

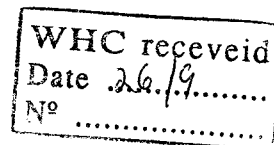


Responses to
Circular Letter 9
(August 2001)
concerning

**World Heritage and Indigenous Peoples -
proposal to establish a World
Heritage Indigenous Peoples Council of
Experts (WHIPCOE)**



Department of the Environment and Heritage



Mr Francesco Bandarin
Director,
World Heritage Centre
UNESCO
7, place de Fontenoy
75732 Paris 07 SP
FRANCE

ST / D. S. K.
C. S. K.

Dear Mr Bandarin

Thank you for your letter of 24 August 2001 inviting comments from States Parties to the World Heritage Convention on the proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHPCOE), as outlined in document WHC-2001/CONF.205/WEB.3.

Australia was pleased and honoured to have had the opportunity to convene and host the Indigenous Peoples Forum in conjunction with the World Heritage meetings in Cairns in November-December 2000. It is encouraging that the Forum attracted good support from the Cairns World Heritage Committee and most recently from the World Heritage Bureau at its June 2001 meeting.

As you are aware, the Working Group established earlier this year by key Forum State Party and Indigenous participants has been engaged in a very productive dialogue to further advance the WHPCOE proposal. This Group was expanded and formalised by the Bureau at its last meeting. In preparation for the Winnipeg workshop, the Working Group has been in close contact with the Canadian authorities, and your colleagues at the Centre. Following the tragic events in North America last week we fully understand and support the decision to postpone the Workshop.

In preparation for the Winnipeg Workshop, Indigenous representatives from Australian World Heritage properties listed for Indigenous values (Uluru-Kata Tjuta National Park, Kakadu National Park, Willandra Lakes Region and Tasmanian Wilderness), and the Department of the Environment and Heritage, have held a number of teleconferences. These discussions have been very productive in informing participants of developments and sharing views on how WHPCOE might be implemented.

With the postponement of the workshop, we hope to continue this local and international engagement, including with the Centre, to assist with the formulation of a well-defined WHPCOE proposal for consideration by the World Heritage Bureau and Committee in Helsinki.

Yours sincerely

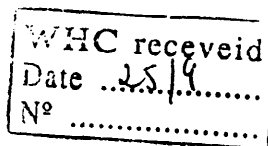
David Walker
Director, International Section
World Heritage Branch

17 September 2001



**DELEGATION PERMANENTE DU BRESIL
AUPRES DE L'UNESCO**

N° 126



Réf : CL/WHC.9/01

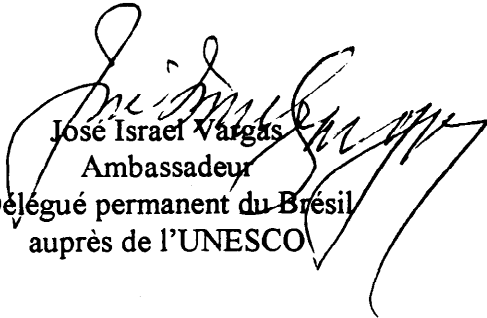
Paris, le 24 septembre 2001

Monsieur le Directeur,

J'ai l'honneur de vous informer que le Ministère de la Culture Brésilien a accueilli avec un grand intérêt la proposition de création d'un Conseil de Spécialistes des Peuples Indigènes du Patrimoine Mondial, qui sera discutée lors de la 25^{ème} session du Comité du Patrimoine Mondial.

A ce propos, j'ajouterais que le Ministère de l'Environnement Brésilien a été consulté sur les sites du Patrimoine Mondial au Brésil où vivent des peuples indigènes.

Veuillez agréer, Monsieur le Directeur, l'assurance de ma plus haute considération.


José Israel Vargas
Ambassadeur
Délégué permanent du Brésil
auprès de l'UNESCO

A Monsieur Francesco Bandarin
Directeur du Comité du Patrimoine Mondial
Maison de l'UNESCO

From: hannu.vainonen@MINEDU.FI
To: "Dhumal, Nina" <N.Dhumal@unesco.org>
Subject: World Heritage and Indigenous Peoples
Date: Tue, 18 Sep 2001 15:32:08 +0200

Dear Nina Dhumal,

Today I have the pleasure to send you Finland's reply to the enquiry concerning the World Heritage and Indigenous Peoples and the proposal to establish a World Heritage Indigenous Peoples Council of Experts.

Yours sincerely,

Hannu Vainonen (Mr)
Suunnittelija / Planning Officer
Opetusministeriö / Ministry of Education
Kansainvälisten asiain sihteeristö / International Relations
Suomen UNESCO-toimikunta / Finnish National Commission for UNESCO
PL 29 / P.O.Box 29
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World Heritage and Indigenous Peoples - proposal to establish a World Heritage Indigenous Peoples Council of Experts

FINLAND

Finland is, in general, in favour of the proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE).

Finland considers it important to continue to devote special attention to the rights of the indigenous peoples. It has been observed in our official human rights policy that the rights of indigenous peoples are based on their special relationship to the land and natural resources of the area in which they live as the foundation for a distinctive culture and way of life. The primary concern of the Finnish Government in this area is to develop the living conditions of indigenous peoples in such a way to allow the survival of their communities and cultures. It is important, therefore, to further the implementation of economic, social and cultural rights of the indigenous peoples alongside civil and political rights.

The following particular remarks can be made on the proposal, as presented in document WHC-2001/CONF.205/WEB.3 of the twenty-fifth session of the Bureau of the World Heritage Committee:

1. According to the proposal the purpose of the World Heritage Indigenous Peoples Council of Experts is to function as an advisory body concerning issues relating to the indigenous peoples. In addition, in paragraph 5ii (Possible Outline for WHIPCOE) there is a mention that "it is not intended that the Council should override or interfere with existing indigenous management or joint management arrangements in the World Heritage areas, but rather seek to add value to them or to support them upon the request by the indigenous people/s and State Party involved". This should be explicitly stated in the Terms of Reference of the the World Heritage Indigenous Peoples Council of Expert.

2. Finland has actively supported the initiative for setting up the Permanent Forum on Indigenous Issues within the United Nations' Economic and Social Council ECOSOC. According to the ECOSOC decision of last July the first meeting of the new forum will take place in May 2002. As the ECOSOC resolution 2000/22 defines cultural matters to be part of the mandate of the Permanent Forum, the inter-agency secretary of the Forum can thus be considered as the body with the mandate to discuss indigenous issues relating to culture within the United Nations framework. Therefore, Finland wishes to emphasize the fact that the establishment of a World Heritage Indigenous Peoples Council of Experts must not weaken or narrow the scope of the mandate of the Permanent Forum on Indigenous Issues.

3. The question of financial arrangements has been almost totally omitted in the proposal. Before any final decision can be made the financial implications of the Council should be examined.

4. Throughout the process it is important to see that the Council will function and concentrate on the terms of the indigenous peoples only.

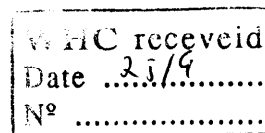
5. Finally, concerning the listing of the sites that contain special indigenous peoples' issues relating to the management of the site, it is important to notice that this kind of listing should serve only as a guarantee of protection of the sites and not as an incentive to unnecessary attention on the sites, which may be vulnerable, for example, to the effects of the large-scale tourism.

**DELEGATION PERMANENTE DE LA FRANCE
AUPRES DE L'UNESCO**

Paris, le 25 septembre 2001

L' Ambassadeur Délégué Permanent

N° 629/TRE.8.1.



Monsieur le Directeur,

En réponse à votre lettre circulaire CL/WHC.9/01 du 30 août 2001, je vous prie de trouver ci-joint les observations et propositions de la France relatives au projet de création d'un Conseil d'experts des populations autochtones auprès du Comité du Patrimoine mondial (WHPCOE).

La délégation permanente de la France se tient à votre disposition pour toute information supplémentaire qui vous paraîtrait opportune.

Je vous prie de croire, Monsieur le Directeur, à l'assurance de ma considération distinguée.

Amicalement,

Jean Musitelli
Jean MUSITELLI

Monsieur Francesco BANDARIN
Directeur du Centre du Patrimoine mondial
Maison de l'UNESCO
Bureau 3.2.20

**Objet: Patrimoine mondial et populations autochtones.
Projet de création d'un Conseil d'experts des populations autochtones du patrimoine mondial
(WHIPCOE)**

Commentaires de la France en réponse à la lettre circulaire CL/WHC.9/01 du directeur du Centre du patrimoine mondial.

1. La France, attachée à la préservation de la diversité culturelle et à la protection des valeurs des cultures traditionnelles, accueille avec intérêt et sympathie la démarche du Forum des populations autochtones. Elle comprend la préoccupation formulée par le Forum en vue d'améliorer la participation et de mieux prendre en compte l'expertise de ces populations pour les sites du Patrimoine mondial de l'UNESCO porteurs de valeurs naturelles et culturelles propres aux populations autochtones.

Nous considérons que, dans cette perspective, le Comité du Patrimoine mondial devrait encourager fortement les Etats-parties concernés à prendre toutes les mesures appropriées pour répondre à cette attente.

2. En revanche, l'institutionnalisation d'un Conseil consultatif spécifique auprès du Comité du Patrimoine mondial soulève de sérieuses objections d'ordre juridique, pratique et financier, auxquelles les documents soumis à notre attention ne répondent pas ou pas clairement.

Nous souhaitons, en premier lieu, attirer l'attention du Comité sur le fait que la question de la prise en compte des populations autochtones dans le système des Nations-Unies a été abordée dans le cadre de la session 2000 de l'ECOSOC qui a adopté la résolution 2000/22 "Création d'une instance permanente sur les questions autochtones". Ce texte prévoit la création d'un organe subsidiaire de l'ECOSOC chargé notamment de fournir "des conseils spécialisés et des recommandations sur les questions autochtones au Conseil ainsi qu'aux programmes, fonds et institutions des Nations-Unies", notamment dans le domaine culturel. La France privilégie l'approche intégrée de cette question dans le cadre des Nations-Unies et doute de l'opportunité d'initiatives non coordonnées qui risquent de conduire à la multiplication d'instances *ad hoc* au statut indéterminé.

Au demeurant, on voit mal sur quelle compétence se fonderait le Comité du Patrimoine mondial pour définir les populations appelées à participer au Conseil. Quels seraient les critères retenus? Comment serait garantie la représentativité des membres du Conseil? Qui aurait autorité pour trancher si la désignation de ses membres donnait lieu à contestation?

Plusieurs autres points nous paraissent présenter des difficultés juridiques et techniques:

- Question de l'articulation juridique entre le Conseil projeté et Comité. Si l'article 10.3 de la Convention autorise le Comité à "créer les organes consultatifs nécessaires à l'exécution de sa tâche", son article 8.3 prévoit que seuls les représentants de l'ICCROM, de l'ICOMOS et de l'UICN "assistent aux séances du Comité avec voix consultative". L'adjonction éventuelle de représentants d'autres ONG nécessiterait une décision de l'Assemblée Générale des Etats parties.

- Problèmes de souveraineté. Les questions posées devraient trouver leur solution dans les cadre des règles et procédures internes aux Etats parties concernés. C'est aux autorités de ces Etats de mettre en place les structures de concertation visant à améliorer, si nécessaire, la participation des populations

autochtones à la définition et mise en oeuvre des mesures d'identification, de protection et de gestion des sites concernés - en conformité avec les critères de la Convention.

- Problème de cohérence institutionnelle. Est-il opportun de créer, dans le cadre déjà passablement complexe des instances du Patrimoine mondial, un mécanisme supplémentaire, permanent et global, exposé au risque de pesanteurs bureaucratiques, pour une question qui ne concerne qu'un petit nombre d'Etats parties et qui peut être traitée efficacement par d'autres voies?

- Mode de financement. Est-il équitable que les frais de fonctionnement d'un tel Conseil qui ne concerne qu'un nombre limité d'Etats parties, lesquels disposent de surcroît d'importantes ressources (Canada, Australie, Etats-Unis), soit mis à la charge du budget du Comité, au détriment du financement d'actions d'assistance dans des pays pauvres? Pourquoi ne propose-t-on pas un financement sur fonds spécial alimenté par des contributions volontaires?

- Double-emploi avec les organes consultatifs. Les questions évoquées relèvent de la compétence des organes consultatifs existants. La création d'organes spécialisés sur des thèmes particuliers risque d'avoir pour effet d'affaiblir l'autorité et l'expertise de ceux-ci et de nuire à l'universalité des critères qui définissent le patrimoine mondial comme bien commun de l'humanité.

3. En conclusion, la France considère que, à ce stade, les conditions juridiques, politiques et financières nécessaires à la création du Conseil selon les modalités proposées ne sont pas réunies pour en assurer un fonctionnement satisfaisant et répondre de façon appropriée à la demande du Forum.

Soucieuse néanmoins d'accorder toute la considération requise à cette démarche, la France engage le Comité et les Etats parties concernés à explorer des voies alternatives:

- C'est dans le cadre national que doit être prioritairement traitée cette question, par des mécanismes de concertation adéquats entre les Gouvernements et les populations autochtones ("conseils nationaux populations autochtones et patrimoine mondial"). Rappelons, à cet égard, que la résolution 2000/56 de la Commission des droits de l'homme des Nations-Unies encourage les Gouvernements à instituer des comités nationaux (§15) et non des organes internationaux;

- Le rôle des instances du Patrimoine mondial devrait être d'encourager les Etats parties intéressés à s'engager dans cette voie (si ce n'est déjà fait) et de veiller à ce que la gestion et le suivi des sites incorporant des valeurs autochtones tiennent dûment compte de leur spécificité;

- Plutôt que de créer de toutes pièces un dispositif lourd, il convient de renforcer la compétence des organes consultatifs existants, en leur adjoignant de nouvelles catégories d'experts qui auront pour mission spécifique d'étudier les valeurs autochtones des biens proposés, en étroite coopération avec les conseils nationaux;

- Il conviendra également d'examiner l'opportunité de doter le Centre du Patrimoine mondial de moyens additionnels (cellule de suivi, centre de ressources, rapports périodiques d'évaluation) lui permettant d'exercer sa mission dans les meilleures conditions d'efficacité.

Subject: World Heritage and Indigenous Peoples
Project for the Creation of a World Heritage Indigenous Peoples' Council of Experts
(WHIPCOE)

France's observations in response to the Circular Letter CL/WHC.9/01 from the Director of the World Heritage Centre

1. France, fully supportive of the preservation of cultural diversity and the protection of traditional cultural values, welcomes with interest and sympathy the actions undertaken by the Forum of indigenous peoples. It understands the concern formulated by the Forum for an improved participation and consideration of the expertise of these peoples in respect to the UNESCO World Heritage sites comprising cultural and natural values specific to indigenous peoples.

We consider that, in this perspective, the World Heritage Committee should strongly encourage the States Parties concerned to undertake appropriate measures to respond to this request.

2. However, the institutionalisation of a specific Consultative Committee to the World Heritage Committee raises serious legal, practical and financial issues, to which the documents submitted for our attention do not clearly respond.

First of all, we wish to draw the attention of the Committee to the fact that the issue of the consideration of indigenous peoples within the United Nations system has been discussed in the framework of the 2000 ECOSOC session, which adopted Resolution 2000/22 "Establishment of a Permanent Forum on Indigenous Issues".

This text foresees the creation of a subsidiary organ of ECOSOC primarily responsible for the provision of "expert advice and recommendations on indigenous issues to the Council as well as to the programmes, funds and agencies of the United Nations", notably in the cultural field. France supports the integrated approach to this question in the framework of the United Nations, but has misgivings concerning the timeliness of uncoordinated initiatives which risk leading to a multiplication of *ad hoc* discussions of undetermined status.

Moreover, it is difficult to see upon what competence the World Heritage Committee would base itself to define the peoples called upon to participate in this Council. What would be the criteria? How would the representivity of the members of the Council be guaranteed? Who would have the power of decision in case the designation of its members is cause for dissent?

In our opinion, several other points appear to present legal and technical difficulties:

- The question of legal articulation between the proposed Council and the Committee. If Article 10.3 of the Convention authorises the Committee to "create such consultative bodies as it deems necessary for the performance of its functions", Article 8.3 foresees that only the representatives of ICCROM, ICOMOS and IUCN "may attend the meetings of the Committee in an advisory capacity". The eventual addition of

representatives of other NGOs requires a decision of the General Assembly of States Parties.

- Problems of sovereignty. The questions raised should be resolved in the framework of the Rules and Procedures of the States Parties concerned. It is for the authorities of these States to establish discussion groups aiming at an improvement, if necessary, of the participation of indigenous peoples in the definition and implementation of the measures for the identification, protection and management of the properties concerned – in conformity with the criteria of the Convention.
- Problem of institutional coherence. Is it timely to establish, in the already fairly complex World Heritage structure, an additional mechanism, permanent and global, subject to unwieldy bureaucratic procedures, for an issue which only concerns a limited number of States Parties and which can be treated by other means?
- Funding. Is it fair that the operational costs of such a Council which only concerns a limited number of States Parties, which, furthermore, dispose of important resources (Canada, Australia, United States), be funded by the budget of the Committee, thus prejudicing funding for assistance activities in the poor countries? Why not propose its financing under a Special Fund constituted by voluntary contributions?
- Overlapping with the advisory bodies. The questions raised relate to the competence of the existing advisory bodies. The creation of specialised organs on particular themes could have the effect of weakening the authority and expertise of the advisory bodies and be prejudicial to the universality of criteria which define World Heritage as heritage of humankind.

3. To conclude, France considers that, at this stage, the legal, political and financial conditions necessary for the creation of a Council according to the modalities proposed are not yet resolved in order to ensure the satisfactory functioning and respond in an appropriate manner to the expectations of the Forum.

Nevertheless, willing to give every consideration necessary to this initiative, France requests the Committee and the States Parties concerned to explore alternative possibilities:

- Primarily, it is in a national framework that this issue should be treated, through adequate consultation mechanisms between the Governments and the indigenous peoples (Indigenous Peoples National Councils and World Heritage”). Let us recall, in this respect, that the Resolution 2000/56 of the United Nations Commission for Human Rights encourages Governments to establish national committees (para. 15) and not international organs;
- The role of the World Heritage bodies should be to encourage interested States Parties to engage in this cause (if this is not already the case) and to monitor

whether the management and reporting on sites incorporates indigenous values and takes account of their specificities;

- Rather than creating an unwieldy mechanism, it would be preferable to reinforce the competencies of the existing advisory bodies, assigning them new categories of expertise with the specific mission of studying the indigenous values of the properties proposed, in close cooperation with the national councils;
- It is also appropriate to examine the need to provide the World Heritage Centre with additional facilities (monitoring unit, resource centre, periodic evaluation reports) in order to carry out its mission in the most efficient manner.

From: gudny.helgadottir@mrn.stjr.is
To: "Dhumal, Nina" <N.Dhumal@unesco.org>
Subject: Ref. letter of 24 August 2001
Date: Mon, 17 Sep 2001 19:06:13 +0200

UNESCO
World Heritage Centre
Francesco Bandarin, Director
7, place de Fontenoy
F-75352 Paris 07 SP
France

M E N N T A M Á L A R

Á Ð U N E Y T I Ð

Ministry of

Education, Science
and Culture

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Reykjavík, September 14, 2001
Ref: MMR01090193/87.300/GH/--

Dear Director,

With reference to your letter of 24 August 2001 concerning the proposal to establish a World Heritage Indigenous Peoples Council of Experts the Ministry of Education, Science and Culture welcomes this proposal. The Ministry supports in principle that such a council were established and is convinced that the council will improve the work of the World Heritage Committee concerning indigenous heritage. We don't have any special comments to the proposed functions and structures of the council.

As Iceland has not yet any properties on the World Heritage List and as indigenous heritage is not to be found in Iceland, it is not actual for us to react to this request in your letter.

Yours sincerely

Guðný Helgadóttir
Head of Division of Arts and Museums

cc: The Permanent Delegation of Iceland to UNESCO, Paris

De: israel-unesco <israel-unesco@israelfm.org>
Date: lundi 17 septembre 2001 10:43
À: Dhumal, Nina
Objet: WHIPCOE

Madame,

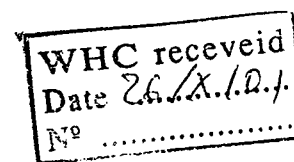
Je vous prie de trouver ici la réponse des autorités israéliennes sur le sujet mentionné:

Generally, the Government of the State of Israel has no comment on the Australian proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE) which will assist the Committee in the performance of its functions. Nevertheless, we would like to stress the importance of defining the term "indigenous" before bestowing a mandate on such a body, since the definition or lack thereof, will have a direct impact on the work of the Committee of the World Heritage Convention.

Avec mes meilleures salutations,

Elisabeth COHEN-TANNOUDJI

MISIÓN PERMANENTE DE MÉXICO
ANTE LA UNESCO



UNE-01313/01

Exp. : (44-9D) 423.419

París, a 22 de octubre de 2001.

Me permito hacer referencia la nota CL/WHC.9/01, relativa a la propuesta de crear un Consejo de Expertos de Poblaciones Indígenas del Patrimonio Mundial, a fin de transmitirle por esta vía el acuerdo de las autoridades competentes de mi Gobierno respecto a dicha iniciativa, así como también su adhesión a las recomendaciones emanadas en la reunión en Cairns, Australia (24 noviembre 2000).

Sobre el particular y atendiendo su solicitud, me permito informarle que en mi país, el Sitio del Patrimonio Mundial que se relaciona con las poblaciones indígenas es Sian Ka'an, Quintana Roo.

Por lo que a la lista indicativa se refiere, los Sitios ya incluidos en ésta y que guardan relación con las poblaciones indígenas, son de considerar la población maya en la región Zoque del Estado de Chiapas y en la zona arqueológica de Calakmul, Campeche; la Sierra Gorda en el Estado de Querétaro, que cuenta con una población pame y Chicomostoc, finalmente, La Quemada, que hasta la fecha funciona como un reconocido centro ceremonial huichol.

Al agradecer a usted de antemano su atención a la presente, aprovecho la oportunidad para reiterarle las seguridades de mi más atenta y distinguida consideración.

El Representante Permanente


Emb. Javier Barros Valero

Al

Sr. Francesco Bandarin
Director
Centro del Patrimonio Mundial

UNESCO

cc : St

Permanent Delegation of Mexico to UNESCO

Paris, 22 October 2001

I acknowledge receipt of your note CL/WHC.9/01 concerning the proposition to create a World Heritage Expert Council of Indigenous People. I would like to inform you on the support of the Mexican authorities to this initiative as well as to the recommendations established in Cairns, Australia (24 November 2000).

I would also like to indicate that the World Heritage Site which involves indigenous people in Mexico is Sian Ka'an, Quintana Roo.

As regards the tentative list, the Sites which relate to indigenous people are found in the Zoque region in the State of Chiapas and the archeological zone of Calakmul where the maya people predominate, the Sierra Gorda in the State of Queretaro and Chicomostoc in which some people are distinguished and finally the Quemada which is until now acknowledged as a huichol ceremony centre.

Please accept, Sir, the assurances of my highest consideration.

Javier Barros Valero
Ambassador
Permanent Delegate



Department of Conservation
Te Papa Atawhai

WHC receveid
Date ..11.7.01..
Nº

ST

2 October 2001

Mr Francesco Bandarin
Director
World Heritage Centre
UNESCO
7 place de Fontenoy
75732 Paris 07 SP
FRANCE

Dear Mr Bandarin

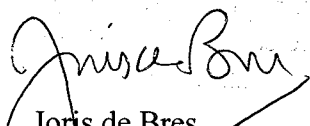
Thank you for your letter of 24 August 2001 inviting comments from State Parties to the World Heritage Convention on the proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE). New Zealand would like to commend the World Heritage Centre for this initiative.

New Zealand supports the principle of appointing experts to provide guidance in matters of cultural importance to indigenous peoples, in our case to Māori. At this point in time, New Zealand has identified one site that is recognised for its World Heritage natural and cultural values, Tongariro National Park. This site was originally a cultural gift to the Nation by the indigenous peoples of New Zealand. There is also another World Heritage site in New Zealand with high cultural value potential and, other sites have been identified that would meet World Heritage site criteria, but, detailed consultation with Māori is a necessary prerequisite before any lists can be provided to the World Heritage Centre.

New Zealand will continue to participate in the working group leading up to the World Heritage Bureau and Committee meetings in Helsinki, Finland in December. A teleconference for the working group has recently been held and has ensured that the working group is prepared for the rescheduled workshop to be held early November. It is anticipated that following this workshop, the working group will forward a paper for your consideration. It is intended that the presentation on the establishment of the WHIPCOE will include its terms of reference, composition, initial programme and budget.

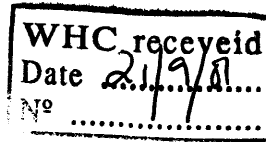
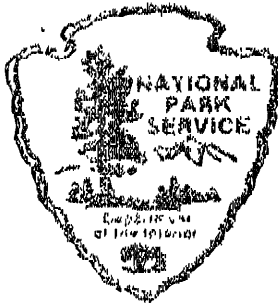
The WHIPCOE initiative is an exciting development in the World Heritage arena and, as a State Party, New Zealand is pleased to continue to assist in the development of this proposal.

Yours sincerely


Joris de Bres
General Manager, External Relations Division
Department of Conservation

Head Office

P.O. Box 10-420, DX SP 20518, 59 Boulcott Street, Wellington, New Zealand
Telephone 04-471 0726, Fax 04-471 1082

**Facsimile Transmission**

To: *Mrs. NINA DHUMAL*
WORLD HERITAGE CENTRE

From: *Kevin Boprett*
Office of International Affairs
1849 C Street Northwest
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Fax:

Fax: (202)565-1290

Date: *21 Sep 2001*Time: *13:20*No. of pages (including cover sheet): *3*Subject: *WORLD HERITAGE*

Message:



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

A3821(0050)

Ms. Nina Dhanjal
World Heritage Centre
UNESCO
7, Place de Fontenoy
Paris, France

Ref: CL/WHC.9/01

Dear Ms. Dhanjal:

This letter responds to Centre Director Bandarin's circular letter of August 24, 2001, to States Parties to the World Heritage Convention, requesting comments on the proposal to establish a World Heritage Indigenous Peoples Council of Experts (WHIPCOE), as well as the submittal of lists of World Heritage Sites and sites on national tentative lists that are "likely to have indigenous peoples issues which may relate to the management of these sites."

The United States will participate in the Working Group meeting on the WHIPCOE, which was scheduled to be held in Winnipeg, Manitoba, Canada, this month but has been postponed. It is clear that there are highly significant uncertainties as to whether and how the WHIPCOE might be established, who will be eligible for membership, when and where its involvement would be appropriate, and how it would function in practice in relation to the statutory bodies of the World Heritage Convention. Inasmuch as it was the task of the Winnipeg meeting to refine the proposal for the WHIPCOE, we plan to defer submitting comments until after the meeting.

We likewise intend to defer response to the Director's request for the submittal of lists of U.S. World Heritage Sites and those on the U.S. tentative list that have indigenous peoples issues. In the United States, we have a clearly defined legal relationship to indigenous peoples that would render it inappropriate for us to submit such lists without consulting them. Further, given the lack of a clear definition of a charter for WHIPCOE that can be shared with indigenous groups in the United States, we believe that submitting this sensitive information is premature.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sharon J. Cleary", is written over a printed name.

Sharon J. Cleary
Chief, Office of International Affairs

cc: Ms. Shirley Hart
U.S. Observer at UNESCO

Mr. Ray Wunner
Deputy Director, Bureau of
International Organization Affairs
U.S. Department of State