

Report
Fifth 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)

29 June 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).

The **Chairperson** briefly recapped the fourth meeting of the group, held on 25 May 2021, in which the group held fruitful debates and continued to progress towards a consensual text related to ethical principles taking into account all positions expressed within the group. He recalled that the Working Group agreed on the section *I. Core principles* and on the first provisions of *section II [Code] provisions*, regarding the World Heritage Committee. He further recalled that the Working Group examined and proposed numerous amendments to paragraph 6, regarding the submission of nominations by members of the Committee during their tenure on the Committee. The Working Group agreed to adopt this paragraph at a later stage. He further indicated that the Bureau of the Working Group developed a Draft on the introductory part of the text in order to advance the work of the group and was transmitted to all States Parties on 18 June 2021. In this regard, he extended his thanks to the States Parties that have already submitted written contributions. The Chairperson also recalled that documents requested at the last meeting by the Working Group, namely statistics on the regional balance of experts from the Advisory Bodies and responses to questions to the Secretariat, had been made available on the webpage dedicated to the work of the Working Group. He then gave the floor to the **Director of the World Heritage Centre (DIR/WHC), Ms. Mechthild Rössler**, to provide with details on the percentage of nominations that were inscribed by Committee members.

DIR/WHC presented the statistics on the percentage of nominations that were inscribed by Committee members each year during their terms of office to the Committee since 2010. On the question on how to absorb nominations from States Parties former members of the Committee that would have voluntarily refrained from having examined nominations of sites located in their territory during their mandate, she explained that it may require reflection on potential amendments of the Operational Guidelines but clarified that as the Working Group has the task of drafting a text related to ethical principles, any further discussion would need to be examined by the Committee itself. She recalled that paragraph 61(c)xi, which already gives a priority to Committee members refraining from having examined their nominations, will be reviewed at the

45th session of the World Heritage Committee within the framework of the revision of the Operational Guidelines.

The **Chairperson** recalled that the mandate given by Resolution **22 GA 10** is not to add obligations on actors of the Convention nor to reflect on the efficiency of existing texts, but to provide a text which identifies and proposes standards of conduct. In this regard, he reminded that priorities of examination of nominations set in paragraph 61(c) already exist. He further indicated that the Working Group recalled on numerous occasions during its meetings that the future text related to ethical principles would not be legally binding. He further indicated that the Working Group in this regard had decided by consensus to explicitly recall the non-binding nature before section I on the “Core principles” as well as in the introductory part. Therefore, he did not believe necessary to systematically refer to the Operational Guidelines for each provision of a non-binding text which will bear no consequence to the sovereignty of States Parties. Although references may be useful, he stressed that a text related to ethical principles should not be limited to a reference to existing rules and could be a source of proposals without creating new obligations. He expressed the view that the purpose of such text is to define good practices and provide guidelines in terms of ethics and conduct. States Parties will be able to rely on this text in the future and stakeholders will be encouraged to honor its content, without singling out any actor of the Convention.

The **Chairperson** then suggested to resume the drafting of provisions in order to further nourish the introductory part of the text with remarks and agreed positions. The introductory part would be examined at the end of the meeting if time allows or at the next meeting. In the same framework, he also suggested to come back at a later stage to the new paragraph 5 of the section II intensely debated, to allow the Working Group to reach a consensus after globally examining provisions. He thanked again the States Parties that had submitted proposals which demonstrated the strong commitment of the members of the Working Group to produce a high-quality text. In this regard, he indicated that some of the proposals were made on already agreed parts of the text, and he suggested to first examine provisions yet to be agreed upon.

Several Delegations asked to start first with the examination of the draft introductory part of the text before resuming the work on the provisions. They indicated that they believed the introductory part would be the main topic of the meeting and wished to engage a discussion on it with other Delegations, stating that the introductory part was crucial and would largely inspire the drafting for the rest of the text. They believed that the Working Group could be flexible in its working methods in the interest of efficiency. **Several other Delegations** raised concerns on changing the methods of work at this stage. They recalled that the Working Group agreed in consensus to discuss the introductory part towards the end of the drafting process. Bearing this in mind, the Delegations stressed it was important to stay consistent and continue with the drafting of provisions. They further commented that they had prepared to resume the drafting of the provisions and did not expect to discuss the introductory part of the text. They believed more efficient to follow on the agreed method.

With the view to reach consensus and to reconcile the different opinions on the methodology, the **Chairperson** proposed to continue the drafting of the provisions as planned and dedicate an entire 6th meeting on 5 July 2021 on the introductory part and before a scheduled 7th meeting, in order to fully consider this important part of the text related to ethical principles. He clarified that the proposal to meet in a near future reflected the fact that no subject nor issue were being avoided or postponed by the Working Group.

Several Delegations, including States Parties members of the World Heritage Committee, agreed with the proposal but requested that such meeting be held after the holding of the extended 44th session of the World Heritage Committee, to allow States Parties to be focused on the preparation of the Committee session.

The **Chairperson** confirmed that the meeting could be held in September after the extended 44th session of the World Heritage Committee and before a 7th meeting already scheduled. The Working Group agreed with the proposal of the Chairperson to continue on the drafting of the provisions and to dedicate a meeting in September on the introductory part of the text.

The **Rapporteur** thanked the Chairperson for his constructive approach in leading the Working Group towards consensus. He explained that after the last meeting, the text had been cleaned up following the many proposals that were made at the last meeting and that he ensured to incorporate the changes agreed upon during the meeting. He explained that a few amendments were made to the first section on the “Core principles”, mainly to ensure consistency in the French version. Numerous amendments and comments were made during the meeting on section II regarding the actual provisions of the text itself. He indicated that the Working Group had come to a clear consensus during the last meeting on the proposals made on provisions 1 to 5. He recalled that paragraph 5 (original paragraph 6), was debated in-depth with numerous proposals made. Several Delegations observed that there were two positions addressing key priorities, i.e. to ensure an ethical conduct and avoid conflict of interest; and the other to ensure a representative, balanced and credible World Heritage List in line with the Global Strategy. In order to reconcile both priorities, the Rapporteur indicated that the Working Group may wish to refer to the evaluation of the Global Strategy and reiterate past decisions, such as Decision **38 COM 9C (para. 5)**, which states that the Committee: *“Strongly encourages the States Parties, with the exception of those that have no sites inscribed on the World Heritage List, to refrain on a voluntary basis from submitting new nominations during their mandate, taking into consideration the External Auditor recommendation 12 and in accordance with pertinent resolutions of the General Assembly, and within the context of the Global Strategy”*. In addition, it is suggested to recall by a reference to paragraph 61(c)xi the order of priorities of examination which will be applied in case the overall annual limit of 35 nomination is exceeded. Furthermore, he indicated that several amendments on the draft text itself were submitted by the Russian Federation, Saudi Arabia and China.

The **Chairperson** suggested to resume the drafting with the new paragraph 6. He explained that considering that a consensus had not been reached yet on paragraph 5 (original paragraph 6), it would be preferable to first agree on paragraphs 6 to 9 which are complementary before going back to paragraph 5. He clarified that it was not intended to avoid discussions on paragraph 5 but on the contrary to help find consensus on it by debating paragraphs of a similar nature, that is on what Committee members may wish to consider avoiding doing in order to behave in an ethical manner.

The Delegations of **Saudi Arabia**, of **Palestine** and of the **Russian Federation** proposed to make some amendments to parts of the text discussed at the last meeting of the Working Group. The Chairperson agreed with this proposal in order to refine and improve the text. The Working Group examined and approved the proposed amendments to the paragraph 2 of section II to reflect a wording in line with the Convention text, and the suggestion to replace the word moral by professional to point i. of section I “Core principles”. The Working Group examined at length the proposals by the Delegation of the Russian Federation, more specially to delete reference to “lobbying” in point iii. of section I. Some Delegations assessed the term lobbying as vague and inappropriate. Other Delegations considered important to mention political pressures, recalling

that point 6 of Document WHC/19/22.GA/10 defined “political interests and pressure” as an important point to be discussed by the Working Group.

Closing of the meeting

The Chairperson thanked all Delegates for their constructive exchanges. He informed that a clean text integrating amendments/proposals made during the meeting will be available before the next meeting to be held in the second half of September, whose date would be communicated in due course. He also recalled that the Working Group would finish the examination of the pending point iii. of section I “Core principles” during the first minutes of its next meeting (6th) and would immediately move towards the examination of the draft introductory part of the text.

The meeting ended at 12.25 pm.