

Mapping UNSW Impact Global Development

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| Primary SDG | 10: REDUCED INEQUALITIES |
| Broad theme | Cultural heritage |
| Research | Comparing decisions on world listed heritage areas where community voices have been heard and ignored |
| Impact region | Mali, Sri Lanka, Colombia, Global |
| Faculty | Law |
| School/Institute | Law |
| Academic | Associate Professor Lucas Lixinski |
| Project partners | UNSW Law |
| Related SDGs | 11: Sustainable Cities and Communities |

Elevator pitch

Lucas has written a book comparing cases around the world where community voices are heard and ignored in decisions involving world heritage listed areas, highlighting the need for UNESCO to include community voices in its legal processes to ensure communities and cultures survive.

The Challenge: UNESCO does not consider community voices in heritage rulings

UNESCO's legal processes for cultural heritage currently exclude community voices and rely instead on experts. Previously, UNESCO included community voices in the form of artisan associations but since the Cold War it has opted for experts to avoid claims of bias. Not including the views of community has the inadvertent effect of silencing these communities, and in some cases removing them from culturally protected areas. The UN has signalled a greater shift towards the rights of local people but organisations like UNESCO are yet to make this shift.

In its heritage rulings, UNESCO also ignores economic uses of the area that are mostly managed, and sometimes exploited, by States. If a community wants to challenge the State around the economic use of a heritage site, it must take the State to court but courts can be volatile and unreliable. UNESCO can be a leader for States to adhere to and follow, in line with the UN Declaration on the Rights of Indigenous Peoples, but it must reform its processes first.

UNSW's solution: Write a book comparing cases where community voices are heard and ignored

To help advocate for the rights of the community to be included in UNESCO's legal processes, Lucas has written a book comparing cases around the world where community voices have been considered or ignored in world heritage decisions. A best practice scenario takes place in Timbuktu, Mali. Mausoleums and the local Islamic university (the world's first) were destroyed as a result of conflict. The International Criminal Court decided the community must have a say in the rebuilding of the heritage town, that the rebuild must consider the community's use of the area, and that the losses the community incurred from a lack of tourists must be taken into account.

Lucas also considers the rulings of the Sri Lankan court over resource rich land in the world heritage-listed golden triangle area. Ruling against a mining company and in favour of the community, the court placed community and culture before profits. A less than ideal case takes place in Colombia, where a small group of fishermen of African descent were held to high standards for sustainable fishing in order to retain cultural heritage status. Down the road a large scale commercial fishing company can do what it likes. This small fishing minority was not able to compete on these unequal standards and had to vacate the region as result. The area has lost the heritage and culture of these people as a result. Lucas's book is due out early 2019. In addition to making the case for UNESCO to re-include community voices in its decision-making processes, the book also suggests the practical steps UNESCO can take to achieve this.

In a new book project, Lucas is looking to research how countries build their national identity after atrocities such as war and undesirable dictatorships. What role does cultural heritage play in this rebuilding process? Lucas is planning to write a book comparing countries such as South Africa, Cambodia, Chile, former Yugoslavia, Japan and Brazil. He is currently looking for funding for this project.

The Impact: Encourage UNESCO to reform processes, saving cultures and time and money

Lucas's book encourages UNESCO to reform its processes and include community voices in its heritage decisions. In doing so, the need for court cases and UN deliberations around community use and heritage sites will be reduced, saving everyone time and money. His demonstration of why community voices are important underlines the need for UNESCO to act quickly to prevent States from inadvertently silencing community voices that can result in cultures disappearing. It will take at least a decade for UNESCO to make the necessary changes but Lucas's book plants the seeds for change to ensure the survival of cultures in and around world-significant sites.

Researcher

Lucas Lixinski is an Associate Professor at UNSW Law. Prior to joining UNSW, Lucas was a Postgraduate Fellow at the Bernard and Audre Rapoport Center for Human Rights and Justice, University of Texas at Austin School of Law. Lucas holds a PhD in Law from the European University Institute. He is currently Rapporteur of a Committee of the International Law Association that is focused on community global cultural heritage governance. Trained in folk dancing, he is acutely aware of the significance of cultural heritage to a country and community and is inspired to work to preserve it in all forms.

Ben Falkenmire 28.03.18