



International Council on
Monuments and Sites
Conseil International
des Monuments et des Sites

ICOMOS Norway

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

World Heritage and Human Rights

– 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).¹

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.²

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

¹ A more detailed provision is found in the International Covenant on Economic, Social and Cultural Rights of 1966, Article 15.

² ICOMOS Norway in cooperation with UNESCO Norway, the Norwegian Centre for Human Rights and the Norwegian Helsinki Committee organised the seminar, entitled *World Heritage and Human Rights: Conflict or Interaction?*

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

- Local and traditional rule over a cultural or natural property having to yield to national (and international) decision making bodies
 - o National governments may neglect or downplay the importance of local community decisions, disregarding political rights and democratic principles
 - o Traditional or religious use of a property may be hindered, in the process violating minority rights or rights pertaining to religion³
 - o 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
 - o Restrict traditional or religious use of a property
 - o Result in degradation of a property
- Insufficient compensation schemes for individuals adversely affected by heritage protection
 - o 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 the Environment. 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 Jakhell 
President ICOMOS Norway

³ According to the International Covenant on Civil and Political Rights, Article 27, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."