

REPORT OF THE OPEN-ENDED WORKING GROUP OF STATES PARTIES TO THE CONVENTION

I. BACKGROUND AND MANDATE

1. The Ad Hoc Working Group established by the World Heritage Committee in 2014 and which is meeting intersessionally since then, reflected in 2018/2019 on a possible Code of Conduct. The Ad Hoc Working Group agreed that a “Code of Conduct” for the States members of the Committee, the Advisory Bodies, the Secretariat to the Convention as well as the States Parties to the Convention was necessary. Such a Code should reflect the shared values, roles and responsibilities of all stakeholders expressed through the Convention, but also in its Operational Guidelines and the Rules of Procedure of its Governing bodies.
2. By Decision **43 COM 12** (Baku, 2019), the World Heritage Committee took note of the discussions held by the Ad Hoc Working Group and encouraged informal consultations between States Parties on the possibility of the elaboration of a Code of Conduct for States Parties, the UNESCO World Heritage Centre and the Advisory Bodies. Consequently, an item on the possibility of elaboration of a Code of conduct for the States Parties, the World Heritage Centre and the Advisory Bodies has been inscribed on the agenda of the 22nd session of the General Assembly of States Parties (UNESCO, 2019).
3. During the examination of this item, the General Assembly recalled the 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. It also emphasized the collective responsibility of all stakeholders – States Parties, the World Heritage Centre and the Advisory Bodies – to uphold the integrity and the credibility of the Convention and, as such, to conduct themselves according to the highest ethical standards of professionalism, equity and transparency. Furthermore, the General Assembly recognized that a Code of Conduct or a Statement of Ethical Principles or equivalent text is not legally binding, but stakeholders are called upon to honour its contents.
4. Consequently, the General Assembly decided, by Resolution **22 GA 10**, to establish an Open-ended working group of States Parties to the Convention, with the mandate to develop a Code of Conduct, or a Statement of Ethical Principles or equivalent text. The General Assembly further requested this group to submit at its 23rd session a report on its work, including “*a draft Code of Conduct, or a Statement of Ethical Principles or equivalent text*”.

II. SUMMARY OF THE WORK OF THE OPEN-ENDED WORKING GROUP OF STATES PARTIES TO THE CONVENTION

5. The unprecedented crisis arising from the COVID-19 pandemic has impacted the launch of the work of the Open-ended working group of States Parties to the Convention (hereinafter referred to as the Open-ended Working Group) originally scheduled to start in 2020. As requested, the Secretariat prepared a document containing background information and a comprehensive list of existing, binding and non-binding elements which could be referenced “*in a Code of Conduct, or a Statement of Ethical Principles or equivalent text*” (hereinafter referred to as the Draft text).
6. A first meeting (Inception meeting) was held on 16 February 2021, which aimed at providing general information on the notion of a Code of Conduct for stakeholders of the Convention and at presenting the background document prepared by the Secretariat. During this Inception meeting, the Open-ended Working Group adopted its own timetable and proceeded with the election of its Bureau and unanimously elected:

- **Chairperson**, H.E. Mr. Ghazi GHERAIRI, Ambassador, Permanent Delegate of Tunisia to UNESCO,
 - **Vice-Chairperson**, H.E. Mr. Christian TER STEPANIAN, Ambassador, Permanent Delegate of Armenia to UNESCO,
 - **Rapporteur**, Mr Ole S e ERIKSEN (Norway).
7. Subsequently, nine online meetings of the Open-ended Working Group took place on 30 March, 27 April, 25 May, 29 June, 20, 27 September, 4 and 26 October 2021. Representatives of the Secretariat and the Advisory Bodies attended the meetings and answered questions raised by States Parties whenever required. The Secretariat ensured the smooth organisation as well as preparation of the relevant documentation to facilitate the work of the Open-ended Working Group (see the dedicated webpage to the work of the group <https://whc.unesco.org/en/standards/p=code2021>).
 8. During its meetings, the Open-ended Working Group addressed some crucial issues such as purpose and scope of the Draft text, its nature, as well as the question of its addressees. The Open-ended Working Group considered that a Draft text would benefit the transparency of working methods of the Governing bodies of the Convention. It was considered that such a text would also help in upholding the integrity and the credibility of the Convention by providing good practices and guidelines in terms of ethics and conduct for the future. Bearing in mind the mandate given by the General Assembly, the Open-ended Working Group insisted on reiterating that a text related to ethical principles would not be legally binding, and further that such a text cannot create additional obligations for concerned stakeholders. Consequently, precise and clear references to the non-legally binding nature of the Draft text were made throughout the text itself. Nonetheless, the Open-ended Working Group considered that concerned stakeholders would be able to rely on this text in the future and that they all will be encouraged to honour its content. The text would constitute a moral engagement without singling out any stakeholders of the Convention for non-compliance. While the majority of the provisions of the Draft text primarily addresses States Parties, the Open-ended Working Group considered that the principles and general provisions of the text should also apply to the UNESCO World Heritage Centre and the Advisory Bodies.
 9. Under the leadership of the Chairperson, the Bureau of the Open-ended Working Group promoted an open and inclusive approach in the work of the Open-ended Working Group with the constant aim of reaching a consensus. This approach was reflected when discussing the substance as well as in the methodology adopted, which retained a significant role to in-depth reflection and to the involvement of States Parties in drafting concrete proposals. Written contributions in advance of the meetings were also encouraged at several steps of the drafting process, thus giving the opportunity to States Parties to submit numerous comments or concrete proposals.
 10. In this regard, members of the Open-ended Working Group expressed general views and remarks highlighting the importance of the Draft text in upholding the credibility of the Convention and to achieve the highest standards of integrity and transparency of working methods of the Governing bodies of the Convention, which implies an inclusive, well informed and scientific-based decision making, which can only rely on recommendations from geographically representative experts and embracing various cultural approaches. They reiterated their belief in a balanced and representative World Heritage List in line with the Global Strategy, underlining the fundamental purpose of the Convention, i.e. conservation. They highlighted that the Draft text could serve as a valuable summary of references to key obligations under existing texts of the Convention, while not entailing additional obligations for State Parties nor adding a layer of complexity in the hierarchy of texts. They considered that the Draft text should be structured around the principal actors concerned providing for ethical guidelines and moral behaviours on main issues relevant in the framework of the Convention and its

implementation. Approaching the 50th anniversary milestone, they observed that the notion of heritage has considerably broadened and that stakeholders should continue to reflect on it for the sake of the credibility of the World Heritage List, bearing in mind growing aspirations for human rights, gender equality, cultural and natural diversity and sustainable development amongst other major concerns. Finally, in order to achieve a universal adherence and legitimacy to the Draft text, they suggested that the text could be endorsed by the General Assembly.

11. The following points were proposed by the Open-ended Working Group and not retained for inclusion in the Draft text, nonetheless it was decided to integrate them in the present document for the General Assembly's attention and for future reference and reflections: the role and mandate of the Chairperson of the World Heritage Committee could be more precisely defined, particularly in moderating discussions, as well as the role of the Secretariat, so as to act as a facilitator in fostering dialog between Advisory bodies and States Parties. Furthermore, the Secretariat should distribute relevant documentation as soon as it becomes available to increase transparency, understanding and preparedness of States Parties. The importance of a transparent evaluation process was also stressed, keeping in mind the necessity to further strengthen the dialogue between stakeholders. The issue of ensuring objective and equal procedures of the Committee was brought forward but believed to be more adequately addressed in the framework of the revision of the Rules of Procedure. Some concerns were also raised over a potential backlog should the application of the priorities of examination set in the Operational Guidelines be applied by all Committee members. Moreover, mechanisms of conformity may be considered for the Draft text in view of future reforms of existing texts of the Convention. Finally, should the General Assembly endorse the Draft text, it may wish to consider calling upon newly elected Members of the World Heritage Committee to honour it.
12. The Open-ended Working Group concluded its work with a final meeting on 26 October 2021 and was able to finalize a consensual text entitled *Declaration of principles to promote international solidarity and cooperation to preserve World Heritage*. The Draft text of the *Declaration* is presented in Document WHC/21/23.GA/INF.10 for consideration by the General Assembly of States Parties to the World Heritage Convention, in conformity with Resolution **22 GA 10**.