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ORGANIZATION****CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL  
AND NATURAL HERITAGE****WORLD HERITAGE COMMITTEE  
Twenty-fifth session****Helsinki, Finland  
11 – 16 December 2001****Item 14 of the Provisional Agenda: Progress Report on the Proposed World Heritage  
Indigenous Peoples Council of Experts (WHIPCOE)****SUMMARY**

In December 2000 a World Heritage Indigenous Peoples Forum was held in conjunction with the twenty-fourth session of the World Heritage Committee in Cairns, Australia. The Forum recommended the creation of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE).

A document outlining the proposal to establish WHIPCOE was presented to the twenty-fifth session of the Bureau of the World Heritage Committee in June 2001 (see WHC-2000/CONF.205/WEB.3).

At the request of the Bureau, WHC-2000/CONF.205/WEB.3 was circulated to all States Parties for comment under cover of a Circular Letter (CL/WHC.9/01) in August 2001, a workshop was held in Winnipeg, Canada from 6 – 8 November 2001 and this Progress Report was prepared for presentation to the twenty-fifth session of the Committee.

**Decision required:** The Committee may wish to (i) note this Progress Report, (ii) review the draft Terms of Reference of WHIPCOE (Section II) and (iii) adopt decisions as indicated in Section III.

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***“THESE ARE OUR POWERFUL WORDS”<sup>1</sup>***

**PROGRESS REPORT ON WORLD HERITAGE INDIGENOUS PEOPLES COUNCIL  
OF EXPERTS (WHIPCOE)**

**Executive Summary**

The proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) originated from the World Heritage Indigenous Peoples Forum held in conjunction with the twenty-fourth session of the World Heritage Committee in Cairns, Australia in November 2000. The proposal was warmly received by the World Heritage Committee. The UNESCO World Heritage Centre was asked to conduct a feasibility study on the proposal. This was done in conjunction with a working group of State Party Indigenous peoples’ representatives from Canada, Australia, and New Zealand. The working group further developed the proposal having regard to issues raised by the Centre.

Agreement was reached between the working group and the Centre in May 2001 on the next steps to be taken in the formation of the Council. A revised paper was prepared and presented to the 25<sup>th</sup> session of the Bureau of the World Heritage Committee in June 2001.

The Bureau agreed to the proposals of the working group and adopted the following:

With reference to the recommendations of the Indigenous Peoples Forum (Cairns, 2000) and the decision of the twenty-fourth session of the World Heritage Committee (Cairns, 2000), the Bureau,

1. Notes the progress to date in the development of the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to ensure Indigenous voices are heard in efforts to protect and promote the world's natural and cultural heritage.
2. Expresses its support in principle for the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to be discussed at the 25<sup>th</sup> session of the World Heritage Committee which will meet in Helsinki, Finland in December 2001.
3. Agrees that further development of the concept should be undertaken (before the 25<sup>th</sup> session of the World Heritage Committee), including consultation with other Indigenous peoples, regional organizations and the UN Working Group of Indigenous Peoples, other States Parties and the Advisory Bodies (IUCN, ICOMOS and ICCROM).

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<sup>1</sup> *The words used by Tony Tjamiwa, venerable tjilpi of the Anangu people, traditional owners of the Uluru Kata-Tjuta World Heritage Area in Australia, to describe the submission made by the World Heritage Indigenous Peoples Forum to the World Heritage Committee in Cairns in November 2000 in support of the establishment of WHIPCOE. Tony passed away before this paper was completed. It is dedicated to him and to another key participant in the Forum and member of the working group, Hemi Kingi of Ngati Tuwharetoa and the Tongariro World Heritage Area in New Zealand, who also passed away unexpectedly in April 2001.*

To achieve this, the Bureau recommends that a representative workshop be convened by the World Heritage Centre in partnership with the Indigenous Working Group, which would receive assistance from the World Heritage Fund and other appropriate sources.

4. Establishes a WHIPCOE Working Group comprised of Indigenous peoples and State Party representatives from Australia, Belize, Canada, Ecuador, New Zealand, United States of America, as well as representatives of ICOMOS, IUCN, ICCROM and any other Indigenous peoples and State Party representatives who may wish to participate.

5. Requests the World Heritage Centre to circulate document WHC-2001/CONF.205/WEB.3 by Circular Letter (CL/WHC.9/01) and a summary of interventions made on this subject at the June 2001 Bureau meeting to all State Parties to the Convention and to the World Heritage Advisory Bodies and to invite them to comment on the proposal.

6. Requests the World Heritage Centre, to the extent possible and in consultation with States Parties, to compile a list of properties on the World Heritage List and the tentative lists which are likely to have Indigenous peoples' issues which may relate to the management of these sites.

7. Invites the Working Group to further develop the WHIPCOE proposal in consultation with the World Heritage Centre, taking into account comments from State Parties and the Advisory Bodies, and to deliver a progress report to the twenty-fifth session of the World Heritage Committee to be held in Finland in December 2001, including the results of the Workshop.

In accordance with the Bureau recommendation, document WHC-2001/CONF.205/WEB.3 and a summary of interventions made at the June 2001 Bureau meeting was sent to all State Parties to the Convention and to the Advisory Bodies in a Circular Letter (CL/WHC.9/01) in August 2001.

Nine States Parties responded to the Circular Letter.

The Circular Letter and responses are included on the WHIPCOE web site at [www.unesco.org/whc/whipcoe](http://www.unesco.org/whc/whipcoe)

The WHIPCOE Working Group met in Winnipeg, Canada from 6 - 8 November 2001. Representatives and Indigenous experts from Australia, Belize, Canada, New Zealand and the United States of America attended the Working Group along with a representative of the Andean NGO Yachay Wasi, representatives of the Advisory Bodies (ICOMOS, ICCROM and IUCN), the Office of the United Nations High Commissioner for Human Rights, and the World Heritage Centre.

The Working Group reviewed a number of definitions of Indigenous Peoples (see Annex II), reviewed the responses of States Parties to the Circular Letter, prepared draft Terms of Reference for WHIPCOE (see Section II) and agreed on a number of recommendations to the twenty-fifth session of the World Heritage Committee (see Section III).

## **I. BACKGROUND**

### **I.1 Origin of the WHIPCOE Proposal**

A World Heritage Indigenous Peoples Forum was held in conjunction with the meeting of the 24<sup>th</sup> World Heritage Committee in Cairns Australia in November 2000. The Forum was attended by more than 70 participants and observers from Australia, Canada, New Zealand and the Solomon Islands. Australian World Heritage properties, including the Wet Tropics of Far North Queensland, Kakadu National Park, Uluru-Kata Tjuta National Park, the Willandra Lakes Region, Riversleigh/Naracoorte and the Tasmanian Wilderness were all represented by Indigenous people.

The Forum conveyed the following recommendation to the World Heritage Committee:

**“CONCERNED** by the lack of involvement of Indigenous peoples in the development and implementation of laws, policies and plans, for the protection of their holistic knowledge, traditions and cultural values, which apply to their ancestral lands within or comprising sites now designated as World Heritage areas, the Indigenous Peoples Forum in Cairns:

1. **AFFIRMS** the view of Indigenous peoples as the traditional owners and guardians of lands and waters, including biota thereon and therein, who remain forever the repositories, proprietors and custodians of their holistic knowledge, traditions and cultural values, which apply to all their ancestral lands especially those within or comprising sites now designated as World Heritage areas.
2. **CONFIRMS** therefore the responsibilities and obligations of Indigenous peoples to their succeeding generations, with emphasis on their duty of care, to provide expert advice on effective and efficient consultation, involvement and negotiation in the development, implementation and management of laws, policies and plans, including all matters regarding research and other activities and decisions affecting the World Heritage areas applicable to them.
3. **MOTIVATED** by the above and seeking appropriate avenues to address their concerns, the Indigenous Peoples Forum assembled in Cairns hereby petitions the World Heritage Committee, to receive and consider the following submission:

#### **SUBMISSION: It is submitted:**

**That the World Heritage Committee facilitate the establishment of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) pursuant to the provisions of Section 10 (3) of the World Heritage Convention, a body that would bring new competencies and expertise to complement other expert groups, to support the objectives of the World Heritage Committee in the provision of expert**

**Indigenous advice on the holistic knowledge, traditions and cultural values of Indigenous peoples relative to the implementation of the World Heritage Convention, including current Operational Guidelines.**

**RECOMMENDS that the World Heritage Committee:**

1. **Note** the contents of the submission of the Indigenous Peoples forum presented to the 24th session of the Committee,
2. **Note** the contents of the supporting paper marked Appendix 1 as tabled with this submission (see Annex I),
3. **Agree** that the proposed WHIPCOE be established within three months of the 25<sup>th</sup> session of the World Heritage Committee,
4. **Agree** that the proposed WHIPCOE be provided with operational funding.”

**I.2 The Response of the twenty-fourth session of the World Heritage Committee (Cairns, 2000)**

The Committee warmly received the Forum recommendations and asked the World Heritage Centre to provide a review of the feasibility of the proposals for the meeting of the World Heritage Bureau in Paris in June 2001. The Committee’s report was as follows:

On 28 November 2000 representatives from Australia, Canada, the Solomon Islands and New Zealand attending an Indigenous Peoples Forum on World Heritage held in Cairns (24 November) made a presentation to the World Heritage Committee. In their presentation they made a plea for the protection of Indigenous knowledge systems, values and traditions in World Heritage areas, asserting that these sites were "ancestral lands" that had to be treated with respect. In the management of these sites, consideration should be taken to involve and negotiate with Indigenous peoples who are the Traditional Owners. They urged the Committee to adopt four specific recommendations that they submitted, particularly for the establishment of a World Heritage Indigenous Council of Experts. Representatives of traditional owners from Kakadu, Uluru Kata Tjuta, the Willandra Lakes Region, the Tasmanian Wilderness, the Wet Tropics Area and New Zealand, returned to the Committee to confirm the authenticity of the presentation. (See Annex V).

Following a proposal by Australia and supported by members of the Committee, the Committee asked the Secretariat to follow-up on the recommendations of both the Youth Forum and the Indigenous People's Forum. A review of the feasibility of these proposals would be presented by the Secretariat to the twenty-fifth session of the Bureau.

The authority for the creation of advisory bodies by the World Heritage Committee is provided in Article 10 (3) of the World Heritage Convention which states:

*The Committee may create such consultative bodies as it deems necessary for the performance of its function.*

### **I.3 The Establishment of a Working Group**

At the initiation of the Chair of the World Heritage Committee, Peter King, a small working group of Indigenous representatives from Canada, Australia and New Zealand, all of whom had attended the Forum and taken part in the presentation of its recommendations to the World Heritage Committee in Cairns, was established to assist the World Heritage Centre in its review of the feasibility of the proposal<sup>2</sup>. The working group held a series of telephone conferences during April-May 2001.

One of the key participants in the Cairns Forum and in the working group, Hemi Kingi (from the Tongariro World Heritage area), passed away in April 2001. He had just returned from a visit to the Uluru Kata-Tjuta World Heritage area to contribute to a review of the Park's joint management arrangements. The Chair of the Uluru Kata Tjuta Joint Management Board and representative of the Anangu people, Jo Willmot, attended Hemi Kingi's funeral in Tongariro. While there, she met with Tumu Te Heu Heu, the paramount chief of the Ngati Tuwharetoa people, and the direct descendant of the Tuwharetoa chief who made the original gift of Tongariro to the Government of New Zealand for permanent protection as one of the world's first national parks in 1887. They discussed how the work that had been started with Hemi Kingi's involvement could be advanced. They agreed that as a next step they would convene a further meeting in Sydney, involving representatives of the Anangu people (traditional owners of the Uluru Kata Tjuta World Heritage Area), Environment Australia (the management agency for Uluru WHA), Ngati Tuwharetoa (the Indigenous people of the Tongariro World Heritage Area) and the New Zealand Department of Conservation (the management agency for Tongariro WHA).

### **I.4 Meeting in Sydney 4 May 2001**

Participants at the meeting in Sydney on 4 May 2001 made a commitment to advance the proposal for a World Heritage Indigenous Peoples Council of Experts (WHIPCOE). It was also agreed that a bilateral workshop be arranged in Uluru Kata Tjuta WHA in August 2001. Due to unforeseen circumstances this workshop did not take place.

A Working Group telephone conference was held on 7 May 2001. A preliminary outline of WHIPCOE emerged and was subsequently presented to the Bureau in June.

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<sup>2</sup> Original members of the working group were Josie Weninger (Canada), Jo Willmot (Uluru, Australia), Gary Pappin (Willandra Lakes, Australia), and Hemi Kingi (Tongariro, New Zealand). After Hemi Kingi passed away, Eru Manuera (New Zealand) took his place.

## **I.5 Twenty-fifth session of the Bureau of the World Heritage Committee, June 2001**

The Bureau agreed to the proposals of the working group presented in WHC-2001/CONF.205/WEB.3 and adopted the following recommendation to the twenty-fifth session of the World Heritage Committee:

With reference to the recommendations of the Indigenous Peoples Forum (Cairns, 2000) and the decision of the twenty-fourth session of the World Heritage Committee (Cairns, 2000), the Bureau,

1. Notes the progress to date in the development of the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to ensure Indigenous voices are heard in efforts to protect and promote the world's natural and cultural heritage.
2. Expresses its support in principle for the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to be discussed at the 25<sup>th</sup> session of the World Heritage Committee which will meet in Helsinki, Finland in December 2001.
3. Agrees that further development of the concept should be undertaken (before the 25th session of the World Heritage Committee), including consultation with other Indigenous peoples, regional organizations and the UN Working Group of Indigenous Peoples, other States Parties and the Advisory Bodies (IUCN, ICOMOS and ICCROM). To achieve this, the Bureau recommends that a representative workshop be convened by the World Heritage Centre in partnership with the Indigenous Working Group, which would receive assistance from the World Heritage Fund and other appropriate sources.
4. Establishes a WHIPCOE Working Group comprised of Indigenous peoples and State Party representatives from Australia, Belize, Canada, Ecuador, New Zealand, United States of America, as well as representatives of ICOMOS, IUCN, ICCROM and any other Indigenous peoples and State Party representatives who may wish to participate.
5. Requests the World Heritage Centre to circulate document WHC-2001/CONF.205/WEB.3 by Circular Letter and a summary of interventions made on this subject at the June 2001 Bureau meeting to all State Parties to the Convention and to the World Heritage Advisory Bodies and to invite them to comment on the proposal.
6. Requests the World Heritage Centre, to the extent possible and in consultation with States Parties, to compile a list of properties on the World Heritage List and the tentative lists which are likely to have Indigenous peoples' issues which may relate to the management of these sites.
7. Invites the Working Group to further develop the WHIPCOE proposal in consultation with the World Heritage Centre, taking into account comments from State

Parties and the Advisory Bodies, and to deliver a progress report to the twenty-fifth session of the World Heritage Committee to be held in Finland in December 2001, including the results of the Workshop.

#### **I.6 Circular Letter to all States Parties**

In accordance with the Bureau recommendation, Document WHC-2001/CONF.205/WEB.3 and a summary of interventions made at the June 2001 Bureau meeting were sent to all State Parties to the Convention and to the Advisory Bodies in a Circular Letter in August 2001.

Nine States Parties responded to the Circular Letter.

The Circular Letter and responses are included on the WHIPCOE web site at [www.unesco.org/whc/whipcoe](http://www.unesco.org/whc/whipcoe)

#### **I.7 Pre-Workshop discussions**

Teleconference discussions were held between available members of the Working Group in preparation for the Workshop, during which the Workshop's agenda was considered and views were exchanged on issues such as the definition of indigenous peoples and possible structures for WHIPCOE.

#### **I.8 WHIPCOE Working Group Workshop, Winnipeg, Canada, 6 - 8 November 2001**

At the request of the twenty-fifth session of the Bureau of the World Heritage Committee (June 2001) the WHIPCOE Working Group met in Winnipeg, Canada from 6 - 8 November 2001. Representatives and Indigenous experts from Australia, Belize, Canada, New Zealand and the United States of America attended the workshop along with a representative of the Andean NGO Yachay Wasi, representatives of the Advisory Bodies (ICOMOS, ICCROM and IUCN), the Office of the United Nations High Commissioner for Human Rights, and the World Heritage Centre.

The Working Group reviewed a number of definitions of Indigenous Peoples (**see Annex II**), reviewed the responses of States Parties to the Circular Letter, prepared a draft Terms of Reference for WHIPCOE (**see Section II below**) and agreed on a number of recommendations to the twenty-fifth session of the World Heritage Committee (**see Section III below**).

At the time of preparation of this document, the summary report of the Winnipeg workshop was not available. When finalised the report of the workshop will be included on the website [www.unesco.org/whc/whipcoe](http://www.unesco.org/whc/whipcoe)

## **II. WHIPCOE – DRAFT TERMS OF REFERENCE**

### **II.1 Introduction**

Indigenous peoples are the owners and keepers of their knowledge, traditions and values, which apply to all their ancestral lands, particularly those now designated as World Heritage properties.

Indigenous peoples have a duty of care to ensure that their knowledge is passed on to future generations.

This knowledge can provide valuable information and direction to other Indigenous Peoples concerned with properties that are or may become World Heritage properties.

To achieve this the expertise of Indigenous Peoples should be provided to the World Heritage Committee and to States Parties regarding decisions affecting World Heritage properties.

Therefore, it is recommended that a Council of Indigenous Peoples be established to advise the World Heritage Committee and States Parties, in support of the goals of the World Heritage Convention. The Council shall be called the World Heritage Indigenous Peoples Council of Experts (WHIPCOE).<sup>3</sup>

### **II.2 Purposes of WHIPCOE**

The purposes of WHIPCOE are, in co-operation with the States Parties, Advisory Bodies and Indigenous Peoples, to:

- i. ensure Indigenous voices are heard in efforts to protect and promote the world's natural and cultural heritage;
- ii. bring Indigenous competencies and expertise to complement other expert groups, in order to support the objectives of the World Heritage Convention;
- iii. support and enhance best practice management in World Heritage properties and when requested by the Indigenous people/s and State Party involved make recommendations for improvements; and
- iv. build and serve as a network for Indigenous peoples to achieve the above purposes.

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<sup>3</sup> To be established pursuant to the provisions of Article 10 (3) of the World Heritage Convention.

### **II.3 Functions of WHIPCOE**

The primary functions of WHIPCOE are:

At the request of the State/s Party/ies and Indigenous people/s, to:

- advise in the preparation of nominations for the inscription of properties on the World Heritage List for its Indigenous values;
- advise in the management of World Heritage properties to protect and respect Indigenous values; and
- assist in building the capacity to manage World Heritage properties in accordance with Indigenous values.

At the request of the World Heritage Centre, and in accordance with the Operational Guidelines, and together with the Advisory Bodies:

- contribute to the evaluation of nominations of properties for inscription on the World Heritage List for Indigenous values;
- participate in reactive monitoring and periodic reporting; and
- contribute to the system of international assistance.

Drawing on the WHIPCOE network, develop and share best practices in World Heritage protection, including cooperative management between Indigenous peoples and government or other management agencies.

### **II.4 Membership of WHIPCOE**

An inclusive and representative membership is recommended.

It is suggested that WHIPCOE include Indigenous people, nominated by States Parties, who:

- i. have traditional responsibility to maintain the values of the World Heritage property, or
- ii. with the agreement of the Indigenous people with traditional responsibility, an employee of an agency responsible for the management of the World Heritage property.

Categories of World Heritage properties from which members could be drawn include<sup>4</sup>

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<sup>4</sup> The definition of these categories will be discussed further at the next meeting of the WHIPCOE Working Group in Africa in October 2002.

- i. World Heritage sites inscribed for their outstanding Indigenous values;
- ii. Existing World Heritage sites identified by States Parties for potential renomination for their outstanding Indigenous values; and
- iii. Sites included on national Tentative Lists with outstanding Indigenous values.

## **II.5 Structure of WHIPCOE**

Pending the first meeting of WHIPCOE, it is recommended that the Working Group (established at the request of the Bureau of the World Heritage Committee in June 2001) and Interim Chair continue to work in co-operation with the Advisory Bodies and the World Heritage Centre to further develop and establish WHIPCOE.

It is recommended that the structure, statutes and office bearers of WHIPCOE could be discussed and defined on the occasion of the first meeting of WHIPCOE. The discussion should be based on a paper, to be prepared by the Working Group and circulated prior to the meeting, describing different options. The structures of other organisations advising the World Heritage Committee (e.g. ICOMOS, IUCN, ICCROM, OWHC etc.) should be used for reference.

WHIPCOE's structure should provide for the participation of the States Parties, Advisory Bodies, the World Heritage Centre and others with similar interests (e.g. Secretariat of the Convention on Biological Diversity, the Ramsar Convention Secretariat, ECOSOC, the UN Working Group on Indigenous Populations, the Permanent Forum on Indigenous Issues etc.).

WHIPCOE should ensure an equitable representation of the different regions and cultures of the world.

## **II.6 Reporting**

WHIPCOE should be invited to report on its activities to the annual meeting of the World Heritage Committee and to the biennial General Assembly of States Parties to the World Heritage Convention.

## **II.7 Funding**

To ensure that there is no additional drain on the limited funding available from the World Heritage Fund, WHIPCOE must aim to be financially self sufficient and sustainable.

However, in its early years WHIPCOE will require funding support from the World Heritage Fund as was the case for the creation of the Organisation of World Heritage Cities (OWHC). This developmental funding could be replaced by external, sustainable funding after a few years.

It is recognized that WHIPCOE will require a budget for a limited secretariat and for communication with its members. Fund raising will be undertaken for specific projects, amongst other things, and to ensure adequate representation at meetings.

WHIPCOE, as a global World Heritage network for Indigenous peoples, may attract significant donor support. Indigenous issues and protected properties are, from experience, attractive to certain donors.

Other sustainable funding options could include self-funding from Indigenous agencies, bilateral funding and/or the introduction of a membership fee for each representative from each participating site based on an agreed assessment of need.

### **III. DECISION REQUIRED**

The Committee may wish to adopt the following decision:

*“ The twenty-fifth session of the World Heritage Committee:*

*Thanks the Canadian authorities for their generosity in having hosted a workshop of the WHIPCOE Working Group in Winnipeg, Canada from 6 - 8 November 2001.*

*Acknowledges that the purposes of WHIPCOE are, in co-operation with the States Parties, Advisory Bodies and Indigenous Peoples, to:*

- i. ensure Indigenous voices are heard in efforts to protect and promote the world’s natural and cultural heritage;*
- ii. bring Indigenous competencies and expertise to complement other expert groups, in order to support the objectives of the World Heritage Convention;*
- iii. support and enhance best practice management in World Heritage properties and when requested by the Indigenous peoples and the State Party involved make recommendations for improvements; and*
- iv. build and serve as a network for Indigenous Peoples to achieve the above purposes.*

*Underlines that WHIPCOE is intended to be a technical and consultative expert group where Indigenous people will share expertise.*

*Notes the Progress Report, along with the draft Terms of Reference and workshop report.*

*Notes that the Advisory Bodies participated actively in the workshop in Winnipeg, Canada and support the concept of WHIPCOE.*

*Acknowledges the participation of the Office of the United Nation High Commissioner for Human Rights at the workshop in Winnipeg, Canada.*

*Requests that the World Heritage Centre disseminate the Progress Report to all States Parties, and also that States Parties share information with Indigenous groups and assist them in understanding the benefits and opportunities of WHIPCOE.*

*Notes that the Circular Letter (CL/WHC.9/01) and Winnipeg workshop have ensured greater consultation on WHIPCOE and resulted in significant progress in the development of draft Terms of Reference for WHIPCOE.*

*Notes that the WHIPCOE Working Group has reviewed the comments made by States Parties, in response to the Circular Letter (CL/WHC.9/01) and wherever possible, incorporated them into the draft Terms of Reference.*

*Reminds States Parties of the request in the Circular Letter (CL/WHC.9/01) to provide a list of properties on the World Heritage List and the Tentative Lists from which the membership of WHIPCOE may be drawn in the future.*

*Encourages States Parties to respond to the Circular Letter (CL/WHC.9/01) taking into account the draft Terms of Reference for WHIPCOE .*

*Notes that the WHIPCOE Working Group workshop examined possible relations with other inter-governmental organisations working on Indigenous peoples issues, in particular those under the Economic and Social Council of the United Nations General Assembly, and it is anticipated that WHIPCOE will, in the future, engage with these organizations.*

*Agrees that a second WHIPCOE workshop be held in Africa in October, 2002, with broader representation of States Parties, the Advisory Bodies and other relevant convention secretariats, the UN Commission on Human Rights and the World Heritage Centre. The purpose of the second WHIPCOE workshop will be to review and further develop the draft Terms of Reference, define membership of WHIPCOE, develop a prioritised work programme and budget for approval by the World Heritage Committee. It is anticipated that further consideration of the full range of States Parties comments will occur at the second WHIPCOE workshop.*

*Requests that the outcomes of the October 2002 WHIPCOE workshop be reported to the twenty-seventh session of the World Heritage Committee in June 2003.*

*Decides that US\$20,000 per year be allocated, from the World Heritage Fund, for the next 2 to 4 years as developmental funding for the establishment of WHIPCOE.*

*Requests the World Heritage Centre to explore other funding opportunities for sustainable funding in the future.”*

**SUPPORTING PAPER TO THE SUBMISSION OF THE INDIGENOUS PEOPLES  
FORUM PRESENTED BY LEAVE TO THE 24TH SESSION OF THE WORLD  
HERITAGE COMMITTEE  
CAIRNS, AUSTRALIA, 28 NOVEMBER 2000**

**PREAMBLE:**

1. **RECALLING** the obligations on States Parties to the World Heritage Convention under Article 5 of the Convention, to ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on their territories; and
2. **NOTING** the extensive obligations of States Parties to the World Heritage Convention, especially those who are also parties to the following international conventions, covenants or protocols, to recognise, respect, promote and protect, the rights and interests of Indigenous peoples and local communities in their natural and cultural heritage consistent with:
  - a) the International Convention for the Elimination of all Forms of Racial Discrimination,
  - b) the International Covenant on Civil and Political Rights,
  - c) the International Covenant on Economic, Social and Cultural Rights,
  - d) the International Convention on Biological Diversity,
  - e) the United Nations Convention to Combat Desertification,
  - f) the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (The Ramsar Convention),
  - g) the International Labour Organisation Convention 169 on Indigenous and Tribal Peoples in Independent Countries; and
  - h) the United Nations Draft Declaration on the Rights of Indigenous Peoples (albeit not yet in force).
3. **ACKNOWLEDGING** Principle 22 of the Rio Declaration on Environment and Development and Chapter 26 of Agenda 21, and the Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People elaborated by the Special Rapporteur of the Commission on Human Rights Working Group on Indigenous Populations (as contained in the annex to document E/CN.4/Sub.2/2000/26)
4. **RECALLING** the obligation of Contracting Parties under the World Heritage Convention to identify, protect, conserve, present and transmit both natural and cultural heritage:
  - a) even where properties are not included on the World Heritage List; and
  - b) where properties are only listed for certain natural or cultural heritage values.
5. **TAKING ACCOUNT** of the International Decade of the World's Indigenous People being 1995 – 2004 the goal of which is to strengthen international co-operation for the solution of

problems faced by Indigenous peoples in such areas as human rights, the environment, development, education and health, the theme of which is “Indigenous People - Partnership in Action”, and accordingly, the Commission on Human Rights, in paragraph 15 of resolution 2000/56, encourages Governments as appropriate, recognising the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with Indigenous peoples, by:

- a) preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving Indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with Indigenous people;
- b) seeking means of giving Indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them; and
- c) identifying resources for activities designed to implement the goals of the Decade.

**INSPIRED BY THE ABOVE,**

**THE INDIGENOUS PEOPLES FORUM HEREBY PETITIONS THE WORLD HERITAGE COMMITTEE AND ALL STATES PARTIES TO THE WORLD HERITAGE CONVENTION, TO:**

*Re: The Establishment of New Competencies and Expertise*

1. **ESTABLISH** a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) pursuant to the provisions of Section 10 (3) of the World Heritage Convention, a body that will bring new competencies and expertise
  - a) to complement existing expert groups under the convention being IUCN, ICOMOS and ICROM, and
  - b) to support the objectives of the World Heritage Committee in the provision of expert Indigenous advice on the holistic knowledge, traditions and cultural values of Indigenous Peoples relative to the implementation of the World Heritage Convention, including current operational guidelines.

*Re: The Relationship between the Holistic Natural and Cultural Values and Traditions of Indigenous Peoples*

2. **RECOGNISE** the holistic nature of Indigenous natural and cultural values and traditions, and –
  - a) that the maintenance and survival of the said values and traditions of Indigenous peoples and traditional local communities is dependent upon their continued access to and use of traditional biological resources; and

- b) that the maintenance and practice of the said values and traditions is necessary to ensure the complete conservation of the biological diversity by which many areas qualified for World Heritage Listing; and
- c) that the application of traditional knowledge, innovations and practices of Indigenous peoples and traditional local communities is vital to the conservation and sustainable use of the biological diversity of many World Heritage Areas, and in line with decisions III/14, IV/9 and V/16 of the Conference of the Parties to the Convention on Biological Diversity, “traditional knowledge should be given the same respect as any other form of knowledge” in the management of World Heritage Areas; and
- d) that the holistic, natural and cultural values and traditions of Indigenous peoples and traditional local communities are dynamic living values rather than static historic ones.

*Re: The Duty of Care and Responsibility*

- 3. **NOTE** that the social dimension to Indigenous cultural and natural values and traditions includes rights, obligations and responsibilities for decision making.

*Re: The Removal and Ownership of Cultural Property*

- 4. **ACCEPT** that the removal of cultural property from a World Heritage site in no way diminishes the Indigenous cultural values and traditions of the site, and that any such property so removed remains the property of the Indigenous people or traditional local community of origin.

*Re: The Restoration and Return of Cultural Property*

- 5. **SUPPORT** the return of cultural property removed from World Heritage Areas listed for their cultural values or as cultural landscapes.

**THE INDIGENOUS PEOPLES FORUM FURTHER PETITIONS THE WORLD HERITAGE COMMITTEE, TO:**

*Re: The Participation of Indigenous Peoples and Local Communities in Meetings and Processes Established by the World Heritage Convention Relationship*

- 6. **RECOMMEND** to the UNESCO World Heritage Unit that it work in collaboration with the Convention on Biological Diversity in regard to Task 9 of the programme of work adopted by the Conference of the Parties under decision V/16 concerning the development of guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on sacred sites and on lands or waters occupied or used by Indigenous and traditional local communities. The guidelines and recommendations should ensure the participation of Indigenous and traditional local communities in the assessment and review.

7. **RECOMMEND** to States Parties to the World Heritage Convention that they work in partnership with Indigenous and traditional local community organisations in the establishment of policies, guidelines, and/or strategic plans, which include requirements for national reporting, to enable the continuous, on-ground monitoring of impacts of any decisions or proposed developments in World Heritage Areas on the Indigenous spiritual and cultural values associated with those areas

*Re: The Protection of Information Concerning Indigenous Cultural and Natural Values.*

8. **RECOGNIZE** that the protection of the traditional knowledge, innovations and practices of Indigenous peoples and traditional local communities is of major international significance and that work is being carried out under Article 8(j) of the Convention on Biological Diversity, and by WIPO, the UN Convention to Combat Desertification, the Intergovernmental Forum on Forests and by the Commission on Human Rights and the Working Group on Indigenous Populations.

9. **RECOGNISE** these processes by developing a set of protocols and guidelines.

*Re: The Spiritual, Intellectual and Social Recovery of Indigenous Peoples and Traditional Local Communities*

10. **RECOGNISE** that the direct involvement of Indigenous peoples in the conservation and protection of natural and cultural heritage, will contribute to the spiritual, intellectual and social recovery and development of Indigenous peoples and traditional local communities whose ancestral territories fall within World Heritage Areas now.

11. **RECOMMEND** to States Parties to the Convention on World Heritage that they facilitate effective and meaningful consultation, co-operation and involvement of Indigenous peoples and traditional local communities in the management of their ancestral territories that fall within World Heritage Areas now.

12. **ENSURE** that any personnel to be engaged for the purposes of monitoring and managing the cultural values of World Heritage areas, are drawn from the Indigenous peoples and traditional local communities whose traditional knowledge and practices are the source of the cultural values involved.

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## Definitions of Indigenous Peoples<sup>5</sup>

### Introduction

The United Nations has no definition of the term “indigenous peoples”. At the outset of its work with Indigenous peoples, some ideas for the definition of Indigenous population’s from an international point of view were identified in an expert study published by the UN in 1983 (E/CN.4/Sub.2/1983/21, add.8, 362-383).

The Working Group on Indigenous Populations has not adopted any definition and its Sessions are open to all representatives of Indigenous communities, organizations, Nations and peoples. The principle of self-identification has prevailed. Over time, participation has included representatives from all regions of the world. The newly established permanent forum on Indigenous issues has adopted the same open procedure. Several texts offer guidance on criteria relevant for a definition, e.g. the ILO’s Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (27 June 1989, Article 1) and, the World Bank’s draft operational policy (OP 4.10).

The discussion is still ongoing about the validity or appropriateness of the term “Indigenous Peoples” in particular in Asia and Africa. Indigenous peoples from these regions maintain that they are Indigenous. Recently the African Commission on Human and Peoples Rights established its own working group on Indigenous peoples to reflect on the concept of Indigenous peoples in the region.

By way of conclusion it is recommended that the principle of self-identification by the Indigenous peoples themselves be respected, and that any international policy have a Universal applicability.

### **A- ILO, Convention (No.169) concerning Indigenous and Tribal Peoples in Independent Countries, 27 June 1989, Article 1:**

“1. This Convention applies to:

- (a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the

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<sup>5</sup> As discussed at the workshop of the WHIPCOE Working Group in Winnipeg, Canada from 6 to 8 November 2001.

establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.
3. The use of the term “peoples” in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.”

**B - ECOSOC, UN Draft Declaration on the rights of Indigenous Peoples (E/CN.4/Sub.2/1994/2/Add.1), 20 April 1994, Article B**

“Indigenous peoples have the collective and individual right to maintain and develop their distinct identities and characteristics, including the right to identify themselves as Indigenous and to be recognized as such.”

**C - Martinez Cobo, J.R., A Study of the discrimination Against Indigenous Peoples, (UN, New York 1987) (doc.E/CN.4/Sub.2/1986/7/Add.4), Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNHCR, Geneva at paras. 379 & 380, Definition accepted by the UN Working Group on Indigenous Populations:**

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems”.