

WORLD HERITAGE AND INDIGENOUS PEOPLES – A CALL TO ACTION

Addressing the urgent need to make the implementation of UNESCO's World Heritage Convention consistent with the United Nations Declaration on the Rights of Indigenous Peoples

The International Expert Workshop on the World Heritage Convention and Indigenous Peoples was organized by the International Work Group for Indigenous Affairs (IWGIA) and financially supported by the Danish Agency for Culture, the Greenland Government, and the Christensen Fund. It took place in Copenhagen, Denmark from 20-21 September 2012 as part of the 40th Anniversary of the World Heritage Convention in 2012, celebrated by UNESCO under the theme “World Heritage and Sustainable Development: The Role of Local Communities”.

The Expert Workshop was attended by, *inter alia*, Indigenous experts and representatives from all continents, including from several World Heritage areas, human rights experts, representatives of the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples, UNESCO, the World Heritage Centre, IUCN, ICOMOS, the African World Heritage Fund and the Nordic World Heritage Foundation, as well as some government representatives.

This Plan of Action reflects the views of the Indigenous representatives and human rights experts who participated in the Expert Workshop but not necessarily those of the Danish Government's Agency for Culture and the Greenland Government.

Preamble

Recognizing the vibrant contribution that Indigenous peoples make to the maintenance of the common heritage of humankind through their world perspectives, knowledge, cultures, laws, customs, practices, lives, and institutions;

Recognizing the need to genuinely value, recognize and respect the cultural heritage of Indigenous peoples in the definition, management, and protection of World Heritage sites, and the positive outcomes that flow from valuing, recognizing and respecting Indigenous peoples' cultural heritage;

Emphasizing that Indigenous peoples' individual and collective human rights as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples must be recognized, respected, promoted, and realized by States, United Nations agencies, and intergovernmental organizations;

Recalling the purposes and principles of the Charter of the United Nations and the need for good faith in the fulfillment of the obligations assumed by States in accordance with the Charter;

Further recalling UNESCO's constitutional purpose, according to which the organization shall “further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations”;

Stressing the need for the principles of justice, democracy, respect for human rights, non-discrimination, rule of law, good governance and good faith to guide the implementation of the World Heritage Convention at all levels;

Noting the theme of the 40th Anniversary of the World Heritage Convention, “World Heritage and Sustainable Development: the Role of Local Communities”, and the fact that numerous World Heritage sites are situated within Indigenous peoples' lands and territories and therefore have significant ramifications for the human rights, conditions, integrity, and self-determined development of Indigenous peoples and communities;

Welcoming World Heritage Committee Decision 35 COM 12E, wherein the Committee encourages States to involve Indigenous peoples in decision-making, monitoring and evaluation of the state of conservation of World Heritage sites and to respect the rights of Indigenous peoples when nominating, managing and reporting on World Heritage sites within Indigenous peoples' territories;

Emphasizing the UN General Assembly's adoption of the Declaration on the Rights of Indigenous Peoples and the human rights framework that it provides for all States and the UN System, including UNESCO, the World Heritage Committee, and the Committee's Advisory Bodies, for ensuring the survival, dignity and well-being of the Indigenous peoples of the world;

Emphasizing in particular the rights of Indigenous peoples to self-determination, to free, prior and informed consent, to their lands, territories and resources, to cultural integrity, and their other economic, social, and cultural rights;

Convinced that respect for these rights will enable Indigenous peoples to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs;

Drawing attention to the fact that the UN General Assembly, the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the Rights of Indigenous Peoples, the African Commission on Human and Peoples' Rights, and the IUCN World Conservation Congress have all urged UNESCO and/or the World Heritage Committee to take measures to ensure that Indigenous peoples' rights are respected in all existing and future World Heritage sites and in the overall implementation of the World Heritage Convention (see Annex 1);

Informed by detailed case studies from Indigenous peoples' representatives and experts from across the globe concerning the impacts of the nomination, designation, and management of World Heritage sites upon Indigenous peoples' rights, lives, communities, cultures, lands, and territories (see Annex 2);

Concerned about the legacy of past and ongoing injustices, and chronic, persistent human rights violations that have been and continue to be experienced by Indigenous peoples as a result of the establishment and management of protected areas, including many areas inscribed on the World Heritage List;

Recognizing the historical and persistent human rights violations and breaches of fundamental freedoms being perpetrated by States and others against Indigenous individuals and peoples as a direct result of the implementation of the World Heritage Convention and actions of the World Heritage Committee;

We therefore demand that States, the World Heritage Committee, UNESCO, the World Heritage Centre, and the Advisory Bodies give full attention to the following principles:

- The implementation of the World Heritage Convention must be consistent with the UN Declaration on the Rights of Indigenous Peoples and relevant international and regional human rights instruments and standards.
- Indigenous peoples must be recognized as rights-holders and not merely stakeholders in any decisions affecting them, in accordance with their distinct status and rights under international law and in particular, their right of self-determination.
- Effective, direct, and meaningful representation and participation of Indigenous peoples at all stages and levels of decision-making related to the World Heritage Convention must be recognized, respected, enabled and ensured.
- Indigenous peoples must be fully consulted and directly involved in the identification, decision-making and management of World Heritage sites within or affecting their lands, territories and resources, through representatives chosen by themselves in accordance with their own procedures and institutions.
- States must respect the rights of Indigenous peoples when identifying, nominating, managing and reporting on World Heritage sites incorporating or affecting Indigenous peoples' lands, territories or resources.
- Indigenous peoples' free, prior and informed consent must be obtained when their territories are being identified, nominated or inscribed as World Heritage sites. This essential right must be fully respected and recognized.
- States, the World Heritage Committee, UNESCO, and the Advisory Bodies must effectively involve Indigenous peoples in all stages of monitoring and evaluation of the state of conservation of World Heritage sites in their territories.

To give effect to these principles, we call for the adoption of the following measures and actions:

1. That the World Heritage Committee urgently establish an open and transparent process to elaborate, with the direct, full and effective participation of Indigenous peoples, changes to the current procedures and operational guidelines and other appropriate measures to ensure that the implementation of the World Heritage Convention is consistent with the United Nations Declaration on the Rights of Indigenous Peoples and a human rights-based approach. Such changes must:

a) Include, *inter alia*, new provisions that affirm and guarantee Indigenous peoples' right to free, prior and informed consent, consistent with the UN Declaration on the Rights of Indigenous Peoples, prior to any tentative listing or inscription of a World Heritage site incorporating or affecting their lands, territories or resources;

b) Ensure that Indigenous peoples are recognized as rights-holders and not merely stakeholders;

c) Ensure that historical and ongoing infringements of human rights, including those explicitly embraced by the UN Declaration on the Rights of Indigenous Peoples, are identified and addressed through periodic reporting, management and reactive monitoring, as well as by other means.

2. That the World Heritage Committee not inscribe any further sites incorporating or affecting Indigenous peoples' lands, territories or resources on the World Heritage List without proof or evidence that the free, prior and informed consent of the Indigenous peoples concerned has been obtained. In support of this:

a) The World Heritage Centre must not accept any World Heritage nomination affecting Indigenous peoples as complete without proof or evidence of the free, prior and informed consent of the Indigenous peoples' concerned. The Operational Guidelines need to be revised to that effect;

b) The World Heritage Committee is urged to consider the immediate adoption of the amendments proposed in Annex 3.

3. That the World Heritage Committee and UNESCO urgently establish the necessary procedures to remedy the existing lack of transparency and accountability in the implementation of the World Heritage Convention, including in the identification, monitoring and management of World Heritage sites and in the processing of World Heritage nominations.

a) Such procedures must ensure, *inter alia*, that World Heritage nominations, monitoring mission reports and State Party reports are made publicly available as soon as they are received by the UNESCO World Heritage Centre, so that affected Indigenous peoples, communities and other rights- and stakeholders have sufficient time to review these documents and provide input and comments in advance of any decision being taken by the World Heritage Committee;

b) Further, to support increased transparency in the implementation of the Convention, the World Heritage Centre should establish and maintain a public list of those sites on the States Parties' Tentative Lists that may affect the lands, territories or resources of Indigenous peoples.

4. That the World Heritage Committee establish, with the full and effective participation of Indigenous peoples and through an open and transparent process, an advisory mechanism consisting of Indigenous experts, to assist in the implementation of these and other measures to ensure that all actions related to the World Heritage Convention uphold the rights of Indigenous peoples.

a) While the exact role and functions of this mechanism must be determined in full consultation with Indigenous peoples, the advisory mechanism should play a consultative role to the World Heritage Committee in all processes affecting Indigenous peoples, to ensure that the Indigenous peoples concerned are adequately consulted and involved in these processes and that their rights, priorities, values, and needs are duly recognized, considered and reflected;

b) A key mandate of the Indigenous advisory mechanism should be to identify and appoint appropriate Indigenous experts and representatives to take part in World Heritage processes impacting Indigenous peoples, including the evaluation of nominations, on-site evaluation missions, evaluation of the state of conservation of World Heritage sites and monitoring missions;

c) The UN special mechanisms on Indigenous peoples' rights, including the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the Rights of Indigenous Peoples, should be encouraged to collaborate with the advisory mechanism and assist in the execution of its functions as appropriate and consistent with their respective mandates.

5. That States, UNESCO and the World Heritage Committee provide sufficient financial and other resources to enable the World Heritage Centre to effectively support and advance the full realization of the provisions of the UN Declaration on the Rights of Indigenous Peoples in all matters concerning the World Heritage Convention, including by:

a) Providing secretarial and other support, as required, to the above-mentioned advisory mechanism of Indigenous experts;

b) Establishing a full time staff position to deal exclusively with the issues, concerns, and rights of Indigenous peoples;

c) Joining the UN Inter-Agency Support Group on Indigenous Issues, which facilitates the dialogue between the Permanent Forum on Indigenous Issues and the various agencies and organs of the United Nations.

6. That the World Heritage Committee issue a standing invitation and provide support to the Permanent Forum on Indigenous Issues to participate in its sessions and provide sufficient speaking time to the Permanent Forum to effectively contribute to its sessions.

7. That States and the World Heritage Committee urgently respond to and redress conditions within existing World Heritage sites where human rights violations or conflicts continue to affect Indigenous peoples and communities.

8. That the World Heritage Committee request the Advisory Bodies to include experts on Indigenous peoples' rights on their World Heritage Panels and as desk reviewers of all nominations affecting Indigenous peoples.

9. That States ensure the equitable and effective participation of Indigenous peoples in the administration and management of World Heritage sites within Indigenous peoples' lands and territories and support Indigenous peoples' own initiatives to develop administration and management systems.

10. That States ensure that the benefits arising from the use of Indigenous peoples' lands, territories and resources as World Heritage sites are defined by and genuinely accrue to the Indigenous peoples concerned, in a fair and equitable manner.

11. That States, UNESCO and the World Heritage Committee provide sufficient financial resources to support the full realization of the rights of Indigenous peoples in the implementation of the World Heritage Convention and the measures outlined in this Call for Action.