

Resolution on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the UNESCO World Heritage Convention

RECALLING the adoption of the *Declaration on the Rights of Indigenous Peoples* by the United Nations General Assembly (UNGA) on 13 September 2007;

ALSO RECALLING Resolution 4.048 *Indigenous peoples, protected areas and implementation of the Durban Accord*, which resolves “to apply the requirements of the UN Declaration on the Rights of Indigenous Peoples to the whole of IUCN’s Programme and operations” and calls on governments “to work with indigenous peoples’ organizations to... ensure that protected areas which affect or may affect indigenous peoples’ lands, territories, natural and cultural resources are not established without indigenous peoples’ free, prior and informed consent and to ensure due recognition of the rights of indigenous peoples in existing protected areas”;

REAFFIRMING Resolution 4.052 *Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, Resolution 4.056 *Rights-based approaches to conservation*, and Recommendation 4.127 *Indigenous peoples’ rights in the management of protected areas fully or partially in the territories of indigenous peoples* and numerous other Resolutions which demonstrate IUCN’s commitment to a rights-based approach to protected areas establishment and management;

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 World Heritage Convention can and has played a leadership role in setting standards for protected areas as a whole and that World Heritage sites with their high visibility and public scrutiny have the potential to act as “flagships” for good governance in protected areas;

RECOGNIZING the potentially positive role that the World Heritage Convention can and has played in ensuring and supporting the continued preservation of the traditional lands and territories of indigenous peoples, and WELCOMING Decision 35 COM 12E (2011) of the World Heritage Committee, which encourages States Parties to the World Heritage Convention to “Respect the rights of indigenous peoples when nominating, managing and reporting on World Heritage sites in indigenous peoples’ territories”;

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;

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 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;

IN PARTICULAR NOTING the African Commission’s *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) which reaffirms the Commission Decision on Communication 276 / 2003 - *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya* (Endorois Decision) and highlights the traditional ownership rights of the Endorois over Lake Bogoria;

SHARING the African Commission’s concerns that Lake Bogoria National Reserve was inscribed on the World Heritage List in 2011 without the free, prior and informed consent of the indigenous Endorois people and “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”;

RESPONDING to the African Commission’s recommendation urging IUCN to “review and revise its procedures for evaluating World Heritage nominations as well as the state of conservation of World Heritage sites, with a view to ensuring that indigenous peoples are fully involved in these processes, and that their rights are respected, protected and fulfilled in these processes and in the management of World Heritage areas;”

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

1. URGES the Director General to develop a clear policy and strategy to ensure that the principles of the UN Declaration on the Rights of Indigenous Peoples are respected in IUCN’s work as an Advisory Body to the World Heritage Committee, and that indigenous peoples are fully informed and consulted when sites are evaluated or missions are done in their territories;
2. CALLS on IUCN to actively promote and support the adoption and implementation of a human rights-based approach to conservation by the World Heritage Committee, 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;
3. 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 indigenous peoples’ rights, and human rights generally, are respected, protected and fulfilled in the management and protection of existing World Heritage sites, and that no World Heritage sites are established in indigenous peoples’ territories without their free, prior and informed consent;
4. INVITES 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;
5. FURTHER CALLS ON the World Heritage Committee to establish a mechanism through which indigenous peoples can provide direct advice to the Committee and effectively participate in its decision-making;
6. CALLS UPON State Parties to the World Heritage Convention to ensure respect for the rights of indigenous peoples in the management and protection of existing World Heritage sites, and to ensure that no World Heritage sites are established in indigenous peoples’ territories without their free, prior and informed consent;
7. URGES the Government of Kenya and the World Heritage Committee to ensure the full and effective participation of the Endorois in the management and decision-making of the “Kenya Lake System” World Heritage area, through their own representative institutions, and to ensure the implementation of the African Commission’s Endorois Decision.

Sponsor: Forest Peoples Programme (UK)

Co-sponsors: Both ENDS (Netherlands); Keystone Foundation (India); The Samdhana Institute (Indonesia); Asociacion Sotz’l (Guatemala); The Christensen Fund (USA); Nederlands Centrum voor Inheemse Volken (Netherlands); Staatbosbeheer / Netherlands National State Forest Service (Netherlands);

Endorsements by non-IUCN indigenous peoples’ organizations: International Work Group on Indigenous Affairs; Le Programme d’Intégration pour le Développement des peuples Autochtones; La confédération des associations amazighes du sud Maroc; Endorois Welfare Council, Kenya; Centre for Minority Rights Development Kenya (CEMIRIDE);