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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
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**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Thirty first Session

Christchurch, New Zealand
23 June – 2 July 2007

**Item 13 of the Provisional Agenda: Evaluation of the results of the
implementation of the Committee's Strategic Objectives**

Proposal for a 'Fifth C' to be added to the Strategic Objectives

SUMMARY

This document presents the New Zealand's proposal for a '5th C' to be added to the Strategic Objectives.

Draft Decision: 31 COM 13B, see Point IV

I. Background

1. New Zealand is of the view that a 'fifth C' (Community) should be added to the strategic objectives identified by the World Heritage Committee for promoting the implementation of the *World Heritage Convention*. This is necessary because:
 - a) Heritage protection without community involvement and commitment is an invitation to failure;
 - b) Coupling community to the conservation of heritage is consistent with international best practice, as evidenced by comparable international regimes;
 - c) Conservation, capacity building, credibility and communication are all intrinsically linked to the idea of community.
 - d) Heritage protection, should, wherever possible, reconcile the needs of human communities, as humanity needs to be at the heart of conservation.

II. Strategic Objectives

2. At its 26th Session (Budapest, 2002), the World Heritage Committee (the 'Committee') identified four strategic objectives to promote the implementation of the *World Heritage Convention*. These are Credibility, Conservation, Capacity-building and Communication. Collectively, these are known as the 'four Cs'. Whilst New Zealand is of the view that these are very important strategic objectives of the Convention, New Zealand believes that one more strategic objective (a 'fifth C') needs to be added. The fifth C which New Zealand believes needs to be added is 'community'. The New Zealand thesis is that the identification, management and successful conservation of heritage must be done, where possible, with the meaningful involvement of human communities, and the reconciliation of conflicting interests where necessary. It should not be done against the interests, or with the exclusion or omission of local communities.

A. Communities

3. For the purposes of this paper, 'communities' involves all forms of non-State actors. That is, from the smallest groups of citizens, in whichever form they manifest themselves. They may range from groupings of peoples as indigenous, traditional and/or local peoples. They may be presented as, *inter alia*, community groups, tribes, nongovernmental organizations, private enterprise and/or local authorities. The defining characteristic of communities, in this setting, is what they possess. They all possess a direct connection, with relevant interests, to individual sites and often they have a connection that has endured over time. Typically, these communities share a close proximity with the sites in question. These peoples and/or entities are not necessarily directly representing official State positions, and may actually be in dissent from official positions.

B. Communities in International Environmental Law

4. The idea of 'popular participation' as a necessary ingredient of sustainable development was iterated in a number of important international documents leading up to the 1992 Earth Summit, and at Rio itself, where Principle 10 of the Declaration emphasized that 'environmental issues are best handled with the participation of all concerned citizens, at

the relevant levels'¹. This perspective was reinforced by international commissions and a number of summits during the 1990s through to the 2002 World Summit on Sustainable Development (WSSD). The WSSD agreed that, 'good governance within each country and at the international level is essential for sustainable development'², and popular participation is the foundation of good governance.

Today, few people argue against the need to engage positively with resident or neighboring communities in protected area management, and probably no-one would defend the proposition that human rights are less important in relation to protected areas than elsewhere. Moreover, around the world, conservation agencies and communities are also 'learning by doing' in an enormous variety of specific situations, trying to understand and apply an evolving body of international and national laws and regulations on the rights of indigenous peoples and local communities³.

5. An equally notable ideal of sustainable development, if the goal is to conserve heritage, either natural or cultural, is the preservation of knowledge, innovations and practices of indigenous and local communities embodying both traditional and contemporary lifestyles. This ideal was iterated at the WSSD⁴, following the adoption of this principle in the Convention on Biological Diversity⁵.

C. The Reasons Why Communities Matter

6. There are many reasons why communities must be clearly linked to the conservation of heritage. Some of these reasons are not directly connected with the conservation of heritage, but rather, pertain to understandings of what is understood by the ideal of human rights, social development and/or basic ideals of citizenship. Of late, communities have gained an increased importance with regard to the United Nations Millennium Development Goals, as mechanisms to help end extreme poverty, and promote sustainable development. However it is not the purpose of this paper to focus on the non-conservation benefits of community involvement with heritage. Nevertheless, it is necessary to note that the importance of community involvement is not limited to conservation consideration.
7. With regard to conservation of heritage ideas, the core idea is that areas created in isolation of local communities in terms of their values, participation, or sharing of benefits, risk failure. Thus, as the Chairperson of the 22nd session of the World Heritage Committee (Kyoto, 1998), Mr Koïchiro Matsuura, stated,

[W]ithout the understanding and support of the public at large, without the respect and daily care of the local communities, which are the true custodians of World Heritage, no amount of funds or army of experts will suffice in protecting the sites⁶.

¹ The Rio Declaration on Environment and Development. (1992), UNCED Doc/A. CONF.151/5/Rev/1. See also chapters 3, 11 & 14 of Agenda 21 (1992), UNCED Doc/A. CONF.151/4.

² Plan of Implementation of the World Summit on Sustainable Development. (2002). A/CONF.199/L.1, Paragraph 4.

³ Borrini-Feyerabend, G., A. Kothari, and G. Oviedo. Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation: Guidance on policy and practice for Co-managed Protected Areas and Community Conserved Areas. IUCN Gland (Switzerland) and Cambridge (UK), 2004.

⁴ See the WSSD Plan of Implementation, paragraph 44, sections J, L and H.

⁵ CBD. Article 8 (j). See also 10 (c).

⁶ 12th General Assembly of the World Heritage Convention (UNESCO, 1999), see *document WHC-99/CONF.206/7*, p. 4. For further comments on this points, also see 22nd session of the World Heritage Committee (Kyoto, 1998), *document WHC-98/CONF.203/18*, p. 10; 19th session of the World Heritage Committee, *document WHC-95/CONF.203/16*, p. 63 (Berlin, 1995); 17th session of World Heritage Committee

8. Experience has demonstrated that one of the most important factors for the long-term success of a protected area, is having the buy-in of affected indigenous/traditional and/or local populations⁷. Indigenous approaches to heritage in particular are shaped by world views that align people with the natural environment in a synergistic relationship. This support is necessary because often it is the local/traditional and/or indigenous peoples who have the knowledge of how to successfully conserve sites of heritage value. Conversely, such communities which are disenfranchised may actively work against protected areas which do not reflect their interests, or fail to deliver on the promises and/or expectations raised when the site was given protected status.
9. Against this background it is now commonly accepted that indigenous and/or local populations should be directly, and meaningfully included and 'participate'⁸ in all important decisions and outcomes. This is especially necessary in terms of access and benefit sharing, related to protected areas⁹. Collectively, the objective in this area, is now best summed up by the CBD goal, which aimed for,

Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment and management of new protected areas. ...The establishment, management and monitoring of protected areas should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations¹⁰.

D. Promotion of the Local/Traditional/Indigenous Populations

10. The importance of sustained active participation of local, traditional, and/or indigenous peoples and/or communities in protected area management is clear within numerous protected area regimes in international law. Numerous regional agreements which mandate and protect certain sites place a strong emphasis on the inclusion of local/traditional and/or indigenous populations. A very similar emphasis is reflected at the

(Cartagena, 1993), *document WHC-93/CONF.002/14*, p. 45; UNESCO, (1999). Second World Heritage Global Strategy Meeting for the Pacific Islands Region. August, 2000.

⁷ It is important to note that local and community support is not a lone guarantor of conservation success for all protected areas. Indeed, a number of protected areas which have tried to blend conservation and development have failed from a conservation point of view. Rangerson, J. (2005). 'Biodiversity Golden Rules Do Not Work.' *N. Sci.* Feb 5. 11. IUCN. (2002). 'Local Communities and Protected Areas.' *Parks*. 12(2): 190. Bruner, A. (2001). 'The Effectiveness of Parks in Protecting Tropical Biodiversity.' *Science*. 291: 125-128. Hackel, J. (1999). 'Community Conservation and the Future of Africa's Wildlife.' *Conservation Biology*. 13: 726-734. IUCN. (2001). 'ICDPs: Working With Parks and People.' *Parks*. 11(2): 1-60. Robinson, G. (2004). 'Parks, People and Pipelines'. *Conservation Biology*. 18(3): 607-608.

⁸ The spectrum of what 'participate' is wide. The lowest level of participation is one where groups or individuals receive information about proposed actions but have no opportunities to change them. One step above is 'consultation,' whereby information is given and the views of those consulted are sought. The third step is 'deciding together', builds on the above two steps, with the relevant stakeholders being part of the final decision making process, within established boundaries of influence. 'Acting together' is where there is both a shared decision making process and shared responsibility for implementing decisions. 'Supporting independent community interests', is the highest level of participation. It is where communities become responsible for setting their own agendas and implementing the decisions which are taken. The role of experts and other agents or investors is to support the community with information and expertise and perhaps resources to help them make informed decisions. This represents a completely 'bottom up' approach to conservation. IUCN. (2003). *Guidelines for Management Planning of Protected Areas*. (IUCN, Gland). 57-61.

⁹ Secretariat of the CBD. (2004). *Biodiversity Issues for Consideration in the Planning, Establishment and Management of Protected Area Sites and Management*. (CBD Technical Series No 15). 94-111, 148-155.. Kelleher, G. (ed). *Guidelines for Marine Protected Areas* (IUCN, Gland, 1999). 21-37.

¹⁰ CBD. Decision VII/28. Protected Areas. Paragraph 22 and Annex. Goal 2.2. For similar goals with regards to MPAs, see CBD. Decision VII/5 Marine and Coastal Biological Diversity. Section 21.

global level. For example, the Global Environment Facility (GEF) is actively facilitating the involvement of local communities in protected area management. By 2005, 6 million USD had been invested in participatory planning processes involving local and national stakeholders in more than 100 community based protected area initiatives¹¹. It also has 137 projects, focused on engaging the public (and NGO involvement in particular), covering 751 protected areas¹², as well as supporting the involvement of indigenous communities in protected areas, from traditional knowledge, to modern management initiatives¹³.

11. In addition to the GEF, the other two conventions which have a strong influence in relation to protected areas are the Man and the Biosphere (MAB) regime, and the Ramsar Convention (on Wetlands of international importance). The MAB is notable for its overt emphasis upon the necessity to have a close connection with local communities with all of its listed sites¹⁴. A pro-community participation approach is also evident with the Ramsar Convention¹⁵, which has come to emphasise stakeholder involvement, including local (and national)¹⁶ communities and indigenous people. In particular, Ramsar has called upon all Parties,

[T]o make specific efforts to encourage active and informed participation of local and indigenous people...and their direct involvement, through appropriate mechanisms, in wetland management... with a view to reflecting their needs and values, traditional and other knowledge and practices in national wetland policies and programmes¹⁷.

E. Communities within the Work of the *World Heritage Convention*

12. The final convention of note in this area is the *World Heritage Convention*. The *World Heritage Convention*, recognises that its Parties 'shall' (as far as possible and appropriate for each country), *inter alia*, 'adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community'¹⁸. The foremost way that this goal has been furthered has been the facilitation of local participation with World Heritage properties. This facilitation has become increasingly common, as it has become apparent, that local populations are commonly surrounding, or within, a large number of World Heritage natural properties¹⁹. In most instances, the involvement of these populations has been seen to be consistent with and supportive of the *World Heritage*

¹¹ GEF. (2005). Making a Visible Difference in Our World. (GEF, Washington). 7. GEF. (2005). People and Protected Areas. (GEF, Washington). 1.

¹² GEF. (2005). Making a Visible Difference in Our World. (GEF, Washington). 17.

¹³ GEF. (2005). Making a Visible Difference in Our World. (GEF, Washington). 18.

¹⁴ The Statutory Framework of the World Network of Biosphere Reserves. Article 4 (6). Seville Strategy. Objective II.1, II.2. UNESCO. (1998). Biosphere Reserves: Myth or Reality ?' (UNESCO, Paris). 48. Seville + 5 Recommendations. Recommendations Number 4 and 9.

¹⁵ Resolution 8.36. Participatory Environmental Management (PEM) As A Tool for Management and Wise Use of Wetlands. (2002, Valencia). Note that the theme of participation is repeated in numerous Ramsar areas. Resolution 5.6. Wise Use of Wetlands (1993, Kushiro). Resolution 8.14. New Guidelines for Management Planning for Ramsar Sites and Other Wetlands. (2002, San Jose). Annex. Resolution 8.25. The Ramsar Strategic Plan. (2002, Valencia). Annex. Operational Objective 6. Resolution 8.39. High Andean Wetlands as Strategic Resources. (2002, Valencia). Resolution VI:14. The Ramsar 25th Anniversary Statement and the Strategic Plan. (1996, Brisbane).

¹⁶ As of the end of 2002, 88 Parties had national wetland committees. Resolution 8.25. The Ramsar Strategic Plan. (2002, Valencia). Annex. I.9.

¹⁷ Recommendation 6.3. Involving Local and Indigenous People. (1996, Brisbane). See also Resolution 7.8. Local Communities and Indigenous People. (1999, San Jose).

¹⁸ *World Heritage Convention*. Article 5 (a).

¹⁹ Pressouyre, L. (1992). *The World Heritage Convention, Twenty Years Later*. (UNESCO, Paris). 14-15, 22.

Cattaneo, M & Trifoni, J. (2003). *The World Heritage Sites of UNESCO: Nature Sanctuaries* (WhiteStar, Vercelli). 16, 66, 70, 80, 93, 100-101.

*Convention objectives*²⁰. Accordingly, the Committee has emphasized the importance of the sovereign authorities engaging and consulting with local peoples wherever appropriate²¹, and seeking an equitable sharing of benefits, derived from the World Heritage properties, where possible²². As part of the recognition of communities the World Heritage Committee is urged to recognise indigeneity as an important platform for both identifying and sustaining properties of outstanding universal value²³.

F. The Fifth C in Practice

13. The New Zealand proposal is that relevant communities be actively involved in the identification, management and conservation of all World Heritage sites. The identification of communities who have a particular interest is a matter that will require States to develop an explicit methodology. New Zealand believes that the interests of local/traditional/indigenous people and communities should always be taken into account. Community interests should not 'trump' other strategic goals, but rather, should be used in a complementary manner. New Zealand is of the view that linking communities to heritage protection is a 'win-win' scenario. In the few instances where it is found that community interests are in direct conflict with some of the existing strategic goals, good faith efforts should be made to reconcile the differences in a meaningful and equitable manner.

²⁰ 6th Extra-ordinary session of the World Heritage Committee (UNESCO, 2003), *document WHC-03/6. EXT.COM/8*, p. 9.

²¹ 18th session of the World Heritage Committee (Phuket, 1994), *document WHC-94/CONF.003/16*, p. 42.

²² Assessment and Recommendations of the Kazan Meeting, in the framework of the 29th session of the World Heritage Committee (Durban, 2005), *document WHC-05/29.COM/9*, Sections 19 (g) and 20 (c).

²³ Report of the World Heritage Indigenous Peoples Council of Experts, *document WHC-2001/CONF.205/WEB*, p. 2; 24th session of the World Heritage Committee (Cairns, 2000), *document WHC-2000/CONF.204/21*, p. 5; Report of the World Heritage Indigenous Peoples Council of Experts, *document WHC-2001/CONF.205/WEB.3*, p. 3; 25th session of the World Heritage Committee (Helsinki, 2005), *document WHC-01/CONF.208/24*, pp. 105-106.

III. Declaration of the 5th C: Communities

- Conscious, that the *World Heritage Convention* recognises that its States Parties shall 'adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community',
- Noting, that communities can take many forms, including local, traditional and/or indigenous peoples,
- Aware, that international law and policy, in the area of conservation has, in the last 25 years, come to place an increased emphasis upon the meaningful participation of communities in the selection, management and conservation of their heritage,
- Cognizant that this change is because in a number of instances the control of heritage has been attempted without the support of surrounding communities and in some instances, this has resulted in damage being done to both the heritage and the interests of the surrounding communities.

Therefore, the States Parties to the *World Heritage Convention* at the 31st session of the World Heritage Committee meeting,

1. Confirm, that in the future, the conservation of the world's natural and cultural heritage should, wherever possible, be done with the active engagement of communities which have a close relationship with the heritage in question.
2. Pledge that they shall, as appropriate, seek the active involvement of communities at all stages, from the preparation of tentative lists through to conservation requirements for sites which are in danger.

IV. Draft Decision

Draft Decision 31 COM 13B

The World Heritage Committee,

1. Having examined Document WHC-07/31.COM/13B,
2. Welcomes the proposal by New Zealand to enhance the role of the Communities in the implementation of the World Heritage Convention;
3. Adds a "Fifth C" for "Communities" to the existing Strategic Objectives which were adopted as the Budapest Declaration on World Heritage by the World Heritage Committee at its 26th session (Budapest, 2002) which should read as follows:
 - e) *To enhance the role of the Communities in the implementation of the World Heritage Convention.*
4. Encourages all interested parties to promote and implement this fifth Strategic Objective.