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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the rights of indigenous peoples

REFERENCE: OL Indigenous (2001-8)
OTH 10/2013

18 November 2013

Dear Director Rao,

I have the honour to address you in my capacity as United Nations Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 24/9. As you are aware, I have been in contact with the World Heritage Centre and other UNESCO bodies on various occasions throughout my mandate as Special Rapporteur regarding aspects of the organization's work affecting indigenous peoples.

I am now writing in relation to recent developments regarding the nomination and declaration of World Heritage sites by the World Heritage Committee. In this connection, I am aware that the World Heritage Committee will include a discussion on potential reforms to site nomination criteria and the Advisory Bodies' evaluation process at its next annual session in Doha, Qatar from 15 to 25 June 2014.

I understand that reform efforts have arisen mainly due to the difficulties presented in the nomination process of the Pimachiowin Aki site in Canada, an indigenous-led nomination developed through a collaborative process between the Government of Canada and First Nations. The site was nominated as a "mixed property" for its both cultural and natural significance in accordance with criteria v and ix, respectively, of the Operational Guidelines for the Implementation of the World Heritage Convention.

I am aware, however, that the World Heritage Committee deferred the Pimachiowin Aki nomination in large part because the Advisory Bodies were unable to concurrently consider natural and cultural values under the present criteria and evaluation processes. Given that indigenous peoples around the world often have strong historical and cultural connections to the natural environments in which they live, I am aware that mixed proposals are common for potential World Heritage sites over lands occupied or used by indigenous peoples.

In anticipation of the upcoming discussion, I encourage the World Heritage Committee to consider options for modifying the current approach to mixed site proposals in a manner that reconciles the Advisory Bodies' separate evaluation processes

and remedies gaps in existing criteria that delay or impede indigenous-centered nominations. Options for reform should facilitate shared decision-making between the Advisory Bodies of the World Heritage Committee in order to harmonize the evaluation processes for cultural and natural values in a single nomination.

Within this context, I urge the World Heritage Centre and Advisory Bodies to also consider previous suggestions regarding the need to address inconsistencies in UNESCO's approach to natural and cultural world heritage of indigenous peoples as expressed by the United Nations Permanent Forum on Indigenous Issues (E/2011/43-E/C.19/2011/14, para. 41). In addition to recommendations by the Permanent Forum, I and numerous other United Nations bodies and mechanisms have also urged UNESCO to modify its approach as to ensure that indigenous peoples' rights and worldviews are fully valued and respected in all current and future World Heritage site designations as well as in the overall implementation of the World Heritage Convention.

I welcome the World Heritage Committee's efforts to improve existing nomination procedures and would like to emphasize the importance of consulting with indigenous peoples throughout the entirety of such a review process in order to address indigenous peoples' rights, interests and concerns. I would also like to encourage the Committee to consider other reforms to address concerns regarding the nomination and management of World Heritage sites that have been raised in years past in a variety of fora, including with respect to:

- 1) Ensuring meaningful representation and participation of indigenous peoples in the nomination of World Heritage sites;
- 2) Ensuring transparency throughout the World Heritage site nomination and implementation processes;
- 3) Safeguarding land and resource rights of indigenous peoples, both officially recognized and unrecognized, during the nomination process;
- 4) Ensuring that indigenous peoples derive benefits from World Heritage sites located where they live or that impact them;
- 5) Consulting indigenous peoples with a view towards obtaining their free, prior and informed consent regarding the establishment of World Heritage sites that may affect their land, natural resources and other rights;
- 6) Safeguarding against misuse and distortion of indigenous peoples' culture, practices and knowledge; and
- 7) Providing redress for past injustices and violations of indigenous peoples' rights to which the establishment of World Heritage sites have contributed.¹

¹ See generally, Report of the United Nations Special Rapporteur on the rights of indigenous peoples to the General Assembly, A/67/301, paras. 33 – 35; United Nations Permanent Forum on Indigenous Issues, E/2011/43 E/C.19/2011/14, paras. 40 - 42; Expert Mechanism on the Rights of Indigenous Peoples, A/HRC/18/42, Annex, para. 38; and International Expert Workshop on the World Heritage Convention and Indigenous Peoples, Call to Action.

I look forward to keeping abreast of progress concerning the review of the nomination process and related criteria for World Heritage sites and will continue to monitor developments.

Should you or they require any additional information or clarifications concerning issues raised in this letter, please do not hesitate to contact me at indigenous@ohchr.org or Maia Campbell, who assists my mandate at the Office of the High Commissioner for Human Rights: mcampbell@ohchr.org.

I would be grateful if you could transmit this letter to relevant representatives at the World Heritage Committee and its Advisory Bodies.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples