

Caux call for action on rights-based approaches in World Heritage

Caux, Switzerland, January 19, 2016

We the participants of the international dialogue on «Understanding rights practices in the World Heritage system: lessons from the Asia-Pacific and the global arena» met in Caux, Switzerland from January 18 to 19, 2016. The meeting was organized by the University of Lucerne in cooperation with ICOMOS and IUCN with support from the Swiss Network for International Studies, ICOMOS Norway and the Swiss National Science Foundation.

We recall the outcome and statements of the two Oslo workshops, in 2011 and 2014, on rights-based approaches in the World Heritage system organized by the Common Dignity initiative.

We welcome the recent changes agreed to the Operational Guidelines for the World Heritage Convention (Bonn, 2015) regarding the rights of indigenous peoples, free prior and informed consent and the recognition of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and also the adoption of the Sustainable Development policy¹ by the 20th General Assembly of States Parties to the World Heritage Convention (November 2015), requesting *inter alia* States Parties “to uphold, respect and contribute to the implementation of the full range of international human rights standards as a prerequisite for effectively achieving sustainable development”. We note that further specific changes to the Operational Guidelines are contemplated in light of the adoption of the policy to translate the principles of the policy into actual operational procedures.

We note that the Sustainable Development policy requests States Parties “to ensure that the full cycle of World Heritage processes from nomination to management is compatible with and supportive of human rights” and consider this new policy framework a turning point toward building more equitable and effective sustainable conservation and good governance approaches.

We further commend the Sustainable Development policy recommendation to “adopt a rights-based approach, which promotes World Heritage properties as exemplary places for the application of the highest standards for the respect and realization of human rights”.

We acknowledge and welcome the growing interest from Special Procedures of the UN Human Rights Council, in particular the Special Rapporteurs on cultural rights, environment and human rights, and the rights of indigenous peoples, in addressing World Heritage issues.

We welcome the work of the Advisory Bodies (ICROM, ICOMOS and IUCN) to the World Heritage Committee (hereafter ‘the Committee’) in the past years in jointly addressing the opportunities and challenges of developing more inclusive World Heritage approaches.

Being mindful of the new momentum represented by the above, we presented and discussed case-study research, legislative reviews and the results of national dialogues on human rights and World Heritage conservation from selected countries in the Asia-Pacific region. This research is demonstrating the significance of taking into account local context, rights claims and local values as a starting point for bridging human rights and heritage protection, conservation and management.

¹ The full title is «Policy for the integration of a sustainable development perspective into the processes of the World Heritage Convention » hereafter listed as the “Sustainable Development policy”.

We recognize, from the lessons learned at the workshop, that challenges in respecting and supporting the rights of indigenous peoples and local communities and other groups in the World Heritage context, at the national level, include inadequate legal frameworks, under-resourced institutions, lack of awareness among government officials, communities and organizations, lack of participation and monitoring mechanisms and processes:

Our meeting confirmed the need for, and feasibility of, strengthening the World Heritage system by ensuring its full compatibility and compliance with human rights obligations. In the interest of operationalizing the human rights aspects of the UNESCO Sustainable Development policy:

1. We encourage the Committee, the Advisory Bodies and States Parties to build a common language and conceptual framework aimed at fully implementing human rights, taking into consideration claims made in local contexts, and in accordance with recognized international standards.
2. We recommend States Parties adopt systematic and comprehensive legislative frameworks, approaches and policies recognizing the needs and rights of people and groups on topics such as benefit-sharing, participation, livelihoods and culture, taking into account their vulnerabilities and capacity for resilience.
3. We recommend the Committee and the World Heritage Advisory Bodies devise mechanisms to address these issues across the World Heritage cycle, including upstream processes providing early advice on nominations, periodic reporting by States Parties on implementation of the Convention and the monitoring and policy mechanisms of the Convention, learning from the best practices of the United Nations and regional human rights implementation mechanisms.
4. We recommend the Committee, the Advisory Bodies, UNESCO and the States Parties comply with international human rights standards when reviewing the processes of nomination and states of conservation. We further recommend they advance a heritage nomination and conservation approach that is fully supportive of the rights of people and relevant communities, that empowers them as legitimate stewards of heritage, and that supports their lives and cultures as part of excellence in heritage management.
5. We encourage the World Heritage Centre and the World Heritage Advisory Bodies to build capacity in the field of rights-based approaches to the nomination and conservation of World Heritage sites, including through the development of guidelines, training activities and educational awareness materials on key topics and mechanisms, such as Free Prior and Informed Consent. It is also necessary to develop guidance on how to deal with local contexts where the legacy of past injustices may have created suspicion and reluctance with regard to World Heritage nomination and management processes.
6. We strongly encourage the use of a human rights-based framework in World Heritage processes involving third parties such as NGOs, the private sector and public-private partnerships.
7. We recommend engaging with rights-holders and local authorities in devising community-driven and holistic management approaches to World Heritage properties bridging nature and culture as well as tangible and intangible heritage even in the absence of enabling legal frameworks.
8. We underline the importance of inclusive approaches, notably with regards to indigenous peoples, ethnic minorities, women, youth and disadvantaged groups living within, in the vicinity of, or with links to World Heritage sites.
9. We encourage civil society organizations to engage with the World Heritage system for strengthening the management of the properties and implementation of the Convention.
10. We further encourage States parties, Advisory Bodies, technical and research institutions, and other interested partners to continue the process of giving full effect to human rights and sustainability standards, *inter alia*, by actively fostering research, dialogue, cooperation, pilot projects and studies in order to further advance rights within the World Heritage processes.