

Report
**Second 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)**

30 March 2021
12.00 p.m. – 3.00 p.m. (Paris time, UTC+2)
Online meeting

Chairperson: His Excellency Ghazi GHERAIRI, Ambassador of Tunisia

Opening of the meeting by the Chairperson

The **Chairperson** welcomed all participants to the meeting of the Open-ended working group of States Parties (hereinafter referred to as the Working Group) and announced the participation of the Vice-Chairperson, H.E. Mr. Christian TER STEPANIAN, Ambassador, Permanent Delegate of Armenia, and the Rapporteur, Mr. Ole Søre ERIKSEN (Norway), who is following the meeting online. He briefly recapped the first meeting of the group, held on 16 February 2021, in which the group elected its Bureau and adopted a timetable for its work. He also extended his thanks to Austria, Kuwait and Saudi Arabia who confirmed their financial support for the organization of the meetings of the Working Group. He then gave the floor to the **Director of the World Heritage Centre (DIR/WHC), Ms. Mechtild Rössler**, for technical information regarding the conduct of the meeting.

Discussion regarding the drafting of a draft Code of Conduct, or a Statement of Ethical Principles or equivalent text

The **Chairperson** recalled the purpose of this second meeting, which consists in dealing with the substance of the draft ethical text that the General Assembly had requested to be developed for consideration at its 23rd session. He emphasized that the Bureau of the Working Group wished for an open and substantial discussion in the most inclusive manner, taking into account all opinions. The Chairperson reminded the States Parties that the end result will contribute towards a more balanced and representative World Heritage List. He recalled that the States Parties had been invited to submit written contributions concerning the major themes that could be contained in a future text. In this context, the Chairperson welcomed efforts made by the Swedish Delegation which transmitted a contribution and invited it to present it orally.

The Delegation of **Sweden** reaffirmed the importance of World Heritage processes which are transparent, inclusive, well-informed, and based on the advice of the Advisory Bodies. The Delegation further reasserted its strong belief in a balanced and representative World Heritage List in line with Global Strategy and that conservation as a principal goal of the Convention should be prioritised over new nominations. It noted that the credibility of the Convention was at stake, particularly given the frequent deviations of decisions away from the recommendations of Advisory Bodies and insisted that expert based decision making should constitute an integral part of World Heritage decisions at every level. The Delegation reiterated its remarks made at the previous meeting, namely that it considered important to use the Non-Paper document on the

Code of Conduct developed by the Ad-Hoc Working Group 2018-2019 as a starting point. It considered that building on this work implies efficient use of resources that have already been invested into the process of developing a Code of Conduct. The Delegation further considered that the non-paper document was solid, comprehensive, and well-structured around the principal actors concerned while providing a clear description of purpose and scope, defining core principles such as integrity, objectivity and impartiality which refers to the principles already enshrined in the Basic Texts of the Convention. The Delegation concluded by explaining that the task of the Working Group could thus be an opportunity for addressing the values, ethics and moral responsibilities already identified within a broader framework suitable to all States Parties.

The **Chairperson** thanked again the Delegation of Sweden for its contribution and recalled that the title of the Draft Text was tentative at this stage. He then invited the participants to share their impressions and present their views.

The Delegation of **Australia** recalled the Nomination process reform agreed upon by the Committee at its 43rd session (Baku, 2019), and stressed the importance of shared values and behaviours to support the integrity of the Convention to contribute to the important objectives of the Global Strategy which are in support of a representative, balanced and credible World Heritage List. The Delegation pointed out that given that these values are often embedded in Committee decisions and key documents it would be worth bringing them together in a single document. The Delegation echoed comments by the Delegation of Sweden and suggested that the Draft Text to be developed by the Bureau of the Working Group be structured in a manner that enables clarity and ease of use for all stakeholders.

The Delegation of **Kuwait** supported the remarks made by the Delegation of Sweden and spoke in favour of using the Non-Paper document developed by the Ad-Hoc Working Group. The Delegation considered that this document had a good structure, enabling the work to move forward. It considered that adopting the Non-Paper document as a starting point would build on the work already done, which already identified several major themes. The Delegation expressed its preference for the title “Code of Conduct” but remained flexible about the final title of the Draft Text, underlining that its priority was to discuss the content.

The Delegation of **Bosnia and Herzegovina** praised the holding of the meeting and called for extending the use of online meetings and modern technology, including after the end of the pandemic, to allow for more opportunities of quality exchanges on such important topics.

The Delegations of **Austria, Bangladesh, Egypt, Ethiopia, Kenya, Oman, the Philippines, the Republic of Korea, the Russian Federation, and of Saudi Arabia** indicated – orally or via the chat box - that they were not aware of such a Non-Paper document, with the understanding that it was developed by a separate Working Group to which they were not necessarily part. In order to ensure that all participants have the same background knowledge, the Delegations requested the Secretariat to make this document available on the web page dedicated to the work of the Working Group. In addition, it was requested to make available the Summary of discussions related to it to familiarize with the discussions on the drafting of such Non-Paper document. In this regard, several Delegates asked for clarifications concerning the process that led to the establishment of the current Working Group.

The Delegation of **Switzerland** recalled that it has continuously supported the reinforcement of decision-making and cooperation among actors of the Convention that foster a credible World Heritage List. It supported the idea to build on past experience and reflections undertaken on this topic, and reminded that the Tunis expert meeting (Tunis, 2019) had addressed this subject. The

Delegation drew attention to the fact that several studies showed that many decisions of the Committee had deviated from the recommendations of the Advisory Bodies, moving far away from a scientific-based approach and from ethical standards. The Delegation called for a focus on the Committee's behaviours and conduct, given that other actors have already complied in setting ethical standards. In particular, the Advisory Bodies and the Secretariat already have their own standards of conduct for their staff and experts. The Delegation stressed that it was now up to the States Parties as a whole to develop a set of rules/behaviours to comply with and follow. It agreed with the proposed title and reiterated the need to focus on existing proposals and to reflect how to improve and enrich them for a better decision-making and work within the Committee.

In answering questions of several States Parties regarding the written contribution of Sweden, the Delegation of **Sweden** clarified that its contribution was submitted in advance of the second meeting of the Working Group at the invitation of the Chairperson in the first meeting, and did not constitute a separate Non-paper on the Code of Conduct.

The Delegation of **Estonia** supported the use of the work already made in relation to the establishment of ethical standards and looked forward to the Non-Paper document being uploaded on the dedicated webpage. While recognising the shared responsibilities by all actors of the Convention, the Delegation considered that the Draft Text should remain focused on decision-making within the Committee as the idea of a Code of Conduct has emerged from the various observations, outside and within UNESCO, that Committee decisions were deviating from Advisory Bodies' recommendations.

The Delegation of **Norway** recognised that unlike Norway several States Parties were not engaged in the discussions of the 2018-2019 Ad-Hoc Working Group and have therefore less knowledge of the Non-Paper document. It stressed the importance of considering the Code of Conduct outside the Committee's prerogatives to include all States Parties to the reflection, as well as the Secretariat and the Advisory Bodies in a second step. For the purpose of initiating reflection on concrete examples, the Delegation suggested to start discussing provisions of the Non-Paper document once the Working Group had exhausted the general reflection regarding the drafting of the Draft Text.

The **Chairperson** agreed that starting discussions on an existing text had advantages but reiterated that, in the Bureau's view, a general reflection should first be carried out and fully exhausted before reflecting on a particular text. He invited again Delegations to express their views on the drafting of a text on ethical principles.

The Delegation of **Kenya** stated that it was difficult for a State Party which has not been part of the 2018-2019 Ad-Hoc Working Group to start discussing a document it had not seen and asked again for the Non-Paper document elaborated by the Ad-Hoc Working Group to be circulated.

The **Chairperson** explained that all documents deemed relevant will be rendered available to all States Parties and that no information was being retained, but on the contrary he stressed that a general reflection was thought to be necessary in order to consider in an inclusive manner all opinions beyond a particular existing text.

The Delegation of **Egypt** asked for a presentation of the Non-Paper document as well as of the main stakes of the discussions held in the framework of the Ad-Hoc Working Group, and the reasons why the text was not adopted.

The Delegation of **Palestine** echoed the suggestion made by Egypt and previous speakers. The Delegation indicated that the reflection could not be conducted with equal background knowledge among States Parties should the document be discussed today.

The **Chairperson** clarified that today's meeting was the opportunity to resolve the current "state of information" between States Parties, by having an open discussion independent from a previous text developed by a separate Working Group. Nonetheless, he indicated that the Working Group meeting today will take into consideration past reflections, and that the Non-Paper document could be shown after a general reflection. He further clarified this document would only be presented at this stage on the screen, as it would need to be first translated into French before being circulated to all members of the Working Group.

DIR/WHC clarified that the background of the process that led to the establishment of the current Working Group was explained in the background document prepared by the Secretariat, which was presented at the Inception meeting of the Working Group. She further clarified that this document was already available on the dedicated web page and that if requested, the Non-Paper of 2019 as well as the written contribution of Sweden could be made available on this page. DIR/WHC underlined that all relevant documents and those referring to previous reflections conducted within the Ad-Hoc Working Group, notably document WHC/18/42.COM/12A (report of the Ad-Hoc Working Group to the Committee), were referenced in the background document and accessible to all via hypertext links.

DIR/WHC clarified that following Recommendation n°3 of the [IOS study](#)¹, which called for "*the World Heritage Committee to identify the root cause(s) for Committee decisions deviating from Advisory Bodies advice, procured at a significant cost to the World Heritage Fund, and take action to address them*", the Committee decided in 2018 to consider other possible measures, such as a Code of Conduct of the World Heritage Committee, to address the deviations of the World Heritage Committee from the recommendations of the Advisory Bodies. Following this decision, the Non-Paper document was developed as part of the discussions conducted by the 2018-2019 Ad-Hoc Working Group.

The **Chairperson** also clarified that the mandate of the Working Group is distinct from that of the Ad-Hoc Working Group, which is established by the Committee as part of the reform of its own decision-making processes. He indicated that Resolution **22 GA 10** establishes a framework for the work of the group, which is to elaborate a text drafted by the States Parties and which will be submitted for approval by the General Assembly of States Parties. Furthermore, the resolution specifies that the Draft Text will be addressed to all stakeholders of the Convention, thus going beyond the work of the Ad-Hoc Working Group. He underlined that the current initiative is intended to be a new starting point to allow all States Parties to join in the process. He further recalled that it was with this in mind that the Bureau of the group had proposed an open discussion, gathering all opinions and requests of each State Party on the themes structuring the Draft Text. The Chairperson considered that the exchanges held during this second meeting contributed effectively to the clarification of the purpose and structure of the Draft Text, which would make the actual drafting of the text more fluid and ultimately strengthen the legitimacy of a final text.

After a round of exchanges on the general reflection regarding the drafting of the Draft Text, the Chairperson asked the Secretariat to translate as soon as possible the Non-Paper document prepared in 2019 in the framework of the Ad-Hoc Working Group as well as the written contribution

¹ [Comparative Mapping Study of Forms and Models for use of Advisory Services by International Instruments and Programmes produced by the UNESCO Internal Oversight Service](#)

of Sweden and to make them available on the web page dedicated to the Open-ended working group. Having been involved in the drafting process of the Non-Paper document, the Chairperson then invited the Rapporteur of the Working Group to briefly explain its content. In order to facilitate the exchange on this subject, the Secretariat displayed on the screen the text (in English) of the Non-Paper document and made it available to all participants via the chat room, together with the contribution submitted by the Delegation of Sweden for the second meeting.

The **Rapporteur** described the main thrusts of the Non-Paper document developed by the Ad-Hoc Working Group in 2019. He recalled that this Non-Paper document was the result of the work of the members of the 2018-2019 Ad-Hoc Working Group. The Rapporteur explained that the text was not submitted for adoption by the Committee, at the time, because the Group had considered it more appropriate to broaden the scope and include all actors of the Convention, and thus to submit it to the General Assembly of States Parties.

The Delegation of **Pakistan** stressed that it was not part of the 2018-2019 Ad-Hoc Working Group and requested for further clarifications on the background of this issue. It further asked whether the Open-ended working group of States Parties would have to approve the Non-Paper document developed by the Ad-Hoc Working Group. The Delegation also asked on the scope on the Draft Text, notably if the Code of Conduct could be applied to the Preliminary assessment process.

DIR/WHC indicated that a distinction should be made between two closely related but different processes in their scope of application: one refers to the reform of the Nomination process which constitutes the mandate of the current Ad-Hoc Working Group, the other one is specifically about the Code of Conduct or equivalent text, which applies to all actors and processes of the Convention and which is the subject of debates of the Open-ended Working Group meeting today.

The Delegation of **Kuwait** expressed the opinion that the Code of Conduct would not only apply to the Committee during its sessions but to all stakeholders and to all processes of the Convention at all times. The Delegation emphasized that this could be the objective of the Working Group, building on the work by the 2018-2019 Ad-Hoc Working Group, but bearing in mind all processes in an integrated manner.

The Delegation of **Kenya** thanked the Chairperson for his clarifications and praised the discussions of this meeting that allow for a clearer understanding of the subject and the task ahead for the Working Group. The Delegation seconded the idea that the Code of Conduct would be applied to all processes and not only the decision-making during the Committee's sessions. The Delegation stressed the importance of reiterating existing rules and principles through a Code of Conduct. It asked on the reasons for the deviation of decisions from recommendations and why existing rules are not considered sufficient. It further questioned the scope and objectives of the future text, raising the underlying question of its effectiveness in addressing the root causes that led to the consideration of an ethical text.

The Delegation of **Egypt** emphasised that the Code of Conduct would address all stakeholders and asked in this regard about the geographical representation of experts from the Advisory Bodies in the implementation of the various processes of the Convention, and in particular whether this had been discussed previously within former working groups. The Delegation also requested clarifications on recommendations of the IOS study and also asked if the Code of Conduct would apply to all entities providing advisory services.

DIR/WHC recalled that all stakeholders to the Convention were indeed concerned by the Code of Conduct. She clarified that all information related to the IOS study and the subsequent

discussions and documents of the Ad-Hoc Working Group as well as of the Committee are available in the background document prepared by the Secretariat in view of the work of the Open-ended working group meetings.

The Delegation of **Palestine** recalled that the interference of political priorities in the decision-making processes of the Committee, is the reason for the Code of Conduct currently discussed by the Working Group. The Delegation explained that, while scientific differences are often put forward to justify such discrepancies, it has been clearly noted that they are in fact mainly due to political pressure. It further explained that the Code of Conduct was trying to avoid political lobbying towards members of the Committee, Advisory Bodies, or the World Heritage Centre. Finally, the Delegation extended its thanks to the Rapporteur of the Working Group for his continuous commitment in this question.

The Delegation of **Switzerland** recalled that a large number of rules already exist for the stakeholders of the World Heritage system. It highlighted that if these rules were abided by, we would not find ourselves in these challenges, and therefore a code is necessary. While acknowledging that every actor of the Convention is concerned, the Delegation emphasised the achievements of the Advisory Bodies towards enhanced transparency in the different World Heritage processes. It further highlighted that these organisations have set ethical standards for their staff and experts and work continuously to improve them. The Delegation underlined that only the Governing Bodies of the Convention do not yet have standards of conduct. It further insisted that the working group should focus on drafting standards and advices that could guide the States Parties in order to improve processes. The Delegation stressed that the aim of such ethical standards would be to avoid political pressures and lobbying, which endangers credibility of the World Heritage system.

The **Chairperson** recognized that joint efforts by all concerned actors of the 1972 Convention was necessary to progress on the drafting of such an ethical text. However, he underlined that although States Parties are not the only recipients of this text, the drafters of such a text remained nonetheless the States Parties in conformity with Resolution **22 GA 10**.

The **Advisory Bodies (ICCROM, ICOMOS and IUCN)** indicated their availability to fully contribute to the reflection on the drafting of a draft ethical text that would be in the best interest of all stakeholders. They recalled that they already have Codes of Conduct, or equivalent texts, to which their staff and their various expert networks are subject. They indicated that their respective ethical texts are mentioned in the background document prepared by the Secretariat and are accessible to all on their respective websites. Regarding the geographical representation of their experts and strengthening of the dialogue with the States Parties, the Advisory Bodies underlined the efforts made over the past ten years and their determination to continue these efforts.

The Delegation of the **Russian Federation** asked if the Non-Paper document developed by the Ad-Hoc Working Group and currently presented on the screen would be adopted as a starting point during today's meeting. It raised concerns about the potential title of the Draft Text, "Code of Conduct", and insisted that the Working Group should remain flexible and discuss other options.

The **Chairperson** stressed that the past reflections, although enriching, very useful and providing a way forward, should not prejudice the outcomes of the Working Group. He recalled that the title of the Draft Text, as well as other topics, would be the subject of in-depth discussions by the Working Group during the next meetings.

Closing of the meeting

The **Chairperson** thanked all the Delegates for their constructive exchanges. He insisted that despite divergences, a consensus was already emerging around common values, principles and objectives such as the integrity and credibility of the World Heritage List, the highest transparency of all decision-making processes and actors, as well as the search for a better geographical balance with the Global Strategy as a reference. Moreover, the Chairperson noted that these principles were in part already enshrined in the Basic Texts of the Convention, which led him to believe that the future text will only be applied on a voluntary basis and cannot replace existing legal mechanisms in force, but will enrich them by a moral agreement on ethical principles. The Chairperson did not see any reason why disagreements over terminology should inhibit a broader consensus on ethical considerations.

The Chairperson indicated that the Working Group was still at the beginning of its work because its objective was ambitious: to reach a consensus on these questions for the next fifty years of the Convention. He recalled that the next meeting of the Working Group would take place on Tuesday 27 April 2021 and would be an opportunity to deepen the reflection as well as the drafting work with concrete proposals. In this regard, he invited all States Parties to provide written contributions following the example of the contribution of Sweden, in a succinct and precise manner, on or before 17 April.

The meeting rose at 2.15 pm.