

STATEMENT OF THE UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES AT THE SESSION OF THE UNESCO WORLD HERITAGE COMMITTEE

Agenda Item 8A - (Establishment of the World Heritage List and of the List of World Heritage in Danger.

Agenda Item 8B - Nominations to the World Heritage List

25 July to 4 August 2010, Brasilia, Brazil

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Thank you for inviting the UN Permanent Forum on Indigenous Issues to take part in this Session of the World Heritage Committee. This is the first time that the Forum has participated in a World Heritage Committee session so let me first extend my congratulations to your election as the Chair of this Session.

The UN Permanent Forum on Indigenous Issues (UNPFII) was established by the United Nations Economic and Social Council (ECOSOC) [2000/22](#) on 28 July 2000. In this resolution the UNPFII was given a mandate to "discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights. The Permanent Forum was called upon to provide expert advice and recommendations on indigenous issues to the UN system through the Council; raise awareness and promote the integration and coordination of relevant activities within the UN system; and prepare and disseminate information on indigenous issues. It is with this mandate that I am here to raise with the WHC the concerns of indigenous peoples raised before us in the previous sessions but more particularly during the session which was held in April 2010.

At this session, two issues were brought to our attention and these are the Ngorongoro Conservation Area (NCA) in Tanzania and the Northwest Hawaiian Islands Marine Monument (NWHIMM) now called referred to as Papahānaumokuākea Marine National Monument. I am aware that these written complaints have also been officially sent to the World Heritage Center and these were referred to in the documents distributed for this Session so I will just highlight the key points on these two issues.

For the Ngorongoro Conservation Area, the concerns are related to the reports and recommendations of the two monitoring missions done by UNESCO and IUCN. The first one was done between 29 April to 5 May 2007 and the second one, from 01-06 December 2008. The reports of these two missions were presented at the Session of the WHC held in Christchurch, New Zealand in 2007 and the at the Session in 2009 held in Sevilla, Spain, respectively. Both were under the Agenda Item 7: State of conservation of properties inscribed on the World Heritage List and/or on the List of World Heritage in Danger. We received the report entitled "Statement, findings and recommendations from indigenous residents and stakeholders of Ngorongoro Conservation Area to decision-makers, national and international organizations", which contains the concerns and recommendations of the communities at the NCA.

Some of the main concerns contained in this report revolve around the following main points;

- **Relocation** – this process was not fully voluntary and there are problems related to the identification of illegal immigrants and the state of facilities and land tenure in

relocation areas. It is recommended that a new and transparent process of identifying illegal immigrants be undertaken, better preparation of relocation sites, no denial of social services, and ensuring land tenure security.

- **Carrying capacity** – the conclusion reached by the mission in relation to this is contested as the concept of carrying capacity in dynamic rangeland systems under mobile pastoralism is difficult to establish. The communities claim that there are no signs of significant ecological damage to the area from overuse in spite of the fact that there have been 50,000 people living there for many decades. It is recommended that there should be a participatory monitoring management feedback system to report on developments in natural resource management.
- **Participation** – The participation of local communities and local authorities in the NCAA is very inadequate and it is recommended that better representation of these sectors in the NCAA should be developed and that internationally recognized customary rights of peoples and communities.
- **Benefit-sharing** – there is no equitable benefit-sharing with the communities which is in place. Thus, the recommendation is to develop and implement benefit-sharing schemes which will be established in law.
- **Land tenure** - this is still highly contested as the original concept of the NCA is that the land belongs to the people of NCA but now the land ownership rests with the State. It is recommended that a registration process for ownership to the lands should be established.
- **Subsistence agriculture** – the mission reports identified subsistence agriculture as one reason for the NCA being endangered. Yet, the communities assert that this is crucial for their very survival and thus they recommend that clear and legally recognized procedures to allow small-scale subsistence agriculture be established.
- **Threats of eviction of Naiyobi Ward people** – this should be stopped and if there is an eruption from the Lengai Volcano early warning systems be developed and evacuation plans are done in a participatory manner.

In relation to the as Papahānaumokuākea Marine National Monument, the Na Koa Ikaika KaLahui Hawaii, the Koani Foundation and Rowena Akana, an elected trustee of the Office of Hawaiian Affairs (OHA), objected to the nomination of the U.S.A. and the State of Hawaii of Papahānaumokuākea as a UNESCO World Heritage Site. These organizations and individuals claim that the Bush nomination and the site evaluation processes carried out by IUCN and the ICOMOS excluded participation of indigenous peoples. The ones consulted were indigenous individuals who are “cultural advisors” of the U.S. government. Thus, they are calling on the WHC to defer action on the nomination of the NWHI and are asking the Obama government to consult with the petitioners to resolve the issues related to rights of indigenous Hawaiians to access their trust resources in the NWHI.

The petitioners also object to the UNESCO/WHC Pacific Action Plan which was developed without any meaningful participation of indigenous peoples who are customary landowners and who have control over more than 90 percent of the territories of the independent Pacific States. They are recommending that UNESCO/WHC defer the adoption of the Pacific Action Plan until it has adopted a framework policy on indigenous peoples and put in place participatory consultation process.

The UN Permanent Forum cannot form a solid judgement on these issues without holding its

own investigation of the situations under consideration. However, it still would like to reiterate that whenever decisions are taken by States and intergovernmental bodies that affect indigenous peoples there should be proper consultations done and their free, prior and informed consent should be obtained before any development or conservation project is brought into their territories. There is a list of indigenous sites inscribed in the World Heritage List without the adequate participation and involvement of indigenous peoples which the Permanent Forum has received since its first session in 2002.

In light of these and other similar situations, the UN Permanent Forum in its session called upon UNESCO, the Secretariat of the Conference on Biological Diversity and other UN bodies and agencies to support indigenous peoples in their processes of cultural heritage restoration and strengthening. These processes should be guided by indigenous peoples in order to avoid the misuse and distortion of indigenous peoples' cultures, practices and knowledge and to respect their perspectives and aspirations. (E/2010/43, E/C.19/2010/15, Report of the Ninth Session of the UNPFII). This recommendation did not mention specific cases.

To conclude I would like to present the following recommendations to the World Heritage Committee for your consideration.

1. That the practice of inviting a member of the UNPFII to attend the WHC sessions be sustained and that it be given a time slot to raise issues relevant to the various agenda items under discussion.
2. That the allegations raised by the indigenous peoples' organizations related to the Ngorongoro Conservation Area and the NWHIMM be investigated further by the UNESCO, IUCN with the participation of a member of the UN Permanent Forum on Indigenous Issues to verify the information received in terms of how the rights of indigenous peoples are violated and to make proposals on how to address these situations and similar ones which can arise in the future.
3. That the initial efforts to establish a World Heritage Indigenous Peoples' Council of Experts (WHIPCOE) be revisited and efforts to set up an appropriate mechanism whereby indigenous experts can provide advice to the World Heritage Committee and the World Heritage Center be revived.
4. That adequate consultation and participation of indigenous peoples be ensured and their free, prior and informed consent be obtained, when their territories are being nomination by States Parties to be inscribed as World Heritage Sites.
5. That the involuntary displacement or relocation of indigenous peoples from World Heritage Sites be stopped.
6. That the subsistence economic activities of indigenous peoples needed for their survival that are taking place in World Heritage Sites not be undermined or illegalized and adequate social services be provided to indigenous peoples living in these sites.
7. That the UN Declaration on the Rights of Indigenous Peoples and the UNDG Guidelines on Indigenous Peoples' Issues be used as frameworks when World Heritage Sites found in indigenous territories are nominated and managed as well as for missions done in these areas.
8. That the inclusion of indigenous experts be considered when missions are held to review the World Heritage Sites located in their territories.

Thank you very much Mr. Chairperson and we hope we will be able to get responses to our recommendations and will still be invited to participate in the subsequent sessions of the WHC.

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