

World Heritage and Cultural Diversity

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World Heritage Sites in Indigenous Peoples' Territories: Ways of Ensuring Respect for Indigenous Cultures, Values and Human Rights

Introduction

Of the 890 properties designated as World Heritage sites under UNESCO's 1972 World Heritage Convention as of February 2010, a significant number are situated in the territories of indigenous peoples or areas over which indigenous peoples have rights of ownership, access or use.¹ These sites are located in many different parts of the world and on all continents. While they vary greatly in terms of size, some of them are the size of small or medium-sized countries and include parts or all of the territories of not just one, but several indigenous peoples. Although establishing an exact number of these indigenous sites on the World Heritage List would be difficult and would require careful analysis, it is estimated that there are roughly between seventy and a hundred such sites. The vast majority of them are inscribed as "natural sites", with no reference to indigenous culture or the existence of indigenous peoples in the justification for inscription.

The number of indigenous sites on the World Heritage List is likely to increase in the future, considering that the World Heritage Committee actively encourages nominations from under-represented regions and of under-represented types of properties (in the context of the Global Strategy for a Representative, Balanced and Credible World Heritage List). The Committee has revised the selection criteria so that they are more

inclusive and appreciative of living cultures and traditions, and has amended the *Operational Guidelines for the Implementation of the World Heritage Convention* to allow for the inscription of outstanding "cultural landscapes" on the basis of their continuing economic, cultural or spiritual value to indigenous peoples (see AHC, 1995). It is also noteworthy that the United Nations General Assembly has recommended that UNESCO should intensify efforts to recognize indigenous heritage as heritage of humanity under the framework of the *World Heritage Convention* (UNGA, 2005, para. 15).

This paper deals with the question of how to ensure that indigenous peoples' human rights, as affirmed by the General Assembly in the 2007 United Nations Declaration on the Rights of Indigenous Peoples, are respected in World Heritage areas and in the various processes of implementing the World Heritage Convention. A number of suggestions are made on concrete steps that the World Heritage Committee could, or should, take in this regard. These measures would also help to ensure that the indigenous understandings of sites – the values and meanings attached to sites by indigenous peoples – are properly taken into account in the management and protection of World Heritage sites, starting with the nomination procedures.

Indigenous sites on the World Heritage List: cultural or natural heritage?

As its official title already indicates, the World Heritage Convention differentiates between cultural heritage on the one hand and natural heritage on the other, defining the two types of heritage in Articles 1 and 2 respectively. As a consequence, the Committee maintains a distinction between "cultural" and "natural"

¹ The expression "territories of indigenous peoples" in this paper refers to areas which indigenous peoples have "traditionally owned, occupied or otherwise used or acquired" (UN Declaration on the Rights of Indigenous Peoples, art. 26), irrespective of whether or not the indigenous rights to these areas are officially recognized by a particular state. There may also be World Heritage sites that, although not located in the territory of an indigenous people, are nevertheless of special economic, cultural, spiritual or other value to indigenous peoples and therefore subject to certain indigenous rights.

properties, the classification depending on the criteria under which a site is inscribed on the World Heritage List. This distinction has been criticized as over-simplified, as it takes “no account of the fact that in most human societies the landscape, which was created or at all events inhabited by human beings, [is] representative and an expression of the lives of the people who live in it and so [is] in this sense equally culturally meaningful” (WHC, 1994, p. 4).

In response to such criticisms, the Committee has taken various steps to soften the dichotomy between cultural and natural heritage, and to give recognition to the fact that it is not adequate or possible to make a strict separation between cultural and natural values in the specific contexts of many World Heritage sites. These steps have included the introduction of the cultural landscapes category in 1992, and the merging of the selection criteria for cultural and natural heritage into a single set of criteria in 2003, “to better reflect the continuum between nature and culture” (see WHC, 1998, para. IX.11; and Decision 6 EXT.COM 5.1, 2003). However, although the Committee has combined the criteria, it has – somewhat contradictorily – continued to uphold the distinction between “cultural” and “natural” properties.

The distinction is particularly problematic in the context of World Heritage sites that are located in the territories of indigenous peoples, because the cultures, ways of life and spiritual beliefs of indigenous peoples are inseparable from their lands, territories and natural resources, and because natural and cultural

values for indigenous peoples are deeply interconnected.² Also, indigenous peoples' land management practices and traditional knowledge have in many cases greatly contributed, and continue to contribute, to the biological diversity in their territories, as is increasingly recognized by conservation organizations (including UNESCO).³ Indigenous peoples therefore generally consider a strict distinction between cultural and natural heritage as artificial and inadequate, and consider that their heritage should be managed and protected as an interrelated whole. For example, a 1998 *Review of Aboriginal Involvement in the Management of the Wet Tropics World Heritage Area* (in Australia) emphasizes:

“Rainforest Aboriginal people (and, in fact, indigenous Australians generally) see the trend by western managers to manage a region's values according to two distinct categories (i.e. natural and cultural values) as artificial and inadequate. Rainforest Aboriginal people adopt a holistic view of the landscape, asserting that a region's natural and cultural values are in fact inseparably interwoven within the social, cultural, economic, and legal framework of Bama custom and tradition. They are also concerned at the tendency, particularly at the day-to-day level of management, by western managers to treat cultural heritage considerations as secondary to those afforded to natural values” (WTMA, 1998, p. 12).

An Indigenous Peoples Forum held in 2000 in conjunction with the 24th Session of the World Heritage Committee in Cairns (Australia), therefore petitioned the Committee to “recognise the

² As the UN Special Rapporteur on the protection of the heritage of indigenous peoples, Erica-Irene Daes, has observed, “heritage” for indigenous peoples “includes all expressions of the relationship between the people, their land and the other living beings and spirits which share the land ... All of the aspects of heritage are interrelated and cannot be separated from the traditional territory of the people concerned”. Daes therefore stresses that it is “inappropriate to try to subdivide the heritage of indigenous peoples ... All elements of heritage should be managed and protected as a single, interrelated and integrated whole” (UN Commission on Human Rights, 1993, paras 31 and 164).

³ See, e.g. Roué (2006), WWF International and Terralingua (2001), and the 1992 Convention on Biological Diversity, art. 8(j). According to the World Heritage Committee, “The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity” (*Operational Guidelines*, 2008, Annex 3, para. 9).

holistic nature of Indigenous natural and cultural values and traditions" (World Heritage Indigenous Peoples Forum, 2000, p. 99).

The continuing need for the Committee and States Parties to address this concern is evident from the already noted fact that the vast majority of the indigenous sites on the World Heritage List are inscribed as "natural sites", with no regard for indigenous cultural, spiritual or economic values in the justification for inscription. In all these cases, the "outstanding universal value" recognized by the Committee does not reflect the indigenous peoples' own understanding of their territory and heritage. This conflicts with para. 81 of the 2008 *Operational Guidelines*, where it is stated: "Judgments about value attributed to cultural heritage ... may differ from culture to culture ... *The respect due to all cultures requires that cultural heritage must be considered and judged primarily within the cultural contexts to which it belongs*" [emphasis added].

Should not the judgement as to whether a site is treated as a "cultural" or "natural" site also primarily be made within the cultural context to which it belongs? And should there not be a similar provision for judgements about value attributed to natural heritage sites?

These questions are important, because the justification for inscription, of course, affects management priorities and frameworks, and if the indigenous peoples' own values are not properly taken into account, this can have major implications for them. For example, if a site is inscribed and protected as a natural site, without recognizing the existence and role of the indigenous inhabitants, this can lead to all kinds of restrictions on their land-use practices and undermine their ways of life. It can lead to a loss of control over their lands and can have significant consequences for their ability to maintain and

strengthen their cultures and traditions and develop their societies in accordance with their own aspirations and needs. Disregard of indigenous peoples and their values in World Heritage nomination and inscription processes can therefore have far-reaching human rights implications, in addition to constituting a human rights violation in itself.

Human rights concerns and considerations

Until recently, the establishment of national parks and nature protected areas usually implied that these places were then largely treated as untenured "wilderness" areas, where human intervention and use – with the exception of tourism – was either prohibited altogether or subjected to tight restrictions, regulations and permits. For indigenous peoples this often meant that they found themselves classified as "squatters", "poachers" or "encroachers" on their own lands, that their customary land management practices were treated as threats to the "natural environment" of the sites, and that they were denied access to natural resources critical to their livelihoods, survival and health. In many cases indigenous peoples were forcibly removed or pressured to leave following the creation of national parks or protected areas (Colchester, 2003; Dowie, 2009; WWF and Terralingua, 2001; SPFI, 2009). Often they were not even consulted when the protected areas were established and subsequently excluded from management and decision-making processes.⁴ The fact that their particular cultures and ways of life were inextricably linked and interconnected with these places and the associated plant and animal species, and had ensured their conservation and protection since time immemorial, was disregarded and disrespected. So were indigenous peoples' customary rights to their lands and resources, their land tenure systems, and their various social, economic and cultural rights associated with the respective sites. Moreover, while protected areas have often greatly limited their economic development options, indigenous peoples

⁴According to the Forest Peoples Programme (2003, p. 4), "the majority of protected areas in developing countries have been established on indigenous peoples' lands without their consent, often resulting in forced removals, impoverishment and cultural loss".

have rarely shared equitably in the – often substantial – economic benefits, such as tourism revenues. Indigenous delegates at the Fifth World Parks Congress in Durban (South Africa) in 2003 stated:

“The declaration of protected areas on indigenous territories without our consent and engagement has resulted in our dispossession and resettlement, the violation of our rights, the displacement of our peoples, the loss of our sacred sites and the slow but continuous loss of our cultures, as well as impoverishment. It is thus difficult to talk about benefits for Indigenous Peoples when protected areas are being declared on our territories unilaterally. First we were dispossessed in the name of kings and emperors, later in the name of State development and now in the name of conservation” (WPC Closing Plenary, 17 September 2003, Statement by Indigenous Peoples).

Unfortunately, these observations and concerns also apply to many of the protected areas that have been recognized as World Heritage sites. There are several indigenous sites on the World Heritage List – in particular, but not only, “natural sites” – where the local indigenous peoples have almost no role in management and are regularly marginalized in decision-making that affects their lands, cultures and everyday lives in significant ways.⁵ In some of those sites, indigenous peoples are essentially treated as threats to their own territories, through management systems that were imposed on them and are not linked to their own governance systems. At least in some instances, the designation as World Heritage sites may in effect have consolidated

or even aggravated indigenous peoples' loss of control over their lands, and over their economic, social and cultural development as peoples. There are a number of nature protected areas on the World Heritage List, where local indigenous people were pressured to leave or forcibly removed following the establishment of the protected area, and there are even cases where, as Sarah Titchen has observed, “Indigenous peoples have been actually physically removed from protected areas as a way of justifying inscription of an area on the World Heritage List as a place of natural importance devoid of what is perceived as the negative impact of local inhabitants” (Titchen, 2002).⁶

This raises the question of what can be done by the World Heritage Committee to ensure that such injustice and marginalization does not occur in World Heritage areas, that indigenous rights are respected in the implementation of the Convention, and that indigenous peoples' values, priorities and understandings of their own territories are properly reflected in nomination procedures and management of sites. A related question is what steps can be taken to promote and facilitate reconciliation and redress in World Heritage areas where indigenous rights have been violated in the past.

A useful tool in this regard is the United Nations Declaration on the Rights of Indigenous Peoples, which was passed by the UN General Assembly in September 2007 and whose provisions UN agencies and other international organizations are called on to respect, promote and apply in their various programmes.

⁵ See for example the situation of the Baka people in the Dja Faunal Reserve, Cameroon (Tchoumba and Nelson, 2006; Nguiffo, 2001), the Karen in the Thungyai-Huai Kha Khaeng Wildlife Sanctuaries, Thailand (Buergin, 2001; Colchester, 2003, p. 17), or the Maasai in the Ngorongoro Conservation Area, United Republic of Tanzania (Kipuri and Sørensen, 2008, pp. 11f.; Olenasha, 2006, pp. 159f.).

⁶ An example where indigenous people were forcibly evicted from their ancestral lands during the World Heritage nomination process is Bwindi Impenetrable National Park, Uganda (Dowie, 2009, p. 67; Tumushabe and Musiime, 2006). In the case of Thailand's Thungyai-Huai Kha Khaeng Wildlife Sanctuaries, the resettlement of remaining Karen villages within the sanctuaries was announced in the World Heritage nomination for the near future (Buergin, 2001, pp. 2, 7). Thailand's 2003 Periodic Report on the state of conservation of the site threatens: “If Karen villages inside the WH zone exert increasing demands on natural resources in the park, relocation will be conducted” (Thailand, 2003, p. 234).

Art. 41 of the Declaration requires UN agencies and other inter-governmental organizations to “contribute to the full realization of the provisions of this Declaration” and to establish “ways and means of ensuring participation of indigenous peoples on issues affecting them”. Art. 42 stipulates that “The United Nations, its bodies ... and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration”.

The Declaration affirms a wide range of political, economic, social, cultural, spiritual and environmental rights of indigenous peoples and “reflects the existing international consensus regarding the individual and collective rights of indigenous peoples” (UN Human Rights Council, 2008, para. 43). It provides a clear-cut frame of reference for states and international agencies for the formulation, implementation and evaluation of programmes and projects targeted at or impacting indigenous peoples. UNESCO's former Director-General Koïchiro Matsuura officially welcomed the adoption of the Declaration as “a milestone for indigenous peoples and all those who are committed to the protection and promotion of cultural diversity”, and ensured that it would “undoubtedly provide the foremost reference point [for UNESCO] in designing and implementing programmes with and for indigenous peoples” (Matsuura, 2007).

Additionally, the UN Inter-Agency Support Group on Indigenous Issues (IASG), of which UNESCO is a member, has “pledge[d] to advance the spirit and letter of the Declaration within our agencies' mandates and to ensure that the Declaration becomes a living document throughout our work” (IASG, 2008a, para. 10).⁷ The members of the IASG have also agreed to review their

policies and other instruments regarding indigenous peoples from the perspective of the framework of the Declaration, “so that all policies, programmes, projects, other instruments and activities ... are consistent with the Declaration” (IASG, 2007, para. 9).

To facilitate such efforts, the United Nations Development Group (UNDG) has elaborated *Guidelines on Indigenous Peoples' Issues* on the basis of the Declaration, which provide “lines of action for planning, implementation and evaluation of programmes involving indigenous peoples”. They are meant to “assist the UN system to mainstream and integrate indigenous peoples' issues in processes for operational activities and programmes at the country level”, and set out “the broad normative, policy and operational framework for implementing a human rights-based and culturally sensitive approach to development for and with indigenous peoples”. They are also thought to “provide a framework for duly integrating the principles of cultural diversity into UN country programmes” (UNDG, 2008, p. 3). Another useful publication is the *Resource Kit on Indigenous Peoples' Issues* prepared by the Secretariat of the UN Permanent Forum on Indigenous Issues (SPFII), which is designed to provide guidance as to “how to engage indigenous peoples and include their perspectives in development processes, including monitoring and reporting processes” (SPFII, 2008, p. 1).⁸

A key principle, affirmed in the UN Declaration and highlighted in both the *UNDG Guidelines and the Resource Kit*, is the principle of free, prior and informed consent. This principle is central to indigenous peoples' exercise of their right to self-determination, in particular with respect to developments affecting their lands, territories and natural resources, and “should be

⁷ See also the report of IASG's special meeting in February 2008 on how organizations of the UN system can integrate the Declaration into their policies and programmes (IASG, 2008b).

⁸ See also the 2007 report of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, which focuses on the application of the human rights-based approach to indigenous peoples (UN Human Rights Council, 2007).

respected and used as a methodology when designing programmes and projects that directly or indirectly affect indigenous peoples” (SPFII, 2008, p. 17). The substantive and procedural norms underlying free, prior and informed consent “empower indigenous peoples to meaningfully exercise choices about their economic, social and cultural development” (Motoc and Tebtebba Foundation, 2004, para. 9).

Art. 19 of the UN Declaration articulates the principle as follows: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”⁹

Naturally, this also applies to conservation initiatives affecting indigenous peoples, as the *UNDG Guidelines* explicitly note: “Conservation efforts on indigenous lands, including the establishment of new and management of existing protected areas, have to take place with the free, prior and informed consent and full participation of the communities concerned” (UNDG, 2008, p. 18, “Guiding human rights principles”).¹⁰

In the specific context of World Heritage sites, this also means that nominations of sites in indigenous territories should either be made by the indigenous peoples themselves, or at least with their full knowledge and agreement at all stages. The same

applies to management plans, periodic state of conservation reports, and international assistance requests.

Conclusion and recommendations

Unfortunately, the implementation of the World Heritage Convention often falls short of the principles of the UN Declaration on the Rights of Indigenous Peoples, and in many cases indigenous peoples and communities have been marginalized in the various processes of the Convention. This can have serious consequences for the ability of the affected indigenous groups to maintain and nurture their cultures and traditions (and therefore their intangible cultural heritage), and to develop their societies in accordance with their own needs and interests.¹¹ At the same time it could have significant ramifications for the credibility of UNESCO as an organization committed to the furthering of respect for human rights and the fostering of cultural diversity, especially considering the high visibility of the World Heritage Convention as one of UNESCO's flagship programmes.

In the following paragraphs, recommendations for specific actions by the World Heritage Committee are given, the adoption of which could help to address these concerns. In particular, the Committee should:

- *Formally commit to a human rights-based approach and endorse the UN Declaration on the Rights of Indigenous Peoples.*

⁹ Similarly, art. 32(2) requires indigenous peoples’ “free and informed consent prior to the approval of any project affecting their lands or territories and other resources”. Art. 10 states that indigenous peoples shall not be relocated from their lands or territories without their free, prior and informed consent. An international workshop organized by the UN Permanent Forum on Indigenous Issues in 2005 clarified various aspects of free, prior and informed consent and suggested a number of elements for a common understanding (see UNGD, 2008, p. 28). Among other things, the principle implies that there is an absence of coercion, intimidation or manipulation, that consent is sought sufficiently in advance of any commencement or authorization of activities, that respect is shown for time requirements of indigenous decision-making processes in all phases of a project, and that full and understandable information on likely impacts is provided (including information on potential risks and on benefit-sharing mechanisms).

¹⁰ This has also repeatedly been stressed by the UN Committee on the Elimination of Racial Discrimination, e.g. in the Concluding Observations: Ethiopia (2007, UN Doc. CERD/C/ETH/CO/15, para. 22).

¹¹ As emphasized in the UN Declaration, “control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs” (Preamble).

In overseeing the implementation of the Convention in indigenous territories, the Committee should formally adopt and follow a human rights-based approach, for which the UN Declaration should provide the basic normative framework. This would be in line with UNESCO's expressed goal to integrate a human rights-based approach into all of its programmes and activities (*UNESCO Strategy on Human Rights*, 2003; *UNESCO Medium-Term Strategy for 2008–2013*, paras 6 and 69), and would be a way of making the World Heritage Committee's fifth Strategic Objective ("To enhance the role of communities in the implementation of the World Heritage Convention") meaningful for indigenous peoples. It would also be in line with UNESCO's commitment to fostering cultural diversity, considering the importance of indigenous peoples' collective rights for the maintenance and development of their distinct cultures and ways of life.

- *Be more consistent and rigorous in ensuring effective indigenous participation in all processes of the Convention (nomination processes, elaboration of management plans, site management, monitoring, etc.)*
- *Establish an indigenous advisory body*

The establishment of an indigenous advisory body was first proposed in 2000 by the World Heritage Indigenous Peoples Forum in Cairns (Australia). The Forum called for the creation of a "World Heritage Indigenous Peoples Council of Experts" (WHIP-COE), out of concern about 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" (World Heritage Indigenous Peoples Forum, 2000, p. 4).

Considering the large number of indigenous sites that are now on the World Heritage List, the establishment of an indigenous advisory body appears indispensable for ensuring an adequate

level of indigenous involvement in the implementation of the World Heritage Convention that is in accordance with international human rights standards. The existence of such a body is therefore crucial for the consistent application of a human rights-based approach.

The indigenous consultative body should be involved in all Advisory Body evaluations of nominated properties that are situated in the territory of indigenous peoples. This would ensure that indigenous communities and their values are not ignored or disregarded when their territories are nominated for World Heritage listing, and that the "outstanding universal values" are balanced with indigenous values and do not "trump" the indigenous values. The indigenous advisory body should also be involved in monitoring the conservation of indigenous World Heritage sites and reviewing Periodic Reports. It would provide an important contact point for indigenous communities living in World Heritage areas, and enhance their ability to participate directly in the Committee's work and bring issues to its attention. Maybe such a body could also fulfil functions related to other UNESCO instruments in the field of culture, such as the 2003 and 2005 Conventions on intangible heritage and the diversity of cultural expressions.

- *Strengthen the provisions on community participation in the Operational Guidelines*

Currently the *Operational Guidelines* (2008) merely "encourage" States Parties to ensure the participation of "a wide variety of stakeholders":

"12. States Parties to the Convention are encouraged to ensure the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, non-governmental organizations (NGOs) and other interested parties and partners in the identification, nomination and protection of World Heritage properties."

The Committee should ensure that indigenous peoples are treated as rights-holders and key decision-makers, whose consent must be obtained, and not merely lumped together with a wide variety of “stakeholders” to be “consulted” in decision-making processes. The stakeholder approach negates indigenous peoples' status and rights under international law, including their right to self-determination and their collective rights to their lands, territories and resources. The relevant provisions in the *Operational Guidelines* should be reworded so that they specifically refer to indigenous peoples and do not give the impression that the involvement of indigenous peoples is something that is up to the States Parties. They should make clear that the full and effective participation of indigenous peoples in the identification, nomination, management and protection of World Heritage sites is *an essential and indispensable requirement*.

- *Update the Nomination Format and the Tentative List Submission Format (include fields on participation of local communities / indigenous peoples)*

Neither of the two formats (both annexed to the *Operational Guidelines*) currently contains fields explicitly requiring states to provide information on the local communities living in or near the sites, on the ways in which they were involved, and whether the submissions meet with their approval. In contrast, the format for Periodic Reporting has recently been revised and now contains a number of fields enquiring about the involvement of local communities and indigenous peoples, and the impacts of World Heritage status on their lives (see WHC, 2008).

- *Refrain from listing sites located in indigenous territories without indigenous peoples' free, prior and informed consent*

By way of comparison, States Parties who wish to inscribe elements on the lists established under the Convention for the Safeguarding of the Intangible Cultural Heritage must demonstrate to the responsible Intergovernmental Committee that the proposed

elements have “been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent” (*Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage*, June 2008, Criteria for inscription, U.4 and R.4). No such requirement exists with respect to the World Heritage List.

- *Refrain from listing sites in indigenous territories as “natural sites” and encourage the relisting of existing natural sites in indigenous territories as “mixed sites” or cultural landscapes*

As shown above, the distinction between cultural and natural heritage is problematic in the context of indigenous heritage sites, and the listing of indigenous sites as “natural sites” can be at the expense of indigenous peoples' cultural values and can have major implications for their lives and human rights. Accordingly, indigenous peoples are in various cases striving to get natural World Heritage sites relisted under cultural heritage values, an example being the Wet Tropics of Queensland World Heritage site in Australia (WTMA, 1998).

- *Undertake a review of all World Heritage sites, with the full participation of indigenous peoples, to identify shortcomings with regard to indigenous rights*

This would be in line with UNESCO's promise to review its policies, programmes and activities with a view to ensuring consistency with the UN Declaration on the Rights of Indigenous Peoples (IASG, 2007, para. 9).

The adoption of the above measures by the World Heritage Committee would help to empower indigenous peoples living in World Heritage areas and support their ability to safeguard and foster their distinct cultures and ways of life. It would help to ensure that indigenous peoples' human rights are respected and fulfilled in the management and protection of World Heritage

sites, and that they are effectively involved in the implementation of the World Heritage Convention at all levels. In World Heritage areas where indigenous communities have historically been excluded from management and decision-making processes, or where their rights were violated in the past, these measures would ensure that World Heritage status contributes to readdressing and redressing these circumstances.

In addition, the adoption of such measures would underscore the need and expectation for World Heritage sites to be conservation models that are managed to the highest international standards¹² and in accordance with international best practice. It would demonstrate that UNESCO takes its commitments to human rights and cultural diversity seriously.

¹² Note the pertinent standards adopted by the 4th World Conservation Congress in 2008 (Resolutions 4.049-4.056), "recognizing, promoting and calling for the appropriate implementation of conservation policies and practices that respect the human rights, roles, cultures and traditional knowledge of indigenous peoples in accordance with international agreements and their right to self-determination" (Res. 4.048). The WCC has formally endorsed the UN Declaration on the Rights of Indigenous Peoples, acknowledging that "injustices to indigenous peoples have been and continue to be caused in the name of conservation of nature and natural resources", and recognizing that "the ability of indigenous peoples to protect and support biological and cultural diversity is strengthened by a fuller recognition of their fundamental human rights, both individual and collective" (Res. 4.052). There are also a number of noteworthy Decisions by the Conference of Parties to the Convention on Biological Diversity, e.g. Decisions IX/18 (2008) and VII/28 (2004).

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