

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.

Annex 1:

Relevant resolutions, decisions and communications of international human rights mechanisms, intergovernmental institutions, and Indigenous organizations

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1) Establishment of a process for revising the Operational Guidelines in order to ensure that the implementation of the World Heritage Convention is consistent with the UN Declaration on the Rights of Indigenous Peoples

IUCN World Conservation Congress (2012):

NOTING that the World Heritage Convention is celebrating its 40th anniversary under the theme “World Heritage and Sustainable Development: the Role of Local Communities”; [...]

NOTING that the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on the Rights of Indigenous Peoples and the African Commission on Human and Peoples’ Rights (herein “African Commission”) have all expressed concerns that current procedures and mechanisms are inadequate for ensuring that the rights of indigenous peoples are respected in the implementation of the World Heritage Convention, and have called on UNESCO and the World Heritage Committee to review and revise current procedures and operational guidelines; [...]

The World Conservation Congress at its 5th Session in Jeju, Korea, 6–15 September 2012: [...]

2. URGES the World Heritage Committee to:

a. review and revise its procedures and Operational Guidelines, in consultation with indigenous peoples and the UN Permanent Forum on Indigenous Issues, to ensure that Indigenous Peoples’ rights and all human rights are upheld and implemented in the management and protection of existing World Heritage sites, consistent with the principles and goals of the United Nations Declaration on the Rights of Indigenous Peoples, and that no World Heritage sites are established in indigenous peoples’ territories without their free, prior and informed consent; [...]

IUCN World Conservation Congress, Jeju, Korea, 6-15 September 2012, Resolution 5.055, *Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the UNESCO World Heritage Convention*, adopted on 15 September 2012.

UN Expert Mechanism on the Rights of Indigenous Peoples (2012):

(a) Notes that the fortieth anniversary of the Convention Concerning the Protection of the World Cultural and Natural Heritage is being celebrated in 2012 under the theme “World heritage and sustainable development: the role of local communities”;

(b) Refers to articles 41 and 42 of the United Nations Declaration on the Rights of Indigenous Peoples...;

(c) Reiterates that... robust procedures and mechanisms should be established to ensure that indigenous peoples are adequately consulted and involved in the management and protection of World Heritage sites, and that their free, prior and informed consent is obtained when their territories are being nominated and inscribed as World Heritage sites; [...]

(e) Encourages the World Heritage Committee to establish a process to elaborate, with the 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 that indigenous peoples can effectively participate in the World Heritage Convention's decision-making processes.

"Proposal 9: World Heritage Committee", in: *Report of the Expert Mechanism on the Rights of Indigenous Peoples to the Human Rights Council*, UN Doc. A/HRC/21/52, 17 August 2012.

The UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, has explicitly added his support to this Proposal in his video message to the International Expert Workshop on the World Heritage Convention and Indigenous Peoples, 20-21 September 2012, Copenhagen, Denmark. See <http://unsr.jamesanaya.org/videos>.

UN Special Rapporteur on the Rights of Indigenous Peoples (2012):

33. A recurring issue that has come to the attention of the Special Rapporteur relates to the impact on indigenous peoples of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage sites. This issue has arisen in the context of the Special Rapporteur's communications with Governments regarding specific allegations of human rights violations, as well as in the context of his reports examining the situation of indigenous peoples in particular countries. Indigenous peoples have expressed concerns over their lack of participation in the nomination, declaration and management of World Heritage sites, as well as concerns about the negative impact these sites have had on their substantive rights, especially their rights to lands and resources...

34. The exact number of World Heritage sites that are within or near the traditional territories of indigenous peoples, or that otherwise affect them, is not certain and the World Heritage Committee has apparently never undertaken a comprehensive review of this, but the indications are that there are dozens of such sites.

35. In the meantime, there is still no specific policy or procedure which ensures that indigenous peoples can participate in the nomination and management of these sites. The Operational Guidelines for Implementation of the World Heritage Convention, which set out the procedure for the inscription of properties on the World Heritage list and the protection and conservation of sites, are silent on the issue of participation by indigenous peoples. The guidelines provide only that States parties to the Convention are encouraged to ensure the participation of a wide variety of stakeholders in the identification, nomination and protection of World Heritage properties.

36. Furthermore, States are not specifically required to provide any information on the indigenous peoples and local communities living in or around a site they nominate for World Heritage designation, or review the kind of impact a site might have on the rights of these groups. In this connection, the templates provided in the operational guidelines for nominating sites do not contain fields requiring States to describe the potential impact a site might have on indigenous peoples or to provide information about whether affected peoples have been asked about and agree with the nomination, although States are asked to indicate the major categories of land ownership, including traditional or customary ownership.

37. At its thirty-fifth session, in July 2011, the World Heritage Committee took an important step in adopting decision 35 COM 12E, in which States parties are encouraged to involve indigenous peoples and local communities 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 in the territories of indigenous peoples. However, until amendments are made to the operational guidelines, these proposals may not fully take root...

UNSR James Anaya, Report to the United Nations General Assembly, UN Doc. A/67/301, 13 August 2012.

Joint submission of Indigenous organizations to the World Heritage Committee (2012):

We note that 2012 marks the 40th Anniversary of the World Heritage Convention, which is being celebrated under the theme "World Heritage and Sustainable Development: the Role of Local Communities". As UNESCO has underlined, the 40th Anniversary provides an "excellent

opportunity... to address concerns that have been raised within the framework of the Permanent Forum and to work towards a constructive solution to the challenges that the United Nations Declaration on the Rights of Indigenous Peoples brings to the international community as a whole.”

We welcome with appreciation that the World Heritage Committee last year adopted a decision in which it encourages States Parties to involve indigenous peoples in decision making and to respect their rights when nominating, managing and reporting on World Heritage sites in their territories. While this decision is an important step forward, it will need to be followed up with adequate, stringent changes to the World Heritage Committee’s procedures and Operational Guidelines in order to have a practical effect. [...]

We... continue to insist that the World Heritage Committee review and revise its current procedures and Operational Guidelines, in order to ensure that the implementation of the World Heritage Convention is consistent with the UN Declaration on the Rights of Indigenous Peoples and that Indigenous peoples’ rights are respected, protected and fulfilled in World Heritage areas...

Joint Submission on the Lack of implementation of the UN Declaration on the Rights of Indigenous Peoples in the context of UNESCO’s World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2012.

Myrna Cunningham, Chair of the UN Permanent Forum on Indigenous Issues (2012):

We are well aware that the World Heritage Convention and its Operational Guidelines do not offer the necessary provisions on the rights of indigenous peoples, nor do they include other references to human rights or the rights of indigenous peoples... With regard to indigenous peoples’ involvement, for those World Heritage sites that are already established, new provisions and guidelines need to be adopted to ensure full and effective participation of indigenous peoples in the management and decision-making concerning these sites. [...]

There are... sites on the World Heritage List where indigenous peoples have no role in management and they are regularly marginalized in decision-making, consequently affecting their lands, cultures and everyday lives in significant ways. In some cases, indigenous peoples are treated as threats to their own territories, especially in instances where management systems of these sites are imposed, based on Western norms and perspectives unrelated to their own governance systems. It would be very sad to consider that designation of World Heritage sites may result in the further loss of control over indigenous peoples’ lands, and over their economic, social and cultural development. There are also instances where indigenous peoples have been pressured to leave or been forcibly removed following the establishment of World Heritage protected areas. Therefore it is important to make sure that injustices and marginalization of indigenous peoples do not occur in World Heritage areas and that their rights are respected in the implementation of the Convention, including the nomination of new sites and particularly the adherence to the right and principle of free, prior and informed consent of the indigenous peoples involved. If their values of sites are ignored and not taken into account, this can have far-reaching human rights implications, including violation of their rights.

Interview with Myrna Cunningham, Chair of the United Nations Permanent Forum on Indigenous Issues (UNPFII). In: *World Heritage Review No. 62: World Heritage and Indigenous Peoples* (February 2012). UNESCO: World Heritage Centre.

African Commission on Human and Peoples’ Rights (2011):

Noting Article 1 of the Constitution of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) on the purposes and functions of the Organization, according to which UNESCO 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”; [...]

Noting with concern that there are numerous World Heritage sites in Africa that have been inscribed without the free, prior and informed consent of the indigenous peoples in whose territories they are located and whose management frameworks are not consistent with the principles of the UN Declaration on the Rights of Indigenous Peoples; [...]

2. *Urges* the World Heritage Committee and UNESCO to review and revise current procedures

and Operational Guidelines, in consultation and cooperation with the UN Permanent Forum on Indigenous Issues and indigenous peoples, in order to ensure that the implementation of the World Heritage Convention is consistent with the UN Declaration on the Rights of Indigenous Peoples and that indigenous peoples' rights, and human rights generally, are respected, protected and fulfilled in World Heritage areas; [...]

Resolution on the protection of indigenous peoples' rights in the context of the World Heritage Convention and the designation of Lake Bogoria as a World Heritage site, ACHPR/Res.197 (L)2011, adopted in Banjul, The Gambia, 5 November 2011.

UN Permanent Forum on Indigenous Issues (2011):

40. The Permanent Forum ... encourage[s] a review of existing procedures with regard to rights-related mechanisms, norms and standards in the preparation and processing of world heritage nominations by States parties.

41. The Permanent Forum welcomes the initiative of UNESCO, the International Union for Conservation of Nature (IUCN), the International Council on Monuments and Sites (ICOMOS) and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) to review current procedures and capacity to ensure free, prior and informed consent, and the protection of indigenous peoples' livelihoods, tangible and intangible heritage. During this review process, it would be advisable to review the inconsistency of approaches to natural world heritage and cultural world heritage. The Permanent Forum makes itself available to assist in the review and revision of UNESCO operational guidelines with regard to nominations and site assessments. The Permanent Forum further recommends that UNESCO invite indigenous peoples' representatives and experts to contribute to deliberations on and recommended changes to procedures and operational guidelines.

Permanent Forum on Indigenous Issues, *Report on the tenth session (16-27 May 2011)*, UN Doc. E/2011/43-E/C.19/2011/14.

Joint submission of Indigenous organizations to the World Heritage Committee (2011):

We... call on the World Heritage Committee... to immediately convene a Working Group of experts on Indigenous peoples' issues, with a mandate to draft an overarching policy on Indigenous peoples and to recommend changes to the Operational Guidelines and other appropriate steps to ensure that the implementation of the World Heritage Convention is consistent with the UN Declaration on the Rights of Indigenous Peoples.

Joint Statement on Continuous violations of the principle of free, prior and informed consent in the context of UNESCO's World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2011.

UN Permanent Forum on Indigenous Issues (2010):

That the UN Declaration on the Rights of Indigenous Peoples and the UNDG Guidelines on Indigenous Peoples' Issues be used as frameworks when World Heritage Sites found in indigenous territories are nominated and managed as well as for missions done in these areas.

Statement of the UN Permanent Forum on Indigenous Issues to the 34th Session of the World Heritage Committee, Brasilia, 2011, Recommendation 7.

United Nations Declaration on the Rights of Indigenous Peoples (2007):

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, 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.

2) Establishment of a participatory mechanism for Indigenous peoples at the UNESCO/WHC level

IUCN World Conservation Congress (2012):

2. URGES the World Heritage Committee to: [...] establish a mechanism through which indigenous peoples can provide direct advice to the Committee in its decision-making processes in a manner consistent with the right of free, prior and informed consent and the right to participate in decision-making as affirmed in the UN Declaration on the Rights of Indigenous Peoples;

IUCN World Conservation Congress, Jeju, Korea, September 2012, Resolution 5.055, *Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the UNESCO World Heritage Convention*, 15 September 2012.

UN Expert Mechanism on the Rights of Indigenous Peoples (2012):

(b) Refers to articles 41 and 42 of the United Nations Declaration on the Rights of Indigenous Peoples...;

(c) Reiterates that UNESCO must enable and ensure effective representation and participation of indigenous peoples in decision-making related to the World Heritage Convention... [...]

(e) Encourages the World Heritage Committee to establish... appropriate measures to ensure... that indigenous peoples can effectively participate in the World Heritage Convention's decision-making processes.

"Proposal 9: World Heritage Committee", in: *Report of the Expert Mechanism on the Rights of Indigenous Peoples to the Human Rights Council*, Doc. A/HRC/21/52, 17 August 2012. Similarly: *Expert Mechanism advice No. 2 (2011): Indigenous peoples and the right to participate in decision-making*, para. 38, Doc. A/HRC/18/42, Annex.

UN Special Rapporteur on the Rights of Indigenous Peoples (2012):

Indigenous peoples have expressed concerns over their lack of participation in the nomination, declaration and management of World Heritage sites... [T]here is still no specific policy or procedure which ensures that indigenous peoples can participate in the nomination and management of these sites. The Operational Guidelines for Implementation of the World Heritage Convention, which set out the procedure for the inscription of properties on the World Heritage list and the protection and conservation of sites, are silent on the issue of participation by indigenous peoples... It is worth noting also that in 2001, the World Heritage Committee rejected proposals put forward by indigenous peoples to establish a council of experts of indigenous peoples, which was to act as an advisory body to the Committee.

UNSR James Anaya, Report to the United Nations General Assembly, Doc. A/67/301, 13 August 2012, paras. 33, 35, 37.

Joint submission of Indigenous organizations to the World Heritage Committee (2012):

We... continue to call on the World Heritage Committee to revisit the initial efforts to establish a World Heritage Indigenous Peoples' Council of Experts (WHIPCOE) and to revive efforts to establish an appropriate mechanism through which Indigenous peoples can provide advice to the World Heritage Committee, effectively bring concerns to its attention and effectively participate in its decision-making processes;

Joint Submission on the Lack of implementation of the UN Declaration on the Rights of Indigenous Peoples in the context of UNESCO's World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2012.

African Commission on Human and Peoples' Rights (2011):

3. *Calls on* the World Heritage Committee to consider establishing an appropriate mechanism through which indigenous peoples can provide advice to the World Heritage Committee and effectively participate in its decision-making processes;

Resolution on the protection of indigenous peoples' rights in the context of the World Heritage Convention and the designation of Lake Bogoria as a World Heritage site, ACHPR/Res.197 (L)2011, adopted in Banjul, The Gambia, 5 November 2011.

UN Permanent Forum on Indigenous Issues (2011):

I would like to take this opportunity to appeal to the States Parties of the Committee... that the initial efforts to establish a World Heritage Indigenous Peoples' Council of Experts (WHIPCOE) be revisited and efforts to set up an appropriate mechanism whereby indigenous experts can provide advice to the World Heritage Committee and the World Heritage Center be revived.

Statement of the UN Permanent Forum on Indigenous Issues to the 35th Session of the World Heritage Committee, Paris, 22 June 2011 (delivered by Kanyinke Sena).

Joint submission of Indigenous organizations to the World Heritage Committee (2011):

We... call on the World Heritage Committee... to establish an Indigenous advisory body which should be involved in the evaluation of all nominated properties that are situated in the territories of Indigenous peoples and in monitoring the conservation and management of such World Heritage properties.

Joint Statement on Continuous violations of the principle of free, prior and informed consent in the context of UNESCO's World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2011.

UN Permanent Forum on Indigenous Issues (2011):

That the initial efforts to establish a World Heritage Indigenous Peoples' Council of Experts (WHIPCOE) be revisited and efforts to set up an appropriate mechanism whereby indigenous experts can provide advice to the World Heritage Committee and the World Heritage Center be revived.

Statement of the UN Permanent Forum on Indigenous Issues to the 34th Session of the World Heritage Committee, Brasilia, 2011, Recommendation 3.

United Nations Declaration on the Rights of Indigenous Peoples (2007):

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

United Nations General Assembly (2004):

16. UNESCO is urged to establish mechanisms to enable indigenous peoples to participate effectively in its work relating to them, such as the programmes on endangered languages, education, literacy, nomination of indigenous sites in the World Heritage List and other programmes relevant to indigenous peoples.

Programme of Action for the Second International Decade of the World's Indigenous People, UN Doc. A/60/270, adopted by the UN General Assembly on 20th December 2004 by Resolution A/RES/59/174.

3) Adoption of procedures/provisions to ensure Indigenous peoples' free, prior and informed consent

IUCN World Conservation Congress (2012):

2. URGES the World Heritage Committee to: [...] review and revise its procedures and Operational Guidelines, in consultation with indigenous peoples and the UN Permanent Forum on Indigenous Issues, to ensure ... that no World Heritage sites are established in indigenous peoples' territories without their free, prior and informed consent;

IUCN World Conservation Congress, Jeju, Korea, September 2012, Resolution 5.055, *Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the UNESCO World Heritage Convention*, 15 September 2012.

UN Expert Mechanism on the Rights of Indigenous Peoples (2012):

(c) Reiterates that ... robust procedures and mechanisms should be established to ensure that... [indigenous peoples'] free, prior and informed consent is obtained when their territories are being nominated and inscribed as World Heritage sites; [...]

"Proposal 9: World Heritage Committee", in: *Report of the Expert Mechanism on the Rights of Indigenous Peoples to the Human Rights Council*, Doc. A/HRC/21/52, 17 August 2012. Likewise: *Expert Mechanism advice No. 2 (2011): Indigenous peoples and the right to participate in decision-making*, para. 38, Doc. A/HRC/18/42, Annex.

UN Special Rapporteur on the Rights of Indigenous Peoples (2012):

Indigenous peoples have expressed concerns over their lack of participation in the nomination, declaration and management of World Heritage sites ... [T]here is still no specific policy or procedure which ensures that indigenous peoples can participate in the nomination... of these sites. The Operational Guidelines for Implementation of the World Heritage Convention, which set out the procedure for the inscription of properties on the World Heritage list..., are silent on the issue of participation by indigenous peoples... Furthermore, States are not specifically required to provide any information on the indigenous peoples and local communities living in or around a site they nominate for World Heritage designation, or review the kind of impact a site might have on the rights of these groups. In this connection, the templates provided in the operational guidelines for nominating sites do not contain fields requiring States to describe the potential impact a site might have on indigenous peoples or to provide information about whether affected peoples have been asked about and agree with the nomination... In the view of the Special Rapporteur, proposals for the declaration of World Heritage sites that directly affect indigenous peoples should come from those peoples, something that the States parties to the World Heritage Convention and United Nations agencies should promote.

UNSR James Anaya, Report to the United Nations General Assembly, UN Doc. A/67/301, 13 August 2012, paras. 33-40.

Joint submission of Indigenous organizations to the World Heritage Committee (2012):

We... urge the Committee not to approve these nominations, or any other nominations of sites in Indigenous peoples' territories, until it has been ensured that the Indigenous peoples concerned have been adequately consulted and involved and that their free, prior and informed consent has been obtained;

Joint Submission on the Lack of implementation of the UN Declaration on the Rights of Indigenous Peoples in the context of UNESCO's World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2012.

UN Permanent Forum on Indigenous Issues (2011):

42. The Permanent Forum recommends that the UNESCO World Heritage Committee, and the advisory bodies IUCN, ICOMOS and ICCROM, scrutinize current World Heritage nominations to ensure they comply with international norms and standards of free, prior and informed consent.

Permanent Forum on Indigenous Issues, *Report on the tenth session (16-27 May 2011)*, UN Doc. E/2011/43-E/C.19/2011/14.

UN independent expert in the field of cultural rights, Farida Shaheed (2011):

No inscription on UNESCO lists relating to cultural heritage or national lists or registers should be requested or granted without the free, prior and informed consent of the concerned communities. More generally, States should seek the free, prior and informed consent of source communities before adopting measures concerning their specific cultural heritage, in particular in the case of indigenous peoples, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples;

Report of the independent expert in the field of cultural rights, Farida Shaheed, to the Human Rights Council, Doc. A/HRC/17/38, 21 March 2011, Recommendations, 80c.

Joint submission of Indigenous organizations to the World Heritage Committee (2011):

We... call on the World Heritage Committee:

a) to defer all World Heritage nominations of sites in Indigenous peoples' territories if it cannot be ensured that the Indigenous peoples have been adequately consulted and involved and that their free, prior and informed consent has been obtained;

Joint Statement on Continuous violations of the principle of free, prior and informed consent in the context of UNESCO's World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2011.

United Nations Declaration on the Rights of Indigenous Peoples (2007):

Article 32(2)

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Article 19

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.

United Nations General Assembly (2004):

19. It is recommended that programmes and initiatives relating to indigenous cultures should follow the principle of free, prior and informed consent of indigenous peoples. Particular caution should be exercised when elaborating tourism and national park projects in indigenous territories.

Programme of Action for the Second International Decade of the World's Indigenous People, UN Doc. A/60/270, adopted by the UN General Assembly on 20th December 2004 by Resolution A/RES/59/174.

4) Access to information

United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya (2012):

In light of the theme of the 40th Anniversary, "World Heritage and Sustainable Development: the Role of Local Communities", I would like to add my voice to the recent request from indigenous organizations that World Heritage nominations and monitoring mission reports be made publicly available as soon as they are received by UNESCO, so that affected indigenous peoples, local communities and other rights- and stakeholders have sufficient time to review the documents and provide input and comments in advance of any decision being taken by the World Heritage Committee.

I draw attention in this connection to the Outcome Document of the recent United Nations Conference on Sustainable Development in Rio, "The future we want", in which Governments "underscore that broad public participation and access to information... are essential to the

promotion of sustainable development”, and that sustainable development “requires the meaningful involvement and active participation of... all major groups”, including indigenous peoples.

Video message by the UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, to the International Expert Workshop on the World Heritage Convention and Indigenous Peoples, 20-21 September 2012, Copenhagen, Denmark, available at: <http://unsr.jamesanaya.org/videos>.

United Nations General Assembly (2012):

43. We underscore that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. Sustainable development requires the meaningful involvement and active participation of regional, national and subnational legislatures and judiciaries, and all major groups: women, children and youth, indigenous peoples, non-governmental organizations, local authorities, workers and trade unions, business and industry, the scientific and technological community, and farmers, as well as other stakeholders, including local communities, volunteer groups and foundations, migrants and families as well as older persons and persons with disabilities...

“The future we want”, Outcome of the United Nations Conference on Sustainable Development, Rio de Janeiro, 20-22 June 2012 (Rio+20), Doc. A/RES/66/288, Annex.

Joint submission of Indigenous organizations to the World Heritage Committee (2012):

We... urge the World Heritage Committee and UNESCO to establish the necessary procedures to remedy the existing lack of transparency in the implementation of the World Heritage Convention and in the processing of World Heritage nominations. Such procedures must ensure, *inter alia*, that World Heritage nominations are made publicly available *as soon as they are received*, so that affected Indigenous peoples, communities and other rights- and stakeholders have sufficient time to review the nominations and provide input and comments in advance of any decision being taken by the World Heritage Committee;

Joint Submission on the Lack of implementation of the UN Declaration on the Rights of Indigenous Peoples in the context of UNESCO’s World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2012.

UN Expert Mechanism on the Rights of Indigenous Peoples (2011):

23. The duty to obtain the free, prior and informed consent of indigenous peoples presupposes a mechanism and process whereby indigenous peoples make their own independent and collective decisions on matters that affect them. The process is to be undertaken in good faith to ensure mutual respect...

25. The element of “free” implies no coercion, intimidation or manipulation; “prior” implies that consent is obtained in advance of the activity associated with the decision being made, and includes the time necessary to allow indigenous peoples to undertake their own decision-making processes; “informed” implies that indigenous peoples have been provided all information relating to the activity and that that information is objective, accurate and presented in a manner and form understandable to indigenous peoples; “consent” implies that indigenous peoples have agreed to the activity that is the subject of the relevant decision, which may also be subject to conditions.

Expert Mechanism advice No. 2 (2011): Indigenous peoples and the right to participate in decision-making, UN Doc. A/HRC/18/42, Annex (emphasis added).

United Nations Declaration on the Rights of Indigenous Peoples (2007):

Article 32(2)

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources...

5) Redress for past injustices and violations of Indigenous peoples' rights in World Heritage Areas

IUCN World Conservation Congress (2012):

ACKNOWLEDGING that injustices to indigenous peoples have been and continue to be caused in the name of nature conservation, and that indigenous peoples have suffered dispossession and alienation from their traditional lands and resources as a result of the establishment and management of protected areas, including many areas inscribed on the World Heritage List; [...]

2. URGES the World Heritage Committee to... work with State Parties to establish mechanisms to assess and redress the effects of historic and current injustices against indigenous peoples in existing World Heritage sites;

IUCN World Conservation Congress, Jeju, Korea, 6-15 September 2012, Resolution 5.055, *Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the UNESCO World Heritage Convention.*

Joint submission of Indigenous organizations to the World Heritage Committee (2012):

We... recommend that UNESCO and the World Heritage Committee establish a process through which existing World Heritage sites may be reviewed with reference to the requirements of the UN Declaration on the Rights of Indigenous Peoples;

Joint Submission on the Lack of implementation of the UN Declaration on the Rights of Indigenous Peoples in the context of UNESCO's World Heritage Convention, endorsed by over 70 Indigenous organizations and NGOs from around the world, submitted to the World Heritage Committee in May 2012.

United Nations Declaration on the Rights of Indigenous Peoples (2007):

Article 8(2)

States shall provide effective mechanisms for prevention of, and redress for:

- (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; [...]

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 20(2)

Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 28(1)

Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

Annex 2:

Case studies discussed during the International Expert Workshop on the World Heritage Convention and Indigenous Peoples, Copenhagen, Denmark, 20-21 Sept. 2012

Aasivissuit, Arnangarnup Qoorua: Inuit hunting land- and seascapes (Greenland, Tentative List)
Canaima National Park (Venezuela)
Central Suriname Nature Reserve (Suriname)
Church ruin at Hvalsø, episcopal residence at Gardar, and Brattahlid: A Norse/Eskimo cultural landscape (Greenland, Tentative List)
Historic Inner City of Paramaribo (Suriname)
Ilulissat Icefjord (Greenland)
Jodensavanna / Cassipora cemetery (Suriname, Tentative List)
Kaeng Krachan Forest Complex (Thailand, Tentative List)
Kahuzi-Biega National Park (Democratic Republic of Congo)
Kakadu National Park (Australia)
Kenya Lake System in the Great Rift Valley (Kenya)
Laponian Area (Sweden)
Nahanni National Park Reserve (Canada)
Ngorongoro Conservation Area (Tanzania)
Papahānaumokuākea Marine Monument (Hawai'i)
Rice Terraces of the Philippine Cordilleras (Philippines)
Sangha Trinational (Congo / Cameroon / Central African Republic)
Thungyai - Huai Kha Khaeng Wildlife Sanctuaries (Thailand)
Várriat Siida (Norway, a potential Sami World Heritage site)
Western Ghats (India)
Wet Tropics of Queensland (Australia)

Annex 3:

International Expert Workshop on the World Heritage Convention and Indigenous Peoples Copenhagen, Denmark, 20-21 September 2012

Proposed amendments to the Operational Guidelines for the Implementation of the World Heritage Convention related to Indigenous peoples' free, prior and informed consent

This document contains proposed amendments to the *Operational Guidelines for the Implementation of the World Heritage Convention* (Doc. WHC. 12/01, July 2012) aimed at ensuring that Indigenous peoples' free, prior and informed consent is obtained when parts of their lands or territories are identified, nominated or inscribed as World Heritage sites or when their lives, rights or resources are otherwise affected by such processes. The proposed amendments are made to ensure consistency with the provisions and requirements of the *United Nations Declaration on the Rights of Indigenous Peoples* (in particular Arts. 19 and 32) and the conclusions of the international human rights treaty monitoring bodies. Their adoption is an essential prerequisite for the World Heritage Convention's compliance with international human rights conventions and standards and will be a crucial contribution to the achievement of UNESCO's objective to integrate a human rights-based approach into all of UNESCO's programmes, activities and projects in line with the United Nations Reform Programme (see UNESCO Strategy on Human Rights, Section I). The proposed amendments will help ensure that Indigenous peoples are appropriately treated as rightsholders, not merely stakeholders, in the work of the Convention. Their adoption will also contribute to the harmonization of the World Heritage Convention's operations with the provisions of other United Nations and UNESCO conventions in the fields of human rights, cultural diversity and intangible cultural heritage.

The proposed amendments are intended to provide urgent correction to an on-going, serious problem – the alienation of lands and resources of Indigenous peoples through or due to World Heritage processes. This urgency is underlined by the fact that these processes take place under the auspices of UNESCO, a United Nations specialized agency that is obliged to promote respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples and follow up the effectiveness of this Declaration (Art. 42 UNDRIP).

It is important to emphasize that the amendments proposed in this Annex are not the only changes to the Operational Guidelines that are needed to ensure that the implementation of the World Heritage Convention is fully consistent with the UN Declaration on the Rights of Indigenous Peoples and does not violate international human rights law. More comprehensive amendments to the Operational Guidelines are also necessary for enabling the World Heritage Convention to become an instrument that appropriately reflects and embraces the worldviews, values and heritage of Indigenous peoples, on an equal footing and with the same emphasis as it reflects and embraces the worldviews, values and heritage of the other peoples of the world. To achieve these ends, the Guidelines must be carefully reviewed, through an open and transparent process with the full and effective participation of Indigenous peoples. Considering the principles and values on which UNESCO was founded, the Organization's commitment and obligation to further – and not undermine – respect for human rights, and its pledges to promote cultural diversity and intercultural dialogue, it is obvious that this is also a fundamental question of the credibility of UNESCO and the World Heritage Convention.

Sections of the Operational Guidelines which urgently need to be reviewed and revised include the sections on Monitoring the State of Conservation of World Heritage Properties (Section IV), Periodic Reporting (V), Protection and Management (II.F), Integrity and/or authenticity (II.E), and Outstanding Universal Value (II.D), among other sections. Additionally, some of the Annexes of the Operational Guidelines need to be reviewed.

Notably, all three of the UN special mechanisms on Indigenous peoples (Expert Mechanism on the Rights of Indigenous Peoples, Permanent Forum on Indigenous Issues, Special Rapporteur on the Rights of Indigenous Peoples), as well as the IUCN World Conservation Congress and the African Commission on Human and Peoples' Rights, have noted the inadequacy of the current Operational Guidelines for ensuring that the rights of Indigenous peoples are respected in the implementation of the World Heritage Convention, and have called on the World Heritage Committee to review and revise the Guidelines.

List of amended paragraphs:

Operational Guidelines for the Implementation of the World Heritage Convention (WHC. 12/01):

- paras. 3, 12, 40, 44, 64, 123, 126, 130, 132, 143, 148, 162;
- Annex 2a: Tentative List Submission Format;
- Annex 2b: Tentative List Submission Format for Serial Transnational and Transboundary Future Nominations;
- Annex 5: Format for the nomination of properties for inscription on the World Heritage List;
- Annex 7: Format for the Periodic Reporting on the application of the World Heritage Convention;
- Annex 11: Modifications to World Heritage Properties.

Note:

The language of the proposed amendments is based on the *United Nations Declaration on the Rights of Indigenous Peoples* (Arts. 19, 23, 28, 32) and the nomination forms for the UNESCO List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the UNESCO Representative List of the Intangible Cultural Heritage of Humanity (Forms ICH-01-2013-EN and ICH-02-2013-EN, paras. 4.a. and 4.b. respectively).

Proposed amendments:

Operational Guidelines for the Implementation of the World Heritage Convention

WHC. 12/01, July 2012

I. INTRODUCTION

I.A The Operational Guidelines

3. The key users of the *Operational Guidelines* are:

[...]

- e) site managers, **rightsholders**, stakeholders and partners in the protection of World Heritage properties.

I.C The States Parties to the *World Heritage Convention*

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

I.I Partners in the protection of World Heritage

40. Partners in the protection and conservation of World Heritage can be those individuals and other **rightsholders and** stakeholders, especially **indigenous peoples**, local communities, governmental, non-governmental and private organizations and owners who have an interest and involvement in the conservation and management of a World Heritage property.

I.J Other Conventions, Recommendations and Programmes

44. **Selected global Conventions, **Declarations** and programmes relating to the protection of cultural and natural heritage**

[...]

Other Conventions **and Declarations**

[...]

United Nations Declaration on the Rights of Indigenous Peoples (2007)

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

II. THE WORLD HERITAGE LIST

II.C Tentative Lists

64. States Parties are encouraged to prepare their Tentative Lists with the participation of a wide variety of rightsholders and stakeholders, including site managers, local and regional governments, indigenous peoples, local communities, NGOs and other interested parties and partners. In the case of properties affecting the lands, territories or resources of indigenous peoples, States Parties 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 including the properties on their Tentative Lists.

Articles 19 and 32(2) of the UN Declaration on the Rights of Indigenous Peoples

III. PROCESS FOR THE INSCRIPTION OF PROPERTIES ON THE WORLD HERITAGE LIST

III.A Preparation of Nominations

123. Participation of local people in the nomination process is essential to enable them to have a shared responsibility with the State Party in the maintenance of the property. States Parties are encouraged to prepare nominations with the participation of a wide variety of rightsholders and stakeholders, including site managers, local and regional governments, indigenous peoples, local communities, NGOs and other interested parties. In the case of properties affecting the lands, territories or resources of indigenous peoples, States Parties shall ensure that the indigenous peoples concerned are actively involved in the preparation of the nominations, and 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 nominating the properties for inscription on the World Heritage List.

Articles 19, 23 and 32 of the UN Declaration on the Rights of Indigenous Peoples

126. The Secretariat can also provide:

[...]

- e) guidance on ensuring and demonstrating indigenous peoples' free, prior and informed consent.

III.B Format and content of nominations

130. The format includes the following sections:

[...]

7. Documentation

8. Participation of rightsholders and stakeholders

9. Free, prior and informed consent of indigenous peoples

10. Contact Information of responsible authorities

11. Signature on behalf of the State Party(ies)

132. For a nomination to be considered as "**complete**", the following requirements (see format in Annex 5) are to be met:

[...]

8. Participation of rightsholders and stakeholders

This section shall clearly identify all relevant rightsholders and stakeholders with an interest in the nominated area and describe how they have participated in the preparation of the nomination. In the case of properties affecting the lands, territories or resources of indigenous peoples, it shall be clearly described and demonstrated how the indigenous peoples concerned have been actively involved in preparing the nomination at all stages, and which processes were used to ensure their free, prior and informed consent.

9. Free, prior and informed consent of indigenous peoples

In the case of nominations affecting the lands, territories or resources of indigenous peoples, evidence of the free, prior and informed consent of the indigenous peoples concerned, through their own representative institutions, shall be provided.

The free, prior and informed consent to the nomination from the indigenous peoples concerned may be demonstrated through written or recorded concurrence, or through other means, according to the legal regimens of the State Party and the infinite variety of indigenous peoples concerned. The Committee will welcome a broad range of demonstrations or attestations of indigenous consent in preference to standard or uniform declarations. They should be provided in their original language as well as in English or French, if needed.

10. Contact Information of responsible authorities

[...]

III.E. Evaluation of nominations by the Advisory Bodies

143. The Advisory Bodies will evaluate whether or not properties nominated by States Parties have Outstanding Universal Value, meet the conditions of integrity and/or authenticity and meet the requirements of protection and management, **and where applicable, meet the requirement of indigenous peoples' free, prior and informed consent.** The procedures and format of ICOMOS and IUCN evaluations are described in Annex 6.

148. The following principles must guide the evaluations and presentations of ICOMOS and IUCN. The evaluations and presentations should:

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[...]

- e) indicate clearly and separately whether the property has Outstanding Universal Value, meets the conditions of integrity and/or authenticity, a management plan/system and legislative protection, **and where applicable, indigenous peoples' free, prior and informed consent;**

[...]

III.H Nominations to be processed on an emergency basis

162. The procedure for nominations to be processed on an emergency basis is as follows:

- a) A State Party presents a nomination with the request for processing on an emergency basis. The State Party shall have already included, or immediately include, the property on its Tentative List.
- b) The nomination shall:
 - i) describe and identify the property;
 - ii) justify its Outstanding Universal Value according to the criteria;
 - iii) justify its integrity and/or authenticity;
 - iv) describe its protection and management system;
 - v) **provide evidence of indigenous peoples' free, prior and informed consent, where applicable;**
 - vi) describe the nature of the emergency, including the nature and extent of the damage or danger and showing that immediate action by the Committee is necessary for the survival of the property.

[...]



TENTATIVE LIST SUBMISSION FORMAT



STATE PARTY:

DATE OF SUBMISSION:

Submission prepared by:

Name:

E-mail:

Address:

Fax:

Institution:

Telephone:

NAME OF PROPERTY:

State, Province or Region:

Latitude and Longitude, or UTM coordinates:

DESCRIPTION:

Justification of Outstanding Universal Value:

(Preliminary identification of the values of the property which merit inscription on the World Heritage List)

Criteria met [see Paragraph 77 of the *Operational Guidelines*]:

(Please tick the box corresponding to the proposed criteria and justify the use of each below)

 (i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x)
Statements of authenticity and/or integrity [see Paragraphs 78-95 of the *Operational Guidelines*]:**Comparison with other similar properties:**

(The comparison should outline similarities with other properties on the World Heritage List or not, and the reasons that make the property stand out)

Free, prior and informed consent of indigenous peoples, where applicable [see Paragraph 64 of the *Operational Guidelines*]:

(Identification of any indigenous peoples whose lands, territories or resources may be affected by the potential nomination of the property and information on consultation and cooperation with them)

- The Tentative List submission format is available from the UNESCO World Heritage Centre and at the following Web address: <http://whc.unesco.org/en/tentativelists>
- Further guidance on the preparation of Tentative Lists can be found in Paragraphs 62-67 of the *Operational Guidelines*.
- An example of a completed Tentative List submission format can be found at the following Web address: <http://whc.unesco.org/en/tentativelists>
- All Tentative Lists submitted by States Parties are available at the following Web address: <http://whc.unesco.org/en/tentativelists>
- The original signed version of the completed Tentative List submission format should be sent in English or French to: UNESCO World Heritage Centre, 7 place de Fontenoy, 75352 Paris 07 SP, France
- States Parties are encouraged to also submit this information in-electronic format (diskette or CD-Rom) or by e-mail to wh-tentativelists@unesco.org



**TENTATIVE LIST SUBMISSION FORMAT FOR SERIAL
TRANSNATIONAL AND TRANSBOUNDARY
FUTURE NOMINATIONS**



STATE PARTY:

DATE OF SUBMISSION:

Submission¹ prepared by:

Name:

E-mail:

Title:

Address:

Fax:

Institution:

Telephone:

1.a Name of the serial transnational / transboundary future nomination²:

1.b Other States Parties participating:

1.c Name(s) of the national component part(s):

1.d State, Province or Region:

1.e Latitude and Longitude, or Universal Transverse Mercator (UTM) coordinates:

2.a Brief Description of the serial, transnational / transboundary future nomination³:

2.b Description of the component part(s):

**3. JUSTIFICATION FOR OUTSTANDING UNIVERSAL VALUE⁴ OF THE FUTURE
NOMINATION AS A WHOLE**

(Preliminary identification of the values of the future nomination as a whole which merit inscription on the World Heritage List)

3.a Criteria met⁵ [see Paragraph 77 of the *Operational Guidelines*]:

(Please tick the box corresponding to the proposed criteria and justify the use of each below)

(i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x)

¹ This submission will be valid only when all the States Parties indicated in Section 1.b have sent their submissions.

² The text provided in this section should be identical in all submissions of the States Parties involved in the presentation of the same serial, transnational / transboundary future nomination.

³ In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

⁴ In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

⁵ In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

- 3.b Statements of authenticity and/or integrity** [see Paragraphs 79-95 of the *Operational Guidelines*]:
- 3.c.1 Justification of the selection of the component part(s) in relation to the future nomination as a whole:**
- 3.c.2 Comparison with other similar properties⁶:**
(This comparison should outline the similarities with other properties inscribed or not on the World Heritage List, and the reasons for the exceptional character of the future nomination).

4. Free, prior and informed consent of indigenous peoples, where applicable [see Paragraph 64 of the *Operational Guidelines*]:
(Identification of any indigenous peoples whose lands, territories or resources may be affected by the potential nomination of the property and information on consultation and cooperation with them)

⁶ In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.



FORMAT FOR THE NOMINATION OF PROPERTIES FOR INSCRIPTION ON THE
WORLD HERITAGE LIST



<p>3.1.e Protection and management requirements</p>	<p>[...]</p> <p>The text in this section should first outline the framework for protection and management. This should include the necessary protection mechanisms, management systems and/or management plans (whether currently in place or in need of establishment) that will protect and conserve the attributes that carry Outstanding Universal Value, and address the threats to and vulnerabilities of the property. These could include the presence of strong and effective legal protection, a clearly documented management system, including relationships with key <u>rightsholders and</u> stakeholders or user groups, adequate staff and financial resources, key requirements for presentation (where relevant), and effective and responsive monitoring.</p> <p>[...]</p>
<p>7.e Bibliography</p>	<p>List the principal published references, using standard bibliographic format.</p>
<p>8. Participation of rightsholders and stakeholders</p>	<p><u>Identify clearly all relevant rightsholders and stakeholders, including site managers, local and regional governments, indigenous peoples, local communities, NGOs and other interested parties, and describe how they have participated in the preparation of the nomination.</u></p> <p><u>In the case of properties affecting the lands, territories or resources of indigenous peoples, describe and demonstrate how the indigenous peoples concerned have been actively involved in preparing and elaborating the nomination at all stages, and how their free, prior and informed consent was ensured and obtained before submitting the nomination.</u></p>
<p>9. Free, prior and informed consent of indigenous peoples</p>	<p><u>In the case of nominations affecting the lands, territories or resources of indigenous peoples, please provide evidence of the free, prior and informed consent of the indigenous peoples concerned, through their own representative institutions. Also provide this information in case the nomination affects lands, territories and resources which indigenous peoples' have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.</u></p> <p><u>The free, prior and informed consent to the nomination from the indigenous peoples concerned may be demonstrated through written or recorded concurrence, or through other means, according to the legal regimen of the State Party and the infinite variety of indigenous peoples concerned. The Committee will welcome a broad range of demonstrations or attestations of indigenous consent in preference to standard or uniform declarations. They should be provided in their original language as well as in English or French, if needed.</u></p> <p><u>Please attach information showing such consent and indicate what documents you are providing and what form they take.</u></p> <p><u>Provide the name, address, telephone, fax and e-mail address of the relevant indigenous institutions.</u></p>
<p>10. Contact Information of responsible authorities</p>	<p>This section of the nomination will allow the Secretariat to provide the property with current information about World Heritage news and other issues.</p>
<p></p>	<p>[...]</p>



**FORMAT FOR THE PERIODIC REPORTING
ON THE APPLICATION OF
THE WORLD HERITAGE CONVENTION**



I.2 Identification of cultural and natural heritage properties

[...]

(ii) Tentative List

Article 11 of the *Convention* refers to the submission by States Parties of inventories of property suitable for inscription on the World Heritage List. These tentative lists of cultural and natural properties should be prepared with reference to Paragraphs 62-69 and Annex 2 of the *Operational Guidelines*. States Parties should report on actions taken to implement the decision of the Committee at its twenty-fourth session (Cairns, December 2000) and the twelfth General Assembly of States Parties (UNESCO Headquarters, 1999) whereby tentative lists are to be used as a planning tool to reduce the imbalances in the World Heritage List.

Provide the date of submission of the Tentative List or any revision made since its submission. States Parties are also encouraged to provide a description of the process of preparation and revision of the Tentative List, e.g. has (have) any particular institution(s) been assigned the responsibility for identifying and delineating World Heritage properties, have local authorities and local population, including indigenous peoples and local communities been involved in its preparation? If so, provide exact details.

(iii) Nominations

The periodic report should list properties that have been nominated for inscription on the World Heritage List. States Parties are encouraged to provide an analysis of the process by which these nominations are prepared, the collaboration and co-operation with local authorities and people, including indigenous peoples and local communities, the motivation, obstacles and difficulties encountered in that process and perceived benefits and lessons learnt.



MODIFICATIONS TO WORLD HERITAGE PROPERTIES



MINOR MODIFICATIONS TO THE BOUNDARIES OF WORLD HERITAGE PROPERTIES

Boundary modifications should serve better identification of World Heritage properties and enhance protection of their Outstanding Universal Value.

A proposal for a minor boundary modification, submitted by the State Party concerned, is subject to the review of the relevant Advisory Body(ies) and to the approval of the World Heritage Committee.

A proposal for a minor boundary modification can be approved, not approved, or referred by the World Heritage Committee.

Documentation requested

[...]

8) **Additional information:** In the case of a proposed addition, please submit some photographs of the area to be added that provide information on its key values and conditions of authenticity/integrity.

9) **Free, prior and informed consent of indigenous peoples concerned:** In the case of minor boundary modifications affecting the lands, territories or resources of indigenous peoples, please provide evidence of the free, prior and informed consent of the indigenous peoples concerned, though their own representative institutions.

Any other relevant document can be submitted such as thematic maps (e.g. vegetation maps), summaries of scientific information concerning the values of the area to be added (e.g. species lists), and supporting bibliographies.

The above-mentioned documentation should be submitted in English or French in two identical copies (three for mixed properties). An electronic version (the maps in formats such as .jpg, .tif, .pdf) should also be submitted.

Deadline

1 February⁷ of the year in which the approval of the Committee is requested.

⁷ If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday