

Report
**Eighth 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)**

4 October 2021
9.00 a.m. – 1.00 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 that the Vice-Chairperson, H.E. Mr. Christian TER STEPANIAN, Ambassador, Permanent Delegate of Armenia, could not attend the meeting due to other commitments.

The **Chairperson** briefly recapped the 7th meeting of the Working Group, held on 27 September 2021, in which the group adopted paragraphs 5 to 9 and examined paragraphs 10 and 11 [according to the old numbering presented during the meeting]. He presented the “clean text” of paragraph 5 reflecting amendments made during the last meeting, and indicated that the last part of the paragraph that appeared struck through did not raise any comments nor disagreements, but seemed now to be redundant with the previous part of the paragraph that was adopted by consensus. He recalled that the Delegation of **Poland** proposed the insertion of a new paragraph 6 reflecting the need to ensure objective procedures of the World Heritage Committee, to which the Delegation of the **Russian Federation** suggested a period of reflection to study it further. He drew the attention of the Working Group to editorial adjustments proposed to paragraph 7 for consistency. He also reminded that paragraphs 8 and 9 were adopted as amended and that the Working Group agreed upon the amendments proposed by the Delegation of the **Russian Federation** and of **Saudi Arabia** to paragraph 10, while the amendment proposed by the Delegation of **China** was yet to be further considered. He further recalled that the Working Group started examining paragraph 11, on which the Delegations of **Australia**, **Belgium** and the **Russian Federation** had proposed amendments.

The **Chairperson** proposed to begin by verifying with the Delegation of the Russian Federation whether it has any comments on the proposed insertion by the Delegation of Poland, then to resume the drafting of the remaining paragraphs, starting from paragraph 10 [old numbering], before moving to the examination of the proposals to add a point iv. to Section I “Core Principles”, and finally agreeing on the title of the text.

The Delegation of the **Russian Federation** questioned whether the proposal by the Delegation of Poland belonged to the text and stressed that the content of the proposal remained unclear, notably regarding the concept of “checks and balances” in the framework of the work of the Committee.

The **Chairperson** proposed to come back to this proposal later during the present meeting to allow for the Delegation of Poland to clarify and continue with the examination of paragraph 10 [old numbering].

The **Working Group** resumed the drafting of the text by examining paragraph 10 [old numbering]. While recognizing the importance to recall the sovereignty of States Parties, the Working Group considered that it would be more appropriate to recall article 6 of the Convention, which relates to the full respect of “*the sovereignty of the States on whose territory the cultural and natural heritage [...] is situated*”. The Working Group discussed at length paragraph 11 [old numbering] and proposed several amendments.

Several Delegations raised concerns on the nature of the paragraph itself, which they deemed may impact the sovereignty of the World Heritage Committee in making decisions. They recalled that the framework given by the mandate of the General Assembly was to establish ethical principles and considered that the paragraph would encroach on decision making mechanisms of the Committee. They did not believe that limiting a sovereign right as proposed in the paragraph would solve the issue of the credibility of the Convention, nor would it address the root causes of the deviations of the decisions of the Committee from the recommendations of the Advisory Bodies. They reiterated that these deviations may be caused by scientific divergencies, a lack of geographical representativity of experts within the Advisory Bodies and an insufficient dialogue between stakeholders. The Delegations stressed that recommendations by the Advisory Bodies should not be binding and not infringe on the liberty of the Committee when making decisions. They therefore supported the deletion of the entire paragraph.

Several other Delegations recalled that the future text would not be legally binding for any stakeholder nor limit sovereign powers of States Parties members of the Committee as it would only provide for non-binding ethical guidelines. They considered that the wording used in the paragraph, with terms such as “avoiding”, was appropriate as it signals a recommendation. They believed that providing such guidelines for Committee members in the framework of their decision making is at the core of the mandate of the Working Group. They recalled that the Committee itself noted with concern the increasing number of deviations from Advisory Bodies’ recommendations and referred to debates by the General Assembly which underlined that the current decision making was problematic for the credibility of the Convention and the World Heritage List. Hence, they considered that the current paragraph would help States Parties in addressing deviations from recommendations and ultimately the question of the credibility of the World Heritage Committee. Furthermore, they emphasized that such deviations also lead to concrete conservation problems for sites inscribed. The Delegations therefore deemed this provision crucial to accomplish the mandate of the Working Group and supported to keep the paragraph, while remaining flexible in its drafting to reach consensus.

With a view to reach consensus, the **Chairperson** proposed an amendment in order to accommodate the needs expressed by the members of the Working Group, namely to respect the sovereign rights of Committee members, strengthen dialogue between States Parties and Advisory Bodies, and a careful consideration of the recommendations from the Advisory Bodies. However, as no consensus emerged, he proposed to further reflect on the three proposals ultimately retained by the Working Group for consideration (i.e. proposal to delete, proposal by the Chairperson, proposal by Norway and Estonia), and in the meantime to continue the examination of the following paragraphs.

The **Working Group** pursued its work with the examination of the rest of the paragraphs. Amendments were made in consequence to align the text with existing texts of the Convention

and by taking into account the discussions held by the Working Group and the consensus reached in preceding meetings. Among the amendments considered, it was agreed that it would be more relevant to move the provision on the full and timely payment of the assessed contribution to the World Heritage Fund to the part concerning States Parties, as it is already an obligation to be fulfilled.

The **Chairperson** commented that the need expressed by the Working Group for a strengthened dialogue between stakeholders and further transparency of the evaluation process, as well as issues raised by the Delegation of the Czech Republic, notably regarding a more precise definition of the role and mandate of the Chairperson of the Committee and of the Secretariat, could be integrated into the Report to be presented to the General assembly.

When coming back to the Delegation of Poland, the **Chairperson** remarked that it was closely linked to paragraph 16 (ex-17), which covers the concerns on objective procedures from a more general perspective. He therefore suggested upon verification with the Delegation of Poland to remove the proposed insertion of a new paragraph 6. The Delegation of **Poland** was not sure if paragraph 16 (ex-17) could replace its proposal and requested more time to consider the proposition of the Chairperson.

The **Working Group** continued its work with the examination of a point iv. to Section I "Core Principles", which were submitted by the Delegations of **Saudi Arabia**, the **Russian Federation** and **Egypt**. It stressed the importance of respecting cultural diversity in the context of World Heritage and of the evaluation of sites' possible Outstanding Universal Value, and considered that such principles should be applied to all stakeholders. It was noted that reference to Annex 4 of the Operational Guidelines could be out of context in a text related to ethical principles as they essentially refer to a very specific methodology framework. Further, the Delegation of **Norway** commented that the Nara document was drafted by a limited number of experts and States Parties in 1994. Although significant it is not a statutory document, and more importantly, it relates only to conservation and cultural heritage. The Working Group agreed to further refine the drafting of this provision together with the principle of the *Diversity of expertise views* and the discussion related to cultural diversity and divergences between experts, including within the same culture. The Working Group also recognized the importance of a transparent evaluation process in order to address expectations and demands from numerous States Parties. It was agreed to move the content of the proposal of the Russian Federation as a paragraph under the Advisory Bodies' part, given that it primarily relates to their working methods and for the sake of the overall consistency of the text.

Closing of the meeting

The **Chairperson** thanked all Delegates for their constructive spirit in the pursuit of consensus and stated that the Working Group was very close to a final text. He informed that the text as adopted by the group during the present meeting would be made available as soon as possible. He indicated that point iv. of Section I "Core Principles" and paragraph 16 would be finalized with the concerned States Parties and that the group will be informed of the results. He proposed to proceed with further consultations regarding the three proposals for paragraph 10 [according to the new numbering], as well as for defining the title of the text.

The meeting ended at 1.05 pm.