

Outcomes of the eight meeting of the Open-ended working group see pages 5-15

Comments/proposals on already agreed parts of the text have been removed to ease the reading

Contributions received from States Parties in advance of the third meeting of the Open-ended working group (27 April 2021)

Following the second meeting of the Open-ended Working Group held on 30 March, a number of written contributions was received from States Parties in view of the 3rd meeting of the Group (full contributions are available at <https://whc.unesco.org/en/standards/p=code2021>). As all contributions made references/amendments to the Non-Paper document developed by the Ad-Hoc Working Group (2018-2019) and to facilitate the work of the Open-Ended Working Group, the following document presents the comments and/or proposed amendments received from States Parties in relation with the paragraph of the Non Paper they are referring to.

Key:

In **blue bold** : additions

In ~~red striketrough~~ : deletions

General recommendations:

Some general recommendations have been made in the framework of the contributions by States Parties and are reflected below (in alphabetical order of submitting States Parties).

Australia notes that “the draft document [Non-Paper document developed by the Ad-Hoc Working Group] is a strong basis and a useful starting point for codifying our agreed principles. We note the importance of the Code’s development to uphold the credibility of the World Heritage Convention.”

Austria “supports the Non-Paper dated 1 June 2019 and elaborated in the framework of the Ad-Hoc Working Group established by the World Heritage Committee and the written contribution by Sweden. We believe that a Code of Conduct, as proposed in the Non-Paper, can serve as a helpful tool to uphold the credibility and integrity of the World Heritage Convention, the World Heritage Committee, and its decisions. A Code of Conduct would not entail additional obligations for State Parties but serve as a valuable summary and reminder of the already existing obligations and rules derived from the Convention and the Operational Guidelines.”

Belgium considers that “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.” Belgium further considers that “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.” Furthermore, Belgium raises the issue of “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, [it questions whether] its adoption [should] 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.”

The **Czech Republic** “recalls the long-term and recurring need to respect the highest standards of integrity and transparency of working methods within the process of decision-making of the Governing bodies of the Convention. The Czech Republic appreciates the Sweden submission shared in advance of the 2nd open-ended working group meeting. We consider it a good, clearly formulated contribution to the discussion.”

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.”

Switzerland “supports the elements concerning the rules of conduct of the States Parties contained in the draft Code of Conduct, proposed as a Non-Paper by the ad hoc working group in 2019. This text reflects the main issues to be addressed by the Code of Conduct.”

Non-Paper document developed by the 2018-2019 Ad-Hoc Working Group established by the World Heritage Committee	Comments and proposed amendments by States Parties
Introduction to [Text]	
The Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	
The Convention concerning the Protection of the World Cultural and Natural Heritage (1972) (hereinafter: the <i>Convention</i>) establishes a solid framework for all States Parties for working together to recognise, sustain and protect the world’s universally significant and outstanding value of cultural diversity and natural wealth. The States Parties to the <i>Convention</i> , the Advisory Bodies, and the World Heritage Centre (hereinafter: the Secretariat) have a shared	

commitment to preserving and safeguarding the world's shared legacy of all the nations of the world for future generations. The <i>Convention</i> plays a vital role in generating fruitful dialogue between its constituents and different communities, promoting respect for common heritage and cultural diversity, and is recognised as an important instrument contributing to international peace, sustainable development and the advancement of humanity.	
Purpose and scope	
This [TEXT] is a means to promote the international solidarity and cooperation to preserve the world's natural and cultural heritage of all the nations of the world, the shared commitment of all stakeholders of the 1972 Convention, the Outstanding Universal Value of the World Heritage properties and to uphold the integrity and credibility of the <i>Convention</i> and the World Heritage List.	
The States Parties to the <i>Convention</i> , the World Heritage Committee, the Secretariat and the Advisory Bodies have a collective responsibility to uphold credibility, integrity and the implementation of the <i>Convention</i> . The [TEXT] expresses a commitment to impartial decision making based on objective and scientific considerations, verifiable technical evidence and elaborated by qualified experts in the fields of natural and cultural heritage, conducting themselves according to the highest ethical standards of professionalism, equity and transparency.	
The UNESCO Constitution, the provisions of the World Heritage Convention, its Operational Guidelines and Rules of Procedure of the General Assembly of States Parties and of the World Heritage Committee, the Standards of Conduct for International Civil Service, UNESCO Staff Regulations and Rules, ICCROM Staff Regulations and Rules, ICOMOS Ethical Principles, Code of Conduct and Professional Ethics for the Secretariat of IUCN and Terms of reference for the IUCN World Heritage panel, govern the work of all respective stakeholders. The [TEXT] draws on these documents providing a legally non-binding ethical guideline and statement of good practice principles and commitments for pursuing the highest standards of integrity	

<p>and conduct. This [TEXT] cannot undermine the aforementioned texts and documents in any way nor be a basis for limiting their implementation.</p>	
<p>[Title of the document]</p>	<p>Sweden considers that “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.”</p> <p>See also the contribution submitted by the Russian Federation in advance of the third meeting of the Open-ended working group.</p>
<p>The States Parties to the World Heritage Convention meeting in General Assembly,</p> <p><u>Emphasizing</u> 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 (Resolution 22 GA 10),</p> <p><u>Being mindful</u> that the States Parties are responsible for the implementation of the Convention,</p> <p><u>Recognizing</u> that the States Parties’ decisions and actions should always be governed by the provisions of the Convention, its Operational Guidelines and Rules of Procedure,</p> <p><u>Agreeing</u> that a [Text] is needed to highlight obligations under the Convention and to set out ethical principles and good behaviour,</p> <p><u>Recalling</u> that this [Text] is not legally binding,</p> <p><u>Approve</u> to the following [Text], and <u>call upon</u> all stakeholders to honour its contents,</p>	

I. Core principles	
All parties will be guided by the core principles of integrity, objectivity[Advisory Bodies], and impartiality and respect for cultural diversity.	
i. 'Integrity' is upholding the highest standards of professional principles, ethics and fairness in the implementation of the Convention.	
ii. 'Objectivity' is basing recommendations and decisions on scientific facts and rigorous analysis of the documentation presented to the Committee.	
iii. 'Impartiality' is acting in accordance with the Convention, its Operational Guidelines and Rules of Procedure of the World Heritage Committee and the General Assembly of States Parties, and the documents guiding the ethical principles of all respective stakeholders such as the UNESCO Constitution, the Standards of Conduct for International Civil Service, UNESCO Staff Regulations and Rules, ICCROM Staff Regulations and Rules, ICOMOS Ethical Principles, Code of Conduct and Professional Ethics for the Secretariat of IUCN and Terms of reference for the IUCN World Heritage panel; and to benefit the credibility of the World Heritage List and ensure the ethical integrity of their decisions.	
<p>[new point iv to be finalized and verified with Saudi Arabia, Egypt and the Advisory Bodies]</p> <p>[Saudi Arabia]</p> <p>iv.</p> <p>Respect for cultural diversity demands acknowledgment of the legitimacy of the cultural values of all parties which requires conscious efforts to</p>	

<p>avoid imposing mechanistic formulae or standardized procedures in attempting to define or determine authenticity of particular monuments and sites and further requires assessment approaches that may involve multidisciplinary collaboration and the appropriate utilization of all available expertise and knowledge in addition to analytical processes and tools specific to the nature and needs of those cultures.</p> <p>//</p> <p>[Advisory Bodies]</p> <p>‘Respect for cultural diversity’ means acting in accordance with the Nara Document on Authenticity and its appendices (Appendix 4 of the Operational Guidelines) when considering issues relating to Outstanding Universal Value.</p> <p>[Egypt]</p> <p>‘Diversity of expertise views’ is a recognition that judgments about values attributed to cultural properties may differ from culture to culture, and even within the same culture. Experts’ recommendations could diverge based on varying professional, geographical and cultural perspectives; and decisions.</p>	
	<p>[Moved as paragraph 14]</p> <p>The Russian Federation proposes to consider the following additional provision:</p> <p>iv. Transparency of the evaluation process</p> <p>Transparency of the evaluation process is considering all information regarding a nomination in consultation and constant dialogue with nominating States Parties with the respect of the principle of fair geographical representation involving regional experts familiar with the subject. Make public the methodology and existing policies of evaluation of the nominations; the list of panel members and criteria of selection of the field mission experts, the panel members and advisors.</p>

II. [Text] provisions	
I. The Committee commits to:	
1. Recognize that “Outstanding Universal Value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. The Committee defines the criteria for the inscription of properties on the World Heritage List” (<i>Operational Guidelines</i> , paragraph 49).	
2. Mindful that the World Heritage Committee is an intergovernmental committee, choose as their representatives persons qualified in the field of cultural or natural heritage (<i>Convention</i> , Article 9.3; <i>Rules of Procedure</i> , Rule 5.2).	
3. Voluntarily limit their term of office to four years instead of six years in order to give other States Parties an opportunity to serve on the Committee (<i>Operational Guidelines</i> , Paragraph 21), and strictly observe the six years gap between two mandates as per Rule 13.2 of the Rules of Procedure of the General Assembly.	
4. Remain impartial and base their decisions on objective and scientific considerations (<i>Operational Guidelines</i> , Paragraph 23), and endeavour to appreciate different competencies and opinions, encourage mutual respect, promote humble and respectful dialogue, and in case of disagreement, seek to reach agreement by consensus through cooperation.	
5. Ensure that the credibility, balance and representativity of the World Heritage List are guaranteed, keeping in mind the <i>Operational Guidelines</i> and the priorities which they define, including those that	

<p>apply to nominations of States Parties former members of the Committee and which consist of avoiding examining their nominations during their mandate on the Committee in the spirit of contributing to the impartiality and objectivity of decision making. They would benefit from a 4-year priority after the end of their mandate on the Committee.</p>	
<p>[Paragraph covered by paragraph 16 (ex-17) and to be verified with Poland]</p> <p>6. Ensure the objectivity of the procedures and the realization of the principle of equality, by bearing in mind checks and balances at each stage of the Committee members' mandate.</p>	
<p>7.6. After having carefully examined the invitations from States Parties to visit sites on their territory and proposed for inscriptions to the World Heritage List, States Parties might consider avoiding accepting those that might breach the spirit and the letter of the 1972 Convention and all the texts governing its implementation, during their tenure on the Committee, or to sites on the World Heritage List currently in the process of Reactive Monitoring (<i>Operational Guidelines</i>, Paragraph 169) in order to ensure the equal treatment of all World Heritage properties and nominated sites.</p>	
<p>8.7. Provide accurate, credible and timely information for any case on their territory to be considered by the Committee in line with the provisions of the <i>Operational Guidelines</i>, and refrain from contributing to any decision that may threaten the Outstanding Universal Value or that is in violation of the <i>Operational Guidelines</i> and <i>Rules of Procedure</i>.</p>	
<p>9.8. Strictly observe the Rule 23.3 of the <i>Rules of Procedure</i>, that new draft decisions, fundamental proposals or amendments whenever possible should be submitted at least 24 hours before the discussion of the agenda item concerned.</p>	

<p>10.9. In the interest of recognising global cultural diversity and equitable representation, encourage interventions from observers including local communities’ and indigenous peoples’ representatives in items concerning such groups with the prior consent of the Chairperson [Chairperson] and in full respect of Article 6 of the 1972 Convention before decisions are made by the Committee (<i>Rules of Procedure</i>, Rules 6, 7, 8, 22.4).</p>	
<p>[Paragraph under finalization according to the following 3 options]</p> <p>10.11. [Australia: delete] In its decision making concerning new nominations, a [Portugal] Encourage the Committee to avoid making a decision that is moving more than one step from the draft decision as recommended in the Advisory Body technical evaluation [Australia: add] when making decisions on new nominations. [Australia: delete] This should only be done where there is clear technical and objective evidence in support of such a decision. For example, this may include decisions that move from a recommendation ‘not to inscribe’ to a deferral, or a recommendation for a referral to inscription. [Belgium, Colombia: delete until end] To uphold the integrity and credibility of the nomination process and the World Heritage List, decisions that move [Australia] from between a recommendation [Australia] of ‘not to inscribe’ to refer/inscribe, or ‘defer’ to [Australia] refer/inscribe [Russian Fed. To confirm] must shall be avoided.</p> <p>Option 1: [Egypt, Kenya, Saudi Arabia, Venezuela, Russian Federation, China: delete entire paragraph]</p> <p>Option 2: [Chairperson, Colombia, Switzerland, Sweden, Portugal, Norway, Estonia, Czech Republic] While recalling the sovereign power of States Members of the Committee in taking decisions, an effort to</p>	<p>Australia notes “that the non-paper as currently drafted requires each point under Section II to begin with a verb to make grammatical sense. The amendment to the first sentence below is made to reflect this. The second and third sentences are suggested as removed, as the principle of this paragraph is focused on deterring “more than one step from draft decisions” and therefore its focus should remain on this.” And therefore proposes the following amendment:</p> <p>In its decision making concerning new nominations, avoid making a decision that is moving more than one step from the draft decision as recommended in the Advisory Body technical evaluation when making decisions on new nominations. This should only be done where there is clear technical and objective evidence in support of such a decision. For example, this may include decisions that move from a recommendation of ‘not to inscribe’ to a deferral, or a recommendation for a referral to inscription. To uphold the integrity and credibility of the nomination process and the World Heritage List, decisions that move from between a recommendation of ‘not to inscribe’ to refer/ inscribe, or ‘defer’ to refer/inscribe must be avoided.</p> <p>Belgium suggests to “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.”</p> <p>To uphold the integrity and credibility of the nomination process and the World Heritage List, decisions that move from a recommendation ‘not to inscribe’ or ‘defer’ to refer/inscribe must be avoided.</p>

<p>consider to take decisions considering recommendations of the Advisory Bodies must be made and this particularly through a constructive dialogue between the Committee, the Advisory Bodies and the Secretariat.</p> <p>Option 3: [Norway, Estonia] In its decision making concerning nominations, take due note of the recommendations of the Advisory Bodies.</p>	<p>The Czech Republic “particularly supports the key recommendation point 11 concerning the Committee decision making process of new nomination for inscription on the World Heritage List. The Committee Members should avoid making a decision that is moving more than one step from the draft decision as recommended in the Advisory Body technical evaluation. The Czech Republic considers it essential that Committee decisions do not deviate from Advisory Bodies advice and overlooking provisions of the Operational Guidelines.”</p> <p>See also comments by Sweden in paragraph I.iii.</p> <p>Switzerland “explicitly supports the proposed rule stipulating that when deciding on inscription on the World Heritage List, the World Heritage Committee may not take a decision that deviates from the draft decision by more than one level (the four levels being not to inscribe, defer, refer, or inscribe.”</p> <p>Proposal by the Russian Federation: [Russia—to—confirm amendment]withdrawn]</p> <p>[Paragraph as proposed by Australia] In its decision making concerning new nominations, aAvoid making a decision that is moving more than one step from the draft decision as recommended in the Advisory Body technical evaluation when making decisions on new nominations. This should only be done where there is clear technical and objective evidence in support of such a decision. For example, this may include decisions that move from a recommendation of ‘not to inscribe’ to a deferral, or a recommendation for a referral to inscription. To uphold the integrity and credibility of the nomination process and the World Heritage List, decisions that move from between a recommendation of ‘not to inscribe’ to refer/ inscribe, or ‘defer’ to refer/inscribe [Russian Federation] must shall be avoided.</p>
<p>12.11. Recognize Outstanding Universal Value <u>only</u> when deciding to inscribe a property on the World Heritage List (<i>Operational</i></p>	

<p><i>Guidelines</i>, Paragraph 154), noting that a property does not have Outstanding Universal Value if it is not inscribed on the World Heritage List. [Chairperson] The Statement of Outstanding Universal Value stands only from inscribing a property on the World Heritage List (Convention, Article 12; Operational Guidelines, Paragraph 154).</p>	
<p>13.12. Promote and adhere to the goal of the Global Strategy for a more credible, balanced and representative World Heritage List.</p>	
<p>[Moved as new paragraph 17] 14. Ensure the full and timely payment of their assessed contribution to the World Heritage Fund.</p>	
	<p>[Not retained in the text but to be included in the report to the General Assembly]</p> <p>The Czech Republic proposes to consider the following additional Code provisions:</p> <p>The Chairperson of the Committee</p> <p>— his/her role and mandate should be more precisely defined, particularly in leading and moderating discussions, following the Code of Conduct during the Committee meeting and especially in the case of the possible conflict of interest of any Committee member, in line with the provision 22.5., 22.6 and 22.7 of the Rules of Procedure.</p>
<p>The Advisory Bodies shall:</p>	
<p>15.13. Act in a manner consistent with this [Text], 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,</p>	

<p>strengthened efforts to enhance dialogue and provision of early advice [Russian Federation] to States Parties [Sweden] and demonstrating efforts to achieve [Chairperson] better regional representation.</p>	
	<p>[Not retained in the text but to be included in the report to the General Assembly]</p> <p>The Czech Republic proposes to consider the following additional Code provisions:</p> <ul style="list-style-type: none"> — should make publicly available more comprehensive description of their methodology for assessing criteria, for selection of the field mission experts and for the panel experts and advisors — at each stage of the nomination process, they should publish and more clearly refer to their existing policies of evaluation of the nominations, with a view of their possible amendments so as to increase the transparency and better understanding by the State Parties of reasoning behind their conclusions and recommendations
<p>[Ex-point iv section I proposed by the Russian Federation]</p> <p>14. Transparency of the evaluation process is considering all information regarding a nomination in consultation and constant dialogue with nominating States Parties with the respect of the principle of fair geographical representation involving regional experts familiar with the subject. Make public the methodology and existing policies of evaluation of the nominations; the list of panel members and criteria of selection of the field mission experts, the panel members and advisors.</p>	

The Secretariat to the Convention shall:	
<p>16.15. Act in a manner consistent with the [Text]. This includes transparent, equal and open processes and strengthened efforts to enhance dialogue and provision early advice. [Russian Federation, Chairperson] Encourage and facilitate direct dialogue between the representatives of States Parties and the Secretariat.</p>	
	<p>[Not retained in the text but to be included in the report to the General Assembly]</p> <p>The Czech Republic proposes to consider the following additional Code provisions:</p> <ul style="list-style-type: none"> — its role should be more precisely defined, so as to act as a facilitator in process of more intensive dialog among Advisory bodies and States Parties during the nomination process — in line with Rules of Procedure (the Rule 45) “the documents relating to the items on the Provisional Agenda of each session of the Committee shall be distributed at the latest six weeks before the beginning of the session”, and in order to increase the transparent, better understanding and preparedness of the Committee and the State Parties to the Committee session, the Secretariat should distribute (even if successively in several sets) working documents such as reports, progress reports, follow-up documents, general policy statements or scientific and/or thematic studies that follow some requirement of previous decision or resolution, etc. for Committee session as soon as they are available and not wait with their distribution to the latest date. <p>-</p>

The States Parties to the Convention shall:	
	<p>[Merged with new paragraph 17]</p> <p>Palestine proposes as a new paragraph 17 the following amendment :</p> <p>Abide by the provisions of the convention including the full and timely payment of their assessed contribution to the World Heritage Fund.</p>
<p>[To be checked with Poland]</p> <p>17.16. Act in a manner consistent with the [Text] to uphold the integrity and credibility of the World Heritage Convention for the benefit of all States Parties.</p>	
<p>[Ex-Paragraph 14 moved]</p> <p>17. Ensure the full and timely payment of their assessed contribution to the World Heritage Fund.</p>	
<p>18. Support the Committee in meeting its responsibility to make impartial decisions based on objective and scientific considerations (<i>Operational Guidelines</i>, Paragraph 23) through open and equal dialogue and information sharing with the [Chairperson] Secretariat and the Advisory Bodies. Committee and the Secretariat.</p>	
<p>19. Respond to all [Chairperson] relevant requests for information in a timely manner, facilitate missions requested by the Committee, providing credible and reliable information and ensuring consultation with relevant stakeholders including local communities and indigenous peoples [Chairperson, China] while fully respecting Article 6 of the Convention.</p>	
<p>20. Refrain from influencing the Committee's deliberations and decision making through lobbying before and during the World Heritage Committee sessions (<i>Rules of Procedure</i>, Rules 22.5, 22.6 and 22.7).</p>	

<p>In particular, the States Parties shall observe the requirement concerning conduct during voting stipulating that “<i>After the Chairman has announced the beginning of voting, no one shall interrupt the voting</i>” (<i>Rules of Procedure</i>, Rule 36).</p>	
<p>21. Voluntarily be restrictive with new nominations to ensure a more representative and balanced World Heritage List where the State Party is already well represented on the World Heritage List.</p>	