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**30 AUG 2001**

Ref.: CL/WHC.9/01 Corrigendum

**To: All States Parties to the World Heritage Convention**

**cc: Advisory Bodies to the World Heritage Committee (ICCROM, ICOMOS and IUCN)**

**Subject: CORRIGENDUM to Circular Letter CL/WHC.9/01 - World Heritage and Indigenous Peoples - proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE)**

Dear Madam/Sir,

With reference to circular letter **CL/WHC.9/01** regarding a proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) dated 24 August, 2001, please note that document **WHC-2001/CONF.205/WEB.3** referred to in the first paragraph was not written by the State Party of Australia, but was provided by the Working Group of State Party indigenous peoples' representatives. The document originally written in English was kindly translated into French by the State Party of Australia.

Please be assured Madam/Sir, of the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'for Francesco Bandarin'.

for Francesco Bandarin  
Director  
UNESCO World Heritage Centre

**Attachments:** Circular Letter CL/WHC.9/01 - World Heritage and Indigenous Peoples - proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE)



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Ref.: CL/WHC.9/01

**To: All States Parties to the World Heritage Convention**

**cc: Advisory Bodies to the World Heritage Committee (ICCROM, ICOMOS and IUCN)**

**Subject: World Heritage and Indigenous Peoples - proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE)**

Dear Madam/Sir,

At the request of the twenty-fifth session of the Bureau of the World Heritage Committee, please find enclosed a copy of a document kindly provided by Australia in English and in French, concerning a proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) and other initiatives relating to World Heritage and Indigenous Peoples (WHC-2001/CONF.205/WEB.3, also available electronically at <http://www.unesco.org/whc/archive/whc-01-205-web3e.pdf>)

The document includes recommendations formulated at an Indigenous Peoples Forum on World Heritage held in Cairns, Australia on 24 November 2000. The document also includes a summary of the discussion on this subject at the twenty-fourth session of the World Heritage Committee (Cairns, Australia 27 November – 2 December 2000) and follow-up discussions held earlier in 2001.

A summary of interventions concerning WHIPCOE at the June 2001 Bureau meeting is included as Annex I to this letter.

At the request of the Bureau, all States Parties to the *World Heritage Convention* and the Advisory Bodies to the World Heritage Committee (ICCROM, ICOMOS and IUCN) are invited to comment on the proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) and on other initiatives relating to World Heritage and Indigenous Peoples presented in the attached document.

In addition, the Bureau has requested the World Heritage Centre, to the extent possible and in consultation with States Parties, to compile a list of properties on the World Heritage List and the tentative lists which are likely to have indigenous peoples' issues which may relate to the management of these sites.

I would be pleased if you could provide your comments on the WHIPCOE proposal and on other initiatives relating to World Heritage and Indigenous Peoples presented in the attached document in writing, in English or French to the World Heritage Centre **by 17 September 2001**.

It would also be useful if you could compile and submit to the World Heritage Centre a list of properties on the World Heritage List and the tentative lists which are located within the territory of your State Party and which are likely to have indigenous peoples' issues which may relate to the management of these properties. The following information on each of the properties is requested – name of property, brief summary of indigenous peoples' issues which may relate to the management of these properties and, if possible, name(s) of indigenous peoples group(s) who have associations with the property.

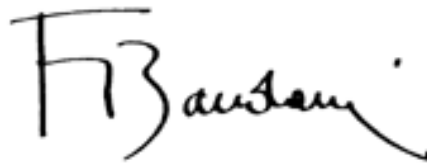
It would be greatly appreciated if your comments could be sent **via e-mail to [n.dhumal@unesco.org](mailto:n.dhumal@unesco.org)** and/or by mail or fax to the address noted above.

Comments from State Parties and the Advisory Bodies will be included in a progress report on the WHIPCOE proposal and other initiatives relating to World Heritage and Indigenous Peoples to be presented to the twenty-fifth session of the World Heritage Committee to be held in Finland in December 2001.

If you have any queries relating to the WHIPCOE proposal or to World Heritage and Indigenous Peoples please do not hesitate to contact me.

Please be assured Madam/Sir, of the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'F Bandarin', with a stylized flourish at the end.

Francesco Bandarin  
Director  
UNESCO World Heritage Centre

**Attachments:** Document WHC-2001/CONF.205/WEB.3

**EXTRACT FROM THE REPORT OF THE RAPPORTEUR OF THE  
TWENTY FIFTH SESSION OF THE BUREAU OF THE WORLD HERITAGE  
COMMITTEE, 25-30 JUNE 2001**

**III.17** The Chairman thanked the Director of the Centre for his clear and informative presentation and invited the representatives of the Working Group of Indigenous Peoples' Leaders from Australia and Canada to take the floor.

**III.18** Ms Jo Willmot of Uluru Kata Tjuta, Australia, expressed the gratitude of the representatives of the indigenous peoples for the opportunity given to speak at this session. She explained how this Working Group had functioned since December. According to the traditions of her people she presented gifts to the Chairperson and the Bureau.

**III.19** Ms Josie Weninger, Representative of Canada to the Working Group of Indigenous Peoples' Leaders, explained the terms of the Proposal for the establishment of a World Heritage Indigenous Peoples' Council of Experts (WHC-2001/CONF.205/WEB.3), WHIPCOE.

**III.20** She suggested that the Proposal be circulated to States Parties and the Advisory Bodies for providing comments and for presentation to the next Committee session.

[ ... ]

**III.33** Invited by the Chairman to comment on the two presentations made by the Director of the Centre and the interventions by the representatives of the Indigenous Peoples' Working Group, several Bureau members congratulated the Director on the clarity of his presentation and on the work accomplished during this transitional phase of the implementation of the Convention.

**III.34** The Delegates of Thailand and Zimbabwe congratulated the Indigenous Peoples' Working Group on their work, but at the same time expressed their concern about the implications the work of WHIPCOE would have to the World Heritage inscription and conservation process, and if this would not lead to a permanent mechanism being established as another advisory body to the Committee. The Delegate of Thailand felt that there were only a few countries in the world where interventions by such a Council may be needed, and that internal agreements among the heritage authorities and the indigenous communities themselves would be more appropriate in such cases.

**III.35** The Delegate of Zimbabwe, while endorsing statements by the Delegate of Thailand, raised the question of the work done on the definition of the term "indigenous". He also questioned if it was realistic to expect that the States Parties would have a chance to undertake a serious study of this proposal and provide comments by the time of the next Committee session.

**III.36** The Delegate of Canada fully supported the work done by the Working Group, which she felt should be enlarged in order to allow more voices to be heard. Ways had to be found to involve Advisory Bodies and States Parties.

**III.37** The Observer of the United States commented on two points: the revision of the *Operational Guidelines*, suggesting the participation of a representative from his State Party to the drafting group, and on WHIPCOE, thanking the Working Group for their proposal. He stressed that the full variety of States Parties and sites (in particular the properties inscribed according to cultural criterion (vi)) that may be affected by this issue has not yet been fully realized. He also underlined the importance of defining the term “indigenous”. He stated that this was a critical issue which should be given due consideration and which may lead to one of the most important developments in the application of the Convention. He expressed the wish of the United States to be part of this process.

**III.38** The Delegate of Australia suggested that support in principle should be expressed, allowing for further work on the definition of the term “indigenous” and for the issue to go forward to the Committee for discussion as a policy matter.

**III.39** The Delegate of Ecuador expressed the wish of his country to participate in the enlarged Working Group, as did IUCN and the Observer of Belize who strongly supported the proposal for the establishment of WHIPCOE.

**III.40** The working group which was created included representatives of Australia, Belize, Canada, Ecuador, the United States of America, ICOMOS, IUCN and ICCROM. It met twice during the Bureau session to prepare the recommendation of the Bureau to the twenty-fifth session of the World Heritage Committee (Helsinki, 2001).

**III.41** Ms Josie Weninger (Canada) and Ms Jo Willmot (Uluru Kata-Tjuta National Park, Australia) presented the outcomes of the working group to the Bureau. They proposed that a workshop be held to further develop the concept of WHIPCOE in Winnipeg, Manitoba, Canada from 17 to 19 September 2001. The workshop would include a working group of indigenous representatives from Australia, Belize, Canada, Ecuador, New Zealand, the United States of America and the Secretariat for the Convention on Biological Diversity along with representatives from ICOMOS, IUCN, ICCROM, the United Nations Indigenous Peoples Working Group, the World Heritage Centre and other interested parties. Their work will be facilitated by the World Heritage Centre. Ms Weninger (Canada) will act as the interim co-ordinator of the working group until a Chair is chosen at the Workshop in September. A request for the Workshop to be funded from the World Heritage Fund will be submitted to the World Heritage Centre.

**III.42** The Bureau agreed to the proposals of the working group and adopted the following recommendation to the twenty-fifth session of the World Heritage Committee:

With reference to the recommendations of the Indigenous Peoples Forum (Cairns, 2000) and the decision of the twenty-fourth session of the World Heritage Committee (Cairns, 2000), the Bureau,

1. **Notes** the progress to date in the development of the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to ensure indigenous voices are heard in efforts to protect and promote the world's natural and cultural heritage.
2. **Expresses** its support in principle for the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to be discussed at the 25<sup>th</sup> session of the World Heritage Committee which will meet in Helsinki, Finland in December 2001.
3. **Agrees** that further development of the concept should be undertaken (before the 25th session of the World Heritage Committee), including consultation with other indigenous peoples, regional organizations and the UN Working Group of Indigenous Peoples, other States Parties and the Advisory Bodies (IUCN, ICOMOS and ICCROM). To achieve this, the Bureau recommends that a representative workshop be convened by the World Heritage Centre in partnership with the Indigenous Working Group, which would receive assistance from the World Heritage Fund and other appropriate sources<sup>1</sup>.
4. **Establishes** a WHIPCOE Working Group comprised of indigenous peoples and State Party representatives from Australia, Belize, Canada, Ecuador, New Zealand, United States of America, as well as representatives of ICOMOS, IUCN, ICCROM and any other indigenous peoples and State Party representatives who may wish to participate.
5. **Requests** the World Heritage Centre to circulate document WHC-2001/CONF.205/WEB.3 by Circular Letter and a summary of interventions made on this subject at the June 2001 Bureau meeting to all State Parties to the Convention and to the World Heritage Advisory Bodies and to invite them to comment on the proposal.
6. **Requests** the World Heritage Centre, to the extent possible and in consultation with States Parties, to compile a list of properties on the World Heritage List and the tentative lists which are likely to have indigenous peoples' issues which may relate to the management of these sites.
7. **Invites** the Working Group to further develop the WHIPCOE proposal in consultation with the World Heritage Centre, taking into account comments from State Parties and the Advisory Bodies, and to deliver a progress report to the twenty-fifth session of the World Heritage Committee to be held in Finland in December 2001, including the results of the Workshop.

**III.43** The Delegate of Australia commented that the WHIPCOE proposal could be regarded as the most important initiative to have derived from the twenty-fourth session of the Committee (Cairns, 2000). He said that the issues being addressed

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<sup>1</sup> The Centre should determine a date and place for the Workshop as soon as possible to ensure adequate preparation for participation.

were of importance to Australia as a nation and to all people working to protect the treasury of our global heritage.

**III.44** The Chairperson closed the discussion on the WHIPCOE proposal by noting that it represented a very important moment for the World Heritage movement.

**Distribution limited**

**WHC-2001/CONF.205/WEB.3**

**Paris, 14 June 2001**

**Original : English/French**

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL  
ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF THE WORLD  
CULTURAL AND NATURAL HERITAGE**

**BUREAU OF THE WORLD HERITAGE COMMITTEE  
Twenty-fifth session**

**Paris, UNESCO Headquarters, Room X  
25 – 30 June 2001**

**Report on the Proposed World Heritage Indigenous Peoples Council of Experts  
(WHIPCOE)**



***“THESE ARE OUR POWERFUL WORDS”<sup>1</sup>***

**WORLD HERITAGE INDIGENOUS PEOPLES COUNCIL OF EXPERTS  
(WHIPCOE)**

**Executive Summary**

The proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) originated from the World Heritage Indigenous Peoples Forum held in conjunction with the 24<sup>th</sup> session of the World Heritage Committee in Cairns Australia in November 2000. The proposal was warmly received by the World Heritage Committee. The UNESCO World Heritage Centre was asked to conduct a feasibility study on the proposal. This was done in conjunction with a working group of State Party indigenous peoples’ representatives from Canada, Australia, and New Zealand. The working group further developed the proposal having regard to issues raised by the Centre.

Agreement was reached between the working group and the Centre in May 2001 on the next steps to be taken in the formation of the council. It was agreed that this paper be presented to the 25<sup>th</sup> session of the World Heritage Bureau in June 2001 with the following recommendations:

That the World Heritage Bureau:

1. **Note** the excellent progress to date in the development of the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE).
2. **Express** its support in principle for the establishment of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to the 25<sup>th</sup> session of the World Heritage Committee which will meet in Helsinki, Finland in December 2001.
3. **Note** that further work needs to be done on the proposal before the 25<sup>th</sup> session of the World Heritage Committee, including more extensive consultation with other indigenous peoples, other States Parties and the Advisory Bodies (IUCN, ICOMOS and ICCROM). To achieve this, the Bureau requests the World Heritage Centre, in consultation with the Indigenous Working Group, to further review the WHIPCOE proposal. This may take the form of a small representative workshop, which would receive assistance from the World Heritage Fund and other appropriate sources.

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<sup>1</sup> *The words used by Tony Tjamiwa, venerable tjilpi of the Anangu people, traditional owners of the Uluru Kata-Tjuta World Heritage Area in Australia, to describe the submission made by the World Heritage Indigenous Peoples Forum to the World Heritage Committee in Cairns in November 2000 in support of the establishment of WHIPCOE. Tony passed away before this paper was completed. It is dedicated to him and to another key participant in the Forum and member of the working group, Hemi Kingi of Ngati Tuwharetoa and the Tongariro World Heritage Area in New Zealand, who also passed away unexpectedly in April 2001.*

4. **Request** the World Heritage Centre, to circulate this paper by Circular Letter to all State Parties to the Convention and to the World Heritage Advisory Bodies and invite them to comment on the proposal.
5. **Request** the World Heritage Centre, to the extent possible, to compile a list of properties from the World Heritage List and the tentative lists that might qualify for membership of WHIPCOE under the draft membership criteria proposed in this paper.
6. **Establish** a WHIPCOE Implementation Group comprising in the first instance World Heritage indigenous peoples and State Party representatives from Australia, Canada and New Zealand and any other indigenous peoples and State Party representatives agreed by the Bureau.
7. **Invite** the Implementation Group to further develop the WHIPCOE proposal in consultation with the World Heritage Centre, taking into account comments from State Parties and the advisory bodies, and to report back to the 25<sup>th</sup> session of the World Heritage Committee to be held in Finland in December 2001 with a comprehensive proposal for the establishment of the Council, including its terms of reference, composition, initial programme and budget.

## 1. Origin of the WHIPCOE Proposal

A World Heritage Indigenous Peoples Forum was held in conjunction with the meeting of the 24<sup>th</sup> World Heritage Committee in Cairns Australia in November 2000. The Forum was attended by more than 70 participants and observers from Australia, Canada, New Zealand and the Solomon Islands. Australian World Heritage properties, including the Wet Tropics of Far North Queensland, Kakadu National Park, Uluru-Kata Tjuta National Park, the Willandra Lakes Region, Riversleigh/Naracoorte and the Tasmanian Wilderness were all represented by indigenous people.

The Forum conveyed the following recommendation to the World Heritage Committee:

**CONCERNED** by the lack of involvement of indigenous peoples in the development and implementation of laws, policies and plans, for the protection of their holistic knowledge, traditions and cultural values, which apply to their ancestral lands within or comprising sites now designated as World Heritage areas, the Indigenous Peoples Forum in Cairns:

1. **AFFIRMS** the view of indigenous peoples as the traditional owners and guardians of lands and waters, including biota thereon and therein, who remain forever the repositories, proprietors and custodians of their holistic knowledge, traditions and cultural values, which apply to all their ancestral lands especially those within or comprising sites now designated as World Heritage areas.

2. **CONFIRMS** therefore the responsibilities and obligations of indigenous peoples to their succeeding generations, with emphasis on their duty of care, to provide expert advice on effective and efficient consultation, involvement and negotiation in the development, implementation and management of laws, policies and plans, including all matters regarding research and other activities and decisions affecting the World Heritage areas applicable to them.
3. **MOTIVATED** by the above and seeking appropriate avenues to address their concerns, the Indigenous Peoples Forum assembled in Cairns hereby petitions the World Heritage Committee, to receive and consider the following submission:

**SUBMISSION: It is submitted:**

**That the World Heritage Committee facilitate the establishment of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) pursuant to the provisions of Section 10 (3) of the World Heritage Convention, a body that would bring new competencies and expertise to complement other expert groups, to support the objectives of the World Heritage Committee in the provision of expert indigenous advice on the holistic knowledge, traditions and cultural values of indigenous peoples relative to the implementation of the World Heritage Convention, including current operational guidelines.**

**RECOMMENDS that the World Heritage Committee:-**

1. **Note** the contents of the submission of the Indigenous Peoples forum presented to the 24th session of the Committee,
2. **Note** the contents of the supporting paper marked Appendix 1 as tabled with this submission (*See Appendix 1 to this paper*),
3. **Agree** that the proposed WHIPCOE be established within three months of the 25<sup>th</sup> session of the World Heritage Committee,
4. **Agree** that the proposed WHIPCOE be provided with operational funding.”

**2. The Response of the World Heritage Committee**

The Committee warmly received the Forum recommendations and asked the World Heritage Centre to provide a review of the feasibility of the proposals for the meeting of the World Heritage Bureau in Paris in June 2001. The Committee’s report was as follows:

On 28 November 2000 representatives from Australia, Canada, the Solomon Islands and New Zealand attending an Indigenous Peoples Forum on World Heritage held in Cairns (24 November) made a presentation to the World Heritage Committee. In their presentation they made a plea for the protection of indigenous knowledge systems, values and traditions in World Heritage areas,

asserting that these sites were "ancestral lands" that had to be treated with respect. In the management of these sites, consideration should be taken to involve and negotiate with indigenous peoples who are the Traditional Owners. They urged the Committee to adopt four specific recommendations that they submitted, particularly for the establishment of a World Heritage Indigenous Council of Experts. Representatives of traditional owners from Kakadu, Uluru Kata Tjuta, the Willandra Lakes Region, the Tasmanian Wilderness, the Wet Tropics Area and New Zealand, returned to the Committee to confirm the authenticity of the presentation. (See Annex V).

Following a proposal by Australia and supported by members of the Committee, the Committee asked the Secretariat to follow-up on the recommendations of both the Youth Forum and the Indigenous People's Forum. A review of the feasibility of these proposals would be presented by the Secretariat to the twenty-fifth session of the Bureau.

The authority for the creation of advisory bodies by the World Heritage Committee is provided in Article 10 (3) of the World Heritage Convention which states:

The Committee may create such consultative bodies as it deems necessary for the performance of its function.

### **3. The Establishment of a Working Group**

At the initiation of the Chair of the World Heritage Committee, Peter King, a small working group of indigenous representatives from Canada, Australia and New Zealand, all of whom had attended the Forum and taken part in the presentation of its recommendations to the World Heritage Committee in Cairns, was established to assist the World Heritage Centre in its review of the feasibility of the proposal<sup>2</sup>. The working group held a series of telephone conferences during April-May 2001.

One of the key participants in the Cairns Forum and in the working group, Hemi Kingi (from the Tongariro World Heritage area), passed away in April 2001. He had just returned from a visit to the Uluru Kata-Tjuta World Heritage area to contribute to a review of the park's joint management arrangements. The Chair of the Uluru Kata Tjuta Joint Management Board and representative of the Anangu people, Jo Willmot, attended Hemi Kingi's funeral in Tongariro. While there, she met with Tumu Te Heu Heu, the paramount chief of the Ngati Tuwharetoa people, and the direct descendant of the Tuwharetoa chief who made the original gift of Tongariro to the Government of New Zealand for permanent protection as one of the world's first national parks in 1887. They discussed how the work that had been started with Hemi Kingi's involvement could be advanced. They agreed that as a next step they would convene a further meeting in

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<sup>2</sup> Original members of the working group were Josie Weninger (Canada), Jo Willmot (Uluru, Australia), Gary Pappin (Willandra Lakes, Australia), and Hemi Kingi (Tongariro, New Zealand). After Hemi Kingi passed away, Eru Manuera (New Zealand) took his place.

Sydney, involving representatives of the Anangu people (traditional owners of the Uluru Kata Tjuta World Heritage Area), Environment Australia (the management agency for Uluru WHA), Ngati Tuwharetoa (the indigenous people of the Tongariro World Heritage Area) and the New Zealand Department of Conservation (the management agency for Tongariro WHA).

#### **4. Meeting in Sydney 4 May 2000**

This meeting was held in Sydney on 4 May 2000. Outcomes of the meeting included a commitment to advance the proposal for a World Heritage Indigenous Peoples Council of Experts. It was also agreed that a bilateral workshop be arranged in Uluru Kata Tjuta WHA in August 2001. This workshop will provide an opportunity for the indigenous peoples and management agencies of the Uluru Kata Tjuta and Tongariro WHA's to share their knowledge on the protection and management of World Heritage cultural landscapes and 'mixed' cultural/natural properties.

The meeting had before it the deliberations of the working group, and met with the Chair of the World Heritage Committee, Peter King. The meeting developed the outline of a simple, practical construct for a World Heritage Indigenous Peoples Council of Experts for further consideration by the working group and the World Heritage Centre. This was based on the "practical next steps" approach developed in advancing a closer relationship on common World Heritage issues between the indigenous peoples and management agencies of the Uluru Kata Tjuta and Tongariro WHA's, which had led to the meeting. It sought to avoid getting bogged down in conceptual argument and definition.

A working group telephone conference was held on 7 May where the proposal was further developed. The following outline emerged from that discussion.

#### **5. Possible Outline for WHIPCOE**

##### **(i) There is a need for a World Heritage Indigenous Peoples Council**

The need for such a Council has been heightened by the decision of the World Heritage Committee in establishing a cultural landscape category of World Heritage area. This requires expertise relating to traditional knowledge and management. Having created the possibility of the inscription of such sites, their actual inscription has now generated a rich source of expertise for their continued establishment and management.

Such a Council is also needed to advise on the appropriate identification, evaluation and management of 'mixed' properties and 'cultural' properties with indigenous associations and the identification, management and possible renomination of properties listed for their 'natural' World Heritage values that may also hold indigenous values.

Indigenous peoples have always had an integral and crucial interest in the management of World Heritage areas on their traditional lands, because those lands are part of their holistic cultural heritage.

The Council will add to rather than displace the role of the IUCN, ICOMOS and ICCROM as expert advisers and training providers to the World Heritage Committee. Unlike these bodies, the Council will be uniquely focused on properties that hold indigenous values.

**(ii) The Purpose of the Council is to Provide Indigenous Peoples Expertise**

The purpose of the Council is to provide indigenous peoples' expertise to the State Parties (including indigenous peoples), Institutions and Advisory Bodies of the World Heritage Convention. It will provide:

- At the request of the indigenous people/s and State Parties involved, advice in the development of nominations by State Parties for the inscription and renomination of properties on the World Heritage List that hold indigenous values, including cultural landscapes, 'mixed' cultural/natural properties, cultural properties and natural properties.
- At the request of the World Heritage Centre and the Advisory Bodies, advice on the evaluation of nominations for the inscription or renomination of properties on the World Heritage List that hold indigenous values, including cultural landscapes, 'mixed' cultural/natural properties, cultural properties and natural properties
- At the request of the indigenous people/s and State Party involved, advice, expertise and support in the management of those areas in a manner that protects and respects their inherent holistic indigenous cultural values and the association that the indigenous people/s of each area have with them
- At the request of the indigenous people/s and State Party involved, development of the expertise and capacity of indigenous peoples and management agencies to manage such areas in accord with best practice and indigenous values
- Of its own volition, the development and dissemination of models and best practice examples of joint management between indigenous peoples and government or other management agencies involved in the management of such areas
- At the request of the indigenous people/s and State Party involved, or of its own volition, policy development on the protection of all properties holding indigenous values including cultural landscapes, 'mixed' cultural/natural, cultural and natural World Heritage properties
- At the request of the indigenous people/s and State Party involved, or of its own volition, advocacy for the protection of all properties holding indigenous values including cultural landscapes, 'mixed' cultural/natural, cultural and natural World Heritage properties

It should be noted that it is not intended that the Council should override or interfere with existing indigenous management or joint management arrangements in World Heritage areas, but rather seek to add value to them or to support them upon request by the indigenous people/s and State Party involved.

**(iii) Core membership of the Council is to be drawn from World Heritage areas with certain common features**

There are currently only a small number of World Heritage sites that are listed for an indivisible combination of indigenous cultural and natural values. Some of these have been listed, or re-listed following the introduction of the new cultural landscape categories in 1992, and the amendments to the inscription criteria in 1994, (which recognised cultural landscapes under cultural criterion (iv) and living traditions under criterion (vi)), and the further amendment in 1997, recognising civilisations that are living under criterion (iii) of the Operational Guidelines. Tongariro was the first 'natural' property to be renominated as a cultural landscape, following Tumu Te Heu Heu's address to the World Heritage Committee in Berlin in 1994. The common features of these areas are:

- their World Heritage status
- their indivisible combination of cultural and natural heritage, and
- their inherent spiritual significance to an indigenous people or peoples associated with them.

It is possible to identify these areas without delving too deeply into definitions. They include Tongariro in New Zealand, Uluru Kata-Tjuta in Australia, Sukur in Nigeria and the Laponian Area in Sweden. Properties also holding the same common features and listed as 'mixed' properties but which are not inscribed as cultural landscapes, on the World Heritage list are Kakadu, Willandra Lakes and the Tasmanian Wilderness in Australia.

These areas (and any others like them) should be the *primary source* of the World Heritage Indigenous Peoples Council of Experts.

A *second source* of members should be those World Heritage areas that, while not currently listed as cultural landscapes or 'mixed' cultural/natural properties have similar characteristics and hold indigenous values. These might include, for example:

Pueblo de Taos, Mesa Verde, Cahokia Mounds and Chaco Culture Historic Park in the United States, Sgaang Gwaii and Head-Smashed-In-Buffalo-Jump in Canada), East Rennell in the Solomon Islands, Wet Tropics of Queensland and the Central Eastern Australian Rainforest Reserve in Australia, Dja Faunal Reserve in Cameroon, Talamanca Range-La Amistad Reserves/La Amistad National Park in Costa Rica/Honduras, Rio Platano Biosphere Reserve in Honduras and Manu National Park in Peru.

The Council itself will be best placed to advise the World Heritage Committee on the admission of further areas.

Should the number of such qualifying areas come to increase significantly, a smaller executive group may be required, but a Council of all should continue to exist as a global network, constituency or source of expertise. In the context of a "next practical steps" approach, such developments could be considered as the need arises.

Individual members of the Council will be nominated by the indigenous people associated with each qualifying World Heritage area and the State Party involved. They will be drawn either from the indigenous people directly associated with the World Heritage area, or be an indigenous employee of the agency responsible for the management of World Heritage properties or nominated places.

Other properties inscribed for 'natural' values but which may also have indigenous values, are as follows: Air and Tenere Natural Reserve, Niger; Darien National Park, Panama; Ngorongoro Conservation Area, United Republic of Tanzania; Serengeti National Park, United Republic of Tanzania; Hawaii Volcanoes National Park, USA; Great Barrier Reef, Australia; Lord Howe Island Group, Australia; Shark Bay, Western Australia; Fraser Island, Australia; Wood Buffalo National Park, Canada; Tashenshini-Alsek/Kluane National Park/Wrangell-St. Elias National Park and Reserve & Glacier Bay National Park, Canada/USA; Salonga National Park, Democratic Republic of Congo.

This list is not exhaustive but gives an indication of the work that is required to identify properties that hold indigenous values. The World Heritage Centre as Secretariat to the World Heritage Committee is requested to enter into dialogue with States Parties in order to identify World Heritage properties that hold indigenous values.

**(iv) The Council Will Report To The World Heritage Committee**

The Council will report on its activities annually to the World Heritage Committee.

**(v) The Initial Tasks of the Council**

The initial tasks of the Council will be to:

- Hold an inaugural meeting
- Determine how it can give effect to its purpose/terms of reference
- Identify any additional World Heritage properties from which members might appropriately be drawn
- Develop a prioritised work programme and budget for approval by the World Heritage Committee
- Organise an annual workshop of indigenous peoples and management agencies on the protection and management in World Heritage cultural landscapes and 'mixed' cultural/natural properties
- Develop a network of individual indigenous WHA experts who are able to provide services to the Council and the World Heritage Centre

**(vi) Initial funding requirements for the Council are not substantial**

The Council would not require substantial funding or infrastructure unless the World Heritage Committee in future gives it increased functions or approves an expanded work programme. Initial funding requirements would be limited to the costs of:



- organising an inaugural and annual meeting of the Council
- organising a workshop of indigenous peoples and management agencies to share knowledge and skills in the management of cultural landscapes and 'mixed' cultural/natural properties
- resourcing expert participation with IUCN/ICOMOS in developing and evaluating new nominations that hold indigenous values
- developing and maintaining a network of WHA individual indigenous peoples experts

## 6. Discussion with the World Heritage Centre

This proposal was discussed by the working group, the World Heritage Centre and the Chair of the World Heritage Committee in a telephone conference on 10 May 2000. The Centre contributed additional written comments in late May. This resulted in the recommendations outlined below to the World Heritage Bureau meeting in June 2001.

In making these recommendations the working group is mindful that further work needs to be done. The working group envisages the establishment of the WHIPCOE Implementation Group as being the mechanism to facilitate further consultation and progress matters pertaining to purpose, structure and membership. Once this work has occurred the World Heritage Committee will be in a better position to judge the merits of the WHIPCOE proposal in time for its session in December 2001. The overall assessment, however, is that it is both feasible and desirable to establish a WHIPCOE.

## 7. Recommendations

It is recommended that the World Heritage Bureau:

1. **Note** the excellent progress to date in the development of the concept of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE).
2. **Express** its support in principle for the establishment of a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) to the 25<sup>th</sup> session of the World Heritage Committee which will meet in Helsinki, Finland in December 2001.
3. **Note** that further work needs to be done on the proposal before the 25th session of the World Heritage Committee, including more extensive consultation with other indigenous peoples, other States Parties and the Advisory Bodies (IUCN, ICOMOS and ICCROM). To achieve this, requests the World Heritage Centre, in consultation with the Indigenous Working Group, to further review the WHIPCOE proposal. This may take the form of a small representative workshop, which would receive assistance from the World Heritage Fund and other appropriate sources.

4. **Request** the World Heritage Centre, to circulate this paper by Circular Letter to all State Parties to the Convention and to the World Heritage Advisory Bodies and invite them to comment on the proposal.
5. **Request** the World Heritage Centre, to the extent possible, to compile a list of properties from the World Heritage List and the tentative lists that might qualify for membership of WHIPCOE under the draft membership criteria proposed in this paper.
6. **Establish** a WHIPCOE Implementation Group comprising in the first instance World Heritage indigenous peoples and State Party representatives from Australia, Canada and New Zealand and any other indigenous peoples and State Party representatives that are agreed by the Bureau.
7. **Invite** the Implementation Group to further develop the WHIPCOE proposal in consultation with the World Heritage Centre, taking into account comments from State Parties and the Advisory Bodies, and to report back to the 25<sup>th</sup> session of the World Heritage Committee to be held in Finland in December 2001 with a comprehensive proposal for the establishment of the Council, including its terms of reference, composition, initial programme and budget.

**SUPPORTING PAPER TO THE SUBMISSION OF THE INDIGENOUS  
PEOPLES FORUM PRESENTED BY LEAVE TO THE 24TH SESSION OF  
THE WORLD HERITAGE COMMITTEE  
CAIRNS, AUSTRALIA, 28 NOVEMBER 2000**

**PREAMBLE:**

1. **RECALLING** the obligations on States Parties to the World Heritage Convention under Article 5 of the Convention, to ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on their territories; and
2. **NOTING** the extensive obligations of States Parties to the World Heritage Convention, especially those who are also parties to the following international conventions, covenants or protocols, to recognise, respect, promote and protect, the rights and interests of Indigenous peoples and local communities in their natural and cultural heritage consistent with:
  - a) the International Convention for the Elimination of all Forms of Racial Discrimination,
  - b) the International Covenant on Civil and Political Rights,
  - c) the International Covenant on Economic, Social and Cultural Rights,
  - d) the International Convention on Biological Diversity,
  - e) the United Nations Convention to Combat Desertification,
  - f) the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (The Ramsar Convention),
  - g) the International Labour Organisation Convention 169 on Indigenous and Tribal Peoples in Independent Countries; and
  - h) the United Nations Draft Declaration on the Rights of Indigenous Peoples (albeit not yet in force).
3. **ACKNOWLEDGING** Principle 22 of the Rio Declaration on Environment and Development and Chapter 26 of Agenda 21, and the Draft Principles and Guidelines for the Protection of the Heritage of Indigenous People elaborated by the Special Rapporteur of the Commission on Human Rights Working Group on Indigenous Populations (as contained in the annex to document E/CN.4/Sub.2/2000/26)
4. **RECALLING** the obligation of Contracting Parties under the World Heritage Convention to identify, protect, conserve, present and transmit both natural and cultural heritage:
  - a) even where properties are not included on the World Heritage List; and
  - b) where properties are only listed for certain natural or cultural heritage values.

5. **TAKING ACCOUNT** of the International Decade of the World's Indigenous People being 1995 – 2004 the goal of which is to strengthen international co-operation for the solution of problems faced by Indigenous peoples in such areas as human rights, the environment, development, education and health, the theme of which is “Indigenous People - Partnership in Action”, and accordingly, the Commission on Human Rights, in paragraph 15 of resolution 2000/56, encourages Governments as appropriate, recognising the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with Indigenous peoples, by:
- a) preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving Indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with Indigenous people;
  - b) seeking means of giving Indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them; and
  - c) identifying resources for activities designed to implement the goals of the Decade.

**INSPIRED BY THE ABOVE,**

**THE INDIGENOUS PEOPLES FORUM HEREBY PETITIONS THE WORLD HERITAGE COMMITTEE AND ALL STATES PARTIES TO THE WORLD HERITAGE CONVENTION, TO:**

*Re: The Establishment of New Competencies and Expertise*

1. **ESTABLISH** a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) pursuant to the provisions of Section 10 (3) of the World Heritage Convention, a body that will bring new competencies and expertise
  - a) to complement existing expert groups under the convention being IUCN, ICOMOS and ICROM, and
  - b) to support the objectives of the World Heritage Committee in the provision of expert Indigenous advice on the holistic knowledge, traditions and cultural values of Indigenous Peoples relative to the implementation of the World Heritage Convention, including current operational guidelines.

*Re: The Relationship between the Holistic Natural and Cultural Values and Traditions of Indigenous Peoples*

2. **RECOGNISE** the holistic nature of Indigenous natural and cultural values and traditions, and –
  - a) that the maintenance and survival of the said values and traditions of Indigenous peoples and traditional local communities is dependent upon their continued access to and use of traditional biological resources; and

- b) that the maintenance and practice of the said values and traditions is necessary to ensure the complete conservation of the biological diversity by which many areas qualified for World Heritage Listing; and
- c) that the application of traditional knowledge, innovations and practices of Indigenous peoples and traditional local communities is vital to the conservation and sustainable use of the biological diversity of many World Heritage Areas, and in line with decisions III/14, IV/9 and V/16 of the Conference of the Parties to the Convention on Biological Diversity, “traditional knowledge should be given the same respect as any other form of knowledge” in the management of World Heritage Areas; and
- d) that the holistic, natural and cultural values and traditions of Indigenous peoples and traditional local communities are dynamic living values rather than static historic ones.

*Re: The Duty of Care and Responsibility*

- 3. **NOTE** that the social dimension to Indigenous cultural and natural values and traditions includes rights, obligations and responsibilities for decision making.

*Re: The Removal and Ownership of Cultural Property*

- 4. **ACCEPT** that the removal of cultural property from a World Heritage site in no way diminishes the Indigenous cultural values and traditions of the site, and that any such property so removed remains the property of the Indigenous people or traditional local community of origin.

*Re: The Restoration and Return of Cultural Property*

- 5. **SUPPORT** the return of cultural property removed from World Heritage Areas listed for their cultural values or as cultural landscapes.

**THE INDIGENOUS PEOPLES FORUM FURTHER PETITIONS THE WORLD HERITAGE COMMITTEE, TO:**

*Re: The Participation of Indigenous Peoples and Local Communities in Meetings and Processes Established by the World Heritage Convention Relationship*

- 6. **RECOMMEND** to the UNESCO World Heritage Unit that it work in collaboration with the Convention on Biological Diversity in regard to Task 9 of the programme of work adopted by the Conference of the Parties under decision V/16 concerning the development of guidelines or recommendations for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on sacred sites and on lands or waters occupied or used by Indigenous and traditional local communities. The guidelines and recommendations should ensure the participation of Indigenous and traditional local communities in the assessment and review.

7. **RECOMMEND** to States Parties to the World Heritage Convention that they work in partnership with Indigenous and traditional local community organisations in the establishment of policies, guidelines, and/or strategic plans, which include requirements for national reporting, to enable the continuous, on-ground monitoring of impacts of any decisions or proposed developments in World Heritage Areas on the Indigenous spiritual and cultural values associated with those areas

*Re: The Protection of Information Concerning Indigenous Cultural and Natural Values.*

8. **RECOGNIZE** that the protection of the traditional knowledge, innovations and practices of Indigenous peoples and traditional local communities is of major international significance and that work is being carried out under Article 8(j) of the Convention on Biological Diversity, and by WIPO, the UN Convention to Combat Desertification, the Intergovernmental Forum on Forests and by the Commission on Human Rights and the Working Group on Indigenous Populations.

9. **RECOGNISE** these processes by developing a set of protocols and guidelines.

*Re: The Spiritual, Intellectual and Social Recovery of Indigenous Peoples and Traditional Local Communities*

10. **RECOGNISE** that the direct involvement of Indigenous peoples in the conservation and protection of natural and cultural heritage, will contribute to the spiritual, intellectual and social recovery and development of Indigenous peoples and traditional local communities whose ancestral territories fall within World Heritage Areas now.

11. **RECOMMEND** to States Parties to the Convention on World Heritage that they facilitate effective and meaningful consultation, co-operation and involvement of Indigenous peoples and traditional local communities in the management of their ancestral territories that fall within World Heritage Areas now.

12. **ENSURE** that any personnel to be engaged for the purposes of monitoring and managing the cultural values of World Heritage areas, are drawn from the Indigenous peoples and traditional local communities whose traditional knowledge and practices are the source of the cultural values involved.

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