

Human Rights Council
Expert Mechanism on the Rights of Indigenous Peoples
Sixth Session
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Tuesday 9 July: *Item 4: Follow-up to thematic studies and advice*

**Follow-up to Expert Mechanism advice No. 2 on Indigenous peoples and the right to participate in decision-making:
Update on the (lack of) implementation of UNDRIP in the context of UNESCO's World Heritage Convention**

Statement by: International Work Group for Indigenous Affairs (IWGIA),

Thank you Mr. Chair.

This is a follow-up to Expert Mechanism Advice No. 2 on Indigenous peoples and the right to participate in decision-making.

In paragraph 38 of that Advice, the Expert Mechanism called on UNESCO's World Heritage Committee to establish "Robust procedures and mechanisms... to ensure 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."¹

This was reiterated in Proposal 9 adopted at last year's session, in which the Expert Mechanism "encouraged 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".²

In September 2012, the Chair of the Expert Mechanism participated in an International Expert Workshop on the World Heritage Convention and Indigenous Peoples that took place in Copenhagen as part of the World Heritage Convention's 40th Anniversary. The expert workshop produced a "Call to Action" addressing the urgent need to make the implementation of the World Heritage Convention consistent with UNDRIP, as well as a set of proposed

revisions to the World Heritage Convention's Operational Guidelines related to Indigenous peoples' right to free, prior and informed consent.³

Mr. Chair,

Last month the World Heritage Committee held its 37th annual session in Phnom Penh. During the session, a sessional working group on the Operational Guidelines was established by the Committee which, among many other things, briefly discussed the recommendations of the Copenhagen expert workshop.⁴

The discussions in this working group revealed strong reservations and opposition to including provisions related to Indigenous peoples and their rights in the operational guidelines, including from countries that have endorsed the UNDRIP such as India, Algeria, and France. In particular, several States expressed strong reservations about the applicability of the concept of "indigenous peoples". No country spoke up to dispel these reservations.

While the discussions during the World Heritage Committee meeting clearly showed that most of the Committee members were willing to completely reject any sort of references to indigenous peoples and their rights in the Operational Guidelines, in the end it was decided to postpone the discussion until after the UNESCO Executive Board has taken a decision on a UNESCO Policy on Indigenous Peoples.⁵

Therefore the focus now shifts to the organization as a whole and the development of the UNESCO Policy on Indigenous Peoples.

Mr. Chair,

We urge the Expert Mechanism to closely monitor the development of the UNESCO Policy on Indigenous Peoples and to continue to engage with UNESCO, the Permanent Forum on Indigenous Issues and the Special Rapporteur on the Rights of Indigenous Peoples in this regard, to help ensure that the Policy is adopted and is in line with the principles of the UN Declaration on the Rights of Indigenous Peoples.

We further recommend that the Expert Mechanism continue to pay close attention to the fact that the implementation of the World Heritage Convention remains drastically inconsistent with the rights of Indigenous peoples as set out in the UNDRIP. Unfortunately, until today the recommendations made by of the Expert Mechanism, the Permanent Forum and the Special Rapporteur continue to be ignored by the World Heritage Committee –.⁶ It is clear that without a much more consistent, direct and proactive engagement of the UN mechanisms

on Indigenous peoples with the Committee and the individual Member State delegations nothing will move, and the violation of Indigenous peoples' rights in the context of the World Heritage Convention, including by the World Heritage Committee itself, will continue.

Additionally, considering the views of World Heritage Committee members that surfaced during the recent session in Phnom Penh, there is a real danger that the Committee may in time adopt operational guidelines on issues such as free, prior and informed consent that are not in alignment with the standards contained in UNDRIP and could even undermine those standards. Clearly, it is of utmost importance to prevent such an outcome.

Thank you Mr. Chair.

Endnotes

1 UN Doc. A/HRC/18/42, Annex.

2 “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.

3 The outcome documents of the Expert Workshop are available at whc.unesco.org/en/events/906/ and www.iwgia.org/iwgia_files_news_files/0678_Call_to_Action_plus_Annexes.pdf. The report of the Expert Workshop is available at www.iwgia.org/publications/search-pubs?publication_id=610. EMRIP’s presentation at the Expert Workshop is available at www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/Activities.aspx.

4 See UNESCO Doc. WHC-13/37.COM/12 (“Item 12 of the Provisional Agenda: Revision of the Operational Guidelines”, Background document prepared by the Secretariat for the 37th Session of the World Heritage Committee), paras. 12b and 13b.

5 See World Heritage Committee Decision 37 COM 12.II, para. 7.

6 For a compilation of the relevant recommendations by the Expert Mechanism, the Permanent Forum, the Special Rapporteur, the African Commission on Human and Peoples’ Rights, the World Conservation Congress and others, see whc.unesco.org/uploads/events/documents/event-906-2.pdf.