

UNESCO INTERVENTION ON ITEM 7

THE STUDY AND ADVICE ON THE PROMOTION AND PROTECTION OF THE RIGHTS OF INDIGENOUS PEOPLES WITH RESPECT TO THEIR CULTURAL HERITAGE

Expert Mechanism on the Rights of Indigenous Peoples, Eighth Session

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I would like to congratulate the Expert Mechanism for elaborating the Study and advice on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage.

As reflected in the study, UNESCO is well known internationally for its work in the field of culture, as it is the only UN Organization with a specific mandate in this field. As such it has elaborated a significant body of Declarations, Recommendations and Conventions in the field of culture, some of which recognize indigenous peoples and their languages and cultures. While each convention has a specific history, focus and goals, all of them are driven by UNESCO's ethical mandate to promote culture in its diversity, through international cooperation and dialogue, based upon respect for shared values, human rights and the equal dignity of all cultures.

The UNESCO General Conference forcefully reiterated this mandate in 2001 by adopting the UNESCO Universal Declaration on Cultural Diversity, which contains specific references to the relationship between cultural diversity and human rights. It points to human rights as a guarantee for cultural diversity, affirming that the defence of cultural diversity implies "a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities *and those of indigenous peoples*".

The EMRIP study rightly emphasizes that indigenous peoples need to be recognized as custodians of their cultural heritage. This recognition was clearly expressed when UNESCO Member States adopted the UNESCO Universal Declaration on Cultural Diversity and related conventions devoted to the Safeguarding of the Intangible Cultural Heritage (2003) and the Protection and Promotion of the Diversity of Cultural Expressions (2005). They provide a framework for protecting and promoting cultural expressions, both in their traditional and contemporary forms, with special emphasis on indigenous peoples.

The EMRIP study provides important insights on progress and challenges of implementing the right of indigenous peoples to free, prior and informed consent for all decisions that concern the future development of their communities and their cultural heritage. This right is at the heart of the UN Declaration on the Rights of Indigenous Peoples, which has, since its adoption in 2007, provided a critical reference document for UNESCO's programmes and for supporting the State Parties in implementing the conventions. Indeed, by highlighting indigenous peoples' rights related to culture, identity, language and education, the UN Declaration on the Rights of Indigenous Peoples is addressing the two-fold challenge that frames UNESCO's work: first, to support and promote the maintenance, use and safeguarding of indigenous cultures, languages, knowledge, traditions and identity; and

second, to provide knowledge and skills that enable indigenous peoples to participate fully and equally in the national and international community.

While, as the EMRIP study points out, the free, prior and informed community consent is already obligatory for inscriptions on the Lists of the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention's Register of Best Safeguarding Practices, it also notes that this is not yet the case for the older, World Heritage Convention. In this regard, the EMRIP study refers, however, to some positive examples of nominations for the World Heritage List, for which the free prior and informed consent of indigenous communities concerned was solicited, while it also highlights examples where this was not the case.

It is worth noting that the World Heritage Committee, over the past decade has given increasing consideration to the notion of community participation, even if this had not initially been a central aspect in the framing of this Convention when it was adopted in 1972. Following the "Budapest Declaration" in 2002 and the subsequent discussions, the World Heritage Committee at its 31st Session (Christchurch 2007), decided to add "Communities" to its strategic objectives, "to enhance the role of communities in the implementation of the World Heritage Convention" (Decision 31 COM 13B). It made a number of additions to the Operational Guidelines aimed on one hand at ensuring that any use of World Heritage properties be sustainable with respect to the imperative of maintaining their Outstanding Universal Value (OUV), and on the other hand to affirm the idea that management systems of World Heritage properties "should integrate sustainable development principles". The recent "Strategic Action Plan for the Implementation of the Convention, 2012-2022", adopted by the 18th General Assembly (Paris, 2011), calls for the World Heritage Convention to "contribute to the sustainable development of the world's communities and cultures", as well as through its Goal N.3 which reads: "Heritage protection and conservation considers present and future environmental, societal and economic needs", which is to be achieved particularly through "connecting conservation to communities".

I would furthermore like to underline that the principle of free, prior and informed consent, as outlined in UNDRIP, will have major importance in UNESCO's policy development process with respect to indigenous peoples. In particular, as the current Operational Guidelines of the World Heritage Convention do not explicitly make reference to the free, prior and informed consent of indigenous communities, continuing efforts will be made in order to respond to this challenge. In this regard, please note that recent revisions to the Operational Guidelines decided by the 39th session of the World Heritage Committee (June-July 2015) include a reference to the 2007 United Nations Declaration on the Rights of Indigenous Peoples (Decision 39 COM 11).

I am also pleased to inform you that UNESCO is pursuing its work on developing its policy on indigenous peoples and is currently developing a draft with the aim of submitting to its Executive Board in 2016. To find out more about the policy, you are invited to UNESCO's side event today at 13h15 in room XXV, where we will provide an update on the process and present draft policy principles.