**OPEN-ENDED WORKING GROUP OF STATES PARTIES TO THE
CONVENTION WITH THE MANDATE TO DEVELOP A CODE OF CONDUCT,
OR A STATEMENT OF ETHICAL PRINCIPLES OR EQUIVALENT TEXT
(Resolution 22 GA 10)**

**Comprehensive list of existing, binding and non-binding elements which could be
referenced in a Code of Conduct, or a statement of Ethical Principles or equivalent text.**

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1. BACKGROUND

In conformity with Paragraph 11 of Resolution **22 GA 10** adopted in 2019 by the General Assembly of States Parties to the World Heritage Convention and in order to assist the work of the open-ended working group of States Parties to the Convention this document presents a comprehensive list of existing, binding and non-binding elements which could be referenced in a Code of Conduct, or a Statement of Ethical Principles or equivalent text.

Before 2009, the need to respect the highest standards of integrity and transparency of working methods within the process of decision-making of the Governing bodies of the Convention was reflected in very few Resolutions, Decisions, Summary Reports, Working Documents of the World Heritage Committee or the General Assembly of States Parties. Starting from 2009, and in the framework of discussions on the Future of the Convention to identify priorities for the decade 2012-2022, topics, such as the politicization of decision-making of statutory bodies of the Convention and growing discrepancies between Committee's decisions and recommendations of the Advisory Bodies are put forward as key challenges for the upcoming years. This launched a series of discussions on how to address them, notably by reinforcing transparency and ethical mechanisms.

2. RELEVANT DECISIONS, BACKGROUND DOCUMENTS AND STUDIES ON A CODE OF CONDUCT OR EQUIVALENT TEXT

The following presents the different themes under which existing, binding and non-binding elements which could be referenced in a Code of Conduct, or a Statement of Ethical Principles or equivalent text have been evoked/mentioned and the respective Resolutions, Decisions, background documents and studies related to it. It represents a basis for reflection for the open-ended group and for future discussions.

A. General Assembly of States Parties to the World Heritage Convention and the World Heritage Committee

While the next part will discuss elements brought forward in past Resolutions/Decisions and workshops focusing on working methods, decision-making and conduct of statutory organs of the Convention, it should be kept in mind that many among them are of a general nature which could apply to all stakeholders. Items more specific to Advisory Bodies and to the Secretariat will be further developed in part B and C.

Future of the Convention (2009)

The reflection on the Future of the Convention was initiated by the Committee at its 32nd session (2008) which decided to convene a workshop to reflect on the future of the Convention in light of the approaching 40th anniversary and imminent inscription of the 1000th site to the World Heritage List. The reflection workshop held in 2009 identified global strategic issues and opportunities to address them. All the relevant documents relating to this process are available online at futureoftheconvention, together with Document WHC09/33.COM/14A, which is the summary of the Workshop by the Chairperson of the 33rd session. The World Heritage Centre summarized the work undertaken in relation to the reflection on the future of the Convention, for review by the General Assembly at its 18th session in 2011 (see Document WHC-11/18.GA/11). Since then, an item on the Future of the Convention and its outcomes has been included on the agenda of the General Assembly of States Parties (see the latest Resolution in this regard Resolution **22 GA 9** and Document WHC/19/22.GA/9).

Independent evaluation by the External Auditor (2009)

The reflection on the future of the Convention continued in 2009 with the request by the General Assembly for an independent evaluation by the UNESCO's External Auditor on the implementation of the Global Strategy and the Partnership for Conservation Initiative (PACT) (see Resolution **17 GA 9** https://whc.unesco.org/en/decisions/6448/, Document WHC-11/35.COM/9A for the summary of the evaluation and Document WHC/19/22.GA/INF.8 for the full evaluation).

The General Assembly endorsed at its 18th session the recommendations addressing the risk of weakening the credibility of the List due to decisions based more on geopolitical decisions rather than scientific ones (see Resolution **18 GA 8** and Document WHC-11/18.GA/8).

By Decision **36 COM 9A**, the World Heritage Committee decided to implement recommendations by the External Auditor within its mandate and noted that some of these recommendations concerned revisions to its Rules of Procedure. It therefore decided to include an item on the Revisions of its Rules of Procedure on the agenda of its 37th session. The Secretariat prepared a working document proposing amendments to the Rules of Procedures further contained in Document WHC-13/37.COM/11. After an extensive debate on this subject, the Committee adopted Decision **37 COM 11** amending Articles 22.6, 22.7, 23.1 and 23.2 of the Rules of Procedure on the order and time-limit of speeches and the proposal of texts (see Decision **37 COM 11**).

However, during its 19th session, the General Assembly noted that the World Heritage Committee, at its 37th session, decided not to implement **Recommendations 12** and **20** related to conflicts of interest. Consequently, the General Assembly requested the Committee to reexamine these recommendations with a view to their implementation (see Resolution **17 GA 9** paragraph 5).

After reviewing Document WHC-14/38.COM/9C (see Document) prepared by the Secretariat on the basis of the recommendations formulated by the External Auditor, the World Heritage Committee decided by its Decision **38 COM 9C**, paragraph 5 to "Strongly encourages the States Parties, with the exception of those that have no sites inscribed on the World Heritage List, to refrain on a voluntary basis from submitting new nominations during their mandate, taking into consideration the External Auditor **Recommendation 12** and in accordance with pertinent resolutions of the General Assembly, and within the context of the Global Strategy"; thereby completing Decision **CONF 208 IX.9** (25 COM, Helsinki, 2001) previously addressing the same issue: "States Parties that are already well represented on the List should voluntarily refrain from submitting nominations" (see Decision).

Manama (Bahrain, 2010)

At its 35th session, the World Heritage Committee examined recommendations developed during the Expert meeting held in Manama (Bahrain, 2010) on decision-making procedures of the statutory organs of the World Heritage Convention. It provided recommendations to address growing discrepancies between Committee decisions and recommendations of the Advisory Bodies. Some of these recommendations were reflected in paragraphs 14 and 15 of Committee's Decision **35 COM 12B**, which called on Committee members and States Parties to consider refraining from bringing forward new nominations (see Decision **35 COM 12B** and Document WHC-11/35.COM/12B).

Strategic Action Plan and Vision to guide the implementation of the Convention

Following the reflection on the Future of the Convention, Resolution **17 GA 9** mandated priorities for action and called for a Strategic Action Plan. In its **Decision 35 COM 12A** (see Decision), the World Heritage Committee took note of the positive progress made in developing the draft Strategic Action Plan and Vision to guide the implementation of the Convention as outlined in Document WHC-11/35.COM/12A (see Document). The Committee then acknowledged at its following session the adoption of the Strategic Action Plan and Vision as approved by the 18th session of the General Assembly, including appropriate roles, responsibilities and accountabilities (see Decision **36 COM 12A** and Document WHC-12/36.COM/12A), as well as improvements in the conduct of statutory meetings (see Decision 36 COM 12B and Document WHC-12/36.COM/12B with Annex 2 on the Study on oversight and monitoring mechanisms on priority policy issues prepared by the World Heritage Centre and the UNESCO Internal Oversight Service (IOS)).

Final outcomes in the implementation of the Strategic Action Plan within the framework of the reflection on the Future of the World Heritage Convention were reviewed by the General Assembly at its 19th session. Focus was put on recommendations made by the expert group regarding decision-making procedures of the statutory organs of the World Heritage Convention (see Resolution **19 GA 10** and Document WHC-13/19.GA/10).

Initiative Thinking ahead (2012-2015)

In 2012, the Director-General of UNESCO convened a meeting entitled "The World Heritage Convention: Thinking Ahead" to give an opportunity to the Advisory Bodies, the Secretariat and the States Parties to collectively review some of the main challenges and opportunities facing the Convention. The meeting drew conclusions on how to enhance transparency and dialogue between stakeholders to the Convention with regard to the Nomination process, conservation of properties or the roles of the Statutory Organs of the Convention (see The World Heritage Convention: Thinking Ahead (2012)). In Decisions **37 COM 5C** and **38 COM 5C**, the World Heritage Committee acknowledged the follow-up actions undertaken and further developed in Document WHC-13/37.COM/5C (see Document) and Document WHC-14/38.COM/5C (see Document).

In January 2015, a second meeting of the "Thinking ahead initiative" (summary available at https://whc.unesco.org/en/events/1233/) further discussed topics related to improvement of the Working methods of the World Heritage Committee. At its 39th session, the World Heritage Committee took note of the outcomes of the meeting, which are reflected in Document WHC-15/39.COM/5C (see Document).

Reports and outcomes of the Ad-Hoc Working Group (2014-2019)

In view of increasing overall transparency and to optimise its future decision-making, the World Heritage Committee established the Ad-Hoc Working Group to examine issues related to the decision-making process of nomination by Decision **38 COM 13** (see Decision). On several occasions the Ad-Hoc Working Group expressed recommendations related to ethical behaviors.

By Decision **39 COM 13A** (Bonn, 2015), the World Heritage Committee welcomed recommendations of the Ad-Hoc Working Group towards ensuring better transparency of the Committee decision-making (see Decision **39 COM 13A**). These recommendations covering areas such as a cap on nominations, decision on nominations and financial aspects of evaluations are further developed in Document WHC-15/39.COM/13A (see Document).

At its 40th session in Istanbul (2016), the World Heritage Committee examined the feasibility of recommendations of the External Auditor's "report on the governance of UNESCO and dependent funds, programmes and entities", especially **Recommendation 7** on the drafting of a governance code and **Recommendation 8** on the changing of the Rules of Procedure of Governing Bodies. It could be noted that the External Auditor's report more specifically addressed ethical conduct of Governing Bodies under **Recommendation 10** (see Document WHC-16/40.COM/13B).

At the request of the World Heritage Committee, the UNESCO's **Internal Oversight Service (IOS)** undertook in 2016-2017 a study on *Comparative Mapping of Forms and Models for Use of Advisory Services by International Instruments and Programmes*. The 2017/2018 intersessional Ad-Hoc Working Group extensively analyzed **Recommendation 3** of the IOS study, which focuses on the need to identify the root cause(s) for Committee decisions deviating from Advisory Bodies advice. **The Ad-Hoc Working Group identified possible solutions** such as a greater dialogue phase in the current nomination cycle, prolongation of the current nomination cycle, or the introduction of a "code of conduct for Committee Members" where they refrained from submitting nominations while serving on the Committee (see paragraphs 38 to 42 of Document WHC/18/42.COM/12A).

Taking into account the IOS study and the recommendations formulated by the Ad-Hoc Working Group, the World Heritage Committee noted with concern in its Decision **42 COM 12A** (Manama, 2018) the number of deviations of its decisions from the recommendations of the Advisory Bodies. It considered that in order to address them it was **necessary to review the Nomination process and consider other possible measures, such as a Code of Conduct of the World Heritage Committee** (see Decision **42 COM 12A**).

In Resolution **21 GA 8**, the General Assembly took note of the endorsement by the General Conference, at its 39th session (**39 C/Resolution 87**) of the recommendations of the open-ended working group of the General Conference as amended in Document **39 C/70** (see Annex I of the Document), whose mandate was to review the governance, procedures and working methods of the UNESCO's International and Intergovernmental Bodies. General recommendations for all international and intergovernmental bodies and Specific recommendations for the World Heritage Convention on transparency and politization, notably regarding procedures related to the Bureau of the World Heritage Committee, were addressed by the Ad-Hoc Working Group in the Annex of document WHC-18/42.COM/12B under paragraphs 60, 64, 66, 67, 68, 69, 70, 71 and 99 (see Document).

By Decision **43 COM 12** (Baku, 2019), the World Heritage Committee at its 43rd session took note of the discussions held by the 2018/2019 Ad-Hoc Working Group (see Decision **43 COM 12**), which **agreed**

that a Code of Conduct for all stakeholders was necessary and should reflect the shared values, roles and responsibilities of all stakeholders expressed through the in the Basic Texts of the Convention (paragraphs 60 & 61 of Document WHC/18/42.COM/12). Paragraph 9 of the same Decision endorsed the report and recommendations prepared by the Ad-Hoc Working Group and the **wider set of Nomination process reforms recommended** therein to help improve the quality of nominations and strengthen dialogue between States Parties and the Advisory Bodies. Key recommendations related to an ethical behaviour were as follows:

- 11. Recommends to revise the Global Strategy based on the current and referring to the future discussions as well as to **encourage the States Parties with a significant number of sites to refrain** for the sake of the credibility and balance of the World Heritage List;
- 12. Recommends to **encourage the dialogue among all stakeholders**, including State Parties, Advisory Bodies and Secretariat for the sake of efficiency and transparency;
- 13. Recommends to continue discussions on the introduction of Code of Conduct for Committee members, States Parties to Convention and the Advisory Bodies. (see p. 10 and Annex D for the relevant list of reforms of Document WHC/18/42.COM/12)

Finally, by its Resolution **22 GA 10** (see Resolution), the General Assembly of States Parties, having examined the report of the 2018/2019 Ad-Hoc Working Group contained in Document **22 GA 10** (see Document) on the possibility to introduce a Code of Conduct for stakeholders to the Convention, "recall[ed] the need to respect the highest standards of integrity and transparency of working methods within the process of decision-making of the Governing bodies of the Convention; emphasiz[ed] the collective responsibility of all stakeholders – States Parties, World Heritage Centre and the Advisory Bodies – to uphold the integrity and the credibility of the Convention and, as such, to conduct themselves according to the highest ethical standards of professionalism, equity and transparency; recogniz[ed] that a Code of Conduct or a Statement of Ethical Principles or equivalent text is not legally binding, but stakeholders are called upon to honor its contents.

Tunis (Tunisia, 2019)

Experts attending the reflection meeting held in Tunis (Tunisia) in 2019 to further discuss the reform of the World Heritage Nomination process identified a set of **overarching principles** to guide the reform and address root causes of Committee decisions deviations from the Advisory Bodies' advice, while maintaining the credibility of the Convention (see Document WHC/19/43.COM/INF.8). The suggested principles that could be referred to in a Code of conduct were as follows:

- Respect the three pillars of OUV, notably criteria, integrity/authenticity and protection/management;

- Ensure independence, collegiality, confidentiality, and consistency within the overall nomination process;

- Maintain high standards and a scientific-based approach throughout the overall evaluation process, bearing in mind that an evaluation is not a negotiated outcome, rather a rationale independent and evidence-based assessment;

- Strengthen Tentative List processes;

- Promote meaningful engagement, consultation and dialogue with all stakeholders, keeping in mind that effective dialogue requires listening and mutual trust;

- Ensure that practices are rule-based;

- Avoid conflict of interest through respecting procedures and/or adhering to Standards of Conduct. (WHC/19/43.COM/INF.8, p. 5-6)

The meeting considered that all of the recommendations concerning the reform of the Nomination process, such as encouraging States Parties to harmonize their Tentative Lists at regional and thematic levels could be seen to be relevant to addressing concerns relating to deviations of the Committee's decisions from recommendations made by the Advisory Bodies. Nonetheless the experts also discussed particular measures for the **decision-making procedure of the Committee**:

- Decision-making should be based on an expert, **scientific-based approach and verifiable technical evidence**;

- **More heritage experts**, both nature and culture, should be included in the delegations of the Committee Members, in compliance with Article 9 of the Convention;

- The **heritage experts** in the delegations to the Committee should play a **key role** in the debates of the Committee;

- Committee Members should abstain from having **nominations of their own country examined during their mandate**, in view of avoiding potential conflict of interest;

- A **Code of Conduct for Committee Members** should be introduced to which they should abide, and which should be re-stated every year at the beginning of each Committee session; possibly a pledge could also be introduced, recalling the main principles of the Convention;

- A rule should be introduced requiring a **unanimous decisions by the World Heritage Committee** (this may involve an amendment of the Rules of Procedure) in cases where the Committee Members may wish to inscribe on the List a site with a recommendation for non-inscription, and which has not been withdrawn by the State Party ;

- Alternatively, another solution to deal with sites recommended for non-inscription and not withdrawn before the session, could be the introduction of a rule according to which the **decision by the Committee** (unless it decides not to inscribe) **cannot be made during the same session in which the nomination is examined**, and that the nomination should go through a new full evaluation process. (WHC/19/43.COM/INF.8, p. 11-12)

B. Recommendations specific to the Advisory Bodies to the World Heritage Convention

In the aftermath of the Future of the Convention meeting, an Expert meeting was held in Manama (2010) on decision-making procedures of the statutory organs of the World Heritage Convention. Several recommendations were laid out for increasing Advisory Bodies involvement in terms of capacity building for participation in statutory meetings to support Committee members and transparency of documents and statutory meetings. After examining the outcomes of the Expert meeting, the World Heritage Committee requested the Advisory Bodies to implement the relevant recommendations in these areas (see Decision **35 COM 12B** and Document WHC-11/35.COM/12B). During the meeting, respective roles of the World Heritage Centre and the Advisory Bodies were also reviewed by the experts. Subsequently, the World Heritage Committee requested the World Heritage Centre and the Advisory Bodies to put in practice the mandated roles assigned to each under the

Convention and the *Operational Guidelines* to improve the efficiency of the implementation of the Convention and as clarified during the expert meeting in Bahrain (see Decision **35 COM 5D** and Document WHC-11/35.COM/5D).

The first meeting of the "Thinking Ahead" initiative in 2012 launched a reflection on how to enhance transparency and dialogue between stakeholders to the Convention in relation with issues identified in the Nomination process, the conservation of properties and the respective roles of the Secretariat and the Advisory Bodies (see the summary https://whc.unesco.org/en/events/1234/). Major outcomes of this first meeting were to encourage and to maintain an effective dialogue between the Advisory Bodies and relevant authorities and experts in the States Parties during the entire process of evaluation of nominations. For instance, participants agreed that in the interest of transparency, Advisory Bodies and the Secretariat should be encouraged to consult with the State Party concerned, prior to proposing a property on the List of World Heritage Danger, or that the Advisory Bodies should be engaged with the States Parties in the very first step of the Nomination process i.e. in the preparation and assessment of Tentative Lists and their regional harmonisation.

The 38th session of the World Heritage Committee (Doha, 2014) noted the positive impact of initiatives undertaken and invited all stakeholders to pursue efforts to enhance and facilitate dialogue, communication and transparency in all processes of the Convention (see Document WHC-14/38.COM/5C). A follow up meeting of the "Thinking ahead initiative" was held in January 2015 (summary available at https://whc.unesco.org/en/events/1233/), in which new recommendations on the Working methods of the Advisory Bodies were brought forward. At its 39th session, the World Heritage Committee took note of such outcomes, namely early guidance by the Advisory Bodies and reinforced cooperation with States Parties throughout the Nomination process, as well as reforms by Advisory Bodies to introduce greater transparency in the evaluation process and ensuring diversity among their resource persons (see Document WHC-15/39.COM/5C).

By its Decision **38 COM 13** (Doha, 2014), the World Heritage Committee called upon the Advisory Bodies to consult and have a dialogue with all concerned States Parties during the course of the evaluation of nominations, in order to enhance overall transparency and to optimise future decision-making by the World Heritage Committee (see Decision). Bearing in mind this objective, the Ad-Hoc Working Group was then established to examine issues related to working methods of the evaluation and formulate recommendations in this regard.

By Decision **39 COM 13A** (Bonn, 2015), the World Heritage Committee welcomed recommendations of the Ad-Hoc Working Group towards ensuring better transparency of Advisory Bodies' evaluations (see Decision). The recommendations regarding dialogue between Advisory Bodies and States Parties, expertise within Advisory Bodies and transparency of evaluation reports are detailed in Document WHC-15/39.COM/13A (see Document). The World Heritage Committee approved the revisions of the *Operational Guidelines* which reflected recommendations introducing new evaluation procedures to further strengthen dialogue and consultation with nominating States Parties while respecting the independence of the Advisory Bodies (see Document WHC-15/39.COM/INF.13A and Decision **39 COM 11**).

The World Heritage Committee requested a *Comparative Mapping of Forms and Models for Use of Advisory Services by International Instruments and Programmes*, which was conducted by the **Internal Oversight Service (IOS).** Having examined the mapping study by the IOS, the 2017/2018 intersessional Ad-Hoc Working Group emphasized on the need to enhance dialogue between Advisory Bodies and

States Parties in order to address root cause(s) for Committee decisions deviating from Advisory Bodies advice. The Working Group recommended (**Recommendation 7**) to consider possibilities for an in-depth explanation of the Advisory Bodies recommendations on nominations. Different possibilities were considered, in particular increasing the dialogue phase in the current nomination cycle, dedicate a work-day to present all the recommendations briefly to Committee members and improving dialogue in relation to the Advisory Bodies Interim Reports (see paragraphs 38 to 42 and Annex D of Document WHC/18/42.COM/12A).

In view to increase transparency in the Nomination process and to strengthen dialogue between States Parties and the Advisory Bodies, the World Heritage Committee by Decision **43 COM 12** (Baku, 2019) endorsed a **wide set of Nomination process reforms** proposed by the Ad-Hoc Working Group, including those regarding Advisory Bodies methodology for evaluation of nominations as well as their process for selecting panel members and advisors:

- 9. Recommends to **Advisory Bodies to publish their methodology** and the existing policies of evaluation of the nominations at each stage of the Nomination process, with a view of its possible improvement to increase the transparency and better understanding by the State Parties of reasoning behind their conclusions and recommendations;
- 10. Recommends to **Advisory Bodies to publish the list of panel members and criteria of selection** of the field mission experts, the panel members and advisors for the sake of transparency; (see p. 10 and Annex D of Document WHC/19/43.COM/12)

While overarching principles suggested during the **Tunis Expert meeting** (Tunis, January, 2019) applies to all stakeholders to the Convention, some of these, such as ensuring consistency and a scientific-based approach throughout the Nomination process, could be further refined to designate more specifically Advisory Bodies' role in upholding the quality and credibility of the process (see Document WHC/19/43.COM/INF.8).

Experts stressed during the meeting the necessity of **enhancing dialogue** with States Parties and for the Advisory Bodies to assist them in fulfilling adequate reforms for a credible and balanced List, for instance in harmonizing Tentative Lists. Specific measures discussed by the experts related to the **working methods of the Advisory Bodies** could be noted:

- Further involvement of more regional experts by Advisory Bodies and enhancement of their regional networks;

- In some exceptional cases, a possible examination of an option of seeking a second opinion concerning the recommendation of the Advisory Bodies, – where this could help avoid Committee decisions deviating from Advisory Bodies advice;

- Making available more comprehensive description of the Advisory Bodies' methodology for assessing criteria, for selection of experts visiting the sites and for the regional representation of the experts in their Panels. (WHC/19/43.COM/INF.8, p. 12-13)

C. Recommendations specific to the Secretariat of the World Heritage Convention and other stakeholders

In the framework of a larger audit plan carried out for the year 2009, the External Auditor conducted an audit of the organization of the World Heritage Centre in December 2009. The World Heritage Committee took note in Decision **35 COM 5C** of the implementation of the recommendations set out in the report of the audit, among them **Recommendation 4** and **Recommendation 6** on ensuring

transparency in the recruitment process and balanced distribution of the World Heritage Centre staff respecting the highest standards of efficiency, competence and integrity, and **Recommendation 12** on private partnerships (see Decision **35 COM 5C** and Document WHC-11/35.COM/5C).

The first meeting of the "Thinking Ahead" initiative in 2012 was an occasion to reflect on a better inclusion of communities while achieving Sustainable Development. Agreement was reached on the need to make use of the Convention as an engine for promoting Sustainable Development, focussing on local communities and incorporating poverty reduction aspects into management programmes. Transparency, dialogue and consultation in Convention processes by all parties was also considered as a critical part of better enabling communities to participate as partners in the Convention, and secure benefits associated with listing of sites on the World Heritage List. Participants to the meeting also discussed the role of the Secretariat, which could play a much stronger role in consistently reminding the World Heritage Committee of the Operational Guidelines, Rules of Procedure and its own past decisions, and could serve as a facilitator between the States Parties and Advisory Bodies (see the summary https://whc.unesco.org/en/events/1234/). Elements relevant to the Secretariat were further developed in the following years and conclusions were drawn at the 39th session of the Committee, notably towards strengthening cooperation and communication between the Secretariat and Advisory Bodies (establishment of the "SOC week" on state of conservation), and the reinforcement of Information and Orientation Sessions for Committee members (see Document WHC-15/39.COM/5C).

In the framework of the follow-up to the recommendations of the open-ended working group of the General Conference as endorsed by Resolution **39C/87**, the Ad-Hoc Working Group formulated proposals for the implementation by the Secretariat of recommendations on the communication of Bureau Documents and on fostering informal consultations on draft decision for a more inclusive and effective decision-making (see paragraphs 64 and 69 in the Annex of document WHC-18/42.COM/12B).

Concerning the Partnerships for Conservation (PACT) Initiative Strategy, it is worth taking into account rules that UNESCO applies to its partnerships, especially with the private sector, in order to fully comply with international law and standards of integrity (see https://en.unesco.org/partnerships and Document WHC-13/37.COM/5D for the Revised Partnerships for Conservation (PACT) Initiative Strategy).

3. ELEMENTS FROM TEXTS RELATED TO WORLD HERITAGE THAT COULD BE REFERENCED IN A CODE OF CONDUCT, OR A STATEMENT OF ETHICAL PRINCIPLES OR EQUIVALENT TEXT

As explained by the Legal Adviser of UNESCO during the debates of the 43rd session of the Committee, it would not be possible, through the adoption of a Code of Conduct, to impose on States Parties to the Convention obligations additional to those foreseen in the Convention, nor could a such a code include procedural measures that would be in contradiction with the Rules of Procedure of the Committee (see page 638 of the summary records of the debates). In its Resolution **22 GA 10**, the General Assembly of States Parties further recognized that a Code of Conduct or a Statement of Ethical Principles or equivalent text is not legally binding, but stakeholders are called upon to honor its contents. Therefore, the following presents elements from the Basic Texts that could serve as a basis for the elaboration of a Code of Conduct.

A. States Parties to the Convention and the members of the World Heritage Committee

The World Heritage Convention

The Convention representing the fundamental text of the World Heritage system, it describes the core values to which every stakeholder adheres to. Articles could therefore be referred to in a Code of Conduct, or a Statement of Ethical Principles or equivalent text.

- **The preamble** states the main principles of the Convention, which could be referenced and reaffirmed as overall guidance and objectives for the highest standards of conduct in an ethical statement or equivalent text.

- **Article 6.3** states that "Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention".

- As recommended by the Tunis meeting (Tunisia, 2019, see Document WHC/19/43.COM/INF.8), and in relation to decision-making procedures which should be based "on an expert, scientific-based approach and verifiable technical evidence" (..) "more heritage experts, both nature and culture, should be included in the delegations of the Committee Members, in compliance with **Article 9** of the Convention", which states that "States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage". Advisory Bodies have similar articles in this regard (see ICCROM's Basic Texts under article 5.1.c on the composition of the Council).

See full text of the Convention: https://whc.unesco.org/archive/convention-en.pdf

The Operational Guidelines for the Implementation of the World Heritage Convention

The *Operational Guidelines* provide guidance for the Implementation of the Convention. Over time, this document has been revised by the Committee to reflect on new developments and concepts. The following provisions relate to how and what is expected from stakeholders to the Convention to implement it in a transparent and inclusive manner.

General Provisions and values

- Provisions recalling the purpose and scope of the World Heritage Convention, more particularly, the overall goal to protect natural and cultural heritage of Outstanding Universal Value while significantly contributing to the Sustainable Development (paragraphs 4 and 6);
- Provisions related to obligations for States Parties (paragraph 15), encouraging them to adopt an inclusive and human-rights based approach in the implementation of the Convention, while mainstreaming principles of relevant policies adopted by governing bodies of the Convention and of UNESCO (paragraph 12, 14 and14bis);

Governance

- Provisions related to the World Heritage Committee, inciting Committee members to reduce their term of office to ensure an equitable representation and rotation (paragraph 21). The *Operational Guidelines* also recall that Committee decisions must be based on objective and scientific considerations, and thoroughly and responsibly carried out (paragraph 23);

Transparency and inclusiveness in implementing the Convention

- Paragraph 39 on the Partners in the protection of World Heritage underlines that a partnership approach to nomination, management and monitoring, is underpinned by inclusive, transparent and accountable decision-making;

Transparency and inclusiveness in the Nomination process

- Provisions encouraging States Parties to prepare their Tentative Lists in cooperation with other States Parties and a wide range of stakeholders in a fully participative and inclusive manner (paragraphs 64 and 73);
- Paragraph 123 underlines that an effective and inclusive participation of all stakeholders is essential in the preparation of Nominations;

Transparency and inclusiveness in Conservation

- Provisions indicating elements for developing management systems respectful of cultural and natural diversity of properties, and engaging States Parties responsibility in this regard (paragraphs 111 and 117);
- Paragraph 119 details how States Parties and other stakeholders can contribute to environmental and cultural sustainability through World Heritage properties;
- Paragraph 171 recommends States Parties to cooperate with the Advisory Bodies for objective Reactive Monitoring;
- Paragraph 172 inviting States Parties to duly inform the Committee of their intention to conduct works that may affect the Outstanding Universal Value of a property;

For the full text of the *Operational Guidelines* see: https://whc.unesco.org/en/guidelines/

Rules of Procedure of the World Heritage Committee and of the General Assembly of States Parties

Rules of Procedure contain provisions for conducting work of the Committee and the General Assembly in conformity with transparent and ethical standards.

- Rule 5.2 of the World Heritage Committee on the composition of Delegations
- Rule 13.3 of the World Heritage Committee in order to ensure an equitable representation of the different regions and cultures of the world and a proper balance between the cultural and natural heritage with regard while electing members of the Bureau
- Rule 14.1 and 15.3 of the World Heritage Committee on the duties of its Chairperson
- Rule 5 of the General Assembly on the Public nature of meetings

See full texts: https://whc.unesco.org/en/committee ; https://whc.unesco.org/en/ga

Financial Regulations

While not directly related to ethics, it is worth mentioning that operations of the World Heritage Fund are governed by rigorous financial regulations and monitored by the External Auditor in conformity with the highest auditing standards (See full text of the financial regulations; see also Regulations governing the financial administration of UNESCO; and the Annex to the Financial : Additional Terms of Reference Governing the Audit).

B. *The Secretariat*

As noted by the General Assembly of States Parties in Resolution **22 GA 10** and as mentioned by the Legal Adviser of UNESCO at the 43rd session of the Committee, the Code of Conduct should not impose new obligations on the staff members of the Secretariat as part of UNESCO. The Secretariat of the Committee is composed of officials of UNESCO whose duties and obligations are embodied in UNESCO's Staff Regulations that are approved by the General Conference. Pursuant to these Staff Regulations, UNESCO officials are subject to the authority of the Director-General and are responsible to the Director-General in the exercise of their duties. The Staff Regulations also provide that members of the Secretariat shall not accept instructions from any authority external to the Organization. It follows from the above that only the General Conference of UNESCO and the Director-General are entitled to impose rules of conduct on the Secretariat.

Nonetheless, the Legal Adviser pointed out that the staff regulations refer to the status of members of the Secretariat as international civil servants which require independence, impartiality and integrity. Furthermore, the Standards of Conduct for the International Civil service developed by the International Civil Service Commission and which applies to civil servants of the United Nations systems including its specialized agencies also refer to independence, impartiality and integrity as principles that guide civil servants in their actions. The Legal Adviser therefore concluded it would be possible to refer in the Code of Conduct to the abovementioned principles which apply to the Secretariat to the Convention and which are enshrined in UNESCO Staff Regulations and Rules and the Standards of Conduct for International Civil Service. He suggested that this could be done for example in the preamble, while not imposing new obligations on the staff members of the Secretariat as part of UNESCO (see p. 638-639 of the [summary records of the debates](#)).

Standards of Conduct for the International Civil Service

As evoked above, the Secretariat is comprised of civil servants of the United Nations systems abiding by the Standards of Conduct for the International Civil Service which include elements such as independence, impartiality and integrity that could be referenced in a Code of conduct, or a Statement of Ethical Principles or equivalent text (see [full text](#)).

- The **Foreword** working as a Preamble states that "*The intention of the Standards of Conduct is to reflect the overarching ideals of behaviour and conduct of the international civil service. They set out basic principles that form the ethical and philosophical underpinnings of the international civil service. These **guiding principles are integrity, loyalty, independence, impartiality, tolerance, understanding, freedom from discrimination, gender equality and dignity***". It also requires that all members of the staff to understand and sympathize with these principles. This is similarly true for ICCROM whose staff members subscribe to an oath or declaration to respect the obligations as set out both in its Staff Regulations and Rules and the Standards of Conduct for the International Civil Service (see ICCROM's Regulation 1.6 and Rule 10.1 mentioned further below in section 3.C of this document).

- The **Introduction** recalls that the UNESCO staff, as international civil servants from the UN system, serve common ideals and therefore adhere to the **highest standards of conduct** such as competence, integrity, impartiality, independence and discretion.

- The Standards of Conduct for the International Civil Service detail **Guiding principles**, notably **integrity, impartiality and independence**. Other core values representing ethical principles

such as tolerance, loyalty, respect for diversity and gender equality are outlined in this chapter as well as in the chapter on the **Respect for different customs and culture**.

- Under chapter **Relations with member States and legislative bodies**, emphasizes that **neutrality** should govern relations of UNESCO staff with member States and related intergovernmental bodies.

- Transparency as an ethical practice to behave for the overall interest of the organization is underlined in the chapter dedicated to the **Relations with the media.**

- Finally, the Standards of Conduct for the International Civil Service sets that the **highest professional standards** should prevail in private life (chapter **Personal conduct**) and that attachment to these standards requires the highest commitment of all parties assures the independence and impartiality of the international civil service (see **Conclusion**).

UNESCO's Staff Regulations and Rules

Stemming from the Standards of Conduct for International Civil Service, staff of the Secretariat is legally bound to the UNESCO's Staff Regulations and Rules while performing their duties for the organization. Many of the Rules could be referenced or adapted to be included in a potential Code of Conduct for all stakeholders to the Convention.

The Staff Regulations and Rules define common values and duties to UNESCO's global mission (Preamble, purpose and scope). They further precise how a member of UNESCO is expected to behave, in certain situations characterized by an ethical approach (Chapter I on Duties, obligations and privileges; Regulation 1.1, 1.3, 1.4, 1.9 and 1.9.1).

Being legally binding, appropriate action to sanction misconduct and infringements to the Rules are foreseen in Chapter X on Disciplinary measure (Regulation 10.2, Rule 110.1, 110.2 and 110.3) and Chapter XI on Appeals (Regulation 11.1, 11.2, Rule 111. 1 and 111. 2).

See full text.

It is worth mentioning that UNESCO, has established an Ethics Office to assist and provide advice to the Organization and its personnel on ethics and standards of conduct and thus to promote an ethical organizational culture based on UNESCO's core values of integrity, professionalism and respect for diversity. Among its main functions, it provides guidance to UNESCO staff in identifying, mitigating and managing ethical issues and making value-based, ethical decisions that serve the best interests of the Organization. Furthermore, the Ethics Office is mandated to draft and review UNESCO policies to ensure that these engender the Organization's core ethical values (see https://en.unesco.org/ethics).

C. The Advisory Bodies of the Convention

The Convention itself defines the functions of the Advisory Bodies, which were further refined and clarified as mentioned above (see part 2.B. of the present Document and Decision **35 COM 5D**). From an ethical perspective, certain provisions integrated into the *Operational Guidelines* over the years are worth mentioning as well with regard to the working methods of the Advisory Bodies:

- Paragraph 73 states that the Advisory Bodies assist States Parties in the harmonization of Tentative Lists with an inclusive approach while promoting common values.
- Paragraph 148 lists the principles that must guide the evaluations and presentations of nominations by the Advisory Bodies;

- Paragraph 168bis(d) on the Financing of evaluation of nominations, more precisely stating that this mechanism shall not impact the objective evaluation of sites by the Advisory Bodies;
- The Annex 6 details the evaluation procedures of the Advisory Bodies for nominations.

(see *Operational Guidelines*: https://whc.unesco.org/en/guidelines/)

As noted by the 2018-2019 Ad Hoc Working Group, similarly to the Secretariat of the Convention, the Advisory Bodies - IUCN, ICOMOS and ICCROM - are subject to their own staff rules and regulations (under different denomination such as staff Rules, Code of conduct and Professional Ethics or Ethical Principles). These standards apply to each of the above-mentioned Organizations in their own capacity but can be considered as reference in the framework of the elaboration of a Code of Conduct addressed to all stakeholders of the Convention. In addition, the Standards of Conduct for the International Civil Service are also specifically mentioned in ICCROM's Staff Regulations and Rules. Hence, below are briefly presented staff rules and regulations from each Advisory Body.

ICOMOS

- ICOMOS has adopted Ethical Principles with a large scope covering all aspect of work of the organization and staff conduct with international partners (see full text).

IUCN

- IUCN has an integrity and safeguards framework which includes a range of policies, codes of conduct, terms of reference and staff rules which govern the conduct of its expert networks. This framework also sets out a series of implementation processes to ensure compliance. Key elements include an adopted "Code of Conduct and Professional Practices for the Secretariat including Conflict of Interest framework " complying with internationally recognized ethical standards which applies to its relation with expert networks (see full code, similar codes of conduct for IUCN Councillors and members of IUCN Commissions; and a full accountability policy at IUCN's website).
- IUCN has a specific code of conduct linked to terms of reference for its World Heritage Panel which applies to every person employed or otherwise paid by IUCN in its Secretariat, or other capacity to process World Heritage nominations (see code).
- IUCN has established two Ethics Committees which are charged with responding to investigations related to conduct and ethical issues.

ICCROM

- Within ICCROM's Basic Texts, more precisely the Statutes under article 6.b regarding The Secretariat, it is stated how relations should be governed between member States and the Secretariat, namely that the Staff shall neither seek nor receive instructions from any authority external and that each Member State undertakes shall not seek to influence them in the discharge of their duties (see Basic Texts)
- ICCROM's Staff Regulations and Rules, outlines Standards of Conduct of Staff Members under chapter 1 Rule 10 (see ICCROM's Staff Regulations and Rules).
- ICCROM's staff members are bound under chapter 1 Rule 10 to subscribe to an oath or declaration as set out in Regulation 1.6. The oath/declaration requires the staff member to respect the obligations as set out both in the organization's Staff Regulations and Rules as well as to conform in accordance with the Standards of Conduct for the International Civil Service.
- Furthermore, its website publicly shares the Values and Ethics of the organization (see values and ethics).

4. GOOD PRACTICES ELSEWHERE: EXISTING NORMATIVE INSTRUMENTS IN THE FIELD OF CULTURE RELEVANT FOR THE ELABORATION OF A DRAFT CODE OF CONDUCT ADDRESSED TO ALL STAKEHOLDERS OF THE 1972 CONVENTION

The following presents non-exhaustive examples of existing guidelines or norms of conduct that may be applicable to stakeholders of other normative instruments within UNESCO, the UN specialized agencies and other international organizations in the cultural field. While not fully comparable, such ethical principles might assist in the drafting of a Code of conduct addressed to all stakeholders of the 1972 Convention.

A. Texts adopted within the UNESCO framework

- Ethical Principles for Safeguarding **Intangible Cultural Heritage**: Such principles have been elaborated for the stakeholders of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. They represent a set of overarching aspirational principles that are widely accepted as constituting good practices for governments, organizations and individuals directly or indirectly affecting Intangible Cultural Heritage (see **Ethical Principles**).
- International Code of Ethics for Dealers in Cultural Property elaborated by the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: **English**
- The 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions states its objectives and guiding principles in its first chapter: **English**
- The 2017 UNESCO Declaration of Ethical Principles in relation to Climate Change: **English**
- Memory of the World Programme Code of Ethics: **English**

B. Examples of guidance documents worth mentioning within the United Nations.

- United Nations Economic and Social Council (ECOSOC), Committee on Economic, Social and Cultural Rights (CESCR), 'General Comment No. 17: The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author': **English**|**French**|**Spanish**|**Russian**|**Arabic**|**Chinese**
- Resolution adopted by the General Assembly of the United Nations on the '2005 World Summit Outcome' reaffirming shared values and principles: **English**|
- United Nations Declaration on the Rights of Indigenous Peoples: **English**|**French**|**Spanish**|**Russian**|**Arabic**|**Chinese**
- United Nations High Commissioner for Refugees: **English**

C. Other examples of codes of ethics and professional codes of conduct in the cultural field to which member States could refer

- International Council of Museums, 'Code of Ethics for Museums': **English**|**French**|**Spanish**
- International Council on Archives, 'Code of Ethics': **English**|**French**|**Other languages**
- UN World Tourism Organization (UNWTO), 'Global Code of Ethics for Tourism': **English**|**French**|**Spanish**|**Russian**|**Arabic**|**Chinese**