

Report
**First meeting of the open-ended working group of States Parties established
with the mandate to develop a Code of Conduct, or a Statement of
Ethical Principles or equivalent text (in conformity with Resolution
22 GA 10)**

16 February 2021
12.00 p.m. – 3.00 p.m. (Paris time, UTC+1)
Online meeting

Opening of the meeting, by the Director of the World Heritage Centre

The **Director of the World Heritage Centre (DIR/WHC)**, **Ms. Mechtild Rössler**, welcomed all participants to the Inception meeting of the open-ended working group of States Parties to the World Heritage Convention established with the mandate to develop a Code of Conduct, or a Statement of Ethical Principles or equivalent text and gave some technical explanations for the conduct of the meeting.

Remarks by the UNESCO Assistant Director-General for Culture

In his introductory remarks, the **Assistant Director-General for Culture (ADG/CLT)**, **Mr. Ernesto Ottone R.**, renewed his thanks to States Parties for their unwavering efforts and commitment in continuing the implementation of the World Heritage Convention despite challenges faced for almost a year. He therefore welcomed the launch of the work of the Working Group in charge of developing a draft text that raises high expectations notably from States Parties themselves. He thus recalled that States Parties have at several occasions, notably during the debates of the 43rd session of the World Heritage Committee and the 22nd session of the General Assembly of States Parties in 2019, underlined 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, and also stressed 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.

In this regard, ADG/CLT reminded that it would be up to the Working Group to determine how best to engage the World Heritage Centre and the Advisory Bodies in the process at the appropriate time as per Resolution **22 GA 10**. ADG/CLT reiterated the Secretariat's readiness to provide full organisational and statutory support to assist States Parties in this task.

Finally, ADG/CLT concluded by underscoring that he had no doubts that the Working Group would have constructive exchanges and would develop a text meeting all expectations, which would strengthen the implementation of the Convention and lead to more transparent mechanisms and well-informed decision-making.

Election of the Chairperson, the Vice-Chairperson and the Rapporteur of the open-ended working group of States Parties

DIR/WHC indicated that Morocco, in his quality of Chair of the electoral Group V(b) at the time, had proposed by letter addressed to the World Heritage Centre, **H.E. Mr. Ghazi GHERAIRI, Ambassador, Permanent Delegate of Tunisia**, for the position of Chairperson of the Working Group. His Excellency Mr. Ghazi GHERAIRI (Tunisia) was unanimously elected Chairperson of the Working Group.

DIR/WHC informed that Armenia, in its quality of Chair of the electoral Group II, had proposed by letter addressed to the World Heritage Centre, **H.E. Mr. Christian TER STEPANIAN, Ambassador, Permanent Delegate of Armenia**, for the position of Vice-Chairperson of the Working Group. His Excellency Mr. Christian TER STEPANIAN (Armenia) was unanimously elected Vice-Chairperson of the Working Group.

DIR/WHC further indicated that Germany, in its quality of Chair of the electoral Group I at the time, had proposed by letter addressed to the World Heritage Centre, **Mr. Ole Søre ERIKSEN from the Delegation of Norway**, for the position of Rapporteur of the Working Group. Mr. Ole Søre ERIKSEN was unanimously elected Rapporteur of the Working Group.

The composition of the Bureau of the Working Group being completed, DIR/WHC gave the floor to the Chairperson for the conduct of the rest of the debates.

The **Chairperson** extended his most sincere gratitude to the States Parties for their trust and for choosing him. He emphasized that he was deeply honored to be entrusted with the position of Chairperson of the Working Group, with the mandate to develop a highly expected text. The Chairperson underlines that with the help of the Vice-Chairperson and the Rapporteur, and most of all with the contribution of the representatives of the States Parties, the Working Group will succeed in elaborating a draft ethical text of high quality meeting all expectations. The Chairperson also stressed that the meeting was indeed an "inception" meeting, whose purpose was precisely to launch the work of the group with important contextual reminders and to establish the timetable for future meetings of the Working Group.

Background information, by the Director of the World Heritage Centre

DIR/WHC presented background information on the reflection and the process that lead to the establishment of the Working Group. She indicated that a Background document had been prepared by the Secretariat, summarizing the reflection process undertaken since 2009 and the launch of the reflection on the "Future of the Convention". She added that the possibility of a Code of Conduct for the members of the World Heritage Committee was first mentioned in Decision **42 COM 12A** at 42nd session the Committee (Manama, 2018). This possibility was further discussed in the framework of the 2018-2019 Ad-Hoc working group (established by the Committee in 2014 to reflect on working methods) and led to Decision **43 COM 12** adopted in Baku in 2019, by which the Committee further encouraged informal consultations between States Parties on the possibility of the elaboration of a Code of Conduct; and also requested to include an item on this matter on the agenda of the 22nd session of the General Assembly of States Parties. As a result of the debates held within the General Assembly, States Parties recalled the necessity to elaborate a Code of Conduct between stakeholders of the Convention and reiterated their high expectations in this regard, reflected in Resolution **22 GA 10**. Consequently, the General Assembly decided to establish the current Working Group.

DIR/WHC continued by presenting the background document transmitted in July 2020 by the Secretariat to States Parties to assist with their work as requested in Resolution **22 GA 10**. This background document compiling a 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, can be outlined as follows:

- Part 1: General background of the genesis and establishment of the Working Group
- Part 2: Summary of the reflection process undertaken since 2009 (workshops/studies) and relevant decisions of the Governing Bodies of the 1972 Convention contributing to the establishment of standards of ethics and conduct
 - Part 2.A: Focus on the Governing Bodies of the Convention (General Assembly of States Parties / World Heritage Committee) and contribution of the Ad-Hoc Working Group in recommending measures to increase overall transparency in the decision-making process, with an emphasis on the links with the reform of the Nomination process.
 - Part 2.B: Focus on the Advisory Bodies and recommendations on enhancing transparency of working methods and the dialogue with the States Parties.
 - Part 2.C: Focus on the Secretariat and recommendations strengthening cooperation and communication between the Secretariat and States Parties as well as with the Advisory Bodies and other stakeholders.
- Part 3: ethical elements extracted from existing texts within the framework of the Convention
 - Part 3.A: The States Parties; the Basic Texts of the Convention (1972 Convention, Rules of Procedure of the General Assembly and of the World Heritage Committee, Operational Guidelines)
 - Part 3.B: The Secretariat; UNESCO's Staff Regulations and Rules and from the Standards of Conduct for the International Civil Service
 - Part 3.C: The Advisory Bodies; respective Staff rules and Policies related to ethics
- Part 4: Overview of relevant existing normative instruments within UNESCO, the United Nations system and in other international organization in the field of culture.

Finally, DIR/WHC recalled that States Parties have been encouraged by resolution **22 GA 10** to contribute with extrabudgetary resources to meetings that the working group will schedule after the inception meeting. She indicated in this regard that the cost of a 3-hour online session amounted roughly to US\$ 3,800 (including interpretation, webcast, technical set-up, etc...) and that to hold for example 5 meetings, a budget of US\$ 19,000 approximatively would have to be identified.

Questions and answers

The **Chairperson** invited the Delegations to express their views and eventually ask for clarifications. Before stating their opinions, the Delegates congratulated the Chairperson, the Vice-Person and the Rapporteur on their election and expressed their thanks to the Secretariat for the convening of the meeting and the presentation of background information.

The Delegation of **Norway** recalled the crucial importance to uphold the credibility of statutory processes of the Convention and to address growing concerns on the decision-making. The Delegation expressed concerns that studies and evaluations show that the credibility of the Convention and of the List is declining, and this is also being stated by the Committee itself and the General Assembly. The Delegation also recalled that in the framework of the 2018-2019 Ad-Hoc working group, members of the group had elaborated a Non-Paper document which included a draft Code of Conduct for the members of the World Heritage Committee. The Delegation asked whether such document should be the basis of the work of the Working Group.

The Delegation of the **Russian Federation** was of the opinion that in order to fully respect the highest standards of integrity and transparency, it was necessary to strictly abide by existing procedures of the Convention. However, the Delegation underlined the importance not to single out any State Party for not complying with ethical standards. The Delegation further stressed that a code of conduct could incorporate existing non-binding elements but not impose new obligations on States Parties.

The Delegation of **Kuwait** took the floor to emphasize the substantial work conducted by the Ad Hoc Working Group, suggest using the Non-Paper document by Norway as a basis, starting point of the work of the Working Group.

The Delegation of **Sweden** reminded of the importance of ensuring the credibility and integrity of the World Heritage Convention and recognized the important work already achieved in this regard by the Ad-Hoc working group, which constitute a solid basis for the continued work. The representative thus echoed the Delegation of Kuwait in supporting the use of the Non-Paper document by Norway.

The Delegation of **Saint Kitts and Nevis** supported the position from the Russian Federation to ensure ultimately that a Code of Conduct does not impose new obligations. The Representative raised concern over creating an additional set of rules that may be difficult to implement by SIDS and LDCs and impact them negatively.

The Delegation of **Syria** seconded the proposals made by the delegations of the Russian Federation and Saint Kitts and Nevis, and drew the attention to the timeliness of what has been presented by Norway and Kuwait. The delegate also concurred with previous Delegations in using the Non-Paper document by Norway as a basis for the work of the Working Group. She also supported the idea to develop a Code of conduct based on the experience of the 2003 Convention, and its Ethical Principles adopted in 2015, but added that it was still an early stage for States Parties to position themselves.

The Delegation of **Palestine** recalled that the Code of Conduct has been discussed for many years and seized the opportunity to thank the work undertaken by a great number of Delegations such as the Delegation of Norway. He insisted that this will not solve all issues related to the credibility of the World Heritage List but will nonetheless significantly contribute in enhancing the credibility of the decision-making of the Committee.

The Delegation of **Mexico** particularly thanked the involvement of the Advisory Bodies in enhancing their working methods (new application forms, evaluation missions, etc.). He mentioned that in 2019 Mexico collaborated with the Government of Cuba and the World Heritage Centre to establish new methodologies for elaborating Tentative Lists more effectively in the subregion of Mexico (Central America and the Caribbean). The delegate said he was confident that both the Working Group and the Ad-Hoc working group, of which Mexico is a member, will contribute to a more balanced process.

The Delegations of **Kuwait** and **Saudi Arabia** indicated their willingness to financially contribute to the meetings of the Working Group.

The **Chairperson** thanked the Delegation of Kuwait and Saudi Arabia for their generous offer and invited other States Parties who may wish to contribute financially to contact the World Heritage Centre. The Chairperson answered to the concern raised by the Russian Federation and

reassured delegates that the mandate of the Working Group was not to impose new obligations, quoting paragraph 7 of Resolution **22 GA 10**. The Chairperson further emphasized that this process is about credibility, and all States Parties must take on their responsibilities to this end.

DIR/WHC thanked the Delegations of Kuwait and of Saudi Arabia for their financial contribution. She also clarified that all relevant documents to assist with the work of the Working Group would be available at a dedicated webpage soon to be created.

The Delegation of **Saint Lucia** requested clarifications on the future work of the Working Group. She supported the use of the Non-Paper document by Norway as a basis for the work of the Working Group.

The **Chairperson** stressed that the work of the Working Group should be structured and guided by the framework of the Resolution **22 GA 10**. He pointed out that the Non-Paper document by Norway was conceived to fit the purpose of the mandate of the Ad-Hoc working group and indicated that the work of the Ad-Hoc working group will be taken into account by the Working Group in its future reflection.

The Delegation of **France** requested a clarification on the dates of the extended 44th session of the World Heritage Committee to be held in China.

DIR/WHC clarified that the 44th session of the Committee is to be held in June/July 2021 in China as decided during the 14th extraordinary session of the Committee in November 2020. She stressed that the Secretariat was working in close cooperation with the Chinese authorities regarding the organization and that more information will soon be transmitted.

Timetable of the open-ended working group of States Parties

The **Chairperson** proposed to proceed with the adoption of the timetable for the future meetings of the Working Group in view of the submission of a report and the draft text on a Code of Conduct for consideration by the General Assembly at its 23rd session in November 2021. Taking into account the timetable of other statutory meetings of the Governing Bodies of UNESCO and of other Conventions, the Chairperson suggested that the Working Group could meet every last Tuesday of each month until June. He further explained that this schedule would allow for 5 meetings with the possibility for a sixth meeting in September if deemed necessary. As no objections were raised, the timetable of the Working Group was adopted as follows:

- Tuesday 30 March
- Tuesday 27 April
- Tuesday 25 May
- June – date to be confirmed according to the holding of the 44th session of the Committee and potentially organized in the margin of the session
- September 2021 (if needed) - date to be confirmed

It was indicated that these meetings will be held from 12.00pm- 3.00pm (Paris time).

Closing of the meeting

The **Chairperson** expressed again its thanks to the electoral Group V(b) for having proposed him to the post of Chairperson of the Working Group and warmly thanked the representatives of the States Parties for their trust. He congratulated the Working Group for constructive exchanges and recalled that a dedicated web page containing all relevant information for the work of Working Group will shortly be created by the Secretariat.

The meeting rose at 1.20 pm.