

DISCUSSION PAPER

Advisory body evaluations of World Heritage nominations in relation to community and rights concerns, an independent assessment

Peter Bille Larsen, June 2012

This discussion paper¹ explores the potential for advisory body collaboration in relation to World Heritage site evaluation and the integration of community and rights concerns. Prior to this, IUCN commissioned a report on how to strengthen IUCN the evaluation process of World Heritage nominations to better reflect community and rights concerns. This brief follow-up report does not deal with all the content matters as such (these inputs are informing a revised version of the first report), but in overall terms explores the relevance of initial findings as well as identifying opportunities for follow-up action by the advisory bodies. Initially expected to be a 3-4 page brief, the consultant chose a lengthier format to address the contents in more detail. A summary of key findings and recommendations may be found on pages 8 and 9. This report is an independent review and does not necessarily represent the views of IUCN, ICOMOS Norway or the Norwegian Ministry of Environment, as the partners who commissioned and/or funded the report, nor those of those organisations and individuals consulted on its content.

Background

IUCN has recently commissioned a report analysing how it, as an advisory body, can strengthen the inclusion of community and rights concerns in its evaluation activities. As a follow-up to that report, this brief addendum explores reactions and relevance of this IUCN report as perceived by representatives of the Advisory Bodies, UNESCO and the World Heritage Secretariat (the UNESCO World Heritage Centre) not least in terms of the applicability to their respective spheres of work. While the report builds on the thoughts and suggestions shared, the synthesis here is the sole responsibility of the consultant.

Overall relevance of the “IUCN” report

Whereas the initial report was written more for a “natural site” audience, most of the issues were emphasized as equally relevant in the cultural context. Interviewees raised a range of specific cases touching upon a variety of consultation, tenure, benefit-sharing and cultural rights perspectives to illustrate such relevance. While interviewees pointed to differences between natural and cultural sites, they also emphasized the significant similarities in terms of many community and rights concerns. For example, this concerned the risk of processes to determine Outstanding Universal Value leading to local values and practices being undermined unless adequate safeguard measures are in place.

Key finding: All advisory bodies and the Secretariat staff interviewed acknowledge the importance of the IUCN report and the overall relevance of findings for their respective fields of work. While the initial report was written more for a “natural site” IUCN audience, a wide range of community and rights concerns are equally relevant in the cultural context, including for ICOMOS evaluation activities.



This discussion paper was prepared with the support from IUCN, ICOMOS Norway and financial support from the Norwegian Ministry of Environment.

A shared community and rights agenda

Interviews clearly revealed how all organizations involved in the current dialogue on rights and World Heritage within the Advisory Bodies and World Heritage Centre (termed the ABC Group), not just IUCN in its own policy processes, were moving towards a stronger community and rights-based agenda. The 2011 ICOMOS General Assembly resolution “Our Common Dignity: Rights- based Approaches to heritage management” is an important milestone in terms of promoting rights-based approaches not least through the “Our common dignity” initiative of the 2012-2014 Triennial Action Plan². This parallels broader work on human rights in UNESCO context, not least on-going work to put in place a policy on indigenous peoples. The recent volume of the UNESCO World Heritage journal on the theme of indigenous peoples illustrates how the World Heritage Secretariat is responding to growing engagement in the Commission context with indigenous peoples and their rights. IUCN processes are discussed in more detail in the full IUCN report, and include a strong frame of IUCN motions related to rights, a major focus on rights-based approaches, and a range of standard setting processes and networks related to protected areas and rights. ICCROM, in turn, has a broad focus on community concerns as part of its capacity building work, and is about to embark on a new “living heritage” programme with opportunities to integrate rights work.

Key finding: The agencies are in their respective ways moving towards a stronger community and rights agenda

Recognizing complexity

Apart from the overall commitment, it was argued how rights touch upon a wide range of complex issues, which will require careful analysis and conceptual work to be adequately addressed. This, among other things, includes distinguishing between different rights-holders and their respective collective and individual rights-concerns. Another issue raised was the impact of World Heritage nomination in terms of the possible contribution of listing on some rare but highly significant occasions to conflict and violence (and the risks of rights violations in this respect). A third issue raised concerned the social complexity of “communities” in practice often harbouring diverse opinions on site nominations.

Key finding: Interviewees emphasized the complexity of the matter and the need for further analytical work in terms of fleshing out scope and implications

Recognizing existing efforts

In both IUCN and ICOMOS, a number of formal and informal processes have already been initiated to strengthen the integration of community concerns. In both organizations, guidelines for technical evaluation missions include some wording on community concerns and stakeholder consultation. The ICOMOS mission report format, for example, suggests including a paragraph on the involvement on local communities in preparing the nomination, in protection, in conservation and in management under the management section. Both IUCN and ICOMOS evaluations may also address community concerns under other subheadings and conclusions, although the level of depth and coverage varies. World Heritage units have in some cases included such concerns in early communication with State Parties, drawing in social policy expertise on a case-by-case basis and engaged with national committees and members. From this perspective, much is being done, which could be further structured and formalized, and made fully consistent.

² Resolution 17GA 2011/30

Key finding: Further strengthening work on community and rights can benefit from building on existing work, which is evolving in both formal and informal ways

Moving from shared ideas to collective action

Interviewees expressed a strong commitment to engage in collective practical follow-up action from their respective organizational realms and positions. The kinds of comments raised included the differing institutional realms and opportunities, yet also the similar kinds of challenges and concerns. Thus ICOMOS representatives spoke of similar kinds of community and rights concerns in cultural sites, while equally pointing to other aspects and concerns to be raised in the reworking of the report. Indeed, it was clear that the community and rights concerns are far too complex and diverse to be able to be addressed through quick fixes and deserve more analytical work in this respect. It was also clear that organizational cultures, capacities and evaluation processes are not identical, necessitating the tailoring of specific processes without losing touch for actual opportunities for shared language, definitions and reporting categories.

Key finding: The importance of acting collectively as a group even if roles, concerns, types of action and procedures may differ was emphasized

Comparing evaluation processes and guidance

The evaluation processes of IUCN and ICOMOS, while following similar calendars, differ somewhat in terms of emphasis according to available material. ICOMOS field visits, for example, are mainly concentrated on management aspects, whereas in IUCN, the field evaluators may provide more comments on values, although this is also substantially complemented by reviews as the main source of information. Both combine different approaches and involve the use of respective internal guidance for technical evaluations and field visits. IUCN is now, based on initial discussions, updating their evaluation format and guidance for mission experts. ICOMOS will also consider how to strengthen the emphasis on this aspect in its Guidelines. As in the IUCN context, capacity is another important variable in this respect. A number of ICOMOS evaluators equally have hands-on experience of community and rights concerns, yet in general terms such capacity is spread unevenly and not necessarily mobilized.

Key finding: Whereas evaluations follow similar calendars, distinct approaches and guidelines generate the need for tailoring improvements to existing processes and capacity.

The importance of moving together

There was a strong emphasis on the importance of advisory bodies moving together when raising new community and rights issues and strengthening the evaluation processes. This would allow for a more coherent approach in relation to State parties and nomination processes, allowing for shared interpretations of operational guidelines and obviously facilitating evaluation processes that involve both advisory bodies. It would also facilitate the broader processes of providing technical advice for upstream change needed to better accommodate community and rights concerns across the spectrum. Simultaneously, it was recognized that moving together did not necessarily imply doing everything jointly, but rather involved:

- Identifying shared concerns and shared categories and language
- Harvesting “low-hanging fruit” for collaboration on community and rights issues e.g. in the context of mixed sites and cultural landscapes
- Planning parallel approaches where shared approaches may not be possible

- Building partnerships with other bodies together rather than separately (e.g. with the UN Permanent Forum on Indigenous Issues)
- Moving towards shared reporting formats with separate community and rights sections
- Presenting shared findings and results in wider WHC processes

Key finding: there is general consensus about the value and importance of the Advisory Bodies moving forward together on community and rights concerns, but also an urgent need to move from “good ideas” to the actual planning of action

Moving towards a shared needs or situation analysis: a joint policy paper

There seems to be wide consensus about the importance of a “shared” needs or situation analysis of community and rights in World Heritage in general building on the type of findings identified in this first step. The question of how to make the first report “not just for the IUCN” was raised, while revealing the need for further analytical work to flesh out the diverse concerns at stake. What is emerging is a collective need for a discussion and debate both about the challenges and opportunities in relation to World Heritage processes not just among Advisory Bodies, but also through engaging the wider set of actors involved. It, in other words, seems useful to extract key lessons from the IUCN analysis and start building on this. The learning by doing process could offer inputs to such a process, as making use of a number of policy dialogue opportunities such as the events organized in the context of the IUCN World Conservation Congress. The output of such a process could take the form of a joint policy paper or a kind of “White Paper” on the topic, which could serve as a broader vehicle to facilitate upstream policy debates and cooperation activities. Such a brief and easily accessible document could possibly be presented in draft format at an appropriate moment (see later discussion).

Key finding: there is a need for a public/ policy “white paper” on community and rights in World Heritage where the advisory bodies facilitate a broader discussion of the concerns and challenges including but not limited to the evaluation process

Shared interest in doing in-depth evaluation processes in selected countries

There is a widely held commitment to conduct in-depth evaluation of community and rights concerns in a selected number of countries in the current evaluation cycle. Yet, there was also concern about time, human and resource constraints challenging the implementation of such an exercise. There was also concern expressed about potential conflicts of interest if national experts with in-depth knowledge of community concerns were to be involved in the process. As IUCN is fast-tracking its own process to integrate community and rights concerns in the evaluation process, there is now a major opportunity to coordinate with on-going ICOMOS processes in parallel, as well as engage in joint work in mixed sites and cultural landscapes.

Key finding: there is an overall interest in fast-tracking in-depth evaluations of community and rights concerns in selected countries was confirmed, although there was concern about actual capacity and resources to do this work.

Need for particular work and effort in relation to mixed sites and cultural landscapes

The prior IUCN review only briefly touches upon evaluation processes for mixed sites and cultural landscapes, yet there was a perception that both cases presented immediate opportunities to directly apply recommendations from the report and undertaking joint learning by doing in this year’s evaluation cycle. It was emphasized how mixed properties, for

example, both present distinct challenges in terms of evaluation and inscription. Such expressions of interest to work together would need urgent planning to materialize effectively and get integrated in the actual evaluation process from the start. This would build on existing joint evaluations of mixed sites and the standing relationship on cultural landscapes. While the two types of areas are dealt with differently, they both harbour significant potential to further integrate community and rights concerns. This work was furthermore considered critical as it specifically would help in shaping the building blocks for more systematic attention to cultural dimensions in all natural sites and vice-versa natural dimensions of all cultural sites. Although resources do currently not allow for comprehensive reviews of all sites by both advisory bodies, such ideals are certainly being considered by professionals in both agencies.

Key finding: there is an immediate opportunity to further engagement on community and rights concerns by ICOMOS and IUCN agreeing on strengthening joint steps and processes in the context of mixed sites and cultural landscapes

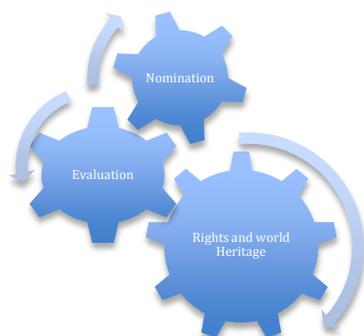
Question of capacity and feasibility

Lack of or dispersed capacity to address the wide range of community and rights concerns was identified as a relevant concern for all advisory bodies. While supportive of the ideas and intentions, some interviewees also raised time pressure and workloads making rapid progress challenging. While such constraints form part of the reality of any technical work, it also raises the underlying question of minimum standards and programmatic decisions to take on-board community and rights concerns no longer merely as a welcome “add-on”, but as fundamental normative principles and operational standards. In terms of feasibility, consultations revealed on-going evaluation experiences showcasing technical feasibility, as well as other cases pointing to logistical and political challenges hampering immediate take-up. Not all community and rights concerns are perceived as “do-able” in all places. Yet, there was a shared perception that a collaborative effort to put more structural and explicit emphasis on community and rights concerns by all advisory bodies for all evaluations would allow for building internal capacity, while clarifying the evaluation framework and securing coherence.

Key finding: Capacity constraints present real immediate challenges, which in the medium term need to be addressed to effectively address community and rights concerns as normative standards effectively. Feasibility concerns differ depending on context, yet would generally benefit from a building common approaches and evaluation frameworks.

Strengthening wider policy

Evaluation processes are not stand-alone processes determining how rights play out, in heritage processes, but obviously fit into a bigger picture between a given nomination process and a complex set of factors determining rights and world heritage practice. Positive outcomes fundamentally depend on state-driven processes as well as how the wider set of actors notably the World Heritage Secretariat and the World Heritage Committee address such concerns. The prior report among other things points to the need for overall engagement with and reform of the full heritage process not merely the evaluation aspects (e.g. nomination guidance, policy standards, manuals etc.). An additional element concerns processes prior to site nomination, such as previous protected area designation and regulations, restricting or otherwise infringing upon community rights.



Dealing with such complexity in practice means that advisory bodies need to collaborate widely with a number of actors and processes that ultimately shape the outcome of community and rights-related processes. This ranges from advisory body roles in relation to capacity building (as ICCROM) and technical guidance roles towards engagement with other WH actors notably the Committee and the Centre. There seemed to be diverging opinions about fast-tracking improved nomination formats, operational guidance and technical support on community and rights matters. On the one hand, it was emphasized as important to make sure that State Parties started from the same perspective and rapidly started receiving more guidance and standards on these concerns not least through nomination formats and guidance. On the other hand, it was reckoned by some that an initial learning by doing process mainly focusing on advisory body action would generate quicker lessons in the short-term. Still it was widely recognized that community and rights concerns need to be addressed not only at the time of nomination, but also need structured attention to what happens afterwards. “Upstream” action before nominations are prepared was, for example, deemed critical to ensure that consultation with relevant organizations becoming required good practice, and not merely optional.

Key finding: although opinions diverged somewhat in terms speed, there was strong interest in putting in place processes to complement work on evaluation processes with wider efforts to address the bigger picture such as strengthening nomination formats and guidance for State Parties to better reflect community and rights concerns.

Need for wider awareness about change processes

There was wide interest in reaching out to other agencies and State Parties about the new learning by doing process. This essentially confirmed the relevance of seeking to raise broader awareness about the process and consolidating inter-linkages in a number of follow-up events. It was indeed deemed essential to make the learning by doing process benefit the broader community of heritage actors. Among the immediate events listed were the:

- World Heritage Committee related processes and events such as a dedicated side-event at the WHC meeting in St. Petersburg
- Policy dialogue, coordination and follow-up meetings with the IUCN World Conservation Congress.

Recommendations for activities at the IUCN World Conservation Congress

1. Knowledge café on rights and world heritage: identifying barriers and opportunities

Cafés are meant as “deep thinking” events. This event would seek to present how states, WHC and the advisory bodies are starting to think of rights and how to better identify the issues in a hands-on manner.

2. IUCN and ICOMOS technical meeting on learning by doing process

The meeting would combine a background presentation with the “harvesting” of lessons learned from advisory body managers and “test reviewers” present involved in evaluations.

3. Indigenous members and support organizations: practical mechanisms for facilitating consultation processes

Discussion about mechanisms and practical aspects of facilitating improved field-level consultations in selected countries.

4. Follow-up consultation on UNPFII. UN rights mechanisms and World Heritage processes.

Advisory bodies have started engaging with the United Nations Permanent Forum on Indigenous Issues in relation to World Heritage processes, and follow-up consultations on how to strengthen long-term mechanisms for such interaction have been proposed for the IUCN World Conservation Congress.

Key finding: There was wide consensus about the importance of participating in and organizing follow-up events to raise wider awareness about the work and practical steps being taken

Follow-up processes and expert meeting 2013

There was a suggestion to organize an expert meeting on world heritage, community and rights issues in 2013 allowing to showcase findings from the first learning by doing process. Such an event would, it was also recommended, need to be planned and linked closely to broader policy processes seeking to provide evidence and lessons for world heritage policy processes framing and ultimately guiding evaluation standards and criteria. Should the advisory bodies aim for a collective “white paper” on community and rights concerns, this could very well be presented and reviewed at this expert meeting.

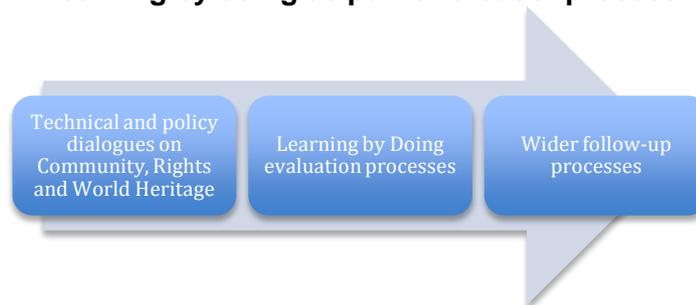
Key finding: there is a good opportunity to aim for an expert meeting in 2013 which would allow for learning by doing results to be presented alongside a consolidated advisory body “white paper” on community and rights concerns.

Concluding remarks

This brief follow-up report to the initial IUCN report essentially confirms and supports IUCN's effort to strengthen its evaluation processes as part of the broader effort of the ABC group, as well as underlining the on-going efforts and similar reflections in the context of ICOMOS. It equally stresses immediate opportunities to build on existing collaboration such as in the case of cultural landscapes and mixed sites. The interviews also revealed support and interest from the 3rd advisory body ICCROM to mainstream such concerns although not being actively a part of the evaluation process. Finally, it is critical to underline the general support from both UNESCO and the World Heritage Secretariat to such evaluation process improvements offering a solid institutional context for pursuing further upstream work in terms of nomination processes as well as further monitoring, conservation reporting and technical assistance. Recommendations to strengthen evaluation processes thus not only

reflect an emerging consensus, but are at least also in part being “spearheaded” by hands-on advances on the ground. The issue is now to scale-up such experiences and address them in a more systematic way across the diverse institutional realities of the advisory bodies. This is most likely to take place through a structured and collective learning process, which is most likely to take through hands-on learning by doing. Such processes in turn require immediate action in order to benefit from the new round of evaluations getting started now. IUCN has started planning in this respect, interviews revealing parallel activities by ICOMOS as well as *joint learning* opportunities in the context of this year’s nominations for mixed sites and cultural landscapes. There are immediate opportunities to make this happen if rapid planning is undertaken in the next few weeks in the run-up to the St. Petersburg meeting.

Learning by doing as part of broader process



Key findings

- All advisory bodies and the Secretariat staff acknowledge the importance of the report and the relevance of findings for their respective fields of work
- While the initial IUCN report was written more for a “natural site” audience, a wide range of community and rights concerns are equally relevant in the cultural context
- The agencies are in their respective ways moving towards a stronger community and rights agenda, yet also emphasize the complexity of the matter and the need for further analytical work in this respect
- Capacity constraints present real immediate challenges, which in the medium term need to be addressed to effectively address community and rights concerns as normative standards effectively.
- Feasibility concerns differ depending on context, yet would generally benefit from a building common approaches and evaluation frameworks.
- The importance of acting collectively as a group even if roles, concerns, types of action and procedures may differ was emphasized including closer coordination between ICOMOS and IUCN
- Interviewees emphasized opportunities for joint learning by doing around cultural landscapes and mixed sites
- Other issues to further deepen or broaden the analysis also came out of the discussions
- There was a call for a shared report or analysis, building on the existing findings, on the topic possibly formulated as a policy or white paper to allow for further upstream discussions
- Although opinions diverged somewhat in terms speed, there was strong interest in putting in place processes to complement work on evaluation processes with wider efforts to strengthen nomination formats and guidance for State Parties
- There was wide consensus about the importance of participating in and organizing follow-up events to raise wider awareness about the work and practical steps being taken

- There is an urgent need to complement efforts by advisory bodies with additional activities with the World Heritage Centre and UNESCO
- Given the heavy work load and tight schedule advisory bodies operate under, there is an urgent need for further fund-raising to kick-start and allow for a genuine learning by doing process for this year's cycle
- There is a good opportunity to aim for an expert meeting in 2013 which would allow for learning by doing results to be presented alongside a consolidated advisory body "white paper" on community and rights concerns.

Recommendations

IUCN & ICOMOS

- Spearhead learning by doing process fully complementing "normal" evaluation process and timing arrangements
- Fast-track identification of specific "take-up" opportunities (dedicated desk reviews, harnessed reporting formats, improved consultation processes) in this year's evaluation cycle and guidance material
- Ensure that adequate human, technical and financial resources are available for learning by doing process including fund-raising where necessary
- Facilitate planning of events and processes at the IUCN World Conservation Congress

ICCROM

- Include further guidance on community and rights issues in wider capacity building efforts closely coordinated with other advisory bodies.

Advisory bodies together (in some cases mainly IUCN and ICOMOS in connection with evaluations):

- Fast-track joint planning learning by doing process through initial meetings at living heritage meeting in Røros and follow-up conference calls
- Coordinate review and reporting processes to ensure similar categories and language where relevant and possible
- Conduct joint community and rights evaluation activities in relation to cultural landscapes and mixed sites for this year's cycle
- Organize advisory body side-event at St. Petersburg Committee meeting to raise awareness about process and evolving evaluation processes and consolidating integration with WH Committee processes and decisions
- Present technical review and recommendations for adapting nomination format, nomination guidance and resource manuals in the medium term to the World Heritage Centre and the World Heritage Committee
- Agree on wider process for developing a joint "White Paper"
- Conduct joint fund-raising for a collective learning by doing process
- Coordinate the integration of community and rights processes with wider UNESCO policy developments in relation to human rights and indigenous peoples
- Make use of dedicated IUCN World Conservation Congress space to report on findings and facilitate broader policy discussion of evolving standards and processes
- Organize high-level expert meeting to assess learning results and devise policy road map in 2013.

People interviewed/ contacted

Kristal Buckley	ICOMOS
Gustavo Araoz	ICOMOS (referred to Kristal Buckley, not interviewed)
Regina Durighello	ICOMOS
Amund Sinding-Larsen	ICOMOS Norway
Joseph King	ICCROM
Douglas Nakashima	UNESCO
Serena Heckler	UNESCO (meeting organized by D.N.)
Hans Thulstrup	UNESCO (meeting organized by D.N.)
Jennifer Rubis	UNESCO (meeting organized by D.N.)
Mecthild Rossler	UNESCO WHC
Gonzalo Oviedo	IUCN
Tim Badman	IUCN