommendation on International Assistance, 23 June 2006, WHC-06/30.COM/14A.

³⁶ Report of the Rapporteur on the 26th session of the Bureau of the World Heritage Committee, WHC-02/CONF.202/2, para.IX.10, p. 7; and Decision 25 COM 17.3.

³⁷ See also UNESCO, 'Investing in World Heritage: Past Achievements, Future Ambitions. A Guide to International Assistance', World Heritage papers No.2, (Paris, 2002), pp. 45ff. The 2005 Evaluation found that there were 788 sites on the World Heritage List in 2004, with 172 properties added during the period 1998–2003. 752 requests for international assistance had been approved. The overall value of international assistance had decreased by almost one-third over the period under review: 2005 Evaluation, note 25, pp. 6, 7, 22.

³⁸ Decision 30 COM 14A, para. 5(b).

³⁹ 2005 Evaluation, note 25, p. 26.

were exhausted, the funds were reallocated between the types regardless of the content of the request.⁴⁰ At its 30th session, the Committee decided to no longer earmark funds against the various types of international assistance, except in respect of emergency assistance.⁴¹ This decision accords with the 2005 Evaluation, which recommended that the Committee use a strategic policy framework to determine allocation, instead of earmarking funds for each type of assistance.⁴² The resultant flexibility complements the programmatic approach to international assistance presently preferred by the Committee.

B. Order of Priorities for its Operations

Article 13, paragraph 4 empowers the Committee to set an order of priorities for its operations in respect of international assistance. The provision stipulates that when defining these priorities the Committee should give due regard to the respective importance of the relevant property for world heritage; the need for provide international assistance to sites 'most representative of a natural environment or of the genius and the history of the peoples of the world'; the urgency of the work to be undertaken; and the resources of the State Party on whose territory the property is located to safeguard the site itself.

The monies available in the World Heritage Fund have always been limited. The increasing number of States Parties to the World Heritage Convention and of properties on the World Heritage List and List of World Heritage in Danger in recent years has meant that the power that the Committee has to set an order of priorities for its operations is ever more crucial.

The current Operational Guidelines (which list the five types of international assistance) provide the following order of priority: (1) emergency assistance⁴³; (2) preparatory assistance; (3) training and research assistance; (4) technical cooperation; and (5) assistance for education, information and awareness.⁴⁴ Primacy is given to properties on the List of World Heritage in Danger.⁴⁵ The Committee also complies with the priorities established by Regional Programmes formulated in response to Periodic Reporting.⁴⁶ Over

⁴⁰ *ibid.*, p. 26.

⁴¹ Decision 30 COM 14A, para. 5(c).

⁴² 2005 Evaluation, note 25, p. 26.

⁴³ The 2004 Evaluation found that for the period 1998–2003 grants for emergency assistance were approved for damage caused by decay, then armed conflict and none for natural disasters: see note 35, para. 26, Chart 4, p. 11. This trend is contrary to the definition of emergency assistance under the 2005 Operational Guidelines, para. 241.

⁴⁴ Operational Guidelines, para. 235.

⁴⁵ *ibid.*, para. 236.

⁴⁶ *ibid.*, para. 238.

and above these priorities, the Committee shall turn its mind to the following when making decisions on international assistance⁴⁷:

- Whether the assistance is likely have a ‘catalytic and multiplier effect’ and precipitate funding and technical contributions from other sources;
- If the requesting State Party is a least developed country or low income country according to ECOSOC’s Committee for Development Policy;
- Urgency of the protective measures to be undertaken;
- The existence of legislative, administrative and possible financial commitment from the recipient State Party for the activity⁴⁸;
- The impact of the activity in furthering the Strategic Objectives of the Committee. These include the so-called 4Cs: (i) strengthening the credibility of the World Heritage List; (ii) ensuring the effective conservation of the World Heritage properties; (iii) promoting the development of effective capacity-building in States Parties; and (iv) increasing public awareness, involvement and support for World Heritage through communication⁴⁹;
- Whether the activity responds to the needs highlighted through the reactive monitoring process or analysis of regional periodic report⁵⁰;
- The ‘exemplary’ value of the activity to scientific research and development of cost effective conservation techniques;
- Cost of activity and expected results;
- Education value for general public and training experts.⁵¹

In addition, the Committee will maintain a balance between cultural and natural heritage when allocating international assistance, and will regularly review its allocation to ensure this balance.⁵²

A 2002 UNESCO Working Paper observed that international assistance was ‘at a turning point’ because various trends highlighted that there was ‘a decreasing efficiency in providing assistance’.⁵³ In the light of initial evaluations of international assistance, it concluded: ‘International Assistance has been challenged to respond to new needs, revise its priorities and become more

⁴⁷ *ibid.*, para. 239.

⁴⁸ Art. 25, World Heritage Convention.

⁴⁹ Decision 26 COM 9 adopted 28 June 2002, (hereafter ‘Budapest Declaration on World Heritage’), available at <http://whc.unesco.org/archive/02budapest-decl.htm>.

⁵⁰ Decision 20 COM XII.

⁵¹ Operational Guidelines, para. 239.

⁵² *ibid.*, para. 240.

⁵³ UNESCO, ‘Investing in World Heritage’, note 37 at pp. 20–21. See also 2005 Evaluation, note 25 at pp. 6–7.

streamlined.⁵⁴ In its 2003 report on its activities, the Secretariat noted that: '[w]e are rapidly moving from a system of International Assistance based on "requests" to a system based on strategic actions.'⁵⁵

However, given the ever-limited resources of the Fund,⁵⁶ the current strategic aims of the Committee could potentially create conflicts which must be resolved when it sets the order of priorities for its operations. This potential tension is inherent in the Committee's 2002 Budapest Declaration. It fosters the uptake of the Convention and the development of a more representative List by encouraging nominations and the submission of tentative lists by States Parties which have not already done so. The 2005 Evaluation found that funds earmarked for preparatory assistance to facilitate this aim were over-subscribed during 1998–2003.⁵⁷ The Declaration also reaffirms the need to foster credibility, conservation, capacity-building, and communication in respect of World Heritage sites, the Lists, and the Convention generally.⁵⁸ These objectives are covered by conservation and management assistance under the 2006 regrouping. The 2005 Evaluation observed that:

The relative weighting of the different types of International Assistance points to the question of policy priorities. An emphasis on Preparatory Assistance can be considered to give signals that minimize the importance of site conservation and favour the nomination of new sites. Encouraging new sites without means to support them later can be seen as less than responsible.⁵⁹

An evaluation of international assistance completed in 2000 found that there was a paucity of detail about the selection criteria for international assistance, which was primarily defined on a 'first come, first served' basis.⁶⁰ This and subsequent evaluations recommended that the order of priorities be updated, with due consideration given to data collected about the implementation of international assistance in order, to assess outcomes and trends.⁶¹ In response,

⁵⁴ *ibid.*, p. 8.

⁵⁵ Report of the Secretariat, WCH-03/27.COM/5, p. 7, para.VI.

⁵⁶ The 2005 Evaluation found the overall value of international assistance granted had declined from US\$3.3 million per annum in 1999 to US\$2.3 million in 2003. The situation had been exacerbated during the period because of the 25 per cent decline in the value of the US dollar against the euro and other currencies. The currency exchange has worsened since the publication of the report, note 25 at pp. 6–7.

⁵⁷ 2005 Evaluation, note 25 at p. 9.

⁵⁸ Para. 4 of the Budapest Declaration, note 49.

⁵⁹ 2005 Evaluation, note 25 at p. 20.

⁶⁰ 2000 Evaluation, note 25 at pp. 2–3.

⁶¹ *ibid.* The 2005 Evaluation found there was little or no tracking or assessment of the implementation of International Assistance: note 25 at pp. 18–19.

the Committee has approved a series of reforms to the application and monitoring processes in 2006, which are detailed below.

Today, the order of priorities is being reconfigured and any possible tensions between the strategic aims are resolved in accordance with a central tenet of the Convention, detailed above. International assistance under the Convention is supplementary to the efforts of the relevant State Party on whose territory the property is located.⁶² This is also clear from Article 13, paragraph 4 itself. The 2005 Evaluation of international assistance found that there had been a sharp increase in the number of States Parties to the Convention in recent years, with many being developing countries.⁶³ The report recommended that the Fund only be available to countries that are on the list of aid recipients of the United Nations' Economic and Social Council, Committee for Development Policy, with priority given to those states that have not previously received assistance and only where prior assistance grants had been exhausted. These restrictions would not have applied to emergency assistance.⁶⁴ The World Heritage Committee did not go this far. Instead, it decided that preference would be given to these countries, as is provided by paragraph 239(b) of the current Operational Guidelines.⁶⁵

Emergency assistance remains the lead priority for the Committee when determining grants for international assistance. However, the successive evaluations recommended that within emergency assistance, preference should be given to properties inscribed on the List of World Heritage in Danger and World Heritage List.⁶⁶ At its 28th session in 2004, the Committee asked the World Heritage Centre to 'ensure that, exceptionally, if resources from the World Heritage Fund for emergency assistance are insufficient, properties already inscribed on the World Heritage List receive such assistance on a priority basis', with priority to be given to properties on the List of World Heritage in Danger. The Centre was also asked to verify that the emergency assistance would only be used to address emergency situations strictly relating to the conservation of the relevant site.⁶⁷ As noted above, the current Operational Guidelines, approved in 2005, do give primacy to sites on the List of World Heritage in Danger.⁶⁸

⁶² World Heritage Convention, Art. 24.

⁶³ 2005 Evaluation, note 25 at p. 17.

⁶⁴ 2005 Evaluation, note 31 at p. 25.

⁶⁵ Decision 30 COM 14A, para. 5(a).

⁶⁶ 2000 Evaluation, note 35 at pp. 2–3; and 2004 Evaluation, note 35 at p. 10.

⁶⁷ Decision 28 COM 10B, Decisions adopted at the 28th session of the World Heritage Committee, Suzhou, 2004, WHC-04/28.COM/26, p. 6.

⁶⁸ The Committee has established a specific budget line apportioning a significant portion of the Fund for properties on the List of World Heritage in Danger: Operational Guidelines, para. 236

Following requests for emergency assistance, the Committee has decided to give priority to programmes and projects which have a multiplier or catalyzing effect to maximize the effectiveness of the available resources of the Fund.⁶⁹ In order to attain this outcome, the Committee is increasingly adapting the order of priorities of its operations (and decisions on international assistance) on data collected from periodic reports provided by States Parties, and reactive monitoring reports prepared by the World Heritage Centre and Advisory Bodies on the conservation of listed properties.⁷⁰ This shift has led to a move away from ad hoc decision-making driven by requests to an emphasis on a programmatic approach to international assistance, more closely aligned with the order of priorities set by the Committee for its operations generally.

V. Power to Make Necessary Arrangements with Government Concerned

Article 13, paragraph 3 of the Convention empowers the Committee to authorize the conclusion, on its behalf, of the necessary arrangements for the implementation of international assistance with the government of the relevant State Party. The Committee has decided that agreements should be finalized between UNESCO and the relevant State Party or their representative to implement the approved international assistance request in compliance with the work plan and budget breakdown contained in the original request and UNESCO regulations.⁷¹

and World Heritage Convention, Art. 21, para. 2.

⁶⁹ Decision 30 COM 14A, para. 7(a). This approach accords with the recommendations made in the 2000 Evaluation, note 35 at pp. 2–3; and 2005 Evaluation, note 25 at p. 5.

⁷⁰ Decisions 26 COM 17.2; 26 COM 20; and 26 COM 25.3; and UNESCO, Investing in World Heritage, note 37 at pp. 46–47.

⁷¹ Operational Guidelines, para. 255 and World Heritage Convention, Art. 26. At its 3rd session, the Committee examined and approved a draft agreement prepared by the UNESCO Secretariat (with additional materials provided by the Director-General): CC-79/CONF.003/5. The Secretariat recommended that such agreements be finalized in respect of large-scale projects and with two particular provisions being of significance: (i) those relating to the protection of experts; and (ii) the exemption for taxes and duties of materials and equipment to be used for the project. Authority to sign such agreements on its behalf is delegated to the Chairperson of the Committee, and in exceptional circumstances he or she may delegate the task to a member of the Secretariat that he or she nominated: CC-79/CONF.003/13, para. 19.

VI. List of Grants

The Convention requires the Committee to create, keep up to date, and publicize a list of properties for which they have granted international assistance (Article 13, paragraph 5 of the Convention). This list is incorporated in the Committee's report following its annual meeting.⁷² The public availability of this information not only aids in making the decision-making process more transparent, it can also assist States Parties in preparing requests for international assistance.

The current Operational Guidelines state that the implementation of grants for international assistance will be monitored and evaluated within twelve months of the completion of the activities. It does not stipulate who should carry out this evaluation. These evaluations are to be collated and kept by the Secretariat (together with the Advisory Bodies) and examined by the Committee on a regular basis.⁷³ The rationale given by the Operational Guidelines for this process is to enable the Committee to 'evaluate the International Assistance effectiveness and to redefine its priorities'.⁷⁴ Successive evaluation reports have emphasized the importance of such data for setting priorities in grant-giving and maximizing the effectiveness of the Fund. Yet, the 2005 Evaluation found that information retained by the World Heritage Centre for files predating 2000 were 'uneven in level of detail and reliability', whilst those post-dating 2000 were 'considerably more consistent and have fewer gaps'.⁷⁵ The observation centred on the lack of data about the implementation and outcomes phases of international assistance grants. The report concluded: 'The implementation of projects is the least clear aspect of International Assistance at present the procedures are not adequate to provide information on the progress of implementation or the project's achievements.'⁷⁶

At its 30th session in 2006, the Committee confirmed that there was a need to 'expand and deepen the impact evaluation' of international assistance.⁷⁷ It added:

⁷² The World Heritage Centre has kept an internal database of international assistance grants since 1998: see Examination of the Recommendation on International Assistance, Part II: Analysis of Procedures and Technical Issues and Recommendations for Tools to strengthen International Assistance Procedures, 23 June 2006, WHC-06/30.COM/14A, para. 84.

⁷³ Operational Guidelines, para. 256. The 2005 Evaluation found that World Heritage regional desks monitored contracts and retained final reports; but there were no accountability requirements placed on States Parties and they not required to monitor the grant activities: note 25, p.18, para. 40.

⁷⁴ Operational Guidelines, para. 257.

⁷⁵ 2005 Evaluation, note 25 at p. 6.

⁷⁶ 2005 Evaluation, note 25 at p. 18, para. 38.

⁷⁷ Decision 30 COM 14A, para. 6(b).

Evaluating the impacts of International Assistance activities... is a key element of a results-based approach to the utilization of the World Heritage Fund. Impact evaluations test the validity of specific approaches to addressing the objectives of the World Heritage Convention, help determine what works and what does not work, and are a means to learn about effective interventions.⁷⁸

The Committee approved a series of measures to achieve this result, including: the application form which covers project aims, implementation measures, outcomes, and impact assessed by indicators; details of evaluation criteria to be used by Advisory Bodies; reporting requirements, field supervision visits, and summaries of outcomes at completion of activities; and a new database to be made available on the World Heritage website.⁷⁹ These initiatives will further strengthen the transparency of the decision-making process in respect of international assistance under the Convention. But the data made available from it will facilitate the Committee's efforts in favouring a programmatic approach towards international assistance, and in setting the order of priorities for its operations.

VII. World Heritage Fund and Fund-raising

The World Heritage Fund is the primary source by which international assistance under the Convention is financed.⁸⁰ Within the institutional framework established by the World Heritage Convention, it is the Committee which is empowered under Article 13, paragraph 6 to decide how the resources of the Fund are distributed and utilised.⁸¹ The UNESCO General Conference adopts this budget, following the recommendation of the Executive Board, and the General Assembly of States Parties to the World Heritage Convention take note of the accounts submitted by the Director General.⁸²

⁷⁸ *ibid.*, para. 6(a).

⁷⁹ *ibid.*, para. 7. See WHC-06/30.COM/14A, pp. 17ff.

⁸⁰ Operational Guidelines, para. 234.

⁸¹ In conformity with the Financial Regulations of the World Heritage Fund established by the Director-General pursuant to Regulation 6(7) of the UNESCO Financial Regulations, available at <http://whc.unesco.org/eng/financialregulations>; and the Financial Regulations of UNESCO, Adopted at the General Conference at its 6th session, 6 C/Resolutions, 53–54 and 67–72, and last amended at the 31st session, 31 C/Resolution, 92.

⁸² See Art 3, paras 4 and 7 and Art. 6, para. 7 of the Financial Regulations of UNESCO, Adopted at the General Conference at its 6th session, 6 C/Resolutions, 53–54 and 67–72, and last amended at the 31st session, 31 C/Resolution, 92, and reprinted in UNESCO, *Basic Texts*, note 12 at pp. 99ff; and Art. 6, para. 4 of the Financial Regulations of the World Heritage Fund established by the Director-General pursuant to Regulation 6(7) of the UNESCO Financial Regulations, available at <http://whc.unesco.org/eng/financialregulations>.

Article 13, paragraph 6 also states that the Committee shall pursue means of increasing these resources over and above the compulsory or voluntary contributions required of States Parties pursuant to the Convention.⁸³ The Fund can be used ‘to the extent possible’ for mobilizing additional resources for international assistance from other sources.⁸⁴ The Committee has delegated to the Secretariat the task of mobilizing financial and technical resources for World Heritage conservation. This role includes the development of partnerships with public and private institutions in conformity with the Committee’s Decisions and Guidelines, and UNESCO Regulations.⁸⁵ Following the recommendation made by an external audit in 1997, the Committee requested the World Heritage Centre to prepare a plan that systematically identified international organizations that are involved in world heritage activities.⁸⁶ In 2002, the World Heritage Partnership Initiative was established on an experimental basis to foster the mobilization of technical and financial resources for World Heritage conservation. The performance indicators for this initiative were to be evaluated in 2006. Partnerships have been established with private organizations like the US-based public charity, United Nations Foundation, and with countries like Italy, Spain, France, the Netherlands, Japan, and Australia.⁸⁷

Also in 2002, the World Heritage PACT (‘Partnerships for Conservation’) was launched to facilitate this task⁸⁸. For example, the conservation of World Heritage properties has been mainstreamed into the development programmes of the World Bank, United Nations Development Programme–Global Environment Facility (UNDP–GEF) Small Grants Programme, European Union Inter-American Development Bank, and Japan Bank for International Cooperation. This fund-raising role is augmented with the power given to the Committee by Article 13, paragraph 7 of the Convention.

⁸³ Convention, Chapter IV; and Lenzerini’s commentary on Arts 15–16, on pp. xx–xx below. States Parties are invited to provide additional contributions to the Fund or directly to the properties beyond their obligatory contributions: Operational Guidelines, para. 227. They are also encouraged to participate in World Heritage fund-raising campaigns launched by UNESCO through contributions to the Fund: Operational Guidelines, paras 228–229.

⁸⁴ Operational Guidelines, para. 225.

⁸⁵ Operational Guidelines, para. 231. cooperation with private extra-budgetary funding sources, Decision 149 EX/Dec.7.5, Annex; Guidelines for mobilizing private funds and criteria for selecting potential partners, Decision 156 EX/Dec.9.4, Annex, at <http://whc.unesco.org/en/privatefunds>.

⁸⁶ World Heritage Committee, Report on the Work of the Committee’s Consultative Body on the overall management and financial review of the administration of the World Heritage Convention, November 1997, WHC-97/CONF.208/5, Annex B: Report of the External Auditor to the Director-General of UNESCO on the Management Review of the World Heritage Convention, para. 207.

⁸⁷ UNESCO, ‘Investing in World Heritage’, note 37 at pp. 47–48.

⁸⁸ See commentary by Patchett on Arts 17–18 below.

VIII. Cooperation with other Organizations, Bodies, and Individuals

Article 13, paragraph 7 requires the World Heritage Committee to cooperate with international and national governmental and non-governmental organizations whose aims complement those of the Convention. The provision also states that the Committee may seek the assistance of the Advisory Bodies (that is, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the International Council of Monuments and Sites (ICOMOS), and the International Union for Conservation of Nature and Natural Resources (IUCN)) and public and private bodies and individuals to implement its programmes and projects.

An evaluation of grants from 1998 to 2003 found that 68 awards totalling 15 per cent of international assistance (excluding emergency assistance) were awarded to non-States Parties.⁸⁹ The 2005 Evaluation noted that ICCROM and IUCN received support through the international assistance under technical cooperation and training, while universities and research institutions requested training grants either through their State Party or independently. The report recommended that consideration be given by the Committee to other means, like a separate budget line for Advisory Bodies, so that international assistance was primarily devoted to States Parties.⁹⁰ The Committee has not pursued this recommendation to date.

In addition, Article 13, paragraph 7 (with Article 14, paragraph 2) enables the Committee to delegate to the Advisory Bodies the task of evaluating requests for international assistance.⁹¹ The Convention's Preamble states that its purpose was to establish 'an effective system of collective protection' of heritage 'organized...in accordance with modern scientific methods...'.⁹² By using the expertise of the Advisory Bodies, the Committee satisfies the aims of the Convention and aids in depoliticizing the decision-making process. Requests for international assistance for cultural heritage are evaluated by ICOMOS and ICCROM; those for natural heritage by IUCN; and mixed properties by ICOMOS, ICCROM, and IUCN.⁹³ At the time of writing, the Advisory Bodies to the World Heritage Centre are developing the evaluation criteria for international assistance requests which will be attached to the

⁸⁹ 2005 Evaluation, note 25 at pp. 8 and 27.

⁹⁰ *ibid.*, p. 27.

⁹¹ Decision 13 COM XII.34.

⁹² Eighth recital, Preamble, World Heritage Convention.

⁹³ Operational Guidelines, paras 248–250.

Operational Guidelines, after they are approved by the Committee.⁹⁴ Also, as noted above, their expertises are being used to develop the criteria to assess the implementation and outcomes of international assistance grants.

Like Article 13, paragraphs 4 and 6, paragraph 7 is sufficiently broad that it does not need to be read as a power ancillary to the role concerning international assistance bestowed on the Committee by this provision. Therefore, Article 13, paragraph 7 supports cooperation and coordination of heritage protection between complementary UNESCO Conventions, and other multilateral instruments and regimes. This role is discussed further in Part III below, see pages xxx–xxx.

IX. Conclusion

Pursuant to Article 13, the Committee is empowered to determine requests for international assistance under the Convention and to allocate monies from the World Heritage Fund. To complement this role, it is also given the power to set the order of priorities of its operations, and to cooperate with other organizations, bodies, and individuals in implementing its projects and programmes.

Over the last decade, the relative value of the Fund and international assistance grants have depreciated because of the exponential increase in States Parties to the Convention (many from developing countries or countries in transition), the rising number of sites on the lists, and poor currency exchange rates. These circumstances have been a primary factor driving a series of evaluations of the Committee's granting of international assistance since 1978. The increasing availability of data flowing from periodic reports and state of conservation reports provided by States Parties, reactive monitoring by the World Heritage Centre and Advisory Bodies, and, more recently, outcome indicators monitoring the implementation of international assistance are facilitating a rethink of the Committee's approach to grant-giving under Article 13. To maximize the stretched resources of the Fund, the Committee has moved away from ad hoc decision-making on international assistance driven by requests, towards a programmatic approach which prioritizes activities which have a multiplier or catalyzing effect, and partnerships with like-minded organizations, bodies, and individuals.

⁹⁴ Decision 30 COM 14A, para. 7(e).

