

Contribution of the Kingdom of Belgium to the ongoing working group on the Code of Conduct

Belgium thanks the Secretariat, the Advisory Bodies, the Committee, and all the States Parties for their efforts in this ambitious project to draft a Code of Conduct. It wishes to contribute to that important work and submits to the ongoing working group the conclusions of its reflections on the issue, as well as its suggestions and questions.

Like many others, we have noticed the fast-moving changes that are affecting heritage and world heritage, which are subject to natural or anthropogenic threats that are increasingly significant in terms of intensity and frequency. Nonetheless, the Convention concerning the World Cultural and Natural Heritage remains relevant and we would like to pay tribute to the foresight and insight of its originators who laid the foundations of our heritage policies and established a mechanism that combines the sovereignty of States by recognising their primary responsibility for heritage and the importance of international solidarity, both financial and technical, when that heritage comes under threat.

The primary objective of the Convention is to ensure the conservation of World Heritage properties. The convention also asserts the importance of giving heritage a role in the life of the community. These two aspects must be strengthened: the role assigned to heritage properties must support their conservation and their conservation must enable their use. This is a delicate balance and sometimes the relationship is reversed when use, particularly when it relates to tourism, becomes the primary objective. The credibility of the List should make us very careful to avoid that inappropriate approach. By conducting studies and sharing best practices, we not only strengthen the conservation of World Heritage sites but also advance the cause of heritage as a whole. World Heritage should not only be seen as representative of the history of the Earth and humanity, but also as a unique, irreplaceable resource and as a source of inspiration and innovation. It merits the greatest attention not only because of its fragility but also because of its symbolic value for the whole of heritage and humanity.

The notion of heritage has broadened considerably since the World Heritage Convention was adopted. The credibility of the World Heritage List requires that the Committee and the international community continue to reflect on what exactly constitutes heritage in a 21st century that strives to be respectful of human rights, gender equality, cultural and natural diversity, sustainable development, and that looks to the future. The 50th anniversary should be an opportunity to be both mindful of the past and forward-looking in that reflection.

The Convention is in the hands of the States that have ratified it. The Committee is the operational mechanism, and serving on the Committee means serving the interests of all and not promoting those of one's own State. For that reason, the incentive not to submit new nominations for inscription on the List during the term of office is crucial. It is the mark of a wish to work for the common good. At the very least, Committee members who have such a nomination under consideration during their term of office should refrain from taking part in the debates and strictly adhere to the rules imposed on non-Committee members: not to argue their case, to speak only when invited to do so, and to limit themselves to answering questions put to them by other Committee members.

The measures will only be implemented if the States agree to them, which is why the Committee might consider revising its working methods. Too much time is wasted on unnecessary speeches. There is no need for all or almost all members of the Committee to congratulate the State whose

nomination has just been inscribed on the World Heritage List or is about to be. This practice is to the detriment of actual work in sessions with an ever-growing agenda. Similarly, it is regrettable that the state of conservation reports on sites included on the List of World Heritage in Danger are not always presented to the Committee for discussion. When these are approved without being presented and debated, those sites remain “under the radar” and out of the spotlight. Consideration should also be given to implementing Article 172 and the questioning of the Committee by third parties. The participation and involvement of communities ensures the successful implementation of the Convention, but it is important to avoid using the Convention as a means to apply pressure and interfere in the States’ management.

The Nomination files process is increasingly complex and represents a significant financial investment. Undertaking that process is usually a long-term endeavour carried out in an inclusive manner. Serial transnational nominations are particularly time-consuming and require investment from both national authorities and local communities. The assistance of the Advisory Bodies and the implementation of the process at an early stage is particularly important in this type of nomination in order to avoid misleading impressions, misunderstandings, and the rise of tensions between the national authorities and the Advisory Bodies. Dialogue is essential and the earlier it is initiated, the better the outcome. Whether technical assistance is provided or not, all States Parties should be provided with general access.

The work should be focused more on the obligation of results, rather than resources. Requests issued to States must be evaluated in terms of the cost-benefit ratio for the heritage property.

Regarding the draft Code of Conduct prepared by the Ad Hoc Committee, we would like to make some remarks and suggestions. However, before moving on to those, there are two important issues to be addressed.

The first is the status to be given to the Code of Conduct. It is certainly important and should be a reference document for all parties involved in World Heritage processes. However, it restates a number of provisions that exist elsewhere in the Rules of Procedure and in the Operational Guidelines, but puts them in dialogue with each other. The compilation is certainly interesting, useful, and easy for users, but it poses several problems: the provisions have different statuses: Convention, Rules of Procedure, Operational Guidelines, new provision. As a result, the status varies from paragraph to paragraph, as do the amendment procedures. This constitutes a level of complexity that must be brought under control.

The second issue also relates to the status of the document and its adoption. As the envisaged Code of Conduct does not only concern the members of the Committee and the work of the Committee, should its adoption not be submitted to the General Assembly? This approach is all the more conceivable if the objective is widespread adherence to the Code of Conduct. It will be all the more legitimate if it has been endorsed by the plenary of the States Parties.

More specifically:

- §3: reflect all the provisions of Article 21 of the Operational Guidelines and add a reference to Article 13.2 of the General Assembly’s Rules of Procedure (minimum of 6 years between two mandates)

- §7: revise the wording to reconcile the rejection of lobbying and legitimate interest in the issues on which Committee members are called upon to decide or to shed light on a matter under discussion by the Committee
- §8: These provisions concern all States Parties. As such, they should be moved to the relevant chapter or the wording should be revised to reiterate that, for cases concerning them, Committee members must also comply with the provisions applying to all States Parties.
- §9: This provision is not of the same nature as the others and should not impede the quality of debates.
- §11: delete the last sentence which limits the Committee's working and decision-making capacity. The work must be based on dialogue, mutual respect, as well as respect for each other's prerogatives.
- §12: It should be clarified that it is the statement of universal value that is adopted at the time of inscription on the World Heritage List. The World Heritage List identifies properties of outstanding universal value. The Committee recognises that value, but that value exists independently of the inscription (see Article 12 of the Convention).
- §14: Does this provision belong in a Code of Conduct? Its inclusion is all the more surprising given that the payment of voluntary contributions and any arrears is a condition of eligibility for the World Heritage Committee. If so, it should apply to all States Parties and should therefore be moved to the relevant chapter.