

SEMINAR ON
THE UNESCO 1972
WORLD HERITAGE CONVENTION

FEBRUARY 6TH 2008
THE CENTRAL GOVERNMENT COMPLEX, OSLO

**WORLD
HERITAGE
AND
HUMAN
RIGHTS:
CONFLICTS
OR
COOPERATION
?**

NORWEGIAN NATIONAL COMMISSION FOR UNESCO
NORWEGIAN CENTRE FOR HUMAN RIGHTS
NORWEGIAN HELSINKI COMMITTEE
ICOMOS NORWAY



Published in 2009 by ICOMOS Norway
c/o Riksantikvaren, PO Box 8196 Dep,
0034 Oslo, Norway
www.icomos.no
All rights reserved

© Copyright ICOMOS Norway 2009

Editor: Amund Sinding-Larsen
Design and layout: XORdesign Ltd - www.xor.design.com
Print: Prinfo Unique - www.uniquetrykk.no

The responsibility for editorial content rests with the authors and publishers.

No part of this publication may be used or reproduced, stored, manipulated in any retrieval system, or transmitted in any mechanical, electronic form or by any other means, without the prior written authority of the publisher.

Foreword



AMUND SINDING-LARSEN

*President,
ICOMOS Norway*

This occasion marks the first time the four institutions – the Norwegian National Commission for UNESCO, the Norwegian Centre for Human Rights, the Norwegian Helsinki Committee, and ICOMOS Norway – cooperate in arranging a seminar.

The subject is selected after careful thought.

Human Rights constitute a dimension that embraces all UN conventions. The UNESCO Convention for the Protection of Cultural and Natural Heritage (the UNESCO World Heritage Convention) was ratified already in 1972. Sustainable heritage management should hence be expected to manifest a Human Rights dimension just like any other efforts for social and cultural sustainability.

For ICOMOS as UNESCO's advisor on issues of cultural heritage, and with a particular responsibility towards World Heritage, it is of vital concern to contribute towards manifesting the human rights dimension in operative heritage management.

To prepare for this challenge, we invited the above three specialist institutions into a partnership that we hope shall provide a basis also for further cross-sector initiatives, knowledge building and exchange in this complex and important field – particularly in light of the challenging program and strategy ratified by the UNESCO 2007 General Conference.

At the Seminar were made presentations by leading experts in human rights, indigenous people issues (urfolkproblematikk) and cultural heritage. To reflect on the topic of local community rights in Norway were selected the World Heritage site of Røros (Mid-Norway) 'linked' to issues of heritage protection at the industrial community of Odda (Western Norway), and traditional versus contemporary protection regimes in Northern Norway. The international cases of Guatemala and Uzbekistan highlighted contrasting and highly relevant perspectives.

This booklet gives you a cross section of the seminar by presenting the abstracts of seminar papers. On our website (www.icomos.no) are also being made available the full papers that were presented at the seminar.

AMUND SINDING-LARSEN

Contents

Foreword	1
By Amund Sinding-Larsen	
Program	5
Introduction	7
By Gunnar M. Ekeløve-Slydal	
Abstracts	
• Area conservation and human rights	8
by Kirsti Strøm Bull	
• ”The Commons”	10
by Stener Ekern	
• Case: Odda	12
by Randi Bårtvedt	
• Case: Røros	14
by Marie Louise Anker	
• Traditional Management and Modern Preservation Legislation	16
by Marit Myrvoll	
• Guatemala - The Power to Define and The Right to Use	18
by Stener Ekern	
• Uzbekistan and World Heritage	20
by Gunnar M. Ekeløve-Slydal	
The original printed program (in Norwegian)	22
World Heritage and Human Rights	26
<i>‘Need for systematic assessment to safeguard human rights in World Heritage protection’</i> . Discussion paper by Icomos Norway in cooperation with the Norwegian National Commission for UNESCO, Norwegian Centre for Human Rights and the Norwegian Helsinki Committee. Presented at the ICOMOS Advisory Committee meeting September 2008 in Québec, Canada.	

Program

- 08:30 Registration**
Chair
Bjørn Engesland, Norwegian Helsinki Committee, Secretary General
- 09:00 Welcome introduction**
Amund Sinding-Larsen
ICOMOS Norway, President
- 09:10 Seminar Introduction**
'The World Heritage and Human Rights'
Gunnar M. Ekeløve-Slydal,
Deputy Secretary General, Norwegian Helsinki Committee
- 09:30 'Area conservation and human rights'**
Kirsti Strøm Bull, Professor
Norwegian Centre for Human Rights, University of Oslo,
- 10:00 'The Commons'**
Stener Ekern, Associate Professor
Norwegian Centre for Human Rights, University of Oslo,
- 10:30 Case 1: Odda and Røros**
'*Odda – local rights and participation*', Randi Bårtvedt, Director Norwegian Museum of Hydropower (and ICOMOS Norway).
'*Røros - The process of expanding Røros World Heritage Site in a perspective of human rights; participation and representativity in history and process*', Marie Louise Anker, Dr.ing. Sør-Trøndelag County Conservation Manager (and ICOMOS Norway)
- 11:30 Lunch**
- 12:30 'Traditional management and modern preservation legislation'**
World Heritage and human rights from an indigenous perspective
Marit Myrvoll, University of Tromsø (Researcher NIKU - The Norwegian Institute for Cultural Heritage Research)
- 13:00 Case 2: 'Guatemala - The Power to Define and The Right to Use'**
Stener Ekern, Associate Professor
Norwegian Centre for Human Rights, University of Oslo
- 13:30 Case 3: 'Uzbekistan - cultural heritage and human rights in conflict?'**
Gunnar M. Ekeløve-Slydal, Deputy Secretary General, Norwegian Helsinki Committee
- 14:00 Panel discussion**
Moderators: Stener Ekern and Gunnar M. Ekeløve-Slydal
Participants: Kirsti Strøm Bull
Marit Myrvoll
Axel Christophersen, Professor NTNU
- 14:50 Summary**
- 15:00 Closing**



Introduction

GUNNAR M. EKELØVE-SLYDAL

*Deputy Secretary General, Norwegian Helsinki Committee.
MA (Cand. Mag) University of Oslo and studies in journalism and human rights. Has published numerous articles and books on human rights issues.*

UNESCO's efforts to protect World Heritage could be seen as implementing important parts of the right to culture as defined in international human rights instruments. According to Article 27 of the 1948 Universal Declaration on Human Rights "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits." Also several other international human rights instruments contain provisions protecting the rights of everyone to participate in cultural life, including benefiting from access to the cultural heritage.

To safeguard cultural as well as natural heritage, and make it accessible, could in other words be seen as an important human rights project. Nevertheless, in certain situations protection schemes as provided for by the 1972 World Heritage Convention could also result in breaches or complicity in breaches of international human rights norms and provisions. That could in particular happen if protected objects are located in non-democratic states with disregard of rule of law. Even in democratic states, situations could occur challenging respect of the spirit or letter of human rights by national authorities. Main issues would be how interests and rights of local populations, ethnic and religious minorities as well as traditional users of an area affected by heritage protection activities are dealt with.

In order to ensure that human rights issues are taken into consideration under the 1972 World Heritage Convention, which due to its early date of adoption lacks any reference to human rights, a provision on respect for human rights could be included in its Operational Guidelines. In that way, monitoring of human rights issues related to inscription on the World Heritage List would be mandated. As a way to avoid abuse for political purposes of such human rights reporting, independent experts should conduct it and reports should be publicized.

GUNNAR M. EKELØVE-SLYDAL



KIRSTI STRØM BULL

*Professor at the Norwegian Centre for Human Rights, University of Oslo.
Expert on Sámi issues particularly concerning land and natural resources.*

Area conservation and human rights

Although the UNESCO-Convention concerning the protection of the world cultural and natural heritage (1972) does not mention human rights, the article points out that other conventions make it clear that such rights must be respected in area conservation. The European Convention for the Protection of Human Rights and Fundamental Freedoms provides that conservation which affects the rights of a private owner or a usage rights holder, must be based in legislation and strike a fair balance with the private interests (protocol I. art. 1). UN-Covenant on Civil and Political rights establishes that persons belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture (art. 27). As culture includes traditional industries, conservation will be in conflict with CCP art. 27 if indigenous people can no longer exercise their traditional industry. The ILO-Convention No. 169 concerning indigenous and tribal peoples in independent countries provides that states must recognise the indigenous peoples' rights to the possession over the lands which they traditionally occupied (art. 14). ILO-169 art. 6 provides that states must consult the indigenous people.

KIRSTI STRØM BULL



© World Watch Magazine, Cover Volume 17, No. 6, 2004



STENER EKERN

Anthropologist (Dr. Polit), Senior researcher, Associate Professor at the Norwegian Centre for Human Rights, University of Oslo. Worked extensively with international development cooperation. Field work in political anthropology in Nicaragua and Guatemala.

‘The Commons’

The paper discusses the implications of identifying an object as heritage - an heirloom - as happens when historical or cultural sites are identified as World Heritage. It argues that heritage sites, as any piece of collective property, are embedded in networks of rights and duties. Moreover, as heirlooms, they also acquire the power to represent and symbolise a collective owner.

Consequently, when states appropriate such sites the act will automatically be embedded in many complex political struggles.



Every year newly elected and incumbent leaders in every hamlet ('canton') jointly inspect infrastructure and other collectively held community assets. The picture shows the 'government' of Nimasac in the year 2000 take a break during the inspection of the water supply, 'Nimasac-in-Forest', Photo by Stener Ekern © 2000

However, unlike other international treaties regulating state behaviour, UNESCO's Convention concerning the Protection of the World Cultural and Natural Heritage (1972), contains no explicit reference to human rights - which otherwise is the appropriate instrument for navigating politically turbulent waters.

The concluding piece of advice is that references to human rights should form part of UNESCO's procedures for designating World Heritage sites.

STENER EKERN



RANDI BÅRTVEDT

Ethnologist, Director of the Norwegian Museum of Hydropower. Member of ICOMOS Norway's Executive Board. Particular focus on value creation through tourism and culture in local community.

Case: 'Odda – Local rights and participation'

Technology and industry are underrepresented categories on UNESCO's World Heritage List. One of the oldest and largest hydropower plants in the world is located at Tyssedal. It provided electricity for the chemical and metallurgical industry in the area. The hydropower plant was protected at national level in 2000. Three years later, the old factory at Odda (constructed 1908) was closed down and the big ovens were suggested protected as cultural heritage.

The local community of Tyssedal-Odda, in Western Norway, with approximately 7000 inhabitants, has over a couple of years been discussing world heritage issues. What will it mean to the region if the cultural heritage is given UNESCO status? This has led to local conflicts.

During the spring of 2007 a demand was made for the right to decide locally, through a referendum. The local population was to answer yes or no to whether a UNESCO application should be supported. In May 2007



'Tyssedal I hydropower plant'. Photo by Harald Hognerud, © NVIM

the Minister of Environment announced that Tyssedal-Odda together with the neighbouring society Rjukan were recommended for the Norwegian UNESCO Tentative list.

Around 3500 people (ca 50%) voted at the referendum in September. Norway has a system of advisory referendum. It is up to the politicians to decide how to deal with the advice. A small majority voted 'No' to the question. The Municipal Council in October 2008 nevertheless decided to say 'Yes' to pursue an application for World Heritage status.

Who is to decide?

According to common human rights everyone has the right to express his or her meanings. Can an expert question – 'what is defined as World Heritage' – be decided by a referendum in a local society?

RANDI BÅRTVEDT



MARIE LOUISE ANKER

*Architect (Dr. Ing), Sør-Trøndelag County Conservation Manager.
Member of ICOMOS Norway's Executive Board.*

Case: 'Røros - The process of expanding Røros World Heritage Site in a perspective of human rights; participation and representativity in history and process'

Røros Mining Town was founded in 1644 in the mountains far away from other large settlements. Only a few people lived in the area at the time. Røros Mining Town has been a UNESCO World Heritage Site since 1980 as proposed and applied for by the Norwegian Directorate for Cultural Heritage, this fact at the time not known to the local government. Later work on expanding the geographical area of the World Heritage site has in various ways been affected by this earlier lack of local participation.

Preparing the expansion-process has taken over ten years, involving six local municipalities and two counties. The work focused on and was organized in a way that has directly involved local governments, local organisations such as historical societies, and inhabitants. Also the Sámi Parliament has been consulted in the process.

The entire process of protecting Røros Mining Town is today described as a successful history of conservation management.

The proposal to extend the Røros World Heritage site, now forwarded to the UNESCO World Heritage Committee, focuses on the resources that



'Sættens Hotel, Røros', © Riksantikvaren

were necessary for the development of the settlement and society of Røros Mining Town.

When talking about the miner and farmer we tend to think that they alone made Røros possible as working men. All societies, however, need also women and children to sustain it. We know that children worked in parts of the mining activity from the age of 7-9 years onwards. The women looked after the farms and animals, and took care of the children. How are we highlighting their contributions to the sites that are proposed protected as World Heritage?

We also have to ask ourselves whether we have adequately recognised the Sámi peoples' role and contributions. There have been Sámi people in the region long before mining was started. They supplied the new society with different products they could make from their way of living, and presumably with manpower. How could and should this be shown and exposed as a part of the World Heritage?

MARIE LOUISE ANKER



MARIT MYRVOLL

Social anthropologist (Cand. Polit) p.t. completing Ph.D, University of Tromsø, Researcher NIKU - The Norwegian Institute for Cultural Heritage Research. Member of the Norwegian National Commission for UNESCO 1997-2004. Focus related to regional management and research of Sámi cultural heritage and rights. Engaged with indigenous people issue in Norway and human rights in Tibet.

Traditional Management and Modern Preservation Legislation

What happens in the crossing point of traditional management and modern preservation legislation? The paper presents some aspects concerning protection of culture and nature and Sámi rights, and why it is vital for indigenous peoples to attain a negotiation position towards the government, in order to unite governmental and indigenous interests. In the Sámi Parliament's view there is no contradiction between traditional management and modern preservation legislation. Rather, it can be claimed from a Sámi point of view, that traditional management and traditional preservation legislation restrict traditional living, and the interaction between people and nature in a protected area will thus vanish.

The management of Sámi cultural heritage in Norway is the responsibility of the Sámi Parliament. For an indigenous people, cultural heritage becomes particularly valuable in the documentation presence to a territory down through history. Culture and nature cannot be separated from a Sámi perspective, and Sámi cultural heritage management has always had a



'Hellemobotn', Photo by Frode Jenssen © - www.tysfjord.net

focus on cultural landscapes and the interaction between nature and people. If the inhabitants should be prohibited from harvesting from nature, knowledge about utility models, landscapes and nature would eventually vanish. Cultural sustainability should not only be about protection of cultural heritage, but also include the possibility to maintain social practices and local traditions.

The planned Tysfjord-Hellemo protection area is an example where the local inhabitants have managed to stop the implementation for several years – even if the governmental vision was to connect this area with the UNESCO site Lapponia in Sweden. The local inhabitants (in Norway) wanted the plans for the area to take into consideration Sámi ways of life and identity both in the past, present and for the future. Such considerations would also bring positive effect to the Sámi population of Lapponia.

MARIT MYRVOLL



STENER EKERN

Anthropologist (Dr. Polit), Senior researcher, Associate Professor at the Norwegian Centre for Human Rights, University of Oslo. Worked extensively with international development cooperation. Field work in political anthropology in Nicaragua and Guatemala.

‘Guatemala - The Power to Define and The Right to Use’

To visualise the complexities that may arise when a state declares a natural area as national park (or World Heritage), the article presents the case of Guatemala’s biggest contiguous coniferous forest, situated in Totonicapán where more than 90 % of the population are K’iche’-Mayas, an indigenous people.

Seen from the state, the forest in question is a kind of commons, whose natural administrator is the municipality. From a Mayan point of view, however, the forest belongs to the specific clans that together make up Mayan society.

Because collective ownership in this way assumes different forms in European and Mayan thinking, the designation of the forest as a park has



'The Central Valley of Tonicapán viewed from the south'
Photo by Stener Ekern © 2000

led to political stalemate, the result of complicated fighting between different clans and between indigenous organisations and the municipality, rather than reducing illegal logging and promoting better forms of resource management.

Focusing on aspects of popular participation and the building of consultation mechanisms, human rights-based procedures might nevertheless offer a way of overcoming the problems of differing conceptions of property and rights of use.

STENER EKERN



GUNNAR M. EKELØVE-SLYDAL

*Deputy Secretary General, Norwegian Helsinki Committee.
MA (Cand. Mag) University of Oslo and studies in journalism and human rights. Has published numerous articles and books on human rights issues.*

Uzbekistan and World Heritage

Uzbekistan became an independent state in 1991 after the break up of the Soviet Union. The country is the most populous in Central Asia (about 28 millions), with neighbours Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. The region has a rich cultural heritage, including a range of historical cities located on the famous Silk Road between China and Europe. All states have ratified the 1972 World Heritage Convention. Uzbekistan has four inscriptions on the World Heritage List, located in Khiva (1990), Bukhara (1993), Shakhrisyabz (2000) and Samarkand (2001).

Authorities in Uzbekistan have under President Islam Karimov, the country's leader since 1989, conducted brutal persecutions of political opposition, independent religious groups, journalists and human rights activists. The situation in the country came to international attention in May 2005 due to a massacre taking place in Andijan, a city in the East of the country. Hundreds of civilians were killed by police and military while demonstrating against political imprisonments and for larger freedoms.

There are serious problems connected with cultural and natural heritage protection in the country. Some of these problems are closely related to lack of democracy and the precarious human rights situation. Among main issues as seen from a human rights perspective are house evictions



'Relaxed everyday life in Bukhara', Photo by The Norwegian Helsinki Committee © 2001

without sufficient compensation, lack of consultations with local residents, and violent suppression of protests.

Uzbekistan became a member of UNESCO 1993, and a UNESCO office was established in the capital of the country, Tashkent, in 1996. UNESCO may play an important role to ensure quality in efforts to protect the cultural and natural heritage in the country. However, the role of the organisation in strengthening respect for the human rights of persons negatively affected by such protection work, should be enhanced.

By including a provision on ensuring respect for human rights in the Operational Guidelines of the World Heritage Convention, UNESCO and other organisations involved in heritage protection would have a mandate to facilitate evaluations of human rights consequences of heritage protection schemes.

GUNNAR M. EKELØVE-SLYDAL

Formålet med seminaret er å sette lys på menneskerettighetsspørsmål i lys av tradisjonell forvaltning og moderne vern av naturområder og kulturminner. Vi håper at dette første seminaret kan gi grunnlag for flere felles faglige initiativer og kunnskapsutvikling på et viktig område, ikke minst i lys av UNESCO's program og strategi vedtatt på generalkonferansen 2007.

Med faglige presentasjoner fra personer med spesiell kompetanse i menneskerettighetsspørsmål, urfolkproblematikk eller kulturarv, blir flere 'caser' presentert. Som norsk eksempel er valgt fokus på lokal bestemmelsesrett, med verdensarvstedet Røros i 'par-løp' med Odda som en mulig fremtidig kandidat til verdensarven. Guatemala og Uzbekistan som internasjonale eksempler belyser forskjellige problemstillinger.

Påmelding: innen 10. januar 2008
Kun deltakere påmeldt innen tidsfristen vil ha adgang.
Se egen påmeldingsblankett.

Kontakt: norway@icomos.org
<http://norway.icomos.org>



Den norske UNESCO-kommisjonen, Helsingforskomiteen,
Senter for menneskerettigheter UiO og ICOMOS Norge

Verdensarv og menneskerettigheter: konflikt eller samspill?

Seminar om UNESCOs Verdensarvkonvensjon 1972
(konvensjon for vern av verdens kultur- og naturarv)
og menneskerettigheter

6. februar 2008

Auditoriet i R5
Regjeringskvartalet
Akersgaten, Oslo



Seminarprogram: Verdensarv og menneskerettigheter: konflikt eller samspill?

- 08.30 Registrering (kaffe og frukt)
Møteleder:
Bjørn Engesland, generalsekretær i Den norske Helsingforskomité
- 09.00 Velkommen
Amund Sinding-Larsen, ICOMOS Norge
- 09.10 Seminaret – Bakgrunn og hensikt
Gunnar M. Karlsen, Den norske Helsingforskomité
- 09.30 Områdevern og menneskerett
Kirsti Strøm Bull, Senter for menneskerettigheter UiO
- 10.00 Allmenningsprinsippet
Stener Ekern, Senter for menneskerettigheter UiO
- 10.30 Case 1: Odda og Røros – Lokal bestemmelsesrett og deltakelse
Randi Bårtvedt og Marie Louise Anker, ICOMOS Norge
- 11.30 Lunsj
Alle benytter kantina, betaler egen lunsj
- 12.30 Tradisjonell forvaltning og moderne vern
Marit Myrvoll, UiT
- 13.00 Case 2: Guatemala – Definisjonsmakt og bruksrett
Stener Ekern, Senter for menneskerettigheter UiO
- 13.30 Case 3: Uzbekistan – Kulturvern og menneskerettigheter på kollisjonskurs?
Human Rights Watch og Den norske Helsingforskomité
- 14.00 Paneldebatt - Forberedte innlegg og diskusjon
Moderators: Stener Ekern og Gunnar M. Karlsen
Panel: Kirsti Strøm Bull, professor UiO
Axel Christophersen, professor NTNU
Marit Myrvoll, seniorrådgiver NIKU
- 14.50 Oppsummering
- 15.00 Seminaret avsluttes

Om foredragsholderne

Gunnar M Karlsen

Cand. mag. fra UiO, studier i journalistikk ved Fagpressens redaktørskole og i menneskerettigheter ved Høgskolen i Buskerud, er assisterende generalsekretær i Den norske Helsingforskomité. Har skrevet fagartikler og bøker om menneskerettighetsspørsmål.

Kirsti Strøm Bull

Jurist og professor ved Det juridiske fakultet, Universitetet i Oslo, med arbeidssted Norsk senter for menneskerettigheter. Kirsti Strøm Bull underviser i fast eiendoms rettsforhold og har de siste 12 år hatt sin forskning knyttet til rettigheter til land og naturressurser i de samiske områder.

Stener Ekern

Seniorforsker ved Senter for menneskerettigheter ved Universitetet i Oslo. Stener Ekern er sosialantropolog (Dr. Polit) med antropologisk feltarbeid i Nicaragua og Guatemala med tematisk forankring i politisk antropologi og urfolksproblematikk. Har arbeidet 10 år i norsk bistand.

Randi Bårtvedt

Styremedlem i ICOMOS Norge, etnolog fra UiB 1984. Direktør ved Norsk Vasskraft- og Industristad-museum i Odda, Hardanger. Arbeider spesielt med turisme, kultur møte og verdiskaping i lokalsamfunn.

Marie Louise Anker

Styremedlem i ICOMOS Norge, sivilarkitekt med doktorgrad (Dr.ing) fra NTNU på fagområdet kulturminnevern. Marie Louise Anker arbeider med kulturminnevern i offentlig sektor. Deltar i arbeid med vern og utvikling av kulturminner og tradisjonsarkitektur i historiske byer i Kina.

Marit Myrvoll

Cand.polit i sosialantropologi, p.t. i fasen med å avslutte doktorgrad. Arbeidet i skoleverket, så innen samisk politisk forvaltning og sentralt / regionalt kulturminnevern. Medlem av den norske Unesco-kommisjonen i to perioder fra 1997 til 2004. Arbeider med urfolksproblematikk i Norge og Tibet.

World Heritage and Human Rights

Discussion paper by ICOMOS Norway in cooperation with the Norwegian National Commission for UNESCO, The Norwegian Centre for Human Rights and The Norwegian Helsinki Committee. Presented at ICOMOS Advisory Committee meeting September 2008 in Québec, Canada.



Need for systematic assessment to safeguard human rights in World Heritage protection

The work of UNESCO to strengthen protection of the world's cultural and natural heritage is an important contribution to safeguarding cultural human rights, as defined in the Universal Declaration of Human Rights and subsequent United Nations human rights instruments. As regards the 1972 World Heritage Convention, however, questions remain whether sufficient safeguards are in place to ensure respect for the human rights of individuals and groups affected by protection schemes.

The World Heritage Convention plays a crucial role in protecting the world's cultural and natural heritage. Its stated objective is to "ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage" at the national level (Article 5). This undoubtedly goes hand in hand with cultural human rights, which seek to safeguard for everyone the "right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement..." (Universal Declaration of Human Rights, 10 December 1948).

The World Heritage Convention, however, does not refer explicitly to human rights, nor do the Operational Guidelines to the Convention. In this the World Heritage Convention differs from more recent instruments, such as the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage where

the preamble explicitly refers to “existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966”. There is, in other words, no overt mechanism to ensure that human rights are respected throughout all phases of a World Heritage evaluation and inscription process. Thus there is a risk that human rights concerns are not sufficiently considered. Violations of human rights of different categories might occur.

At a seminar in Oslo on February 6th, 2008, with 90 participants, cultural heritage and human rights experts met to discuss risks of human rights violations and whether there was a need for an assessment mechanism, illustrated by a variety of cases from different corners of the world.

The seminar concluded that human rights violations might occur, i.a. as a consequence of:

- Local and traditional rule over a cultural or natural property having to yield to national (and international) decision making bodies
- National governments may neglect or downplay the importance of local community decisions, disregarding political rights and democratic principles
- Traditional or religious use of a property may be hindered, in the process violating minority rights or rights pertaining to religion
- National governments may repress popular protests against heritage protection measures perceived to adversely affect traditional use, and in the process violate political rights
- Increased tourism resulting from inclusion on the World Heritage List may
 - Restrict traditional or religious use of a property
 - Result in degradation of a property
- Insufficient compensation schemes for individuals adversely affected by heritage protection
- Relocation of the population may be inconsistent with, i.a. social human rights

Protection of the important world heritage is inherently good. Every effort should therefore be made to ensure that such protection take place with a minimum of negative consequences for individuals or groups, ultimately leading to human rights violations.

The seminar discussed several ideas to compensate for the lack of safeguards against human rights violations in World Heritage protection, and

concluded that references to human rights might be included in the Operational Guidelines. Explicit mentioning of human rights can also be done in a way that make human rights assessment a regular part of the process of evaluating a State Party proposal for new inclusions on the World Heritage List. Similarly, human rights might form a standard component of subsequent Periodic Reporting about sites already on the List.

ICOMOS Norway and its collaborating partner institutions intend to arrange a larger Nordic/International seminar or colloquium on the subject of World Heritage and Human Rights in Oslo in 2010. We are pleased to inform you that the current project group is fully supported by the Norwegian Ministry of Environment and the Directorate for Cultural Heritage. Constructive contact is also established with the Ministry of Foreign Affairs in Oslo.

In order to build an even stronger bridge between cultural heritage expertise and the field of human rights, we hope that others would also show interest in the above.

*15 September 2008
On behalf of the collaborating institutions*

GISLE JAKHELLN

President

ICOMOS Norway, from 2008



DEI NORSKE
HELSEFORRÅDET



Den norske UNESCO-
kommisjonen