



IUCN, World Heritage and Evaluation Processes

Related to

Communities and Rights

An independent review

By

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1. Introduction

Motivation and justification

undertaken work to address customary ownership and rights. In 1985, two years prior to World Heritage listing, the traditional owners of Uluru, Anangu, were handed back the title deeds of the national park in return leasing it back to Parks Australia for 99 years. The An

IUCN World Heritage Functions and opportunities for rights inter-linkages

IUCN WH Functions	Rights linkages
Evaluation of new nominations;	Evaluating nominations and associated processes from a community and rights angle as integral dimension
Monitoring the status of existing sites;	Monitoring progress on addressing rights concerns (respect, protection and realization)
Participation in training and technical workshops	Facilitating training and technical workshops on community and rights concerns Targeted training for duty-bearers and right-holders
Management of information (with the UNEP World Conservation Monitoring Centre (UNEP-WCMC));	Facilitating the integration of community and rights concerns as part of the information system and site data sheets
Communication and promotion activities;	Communicating good practice and state of the art guidance on community and rights concerns in the WH context
Advice on international assistance requests;	Facilitating inputs on assistance requests related to community and tenure concerns (revisit format with WH Centre)

General standard-

Human rights and conservation principles

“Principles concerning human rights in conservation prepared by the IUCN Environmental Law Centre (ELC):

1. Promote the obligation of all state and non-state actors planning or engaged in policies, projects, programmes or activities with implications for nature conservation, to secure for all potentially affected persons and peoples, the substantive and procedural rights that are guaranteed by national and international law.
2. Ensure prior evaluation of the scope of conservation policies, projects, programmes or activities, so that all links between human rights and the environment are identified, and all potentially affected persons are informed and consulted.
3. Ensure that planning and implementation of conservation policies and actions reflect such prior evaluation, are based on reasoned decisions and therefore do not harm the vulnerable, but support as much as possible the fulfilment of their rights in the context of nature and natural resource use.
4. Incorporate guidelines and tools in project and programme planning to ensure monitoring and evaluation of all interventions and their implications for human rights of the people involved or potentially affected which will support better accountability and start a feedback loop.
5. Support improvement of governance frameworks on matters regarding the legal and policy frameworks, institutions and procedures that can secure the rights of local people in the context of conservation and sustainable resource use.” (Greiber, et al.

What rights?

- Right to safe and healthy working conditions
- Freedom of assembly and expression/opinion
- Right to health
- Right to privacy
- Right to self-determination of peoples
- Right to a certain quality of environment

(Greiber, et al. 2009: 13)

Examples of Procedural Rights

- Access to information
- Participation in decision-making
- Access to justice/judicial review
- Due process/fair hearing
- Substantive redress
- Noninterference with international petition (where applicable)

(Greiber, et al. 2009: 15)

International standards include both binding and non-binding instruments. The United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007 may not be binding, for example, yet is considered a “universal framework of minimum standards for the survival, dignity, well-being and rights of the world's indigenous peoples”⁷. The ILO Convention 169 on the rights of indigenous and tribal peoples is in turn binding for the 22 countries having ratified it as well as being a source of domestic legislation in many others.

Core collective indigenous rights

- x The right to self-determination
- x The right to equality and non-discrimination;
- x The right to cultural integrity
- x The rights over lands, territories, and natural resources
- x The right to participate in the use, management and conservation of natural resources
- x The right to self-government and autonomy
- x The right to free, prior, and informed consent

A core question thus relates to what rights should be addressed when evaluating World Heritage nominations. The bottom-line is that the rights pertinent to a given World Heritage context are multiple and will often vary between countries and individual sites. This may range from disability rights in terms of access to a given heritage sites to indigenous territorial rights when sites are found to overlap with customary lands and waters of indigenous and tribal peoples. Nor is the split between domestic and international standards given beforehand.

Countries may be in a process of studying ratification or even adopting or testing international standards and principles in practice without yet having ratified the

⁷ <http://www.ohchr.org/EN/Issues/IPeoples/Pages/Declaration.aspx>

treaties at stake. It is therefore critical to keep a broad and inclusive gaze when evaluating nomination processes.

IUCN, similar to wider agencies employing Rights-based Approaches (NORAD 2001: 20), generally emphasizes promoting analysis in the highest possible standards framework, acknowledging that international collaboration, may offer important tools to enhance respect for rights also where they have not yet been recognized. For many rights holders potentially affected by World Heritage site nominations, the key challenge remains inadequate recognition and respect of their territorial and resource rights. In other words, using international standards related to indigenous peoples, for example, when indigenous identity, territories and rights are claimed remains relevant for the IUCN evaluation even if international standards may not have been adopted yet by the specific country.

A recommended working premise for IUCN is therefore an inclusive rather than minimalist recognition of right-holders in the evaluation process. This is particularly crucial when dealing with indigenous peoples, where a wide range of national and local categories as tribal, native, ethnic groups, pastoralists and hunter-gatherers may be employed. Different categories should not hinder a shared framework for evaluating how State Party efforts to reflect such community and rights concerns have been integrated in the nomination process outputs.

3. Lessons learned about challenges and opportunities

It is well-established that the relationship between rights and conservation is complex, and this is equally the case within World Heritage. Whilst there are many good examples, there is recognition that a number of nomination processes have generated problems and discontents due to rights concerns, just as there is awareness of some State Parties spearheading far more proactive engagement with and use of rights as an integral dimension of the nomination process. Heritage conservation may in effect allow for the protection of rights, just as it may potentially clash with or infringe upon them. The following synthesis of issues lists *some* of the major concerns identified in discussions with informants and the literature reviewed. The list is far from comprehensive, but seeks to illustrate the breadth and diversity of issues at stake. Specific key findings have been extracted for the relevance of the IUCN evaluation process.

Overall guidance on World Heritage and communities and rights growing, but still deficient

There has been a marked increase in World Heritage Committee references and recommendations to community and rights issues commending or requesting State Parties to address and resolve outstanding matters. State Parties increasingly present detailed information in this respect, just as wording is increasingly apparent in guidance material. Yet, there are also inconsistencies recognized across the line of activities, in part stemming from the lack of a comprehensive approach to community and rights concerns. A major reason also concerns rapidly international rights standards and technical frameworks to put them into practice. New standards and practices generate new needs, also in the World Heritage context. While references to participation and local values have become more common, the approach needs to be far more systematic. The current 2011 manual for “preparing world heritage nominations”, for example, includes no specific wording on either rights or community tenure issues. Although some aspects have been strengthened, others are lacking largely reflecting the deficient nature of the Operational Guidelines. Core nomination guidance is thus yet to fully reflect the importance attached to community concerns and rights by the World Heritage Committee and the advisory bodies in a comprehensive manner. While some countries have advanced such work stimulated by domestic policies or other international standards, there is a need for upstream guidance to facilitate State Party engagement on the issues.

Key finding: Core nomination guidance is yet to fully reflect the importance attached to community concerns and rights by the World Heritage Committee and the advisory bodies in a comprehensive manner

Recommendation: the current manual for “preparing world heritage nominations” should be revised with a dedicated chapter on community and rights concerns along with relevant considerations in the Operational Guidance

Working with rights-holders is different from stakeholders

Engaging with rights-holders implies different approaches compared to working with other stakeholders in the nomination process. While stakeholder involvement and rights-based approaches at times are used interchangeably, they imply very different things. Right-holders such as indigenous peoples are thus currently bundled together with other stakeholders as researchers, commercial interests and NGOs without clearly identifying the differences in terms of rights and obligations (See e.g. UNESCO 2011b). Nomination processes that have taken on board specific right-holders, in turn, illustrate the specific rights and processes this implies. This was for example evident in approaches to deal with aboriginal rights in Australia. Yet, it appears that IUCN evaluation processes do not assess in a systematic manner whether right-holders have been adequately identified as part of the nomination

and issues. For State Parties investing time and resources to address these, it was deemed important t

Legacy issues: “Rights were already infringed upon before the nomination process, so recognition does not change anything”

One argument raised concerns the fact the World Heritage *recognition* itself does not involve a direct change of tenure and protection arrangements. It merely recognizes a site and form of land use e.g. a park that is already there, it is argued. Thus, for example, it is argued, by some, that relocation of people of a protected area process happening prior to the WH should not be used as an argument against WH recognition, merely recognizing the values but not fundamentally transforming the tenure set-up of the site. Conversely, others have indeed used prior relocation and claims to those lands as arguments against site recognition in part noting how WH processes may accelerate or intensify relocation processes. The debate is important, yet more emphasis is needed to consider the transformative potential in the situation. While recognition as such may not in principle change a given tenure situation, it in practice often does either through particular evaluation recommendations for the inclusion of certain areas or bufferzone-related recommendations. World Heritage processes, decisions and recommendations may have fundamental implications for zoning arrangements, land and resource tenure issues, which undeniably in either direct or indirect manners affect the rights of communities. In addition, rights infringement are rarely finalized, but may be contested in more or less open manners, as they may be revoked, repaired or further deepened. Historical infringements are often kept alive through claims, informal use or entrenched judicial process. They may certainly be felt by e.g. by people living with the long-term impacts of resettlement. Furthermore, it is evident that World Heritage recognition has important, often dramatic, consequences for third-party investments and capture of World Heritage-related land and resources both within the site itself and the bufferzone. Unless, community land and tenure is adequately addressed in the preparation process, indigenous and local communities are likely to suffer from increased land and housing prices etc. This is particularly so if prior neglect of rights is not repaired in the nomination process. Conversely, WH recognition may be a leverage point to revoke or repair prior infringements, restore relationships with land and resources, and pursue socially beneficial management and economic relations. Unless infringements prior to WH processes are addressed in explicit terms, actual potential to resolve and repair the rights deficit may be lost, and even further deepened.

Key finding: there is need for evaluation missions to assess whether and how State parties have adequately identified both past and present rights concerns within the nomination site.

Recommendation: IUCN is recommended to include both past and present rights issues in the assessment of a given nomination document when writing up final findings and recommendations

“Community and rights concerns only appear if there are special reports or protest”

This comment largely may not reflect the full picture of debates preceding an evaluation report, yet does help to explain why certain community and rights issues in some cases are overlooked.

genuine participation is sought. This is particularly clear in natural sites often involving large distances, poor infrastructure and weak communication means.

Key finding: Critical rights concerns cannot be expected to appear naturally through normal means of consultation and evaluation procedures, and information on them may be withheld by States Parties hence a need for evaluation safe-guard mechanisms to facilitate comprehensive documentation and consultations

Recommendation: IUCN is encouraged to put in place a bundle of safe-guard measures, within realistic means, to assess whether and how State Parties have identified any outstanding rights concerns that directly or indirectly emerge or could be identified

4. Draft framework and review of selected reviews

'Tjukurpa (Anangu

Recommendation: IUCN retains “Rights to participation in decision-making and management” as a key criterion for the evaluation of nominations

Tenure rights

Tenure concerns often appear in IUCN evaluations, and evaluators increasingly consider whether there are current unresolved tenure matters potentially affecting the nomination. Yet, tenure is often interpreted as limited to questions of clear landownership without addressing the wider questions of other resources, access, use and benefits aspects. It also appeared that assessments may often remain at the surface and rarely have the focus, time and resources to adequately identify

protected, and to what extent possible trade-offs in relation to development rights are treated and negotiated in an upfront manner. Historically, such concerns have been restricted in core-zones and relegated to buffer zones, although a number of sites, not least those with covering multiple land use designations, allow for different forms of use. Policy guidance tends to remain negatively defined as allowed use not undermining the Outstanding Universal Value, rather than positive policy language to promote sustainable livelihoods, while conserving Outstanding Universal Value. Nor is there from a rights-based perspective clear emphasis on the particularities of traditional and customary livelihoods. Evaluations only partially address these concerns, which are often at the heart of questions and potential conflicts with local populations. Site management processes may also be more or less explicit about benefit sharing mechanisms in relation to the explosion of tourism, employment and other economic opportunities arising from World Heritage recognition. Thus while statistics may reveal the significant contributions World Heritage sites make to the economy, the extent to which such benefits are shared equitably is far less evident. Rights-based approaches are fundamental to assess whether key local right-holders are effectively involved in designing equitable benefit-sharing mechanisms and reaping tangible benefits from site designation.

Key finding: Approaches to livelihoods, development and benefit rights vary considerably in the nomination documents

Recommendation: IUCN is recommended to adopt livelihoods and equitable benefit rights as a cross-cutting criterion for evaluations

Cultural rights

Whereas cultural heritage is a central element in the Convention itself, its treatment as a cross-cutting theme also in natural sites and a question of rights needs to be addressed in a far more systematic manner. This is particularly raised by indigenous representatives. The *operational guidance* stresses cultural heritage being judged “primarily within the cultural context it belongs”. While the Convention operates with an encompassing set of attributes (see box below), a number of more unsettled cultural concerns include questions of the role of indigenous cultures, intangible heritage and the commoditization of culture and sacred values. While a handful of sites exist where indigenous cultural values are formally recognized and highlighted either as mixed sites or cultural landscapes, the majority of indigenous territories overlapping with world heritage sites are listed as natural sites (Cunningham 2012). From a cultural rights perspective, nominations thus vary considerably in terms of addressing such concerns. This, in part, reflects the structural problem of the heritage convention focusing on Outstanding Universal Values without fully fleshing out how to deal with local cultural values and rights. One of the operational entry points for IUCN evaluations is to specifically explore whether and how State Parties have addressed the need and relevance of culture, heritage and values in criteria selection and wider nomination considerations. This should include, but not be limited to, questions of indigenous culture.

Highly variable treatment of community and rights concerns in the evaluations

Using a few examples from the 2011 evaluations assessed along the lines of the criteria identified above, highly variable treatment of key community and rights concerns appears between the respective site nominations. The following matrix includes sites that all have indigenous and tribal peoples, central tenure concerns and management. The assessment is by no means in-

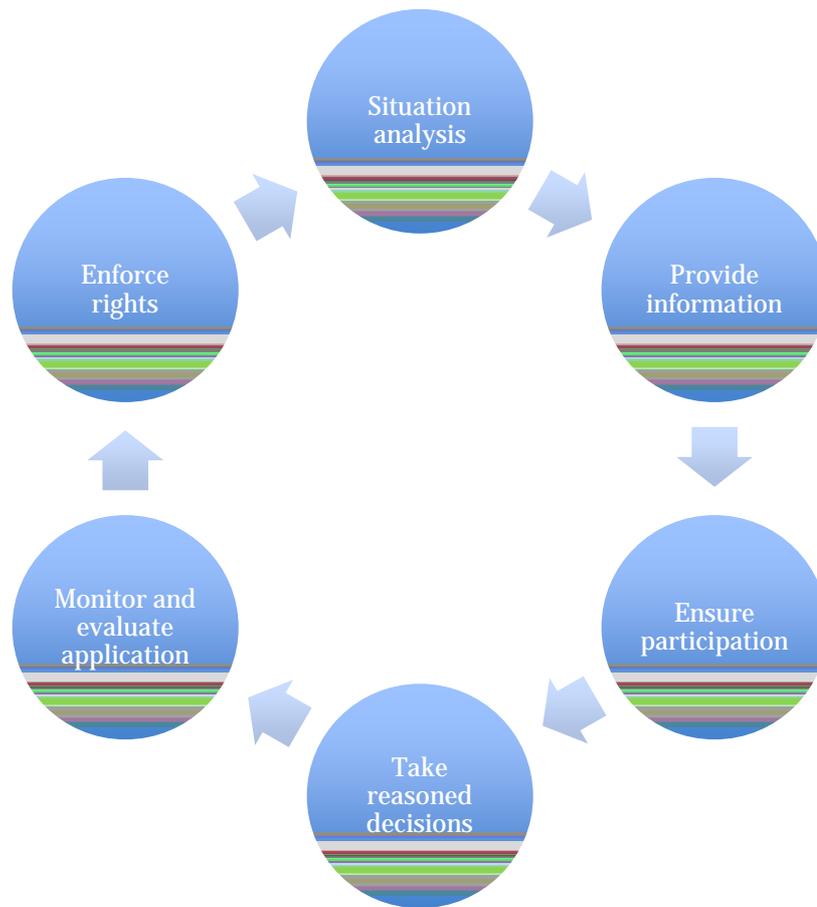
It is clear in the above matrix, that evaluations – from the same year - vary considerably in terms of how:

- x State Party consultation processes in the nomination process are described
- x And with whom consultations are undertaken by the IUCN evaluation missions
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Step by Step Rights-based Approach



If the rights-based approach is applied to the overall nomination process of World Heritage sites, this generated a series of questions to be posed during desk reviews and field missions. Answering these questions will allow for the evaluation team to systematically address how and to what extent rights are being addressed in different nomination processes. The framework on the following page summarizes these questions, which also allow State Parties to compare processes among themselves and allow to report on practical experiences and emerging good practices in the field of World Heritage, communities and rights.

Key finding: there is a need for a systematic review of all steps of the nomination process using a Rights-based Approach

Recommendation: The IUCN is recommended to systematically apply the community and rights matrix when reviewing country nomination processes

Community and rights Process matrix

**Situation
analysis**

Key finding: Emerging WH policy standards on community and rights issues are yet to be fully consolidated

Recommendations: The WH Panel is recommended to adopt a series of technical quality criteria for assessing the degree to what community and rights are addressed based on well-established IUCN standards and good practice (e.g. using Best Practice guidelines)

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The nomination follows a well-defined time schedule with relatively clearly defined moments for providing inputs to the process. What emerged from the brief review process was, however, a perception of the relative complexity of the evaluation process. Nor was there always clarity about the role of advisory bodies in the broader nomination process.

Key finding: Some actors lack a clear understanding of the evaluation process and how to support and feed into it. There is a need for more targeted awareness raising and outreach to key constituencies.

Recommendation: Given the lack of resources to undertake outreach, IUCN is encouraged to produce brief videos and general information material targeting communities and their organizations in major languages outlining the evaluation process and how and when communities and other organizations can feed into the 68 0.48 13.8 re

Key finding: the current nomination format contains major gaps in relation to community and rights concerns in part preventing better prepared and coherent nomination documents

Recommendation: IUCN is recommended to urgently work with the Committee and the Secretariat as well as other advisory bodies to improve the nomination format in relation to community and rights concerns.

It is clear that the formulation of nominations does not take place in isolation, but involves use of guidance material and preparatory grants in some cases whether through the WHC or varying national and bilateral means. From the late 1970s till 2012, some 5,645,424 USD have been distributed through the WHC for preparatory studies⁹. It was noteworthy that one State Party noted the common question to IUCN whether there were additional ways of signalling significant issues at an earlier stage allowing for remedial or mitigation on behalf of the State Party. While the IUCN as an advisory body evaluating nominations does not directly engage in assisting countries with nominations, guidance material has been developed and is available in multiple languages (Badman, et al. 2008). While not thoroughly reviewed here, it is recommended to strengthen the resource manual on a number of fronts:

- a) In terms of IUCN recommendations for preparing tentative lists, consultation guidance could be updated in terms of specifying indigenous peoples and local communities and their organizations as well as highlighting other consultative methods possible (2.2)
- b) Specific recommendations on relevant team compositions to develop a nomination (particular social assessment and consultation skills) (2.4)
- c) Strengthening and fleshing out “involving local people and stakeholder” as more than only a question of participation and involvement, but involving a complex set of issues related to tenure, governance, benefits and management (2.5). Far more guidance may be needed in this respect.
- d) Strengthening guidance on WH site management in relation to governance, tenure, benefits and management (2.6)
- e) Complementing emphasis on stakeholder consensus building with due emphasis on the particular needs of rights indigenous and local communities and duty-bearers (2.6)
- f) Add specific guidance on indigenous and local communities (3.1-3.6)
- g) Strengthening emphasis on general understanding of integrity in operational guidance in terms of wholeness to complement criteria specific conditions of integrity (3.7)
- h) Emphasize human ecology aspects equally (3.7)
- i) Elaborate the “how” aspect of Parties expected to describe human activities (3.7)
- j) Add steps on addressing needs and rights of indigenous and local communities in bufferzone (3.8)
- k) Provide more explicit emphasis on rights, different governance options, sustainable development objectives, benefit sharing in the management guidance (3.9)

⁹ <http://whc.unesco.org/en/intassistance/action=stats>, accessed 6/4/2012.

Upon receiving a nomination

Countries vary considerably in terms of how and what kinds of community and rights concerns may be relevant to be addressed in a more in-depth manner. Informants noted how rapid scanning of nomination proposals by experienced readers in many cases would allow for early identification of important community and rights issues to take up with the State Parties. One observer also noted how State Parties are generally interested in rapid responses to their nomination documents, potentially allowing them to resolve certain issues in preparation for the advisory body field mission.

Key finding: In a number of cases, possible community and right questions may be identified very early on facilitating better documentation and response possibilities.

Desk review

Desk reviews are important for the IUCN and have often “pointed out decisive issues which may otherwise have gone unnoticed.” This was deemed equally true for community and rights issues, where some desk reviews had been particularly helpful to identify outstanding concerns. Desk reviewers are unpaid and contribute their review time on a voluntary basis. Reviewers are provided electronic access to the nomination dossier through a password protected website. The number of desk reviewers varies considerably from site to site.

Current guidance for desk reviews consist of 7 pages of guidance and a 1-page reporting format (IUCN 2011). Guidance mainly lists mobilizing WCPA members and scientific networks, such as the International Association of Geomorphologists (IAG) and the International Union of Geological Sciences (IUGS). No specific mentioning is made of CEESP expertise, although it was also clear that many CEESP members have direct World Heritage related experience or specific site relevant knowledge, some of whom have been mobilized. TILCEPA was highlighted by several in this respect. Discussions with the chair revealed strong interest and potential in this respect, as well as a need for a gradual “learning by doing” approach to flesh out with whom and how to work on WH desk reviews through their membership. This would, among other things, come through an improved database. Yet, it was clear that there was a significant potential to mobilize experienced members to undertake more “generic” type assessment of social and governance processes employed in the nomination processes not least building on experience with the CBD PoWPA. Another IUCN network could be the Inter-Commission Specialist Group on Indigenous Peoples, Customary & Environmental Laws and Human Rights (SPICEH). Another good opportunity here could be involvement with the Social Science Working Group of the Society for Conservation Biology.¹²

The contract between UNESCO and the IUCN on World Heritage underlines “making full use of IUCN membership” in its work and particularly emphasizes collaboration with the WCPA. It also clearly stresses the importance of evaluations undertaken in a

“Desktop reviewers communicate exclusively with IUCN staff involved in the evaluation process and must not contact the State Party or management of the nominated property related to the evaluation.”

Clarifying rules and good practice with CEESP and TILCEPA chairs would be important to ensure clarity about how information is handled by desk reviewers.

Key finding:

Field mission & preparations

Field mission preparation is a critical starting point and this section seeks to

mission, IUCN should have the possibility to cross-check whether the identification of stakeholders for public consultations is reasonably exhaustive. It was recommended that IUCN in a politically sound way seeks to identify others that may not have appeared on the first list through literature review and wider consultation. Such initial mapping will allow to better identify what local institutions should be contacted, where field visits are most needed (to avoid “community tourism”).

Recommendation: IUCN should request the State Party in advance to provide an extensive list of all right and stakeholders along with an elaborate description of the consultation process and its results. Ideally, the evaluation team will have the

Key finding: IUCN has an important opportunity to benefit from more regular and

- Only quote public documents
- Not cite individuals for the sake of protection
- Double check findings
- Ensure that interpreters are independent and ideally familiar with local languages (notably for natural WH sites often in remote areas, where other indigenous languages)
- Ensure the safety of informants is protected

Recommendation: Strengthen documentation of community and rights concerns through applying reworked matrices and engaging further with other knowledge networks

UN Resident Coordinators (e.g. UNDP Country Directors) can play key roles in informing about the country context and wider process, given that the UN since 2000 has moved towards rights-based approaches. Interaction with the country representatives of the Office of the High Commissioner on Human Rights (OHCHR) may be particularly useful in terms of access to and ways of engaging with the national human rights community. Such offices may also help providing access to further analysis and documentation relevant to particular field findings.

OHCHR offices



Country offices	OHCHR regional offices
10 country offices in Bolivia, Cambodia, Colombia, Guatemala, Guinea, Mauritania, Mexico, Nepal, Togo and Uganda, as well as two stand-alone offices, in Kosovo (Serbia) and the occupied Palestinian territory.	12 regional offices/centres, in East Africa (Addis Ababa), Southern Africa (Pretoria), West Africa (Dakar), Central Africa (Yaoundé), South-East Asia (Bangkok), the Pacific (Suva), the Middle East (Beirut), Central Asia (Bishkek), Europe (Brussels),

	Central America (Panama City), and South America (Santiago de Chile), and South-West Asia and the Arab Region (Doha).
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14 human rights components of Peace Missions	Human Rights advisors to UN country teams
<p>Afghanistan, Burundi, the Central African Republic , Côte d'Ivoire, Darfur (Sudan), Democratic Republic of the Congo, Guinea Bissau, Haiti, Iraq, Liberia, Sierra Leone, Somalia, Sudan, and Timor-Leste.</p>	

Recommendation: IUCN is recommended to explore options for consolidating a small expert group of indigenous, community and social science experts to provide further knowledge elements and “trouble shooting” advice on complex cases

Whereas the Panel in many cases thus end up addressing community and rights matters in conclusions and recommendations, reporting on such matters appears under varying headings in the evaluation report (e.g. as “threats” or “additional matters”). As has been argued elsewhere, this does not favour a consistent reporting practice and there is good reason to update the reporting format to make full use of further information being gathered on communities and rights concerns.

Key finding: while there are a number of examples of reports treating key community, tenure and rights concerns, treatment is highly variable justifying a far more explicit treatment by the IUCN in terms of a revised reporting format with a dedicated space for such concerns

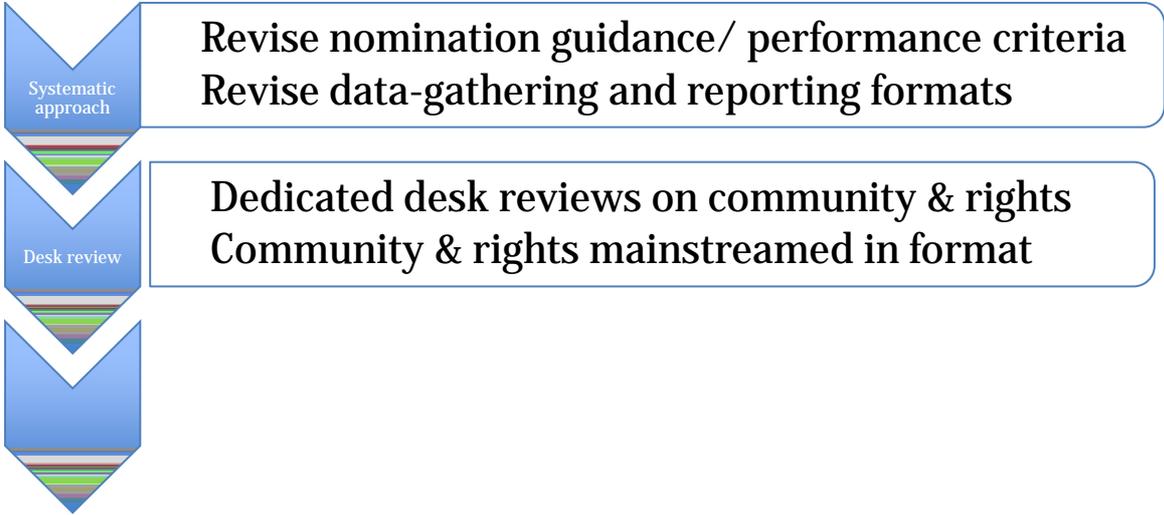
Recommendations: IUCN is recommended to integrate a specific element in the reporting format dedicated to community and rights issues there is a need for dedicated spaces in the report and an annexed checklist

Overall SWOT in relation to community and rights concerns

	Positive	Negative
Internal factors	Strengths	Weaknesses
	Well-recognized scientific authority and role Committed programme staff Access to diverse networks Strong group of experienced evaluators, many with longstanding experience on community issues Growing emphasis on community and rights concerns in evaluations, yet inconsistent	

expertise and time allocation in the panel meetings. While there are a number of examples of reports addressing key community rights concerns, treatment is highly variable justifying a far more explicit and systematic treatment by the IUCN in terms of a revised reporting format with a dedicated space for such concerns.

Strategic direction for improving the evaluation process



In the following weeks, the strategic approach above and the following recommendations will need to be translated into a do-able road map. The detailed recommendations below are followed by a proposed time-line distinguishing between immediate and medium term opportunities for action.

8. Recommendations

IUCN retains a systematic approach to community and rights issues in the evaluation process

- IUCN is recommended to systematically engage with State parties and request the early identification and mapping out of stakeholders and right-holders as well as their respective stakes and rights upon the initiation of the site evaluation process.
- Rapidly update current guidance documents for evaluators, desk reviewers and the World Heritage Panel to better incorporate community and rights concerns:
- Include both past and present rights issues when assessing a given nomination document when writing up final findings and recommendations
- Retain “rights to information, consultation and consent”, “Rights to participation in decision-making and 5(c)4(n)7110(e w)16(i)0*

	<ul style="list-style-type: none"> - Recommend the Committee to consider a thematic assessment into indigenous and local communities, tenure, benefits and governance.
<p>IUCN should rework its data-gathering and reporting formats to allow for a dedicated community and rights section with relevant sub-sections.</p>	<p>IUCN is recommended to:</p> <ul style="list-style-type: none"> - Systematically apply a community and rights matrix when reviewing a country nomination processes - Integrate a specific element in the reporting format dedicated to community and rights issues with an annotated guide for these sections - Facilitate the adoption of a series of technical quality criteria for assessing the degree to which community and rights are addressed in nominations under evaluation based on well-established IUCN standards and good practice (e.g. using Best Practice guidelines) - Add a specific question linked to community and rights to the general desk review format as well as elaborate an additional “community-specific” review format to be tested for all sites in the 2012/2013 cycle. - Include reference documents related to biocultural diversity and reference volumes on indigenous peoples, human development concerns and rights as part of the standard evaluation reference volumes <p>IUCN, with the Advisory Bodies and the WH Centre are recommended to:</p> <ul style="list-style-type: none"> - Explore how data-gathering and reporting on community and rights issues may be harmonized among different advisory bodies
<p>IUCN is encouraged to fast-track learning by doing evaluation processes for the 2012/ 2013 cycle</p>	<p>IUCN is recommended to:</p> <ul style="list-style-type: none"> - Set-up an early screening process of nomination documentation that allows to identify community and rights concerns early on - Given the lack of resources to undertake outreach, IUCN is encouraged to produce brief videos and general information material tar

	<p>things, seeking to have one dedicated community and rights desk review undertaken per nominated site</p> <ul style="list-style-type: none"> - IUCN should aim to integrate national experts unconnected to the site as reviewers when cases are deemed complex - Ensure that dedicated expertise on community and rights is recruited for the 2012/2013 Panel - Explore options for consolidating a small expert group of indigenous, community and social science experts to provide further knowledge elements and “trouble shooting” advice on complex cases - Reach out to indigenous, farmers and food rights organizations and support institutions as part of the 2012/2013 review exercise and develop/ test a simple mechanism for the identification of relevant national and local representatives and experts for the field evaluations. <p>IUCN, with the Advisory Bodies and the WH Centre are recommended to:</p> <ul style="list-style-type: none"> - Strengthen learning by doing processes on community and rights across the different bodies
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Strengthen field evaluation

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9. Proposed time line of opportunities for action

	Short-term	Medium term
Retaining a systematic approach to community and rights issues in the evaluation process	<p>IUCN is recommended to:</p> <ul style="list-style-type: none"> -Update current guidance documents - Develop safeguards and performance criteria - Raise awareness among state parties and constituents about new approach 	<p>IUCN, with the Advisory Bodies and the WH Centre are recommended to:</p> <ul style="list-style-type: none"> - Raise further awareness about mainstreaming - Revise the current manual for “preparing world heritage nominations” - Facilitate improving the nomination format and operational guidelines - Recommend the Committee to consider a thematic assessment into indigenous and local communities, tenure, benefits and governance.
Reworking its data-gathering and reporting formats to allow for a dedicated community and rights section with relevant sub-sections.	<p>IUCN is recommended to:</p> <ul style="list-style-type: none"> - Apply a community and rights [(m)-15(ai)-1(ns)-4(t)-7(r)-4(ea)f 11.52 0 0 11.ng a 	

10. Evaluation formats

Rapid Screening matrix on community and rights	
To what extent has the nomination format adequately identified and described the different population groups and rights holders?	If not, engage rapidly with State Party on the matter
To what extent does the nomination document describe consultation and consent processes with local authorities and representative organizations?	If not, engage rapidly with State Party on the matter
Specifically, has relocation of people or the exclusion of tenure such as use rights taken place prior to the WH nomination?	If yes, make sure that an effective consultation process is put in place to assess the process and rights concerns during the field mission
Have State parties or other actors already identified community and rights concerns for further assessment in the evaluation process?	If yes, start early exploring how to best address identified issues in the field evaluation. Request more data from State Party as necessary.
Are there immediate indications of community and rights concerns (protests, NGO communications, “conspicuous absence”)?	If yes, explore whether more general or topic specific desk reviews should be requested. Explore with State Parties and other actors how to ensure an effective and equitable consultation process during the field visits.
Overall need for in-depth assessment deemed necessary?	If yes, fast track in-depth preparatory activities for field consultations and seek additional desk reviews

Process aspects	
Situation analysis	

<p>Party undertaken..</p>	<p>questions?</p> <ul style="list-style-type: none"> - Provided and used Conflict Resolution Mechanisms as part of the nomination process to Secure Rights ?
<p>Reasoned decisions</p> <p>To what extent has the State Party taken decisions:</p>	<ul style="list-style-type: none"> - Modify the nomination proposal to reflect key community concerns and rights? (<i>such as boundaries, management design/ planning, modalities of participation</i>) - Resolve outstanding community rights concerns? - Post-pone decisions and put in place additional consultation process
<p>M& E</p> <p>To what extent is the State Party</p>	<ul style="list-style-type: none"> - monitoring implementation of WH community and rights plans? - Reacting upon monitoring findings?
<p>Enforce Rights</p> <p>To what extent has the State Party put in place</p>	<ul style="list-style-type: none"> - Strengthened enforcement of rights measures as part of the WH Nomination? - Remediation measures or restoration of rights that have been infringed such as using restitution as a remedy as part of the nomination process? - Compensation measures for losses caused by the

- Sinding-Larsen, Amund
2012 Our common dignity: rights-based approaches to heritage management. World Heritage 62.
- Stolton, Sue, Nigel Dudley, and Peter Shadie
2011 Managing natural heritage, final draft distributed at WHC 35: UNESCO, IUCN, ICOMOS, ICCROM.
- Sunderlin, William, Jeffrey Hatcher, and Megan Liddle
2008 From Exclusion to Ownership?: Challenges and Opportunities in Advancing Forest Tenure Reform. Washington D.C.: Rights and Resources Initiative.
- Thorsell, Jim, and Rolf Hogan
2009 IUCN evaluation of world heritage nominations: some suggestions to Evaluators for IUCN Evaluation missions and IUCN Technical Evaluation reports. Gland: Programme on Protected Areas, The World Conservation Union.
- UNESCO
2007 World Heritage Committee, 31st session, Christchurch, New Zealand, WHC-07/31.COM/13B.
- 2011a Operational Guidelines for the Implementation of the World Heritage Convention, WHC. 11/01 November 2011. Paris: World Heritage Center.
- 2011b Preparing World Heritage Nominations, (Second edition). *In* World Heritage Resource Manual Paris: UNESCO / ICCROM / ICOMOS / IUCN,.
- Veit, Peter, Rugemeleza Nshala, and Michael Ocheing' Odhiambo
2008 Protected Areas and Property Rights: Democratizing Eminent Domain in East Africa: WRI.

Annex 1: Terms of Reference

BRIEF OF IUCN WORLD HERITAGE EVALUATION PROCESSES REGARDING COMMUNITIES AND RIGHTS

