

**Report**  
**Fourth 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)**

**25 May 2021**  
**9.00 a.m. – 12.00 p.m. (Paris time, UTC+2)**  
**Online meeting**

**Chairperson: His Excellency Ghazi GHERAIRI, Ambassador, Permanent Delegate of**  
**Tunisia to UNESCO**

**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 online participation of the Vice-Chairperson, H.E. Mr. Christian TER STEPANIAN, Ambassador, Permanent Delegate of Armenia, and the Rapporteur, Mr. Ole Søre ERIKSEN (Norway). He also extended his thanks to the States Parties for their numerous written and oral contributions made so far in the framework of the Working Group, which demonstrates the high interest of States Parties in providing the World Heritage Convention with a text related to ethical principles. 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.

The **Chairperson** briefly recapped the third meeting of the group, held on 27 April 2021, in which the group held extended debates on the substance and on specific points of a text related to ethical principles requested by the General Assembly. He recalled that the Working Group went over a number of issues concerning the text, in particular its scope and objectives, its non-binding nature which nevertheless invites a moral commitment, and how to involve the various actors of the Convention. He indicated that the Working Group decided to compile and integrate all of these general considerations into the introductory remarks that will be drafted at the end of the drafting process, once the nature of the text would be better defined. He further recalled that the Working Group had also started the drafting process of a text related to ethical principles. In this respect, he indicated that the Working Group had agreed on a pivotal part of the text, which will link the introductory part to a more operational part. He reminded that the amendments and proposals that were agreed upon during the last meeting had been consolidated and made available on the web page dedicated to the work of the Working Group.

The Chairperson suggested the Working Group to strive for achieving a final version of the parts that would be examined during today's meeting. He further suggested to proceed this way for each part of the text to be drafted. He also recalled that amendments via the chat would not be taken into account for practical reasons. Furthermore, he underlined that it was essential during the drafting to keep in mind the question of the addressees of such text.

The **Rapporteur** presented the clean version of the text following the many proposals made at the last meeting. He explained that changes discussed and agreed upon were all carefully

incorporated. He underlined that the great amount of amendments and comments made, including in the chat box, demonstrated the involvement of States Parties in this exercise. He indicated that the Working Group had come to a clear consensus on the content of this section of the text, and that in many cases the contributions were overlapping and only needed to be consolidated and harmonized. He also clarified that a few editorial changes had to be made.

In order to further harmonize the text, the Rapporteur suggested to delete the last part of the second paragraph which appeared underlined: “and take responsibility for their decisions”. He also indicated that it was suggested to separate from the previous paragraph the sentence “**Recalling that this [Code of Conduct] is not legally binding**” to lighten the paragraph and highlight the importance of this sentence. He clarified that the paragraph “Pursuing the highest standards of integrity and conduct” would be integrated into the introductory preamble of the final text. Finally, the Rapporteur emphasized on the spirit of cooperation that has guided the Working Group so far and expressed his confidence that keeping with this dynamic will ensure a high quality drafting process.

The **Chairperson** thanked the Rapporteur and noted that the text following the outcomes of the third meeting was balanced. He then asked whether there were any comments or objections to the text as presented.

The Delegation of **Egypt** underlined the importance of the paragraph “Emphasizing 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, expecting all stakeholders to conduct themselves according to the highest ethical standards of professionalism, equity and transparency”. The Delegation believed that such a paragraph should appear in the first place before any other paragraphs. It further explained that the paragraphs immediately following were not correctly placed and should be moved to the section specifically addressing States Parties. Should the paragraphs remain in this general part of the text, the Delegation stated that it would give the impression that the text related to ethical principles would be mainly for States Parties. It considered that in such case this part of the text could not be approved without adaptations for more balance between stakeholders. The Delegation concluded by recalling that Resolution 22 GA 10 addressed all stakeholders.

The Delegation of **Belgium** reiterated that in the French version the plural should be preferred to refer to Rules of Procedure to include those of the Committee and of the General Assembly.

The Delegation of **Italy** requested clarifications on the drafting of the introductory part of the text and agreed with the proposal put forward by the Rapporteur.

The **Chairperson** commented that the balance and the order of the paragraphs is closely linked to the issue of the addressees of the text. He indicated however, that Delegations had different interpretations of this matter which had yet to be settled. Therefore, he suggested to flag these paragraphs and to come back to them at a later stage. He also confirmed that there will be an introduction to the text related to ethical principles and clarified that its drafting will take place following the adoption of the provisions, and thus once the nature of the text would be well defined.

As there were no further comments, this part of the Draft text was adopted, and the Chairperson resumed the drafting of the following provisions.

Members of the Working Group continued the examination of items as per the document presented on screen. No comments nor amendments were suggested on the section “I Core

principles". The Working Group moved on to the examination of section "II. Code provisions". It was suggested to put in quotation marks the term "Code" of this section pending the determination of the exact title of the text related to ethical principles. Amendments were also suggested to the first sentence and to the paragraphs 1 to 5, in order to avoid redundancies in the French version, to reaffirm Rule 13.2 on the terms of office to the World Heritage Committee, and to fuse paragraphs 4 and 5.

The Working Group examined and proposed numerous amendments to paragraph 6, regarding the submission of nominations by members of the Committee and the call to refrain from presenting nominations during their tenure on the Committee. Several Delegations raised concerns that such a provision could limit the presentation of nominations by Committee members and that it may discourage States Parties to run for a seat at the Committee, especially States Parties with less properties inscribed on the List. While understanding concerns over potential conflicts of interest, these Delegations pointed out that the wording may be too restrictive and contradict the Global Strategy for a Representative, Balanced and Credible World Heritage List.

On the other hand, many Delegations emphasized the responsibility of the World Heritage Committee and considered that such a call was not in contradiction with the Global Strategy but rather represented a way to ensure impartial decisions in the interest of the Convention. These Delegations recalled that experience shows conflict of interest, deviations from Advisory Bodies' recommendations, and that many studies evidenced higher rates of inscription of sites located in the territory of Committee members, highlighting a worrying trend that directly impacts on the credibility of the Convention. Several Delegations also emphasized that Committee members only serve for four years and that this is a short period to abstain from having their nominations considered. It was suggested to reconcile the objectives of the goal of a balanced and representative list with the goal to avoid conflict of interest, in order to strengthen the credibility of the List and the Convention.

The **Chairperson** recalled that the future text related to ethical principles would be non-binding and would be of an incentive nature. Thus, it would not hinder States Parties' rights to present nominations nor impose on them additional obligations. He recalled paragraph 61(c).xi of the Operational Guidelines that establish an order of priority in the examination of nominations of States Parties: "nominations of States Parties, former Members of the Committee, who accepted on a voluntary basis not to have a nomination reviewed by the Committee during their mandate. This priority will be applied for 4 years after the end of their mandate on the Committee". Regarding the feasibility of this priority, he stressed that it was not in the mandate of the Working Group to reflect on the implementation of existing processes nor on how to cope with potential backlogs, which are issues discussed in other frameworks.

**DIR/WHC** recalled the background of paragraph 6, originating from the will, including by Committee members, to restrain potential conflicts of interest. She reminded that the issue was discussed at length in the framework of the "Thinking ahead" initiative and that Decision **38 COM 9C** of the Committee also address this issue. She further recalled that relevant references are included in the background document prepared to assist the Working Group with its work. She also recalled that States Parties in legal terms are always able to present nominations. She explained that Committee members refraining, on a voluntary basis, from presenting nominations would have their nominations put on hold during their mandate but would benefit from a priority of examination when no longer a member, as set out in paragraph 61(c).xi of the Operational Guidelines. She indicated that this priority could avoid situations where countries with less properties inscribed on the List would not process their nominations. Regarding existing statistics on an eventual correlation between a high percentage of inscription while being a member of the

Committee, she confirmed that such data was available and that statistics show that the percentage of nominations from Committee members succeeding in being inscribed is relatively high. She also stated that expertise exists around the world while recognizing that it is an ongoing effort to ensure regional and geographical representativity in the use of experts. She further recalled that numerous initiatives take this matter into account and also that the Advisory Bodies had made significant efforts to improve the geographical representation of their experts and continues to do so.

Amendments were suggested in consequence to accommodate positions expressed during the drafting, notably to incite Committee members not to present nominations while bearing in mind the overarching goals of credibility, balance and representativity. For Committee members presenting nominations, it was proposed to recall the existing provision that they should refrain from taking part in the debate regarding their own nomination as per the Rules of Procedure. For those accepting on a voluntary basis not to have a nomination reviewed during their mandate, it was suggested to highlight that they would be given priority as per paragraph 61(c).xi of the Operational Guidelines.

Concerns were raised on the feasibility of the priority given to Committee members voluntarily abstaining from presenting nominations. Some Delegations claimed that it could generate a backlog as it has been witnessed in the framework of the 2003 Convention which has a similar process. Delegations requested the Secretariat to provide statistical studies on this matter, and the Advisory Bodies a mapping of regional expertise, i.e. statistics concerning the regional balance/composition of the missions as well as of evaluation panels, which was also mentioned as an important topic to discuss. The Working Group agreed to further reflect on the drafting of this important provision of the text at the next meeting once such information would have been provided.

### **Closing of the meeting**

The Chairperson thanked all the Delegates for their constructive exchanges. He informed that a clean text integrating amendments/proposals made during the meeting will be available as soon as possible and before the next meeting to be held on **29 June (9.00 am – 12 pm, Paris time)**. He also informed that the Bureau would prepare a basis for the introductory remarks of the text related to ethical principles, to be circulated by early June. He explained that the members of the Working Group will have the possibility to send written contributions by 18 June regarding this proposal in order for the Bureau to take them into account and submit a consolidated draft text at the next meeting.

The Secretariat confirmed that it will provide statistical data on the percentage of nominations that were inscribed by Committee members during their terms of office to the Committee, on the geographical representation of experts from the Advisory Bodies, as well as information on the capacity to deal with nominations not submitted by Committee members during their mandate, according to order of priorities as described in paragraph 61(c) of the Operational Guidelines. All relevant information and documents would be made available on the webpage dedicated to the work of the Working Group.

The Chairperson also informed that a sixth meeting would take place on the second half of September, which date and time would be confirmed in due course.

The meeting ended at 12.15 pm.