

I. Regulatory Framework for the World Heritage PACT

A. Background

1. For several years now, the United Nations system has attached growing importance to relations with the private sector. It is not only that the number and scope of such relations are growing steadily, but, above all, their nature has considerably diversified to range beyond purely financial objectives to ensure regular dialogue, consultation and interaction. Recent approaches to partnership with the private sector now aim to mobilize the full range of resources specific to the private sector in the service of sustainable development.
2. UNESCO's own policy framework for partnerships with the private sector derives from the Guidelines on "Cooperation between the United Nations and the Business Community"¹ adopted by the United Nations in 2000 and from the Global Compact², whose ten universal principles provide a framework of standards for the business world to facilitate the integration of social values into the processes linked to the production of goods and services³.
3. In 2002, the World Heritage Committee welcomed the World Heritage Partnerships Initiative - subsequently renamed World Heritage PACT (Partnerships for Conservation) - as a means to achieve, on an experimental basis, a new systematic approach to partnerships, with a specific focus on non-governmental organisations, civil society and the business community. This is provided for by Article 7 of the *World Heritage Convention* which recognises the need for States Parties, as the principal stakeholders in the conservation of cultural and natural heritage of outstanding universal value, to work with a range of partners:

"For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage."

B. Preamble

4. Through the Budapest Declaration on World Heritage, adopted by the World Heritage Committee at its 26th session (Budapest, 2002), the Committee called for countries and other partners around the world to join together and co-operate in the protection of heritage, recognizing that to harm such heritage is to harm, at the same time, the human spirit and the world's inheritance.

¹ <http://www.un.org/partners/business>

² <http://www.unglobalcompact.org>

³ See 165EX/37

5. The following four objectives (known as the 4C's), enshrined in the Budapest Declaration on World Heritage, provide a strategic framework for the development of activities under the World Heritage PACT initiative. They should:
 - strengthen the **Credibility of the World Heritage List**, as a representative and geographically balanced testimony of cultural and natural properties of outstanding universal value;
 - ensure the effective **Conservation** of World Heritage properties;
 - promote the development of effective **Capacity-building** measures, including assistance for preparing the nomination of properties to the World Heritage List, for the understanding and implementation of the *World Heritage Convention* and related instruments;
 - increase public awareness, involvement and support for World Heritage through **Communication**.
6. The World Heritage PACT seeks to build an effective system of international co-operation to enable States Parties to the *World Heritage Convention* to design and develop long-term protection, including conservation operations, awareness-raising activities and other actions with the assistance of UNESCO's World Heritage Centre.
7. Its objectives are:
 - a) to raise awareness about World Heritage; and
 - b) to mobilise sustainable resources for the long-term conservation of World Heritage, addressing mutually agreed issues and problems identified as priorities by the World Heritage Committee as a means for implementing its strategic objectives - the 4C's.
8. The World Heritage Committee is the overseeing authority for monitoring the performance and progress of the World Heritage PACT.

C. Fundamental principles⁴

9. In seeking to fulfil the objectives outlined above, the World Heritage Centre is guided by the following fundamental principles.
10. The World Heritage PACT is intended to mobilize intellectual and technical resources and to create networks of exchange and technical assistance for World Heritage conservation and awareness raising activities. It is also intended to raise funds in support of these activities.

⁴ The parameters for cooperation in this document are drawn from: the guidelines on "Cooperation between the United Nations and the Business Community" issued by the Secretary-General of the United Nations on 17 July 2000 (www.un.org/partners/business); the Ten Principles of the UN Global Compact (www.unglobalcompact.org); the "UNESCO Administrative Manual"; UNESCO's Internal Guidelines on Fund Raising with the Private Sector (1997); the "Operational Guidelines for the Implementation of the World Heritage Convention" (February 2005) and relevant Decisions of the UNESCO Executive Board as set out in 165EX/37 and subsequent updates.

11. The World Heritage Centre will solicit and/or assess proposals and expressions of interest from a wide range of non-governmental, civil society and private sector institutions including for profit organizations interested in assisting in the implementation of the *World Heritage Convention*.
12. The World Heritage Centre will also work, in consultation with the relevant States Parties, to involve local populations in the implementation of partnerships at World Heritage sites, when appropriate.
13. All partnerships should:
 - a) advance UNESCO's and its World Heritage Committee's goals, by clearly articulating the purpose of the cooperation;
 - b) clearly delineate responsibilities and roles: the arrangement must be based on a clear understanding of respective roles and expectations, with accountability and a clear division of responsibilities;
 - c) maintain integrity and independence: arrangements should not diminish UNESCO's integrity, independence and impartiality;
 - d) bestow no unfair advantage: every member of the business community should have the opportunity to propose cooperative arrangements, within the parameters of this framework. Cooperation should not imply endorsement or preference of a particular business entity or its products or services;
 - e) be transparent: cooperation with the partner must be transparent. Information on the nature and scope of cooperative arrangements should be available within the Organization and to the public at large through the UNESCO World Heritage website: <http://whc.unesco.org> .
14. No partnerships shall be entered into with entities whose activities are incompatible with the aims and principles of UNESCO. In addition, partnerships aimed at providing direct technical and/or financial support to World Heritage sites will be conditional on the agreement of the proposed beneficiary country/ies.

D. Procedures

15. In building specific partnerships, the World Heritage Centre will seek the consent of the relevant State(s) Party/ies, through the UNESCO National Commission and unless otherwise instructed by the States Parties themselves. The World Heritage Centre will also inform the relevant Permanent Delegations to UNESCO when a particular partnership opportunity arises. Assurances about the reliability of the potential partner in question will also be sought from the UNESCO State Party in which it is based.
16. The relevant policy, legal, financial and technical services of UNESCO will be consulted as part of the internal scrutiny of potential partnerships to ensure that the regulatory framework is adhered to and the most appropriate modality applied.
17. All partnerships in support of World Heritage will be covered by a formal written agreement (see modalities below) between UNESCO and the partner to ensure high ethical standards, mutual transparency and accountability. Within the parameters

established by the contractual standards and provisions concerning all UNESCO partnerships and guidelines established by the World Heritage Committee on the use of the World Heritage name and Emblem, a specific format is created for each partnership. In addition to information about the aim of the partnership, each written agreement will include, at minimum, a reference to the nature of the contribution made by the partner, as well as how the contribution is to be used and, if applicable, information on the conditions under which the UNESCO and/or World Heritage Emblems may be used.

18. Where financial contributions are offered, they will be channelled to the extent possible through the World Heritage Fund and where applicable through the Funds in Trust system.
19. The World Heritage Centre will report annually to the World Heritage Committee, on any new partnerships developed. This will include information about the financial and in-kind contributions received and their allocations.

E. Modalities

20. Beyond the fundamental principles and procedures set out above, different modalities of partnerships, which are distinct from procurement activities, shall apply according to the particular purposes and objectives of specific partnerships. The most appropriate format for a particular partnership will be decided in close consultation with the policy, legal, financial and technical services of UNESCO and relevant State(s) Party/ies.
21. The particular modality applicable to a specific partner will vary according to the type and/or stage of partnership envisaged. This may range from a non binding **Letter of Intent** identifying possibilities for cooperation on a specific subject to a **Memorandum of Understanding** which typically sets out a commitment to a process intended to result in a more detailed **Project Agreement**, which sets out the terms and conditions of the cooperation including specificities relating to the use and flow of funds where appropriate and the use of the UNESCO and/or World Heritage name and Emblem. Other modalities include: a **Partnership Agreement** which might typically provide a high level institutional commitment over the medium term of around 5 years and under which specific **Project Agreements** may be developed, each with their own contractual arrangements; **Funds-in-Trust Agreements**; and **Fundraising Contracts** under which an entity may be engaged to raise funds for a particular project, in UNESCO's name. As previously outlined, these are all defined in close consultation with the relevant policy, legal, financial and technical services.

F. Use of the UNESCO and / or World Heritage name and Emblem.

22. All requests to use the UNESCO and/or World Heritage Emblem and/or name should be submitted in writing. They will be considered in line with UNESCO's rules on the use of its name and emblem⁵, and Chapter VIII of the *Operational guidelines for the Implementation of the World Heritage Convention*⁶ currently in force.
23. Any authorization given to a partner to use the UNESCO and/or World Heritage name and/or emblem will be specified in the context of each partnership. As mentioned above, the exact conditions of use for the UNESCO and/or World Heritage name and/or

⁵ See document 171EX/37

⁶ Currently paragraphs 258 to 279 of the *Operational Guidelines* (February 2005)

emblem will also be outlined in agreements between the partners.

24. The World Heritage Centre will report on an annual basis to the World Heritage Committee on all new requests for the use of the World Heritage name and/or Emblem that have been granted to partners.

G. Review Mechanisms

25. Cooperation with the business community is influenced by changes in the political and economic environment. To remain valid, this framework should be critically reviewed and updated from time to time.