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**Human Rights Council**  
**Expert Mechanism on the Rights of Indigenous Peoples**  
Fifth session  
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Item 6: United Nations Declaration on the Rights of Indigenous Peoples

**Lack of implementation of the UN Declaration on the Rights of Indigenous Peoples  
in the context of UNESCO's 1972 World Heritage Convention**

Joint statement by: International Work Group for Indigenous Affairs (IWGIA), \_\_\_\_\_  
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Thank you Mr. Chair.

This statement is a follow-up to Expert Mechanism Advice No. 2 on indigenous peoples' right to participate in decision-making, in which EMRIP among other things called on UNESCO to establish robust procedures and mechanisms 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.

As the Expert Mechanism is aware, the World Heritage Committee last year inscribed Lake Bogoria in Kenya on the World Heritage List despite the fact that the Indigenous people of the area, the Endorois, had urged the Committee to defer the nomination because they had not been consulted and their free, prior and informed consent had not been obtained. This happened despite the recent landmark ruling of the African Commission on Human and Peoples' Rights in the Endorois case, which affirmed the rights of ownership of the Endorois to their ancestral lands around Lake Bogoria.

Following the World Heritage listing, the African Commission adopted a specific resolution addressed at the World Heritage Committee, in which it condemned the inscription of Lake Bogoria without involving the Endorois in the decision-making process as a violation of the rights of the Endorois people.

Mr. Chair,

Last week the World Heritage Committee held its 36<sup>th</sup> annual session in Saint Petersburg, Russia. Among the items considered by the Committee at this session were the World Heritage nominations of Western Ghats (India) and the Sangha Trinational (Central Africa). Both sites were inscribed by the Committee as natural World Heritage sites although the Committee had received a Joint submission from over 70 Indigenous organizations and NGOs from around the world urging the Committee to *defer* the two nominations, because they had been prepared without meaningful involvement of the Indigenous peoples living in the respective areas and submitted without their free, prior and informed consent. In both cases, the affected Indigenous peoples had not even seen the submitted information, as it had not been made publicly available.

Mr. Chair,

We are deeply concerned about the continuing disrespect for the principles of the UN Declaration on the Rights of Indigenous Peoples in the context of the World Heritage Convention, and in particular in the processing of World Heritage nominations. As a specialized agency of the United Nations, UNESCO is obligated to promote respect for and full application of the provisions of the UN Declaration (Art. 42) and has on numerous occasions committed itself to the implementation of the Declaration.

The remarkable lack of transparency in the processing of World Heritage nominations is inconsistent not only with the right of Indigenous peoples to participate in decisions that affect them, but also with international commitments and principles relating to public participation in environmental decision-making and the promotion of sustainable development.

We strongly encourage the Expert Mechanism to remain involved in this matter and to:

- again urge the World Heritage Committee to review and revise its current procedures and Operational Guidelines, with a view to ensuring 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;
- call on the World Heritage Committee to establish an appropriate mechanism through which Indigenous peoples can provide input and advice to the Committee and effectively participate in its decision-making processes;
- 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. Such procedures must ensure, *inter alia*, that World Heritage nomination dossiers (as well as other key decision-making documents such as monitoring mission reports) are made publicly available *as soon as they are received* by UNESCO, so that affected Indigenous peoples 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 Committee.

In closing, we note that UNESCO is currently celebrating the 40<sup>th</sup> Anniversary of the World Heritage Convention under the theme "World Heritage and Sustainable Development: the Role of Local Communities". The Anniversary provides a good opportunity for the Expert Mechanism to engage with UNESCO and the World Heritage Committee on issues relating to Indigenous peoples and the World Heritage Convention.