

Third 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)

27 April 2021

Sweden's submission in advance of the 3rd working group meeting

Introductory remarks

Sweden notes with appreciation from the second working group meeting that it was agreed to use the Non-paper on Code of Conduct developed by the previous Ad-Hoc Working Group as a basis for the current Open-Ended Working Group on developing a Code of Conduct for decision-making concerning the World Heritage Convention.

In our previous submission, we argued that the Non-paper is a useful starting point for three principal reasons. Firstly, it implies efficient use of resources already invested into this matter. Secondly, it is well-structured and organized around the principal actors concerned. Thirdly, the Proposed Draft Code of Conduct makes clear cross-references to the key documents concerned.

Coming to terms with deviations from the recommendations of the Advisory Bodies

As stated at the previous working group meeting, Sweden believes in a World Heritage system in which decisions throughout the World Heritage process are transparent, inclusive, well informed and based on the advice of the Advisory Bodies.

Sweden recognizes the necessity to address any underlying factors that may have contributed to deviations from the recommendations of the Advisory Bodies in the past, such as issues of representation and differing perceptions of science, as suggested by the distinguished representative of Kenya at the second working group meeting.

Therefore, it seems appropriate that the Code of Conduct should make further reference to “representation” with appropriate cross-references, e.g. Operational Guidelines and any pre-existing codes of conduct of each respective organizations. As concerns differing perceptions and understandings of science the term “traditional” is frequently mentioned in the Operational Guidelines to emphasize that scientific research and modern regulatory means can be complemented with traditional knowledge and management practices.

Still, it is evident that deviations are mainly due to political lobbying as stated by the distinguished representative of Palestine at the previous working group meeting. Sweden considers that the credibility of the Convention is at stake when nominated properties that have been deemed appropriate for “deferral” and “non-inscription” are inscribed on the World Heritage List at the same meeting. We anticipate that a Code of Conduct will help address this problem in order to defend the universality of World Heritage.

Detailed review of the Non-paper draft with proposed revisions

Sweden would like to see the proposed “Non-paper” text retained with some minor adjustments. This section presents some concrete proposals. Proposed text additions are marked in red and strikethrough is used for proposed deletions in the Non-paper draft text (see attachment).

Name: the name “Code of Conduct” is appropriate. The term signals that the document includes both ethical principles and expected behaviour based on the rules set out in the documents concerned.

Purpose and scope: The introductory text describing “purpose and scope” is suitable overall. We propose to further clarify that the Code of Conduct makes more visible principles that are already enshrined in the documents concerned:

Importantly, the Code of Conduct does not impact the terms of the World Heritage Convention, its Operational Guidelines or Rules of Procedure. **Rather, it makes more visible principles that are already enshrined in these documents.** In addition, the Chair of the World Heritage Committee and the Secretariat have existing requirements under the Rules of Procedure but should also act in accordance with the principles of the Code of Conduct.

Section I Code of conduct: The text is sufficient with description of core principles of integrity, objectivity and impartiality.

Section II Code provisions: This section is structured around the key actors concerned which is suitable. The following text marked in bold is unnecessary and should be removed:

~~“The Committee strongly encourages the World Heritage Centre, the Advisory Bodies as well as the States Parties to the Convention to observe the Code of Conduct and abide by the following provisions:”~~

In the sub-section on Advisory Bodies, the word “representation” would be fitting, either in paragraph 15 or in a new separate paragraph. Appropriate cross-references should be made to the Operational Guidelines and to any other relevant documents. The following sentence may be added to paragraph 15:

Act in a manner consistent with this Code of Conduct, particularly in their capacity to advise the Committee in its deliberations. This includes transparent, equal and open processes, publishing of principles and criteria for selection of experts to missions, evaluations and panels, strengthened efforts to enhance dialogue and provision of early advice **and demonstrating efforts to achieve regional representation.**