

# The World Heritage Convention and the National Park Service, 1993–2009

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## Introduction

THIS ESSAY IS THE LAST IN A SERIES OF THREE on the role of the National Park Service (NPS) in the World Heritage Convention.<sup>1</sup> As recounted in the two preceding essays, the Convention Concerning the Protection of the World Cultural and Natural Heritage (the “World Heritage Convention”), was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1972. The United States, and the National Park Service in particular, had important roles in its development and in negotiations leading to its adoption. The Office of International Affairs (OIA), which celebrated its 50th anniversary in 2011, participated in all phases of that development. This essay recounts the US role between the 1992 twentieth anniversary session in Santa Fe, New Mexico, and the end of its fourth mandate on the 21-member World Heritage Committee in 2009. The essay also pays tribute to the late Robert C. Milne (1939–2012), the long-time chief of OIA, 1975–1995, whose efforts provided the foundation for much of OIA’s work in the first decades of the convention. (Milne’s death on 23 September 2012 followed less than a week after that of his long-time friend Russell Train, who is known as the “father of World Heritage.”) As this essay opens, Milne was the chairman of the World Heritage Committee, as well as being the head of the US delegation to the committee in 1993 and 1994.

## Overview

There is a certain symmetry in the two terms of the United States on the World Heritage Committee that are covered by this essay, 1993–1999 and 2005–2009. Between 1993 and 1999, despite the continued absence of the US from UNESCO, the US continued its strong role in committee activities, reinforcing the committee’s role as a technical body responsible for the conservation of sites. Initially as chair of the committee, and subsequently as a committee member, the US actively supported the UNESCO World Heritage Centre as an autonomous unit that could support the committee as a professional and independent

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institution. Both US inscriptions on the List of World Heritage in Danger—of Everglades in 1993 and of Yellowstone in 1995—had domestic and international purposes: to raise public and congressional awareness on the critical needs of these two sites, and to demonstrate to the world the positive results that could flow from inscription on the List in Danger. At the same time, the US delegation played key diplomatic roles in resolving sensitive issues, such as the nomination of Hiroshima (Japan) in 1996; or of the proposal in 1999 to include Kakadu National Park (Australia) on the List of World Heritage in Danger.

The US left the committee at the end of 1999, and for several years played only a minimal role as an observer delegation. In 2003, the administration of George W. Bush returned the United States to membership in UNESCO after an 18-year absence from the organization. But the US return (and its election to the World Heritage Committee two years later) came without the strong NPS leadership that had characterized the earlier term when the US had been outside the organization. The frequent absence of strong leadership from the committee chair or articulate, conservation-minded committee members has often left it buffeted by the political demands of individual states parties or by the policy imperatives of UNESCO, increasingly ignoring the technical recommendations given by the committee's advisory bodies.

The initial appearance of the Department of the Interior's deputy assistant secretary at the head of the observer delegation at the committee's 2003 Extraordinary Session was to oppose the committee's right to place sites on the Danger List without the agreement of the state party, reversing the position the US had taken throughout previous administrations. Nevertheless, the department's support for World Heritage saw the publication of a new edition of the US Tentative List in 2008 and the successful use of the convention to oppose mining threats to the binational US–Canadian site, Waterton–Glacier International Peace Park, an intervention now widely recognized as one of the success stories of the convention.

### **Everglades National Park and the List in Danger**

The World Heritage Committee held its 17th session in Cartagena, Colombia, in early December 1993. For the US, the most significant event was the inscription of Everglades National Park on the List of World Heritage in Danger. “There were a lot of people,” former OIA World Heritage specialist Richard Cook recalled, who felt that Everglades should have been listed as endangered at the time it was inscribed.... [Its problems] go back to when the park was established in '47, and the first levies and canals were put in in '48. It was almost given a death wish at the beginning!”<sup>2</sup> The immediate event that triggered the listing was the devastation caused by Hurricane Andrew in August 1992. Dick Ring, who had arrived as superintendent at the park only a month before the hurricane struck, provided the committee with an update on the condition of the Everglades.

In the discussion leading to the Danger Listing, the United States pointedly refrained from intervening, in order to demonstrate support and reinforce the newly revised *Operational Guidelines*, which did not require participation in the decision by the country concerned. Following the Committee decision to inscribe the site on the Danger List, Robert Milne, the chief US delegate, noted that, as in other sites on the Danger List, the function of the list was to aid in a site's recovery, giving it added attention and the consequent political momentum

for improvement that was so often necessary. Recognizing the long-term nature of both the threats and the solutions, NPS authorities expected the site to remain on the List in Danger for a decade or more. (The site was removed from the List in Danger at the request of the Bush administration in 2007 [see below], but was reinstated three years later.)

### **The downsizing of OIA**

In the meantime, a government-wide downsizing had a major impact on NPS programs and on OIA in particular. Bill Clinton had come into office on a pledge to reduce the size of government. In February 1993 he announced plans to reduce civilian federal employment by 100,000 by the end of 1995, to be spread evenly across all departments. The new Park Service Director, Roger Kennedy, refused to allow the Office of Management and Budget to determine NPS priorities and instead announced that the agency would direct its own reorganization to meet the government's reduction goals. Vacancies in the parks were filled by staff in Washington, draining much of the professional staff out of headquarters positions. "We ended up with something like four secretaries and three or four professionals," former OIA Chief Sharon Cleary recalled. "It was like a ... 50% cut in staff in International Affairs. And it was called 'Operation Opportunity.'"<sup>3</sup>

"Op-Op," as it was nicknamed, moved Rick Cook, OIA's longest continuously serving Park Service staff with the World Heritage program, to Everglades National Park in 1994. But the decade had already seen other losses to the program. The International Short Course in the Administration of National Parks and Equivalent Reserves, the pioneering NPS program to share Park Service expertise with park agencies around the world, had come to an end in 1991; by the end of the decade, the links between the Peace Corps and OIA would also cease, and in 2001 the interagency agreement that had supported the Peace Corps program since 1972 was allowed to expire.

Cleary became the new chief of International Affairs in 1994, replacing the retiring Rob Milne.<sup>4</sup> Cleary had been an officer in the State Department's Bureau of Oceans and International Environmental and Scientific Affairs focused on US Agency for International Development (USAID) projects. Her success there had impressed Milne and former NPS Director Bill Mott enough so that they recruited her to run USAID projects for OIA, at that time often mired in bureaucracy. Once in OIA, Milne recalled, Cleary "proceeded to get for us unprecedented USAID funds and resolve many intellectual property rights issues that were holding up bi-national and multilateral agreements for us."<sup>5</sup>

Internally, with Director Kennedy's support, Cleary began to reorient the office. Whereas previous directors, like Mott, had enthusiastically endorsed the international role that the Park Service could play in bilateral programs with sister agencies, Kennedy thought the Park Service had no role in international conservation activities, which he thought were more properly the province of his former institution, the Smithsonian.

### **The last US nominations**

The last nominations to be presented to the committee before the United States decided to take a "pause" were three widely differing proposals brought to the committee's 1995 session

in Berlin. Of the three, only Carlsbad Caverns National Park in New Mexico was inscribed without debate.

**Historic District of Savannah.** The proposal to list the Historic District of Savannah, Georgia, was less successful. Although Savannah’s Historic District had been included on the US Tentative List when it was first published in 1982, OIA was unable to identify how it could be proposed without obtaining the agreement of all property owners in the district, a US requirement for any nominations to the World Heritage List. As a result, a nomination was prepared for the historic plan itself—the network of streets and squares that had been laid out by James Oglethorpe—but without including any of the privately owned buildings. The city was insistent that it be proposed, and OIA forwarded the nomination to the World Heritage Centre in October 1994.

Predictably, both the International Council on Monuments and Sites (ICOMOS, responsible for evaluating cultural properties for the committee) and the committee thought that the exclusion of the entire historic urban fabric was “not in the spirit of the World Heritage Convention,” and deferred the nomination until the entire townscape could be nominated, a condition that the US delegation acknowledged could not be met.<sup>6</sup>

**Waterton–Glacier International Peace Park (with Canada).** The nomination of Glacier National Park (Figure 1), ultimately inscribed in 1995 with its adjacent Canadian

**Figure 1.** Glacier National Park (Going to the Sun Road), August 2007. National Park Service photo by Jonathan Putnam, NPS Office of International Affairs.



counterpart, Waterton Lakes National Park, had the longest road to inscription of any of the US nominations. When the site was first submitted in 1984, IUCN (then the International Union for the Conservation of Nature and Natural Resources, responsible for evaluating natural properties for the Committee), concluded that its significance was less for its glaciers and plant biomes than as an international peace park. (With Waterton Lakes in Alberta, the parks had been designated the world's first international peace park in 1932.) With the agreement of Canada, a joint nomination was prepared for submission in December 1985. However, at the last minute, the provincial government of British Columbia (which borders on the park to the west) halted the process, considering that the nomination would jeopardize possible mining activities and "ongoing studies of the proposed Cabin Creek coal mine by the International Joint Commission [for the US-Canada Boundary Waters Treaty]."<sup>7</sup>

The Cabin Creek Coal mine on a tributary to the upper reaches of the Flathead River in British Columbia had been a source of concern between Montana and British Columbia since it was proposed in 1975. The river flows into the US along the western border of Glacier National Park, and environmental groups had quickly mobilized in opposition. In 1976, the US portion of the Flathead River was designated a Wild and Scenic River. Ten years later, just as the joint Glacier-Waterton Lakes nomination was being prepared, the US and Canada brought the dispute to the International Joint Commission (IJC), which in 1988 determined that pollution from the coal mine six miles north of Glacier National Park would violate the 1909 Boundary Waters Treaty between the United States and Canada. (Almost a quarter-century after the Cabin Creek decision, mining in the Flathead basin would be the source of another dispute, resolved in large part because of the Waterton-Glacier World Heritage designation. See below.)

In 1993, Dave Mihalic, newly appointed superintendent at Glacier National Park, decided to revive the nomination. With OIA, Mihalic set about assembling a new nomination, submitted in 1993 as the "Glacier and Waterton Lakes National Parks." IUCN, however, was still not enthusiastic. The IUCN evaluator thought that the site was not a strong candidate, considering the presence nearby of the Canadian Rocky Mountains Parks World Heritage Site. However, in extensive debate, often heated argument, and a culminating IUCN site visit in October 1995, OIA and the park made the case that the "tri-ocean hydrographical divide" (separating the Pacific, Atlantic and Arctic oceans) and the physiographic interface of mountain and prairie ecosystems combine to make the area an "outstanding example of ongoing ecological and biological processes." IUCN's eventual positive recommendation cleared the way for its inscription at the December 1995 meeting,

### **Yellowstone National Park and the List of World Heritage in Danger**

At the same 1995 committee session, Yellowstone National Park, the oldest US national park and among the first group of 12 sites to be inscribed on the World Heritage List in 1978, was inscribed on the List of World Heritage in Danger (Figure 2). Like the inscription of Everglades two years before, on the surface it must have seemed to the committee another instance in which the United States recognized that it could win public support to counter threats to one of its iconic World Heritage sites. The proposed operation of the New World Mine, just outside park boundaries, was widely believed to pose a serious threat to the Yellowstone's



**Figure 2.** Grand Canyon of the Yellowstone River, Yellowstone National Park. National Park Service photo by Jonathan Putnam, NPS Office of International Affairs.

water, recreational assets and wildlife habitats in the event of an accident. The director of the World Heritage Centre related the findings of the assessment mission that had taken place in September, and then informed the committee of the 37 North American leaders who joined the call for a Danger listing, including former President Jimmy Carter, Russell Train, former Secretary of the Interior Stewart Udall, several Hollywood actors, and past and present members of Congress.

The US pointedly did not take part in the debate over listing, considering, as it had in the case of Everglades two years before, that the decision was the committee's to make. When asked by the committee to comment, the US delegate said only, "The US is very much in favor of any action the Committee may wish to take at this time." Following the committee's decision, the delegation head, NPS Deputy Director John Reynolds, took the floor, recalling that his father had been a park ranger at Yellowstone when he was born, and Yellowstone was where he had spent the first eight years of his life. He told the committee "how much this hurt the United States to have this happen, [but] how it was absolutely the correct thing to do because of the conditions in Yellowstone."<sup>8</sup>

But although the inscription of Yellowstone on the Danger List went smoothly through the committee, it would have a significantly more lasting impact on the US World Heritage program. The issue had been first brought to the attention of the committee in letters to the World Heritage Centre the preceding February by environmental organizations. In

June, Assistant Secretary of the Interior for Fish and Wildlife and Parks George Frampton expressed the concerns of the department over the threats and invited the committee and IUCN to undertake an assessment mission.

At the invitation of the National Park Service, the mission arrived in early September for a three-day fact-finding mission. The initial concern of the team, as reported in the local press, was that the entire “Yellowstone ecosystem” should be protected. According to the *Billings Gazette*, the World Heritage Committee chairman recommended that the US “expand Yellowstone Park to encompass millions of acres of national forest that surround it” since the forest belonged to the same ecosystem. The *Casper Star Tribune* reported that, according to the World Heritage Centre’s director, with the 1978 nomination the US effectively “pledged to manage the surrounding lands in a way that would protect the park.”<sup>9</sup>

The outcry that followed was immediate, but although members of the mission subsequently retracted their statements over the protection that should be afforded areas outside of the park, the damage had been done. The concern was raised that federal land-use decisions, dictated by World Heritage designations, “could undermine local land-use decisions ... perhaps without the advice or knowledge of local authorities or property owners.” The following June, Congressman Don Young of Alaska, chairman of the House Resources Committee, began hearings on an “American Land Sovereignty Protection Act” to amend the National Historic Preservation Act by requiring Congress to approve any nomination of sites to the World Heritage List. Although the House of Representatives passed various versions of the act in successive Congresses, the related bills never passed the Senate.<sup>10</sup>

The contrast between public opinion over the inclusion of Everglades National Park on the List in Danger and that of Yellowstone two years later is stark: in retrospect, it seems clear that the damage was done not so much by the act of inscription as by the publicity surrounding the initial mission. (No comparable mission had taken place before the Everglades inscription, and Dick Ring had carefully prepared all levels of government in advance.) For the department and park staff, however, the visibility of the mission was part of the message. They had not anticipated the reaction, and the controversy would have lasting repercussions.

In the view of William W. McIlhenny, chief of the US Observer Mission in Paris between 1995 and 1999, the greatest impact of the controversy was in scaring the NPS international office and the political leadership there, dependent as they were on Congress for appropriations for all of their activities. “I think they came to see participation as a vulnerability, as something that really didn’t gain us anything and entailed a net risk for them. So that it dampened down OIA’s enthusiasm for participation for a while.”<sup>11</sup>

At the same time McIlhenny acknowledged the concern already raised by the committee that states parties already well-represented on the World Heritage List should refrain from new nominations. It was a point taken up by the new OIA chief, Sharon Cleary: “When is enough enough?”

I know at one point while I was heading up OIA, I looked at [the World Heritage List], and I said, ‘We’re going to take a pause, because we’ve got 20 sites on this List,

and you know what? There are countries that still haven't signed on.... Someone has to set the example.<sup>12</sup>

After the inscription of Carlsbad Caverns National Park and the joint nomination with Canada of Waterton–Glacier International Peace Park, the US would make no further nominations to the World Heritage List for another fifteen years. It would not be until 2010 that another US site would be inscribed, the northwest Hawaiian island chain, Papahānaumokuākea Marine National Monument, following the successful revision of the US Tentative List in 2008.

### **Japanese nomination of Hiroshima**

For the US as a committee member at its 1996 session in Merida, Mexico, the primary issue was the Japanese nomination of Hiroshima's Genbaku Dome (the only structure left standing in the area where the first atomic bomb exploded on 6 August 1945), which was presented to mark the 50th anniversary of the dropping of the bomb. What made it especially difficult—in a US presidential election year—was the very heated political atmosphere that then existed over the Smithsonian Institution's controversial exhibit of the *Enola Gay*, in which conservative historians questioned the exhibit's interpretation of events surrounding the dropping of the bomb.

For the State Department's Bill McIlhenny, it was a classic example of a case where a decision needed to be taken by diplomats, rather than technical experts:

I think politically we were sort of afraid this could stir up even more anti-World Heritage sentiment that had been building ... after Yellowstone was inscribed on the List of World Heritage in Danger.... So, it was one of these things where we took soundings and talked to other delegations and ultimately I remember getting clear instructions from Washington that we were to work for the smooth adoption of that. (This was at the eleventh hour.)<sup>13</sup>

At the committee session in Mexico in December, there was much debate about the nomination, especially the fact that it was proposed under criterion (vi) only—the associative category that the committee usually avoided using by itself. And although the US delegation was supportive of the nomination and worked with other delegations in the corridors to promote it, in the end the Clinton Administration, through the State Department, insisted that the US “disassociate itself” from the vote on the nomination. Reflecting the very public debate over the Smithsonian's exhibit, the delegation's official statement, published as part of the committee's report, regretted the absence of historical perspective in the nomination. “The events antecedent to the United States' use of atomic weapons to end World War II are key to understanding the tragedy of Hiroshima. Any examination of the period leading up to 1945 should be placed in the appropriate historical context.”<sup>14</sup>

But in the end, Reynolds recalled, “the only news coverage that I know of actually was right after the vote.... I was met coming out of the Committee room by a gaggle of Japanese TV reporters. But that went fine. And I think it's because of that strategy we worked out—the



strategy basically was: we did not vote for it, but we worked quietly behind the scenes to make sure that it passed.”<sup>15</sup>

The session was Deputy Director John Reynolds’ second as head of the US delegation, but he gave the delegation a stature that most, increasingly staffed by UNESCO ambassadors, lacked. A landscape architect by training, Reynolds had grown up in the Park Service. “He gave us particular credibility,” McIlhenny remembered,

and in that strange situation where we were not a member of UNESCO, and yet we were participating very wholesomely and funding generously this UNESCO program, there was some political resentment against us. Had we tried to have a political head of delegation, I think we would actually have had more drag on what we were trying to do. The fact that we had someone like John Reynolds, whose integrity was so respected, who was understood to be such a committed conservationist and a no-bullshit guy, and someone who knew what he was talking about—to have someone of his technical caliber gave us an influence and credibility in our participation at the Committee meetings that it would have been impossible to have if, for example, I had been the nominal head of delegation, or a political appointee from Washington.<sup>16</sup>

“You know, I stop and think,” former OIA Chief Rob Milne reflected,

if things had been a little different.... To have the U.S. delegation headed by John Reynolds for more than just a few years would have made an immense difference. He had both the weight, and the experience and the vision to be very good ... very good for the *Committee*. He was a very understanding guy; he empathized with issues and situations; and [he could] be creative ... and deal with the politics with grace and success.<sup>17</sup>

### **‘W’ National Park, Niger, and the authority of the committee**

A foretaste of the politicization that would come to dog the committee a decade later can be seen in the contentious debate at the 1996 session over the inscription of ‘W’ National Park in Niger, a portion of a larger tri-national park on the Niger River shared between Niger, Burkina Faso, and Benin. The heavy lobbying by Niger (whose head of delegation was also the committee’s rapporteur) distressed many observers, but despite clear and cogent arguments by IUCN, the US and German delegations, and others, the site was inscribed by a vote of 12 to 4 with 3 abstentions. In a strongly worded rebuke, John Reynolds, speaking for the US delegation, criticized the committee for allowing itself to be manipulated. His statement, which he asked be annexed to the report, and which also has application to more recent actions of the committee, reads in part:

Divergence from the *Operational Guidelines* now and then, especially when not related directly to the main purpose of this body is certainly tolerable, so long as all delegations, large and small are treated fairly.... The criteria are tough and comprehensive because of the need to protect the integrity of this body so that we are seen as the highest [forum] of conservation and preservation decision

making.... We made a sham of our integrity this week.... Why is that important? It is important, because conservation and preservation of the best of this world is a constant battle, and an uphill battle at that. 'The force' is not always, perhaps not even usually, with us. Our most important weapon is our integrity.... We tarnished our integrity by not following our own procedures. The result is that we may not be as well respected when we leave as we were when we got here.<sup>18</sup>

Despite the minority position the US took over the nomination of 'W' National Park, the US expectations for the committee as a strong and independent technical body were widely shared among other members. At its session in Naples a year later, the chairman was the Italian international jurist and legal advisor to the Italian Ministry of Cultural Affairs, Francesco Francioni. In a strongly worded debate with the UNESCO comptroller, recorded in the committee's report of the meeting, the chairman

challenged the suggestion that the Committee was in any way subordinate to UNESCO. He characterized the Committee and UNESCO as institutions of equal standing that ought to operate in a cooperative manner and described as "wrong" the "idea that the World Heritage Committee is not in a position to give opinions on activities, initiatives or programmes that affect the very object and purpose of the World Heritage Convention."<sup>19</sup>

"It should be clear," Francioni stated, "that the World Heritage Committee is an intergovernmental body elected by the States Parties to the World Heritage Convention, made up of sovereign states accountable to the General Assembly of States Parties."<sup>20</sup>

In the absence of a strong chairman, the authority of the committee has often been manipulated to benefit the political aims of individual states parties or, for that matter, the promotional policies of UNESCO. Indeed, in the view of much of the public and the media, the role and responsibilities of the World Heritage Committee have been often confused by UNESCO activities undertaken on behalf of the convention and the committee. In particular, "ownership" of, and responsibility for, the World Heritage List is often mistakenly assigned to UNESCO, instead of to the independent and intergovernmental World Heritage Committee.

**Kakadu National Park, Australia.** The last major issue the US delegation dealt with before stepping off the committee, and one of the most significant for the committee in the 1990s, was the debate over the mining activities in an enclave within Kakadu National Park in Australia. It was a triumph of the delegation led by Karen Kovacs (later Karen Trevino) that, while it preserved the committee's right to inscribe a site on the List in Danger over the objections of Australia, it was able nevertheless to craft a diplomatic solution calling for corrective measures without inscription on the List in Danger.

Kovacs, who led the delegation in its last two years on the committee (1998–1999), was the assistant secretary of the interior's senior legal counselor. She brought to the delegation a close study of the legal aspects of the convention, which had been part of her law school thesis. This "intimacy" with the convention, she said, "fueled the conviction that Danger Listing was pretty much the only teeth the Convention has. I really did not want to be part of watering it down, or making it irrelevant."<sup>21</sup>

Kakadu's traditional owners, the Mirrar Aboriginal people, and many environmentalists, had argued that the proposed mine and related mining activities would endanger the Park's World Heritage values, a view vigorously contested by the Australian government. A fact-finding mission to Kakadu in November 1998, led by the committee chair, Francesco Francioni, concluded that the World Heritage values were threatened, and when the committee met in Kyoto a few weeks later, a number of committee members asked for immediate inscription on the List in Danger. The US was instrumental in developing a compromise position, and substantive consideration was delayed to permit additional review. A special meeting (the committee's "Third Extraordinary Session") was called for July 1999.

NPS Deputy Director John Reynolds described the unusual difficulties of the meeting:

First, the primary issue, listing Kakadu was highly controversial because of the political situation in Australia. To make matters more difficult, the issues were ones of unusual technical difficulty because of the uranium mine and also the aboriginals. Second, the Australian Government was taking the issue directly to the Governments of the countries on the Committee at the highest possible level. Third, Australia is historically a highly respected and dependable ally of the United States, and, just to top it all off, Congressman Don Young, Chairman of the House Resources Committee, dispatched two members of his investigative staff to observe the entire meeting, with Congresswoman Helen Chenoweth arriving on the final day.<sup>22</sup>

Ultimately, it was Kovacs' recognition that a finding of potential dangers did not *automatically* require the committee to list a site on the Danger List that provided the solution to the ultimate consensus statement. In the end, the committee bypassed the question of Danger listing and developed a "programme of corrective measures" that were acceptable to Australia.

### **Disengagement, 1999–2002**

The US did not run again for the committee at the General Assembly in October 1999. Except for four years in the mid-1980s, the US had served on the committee continuously from its first meeting in 1977 until 1999. The decision not to seek a third consecutive term was motivated at least in part by previously expressed US support for rotation of terms on the committee. In addition, both the State Department and the National Park Service undoubtedly hoped to keep a low profile, while debate over the role of the United States in international organizations was focused in Congress.

So, too, the lower priority for the Park Service's engagement in international activities, promoted under NPS Director Kennedy, also played out in NPS attendance at committee sessions. In the view of OIA Chief Sharon Cleary, there didn't seem to be any need to attend the committee session if the US was not on it.<sup>23</sup> As a result, no Interior Department representatives attended either of the committee sessions in 1999 or 2000, and only Cleary represented the department at the 2001 and 2002 meetings.

### **Reform**

However, just as the US was disengaging from active participation in the convention, the

committee itself was embarking on a series of radical “reforms” that would significantly affect its own conduct over the next decade.

Three separate dynamics played out in the period 1999–2003. On the one hand, the committee’s workload, under the pressure of a growing number of nominations, was becoming unmanageable.

At the same time, there were growing political demands by states to place their own sites on the World Heritage List, increasingly seen as a “right,” rather than an obligation or a conservation responsibility. The “Global Strategy,” defined in 1994 as a tool to achieving the ‘democratization’ of the World Heritage List, was designed to give a balanced distribution of World Heritage sites to all regions and all cultures. Now many states saw democratization of the committee as a means to achieving the goal of the Global Strategy. How could a committee of 21 members (as required by the convention) fairly represent (what was then) 160 states parties of the convention? they asked. A third dynamic, less visible than the other two, but which would also have long-term consequences, was the struggle for authority between the committee and the its seven-member executive bureau. With the increasing importance of nominations to many committee members, the bureau’s prior review left them without an opportunity to defend their own nominations.

These dynamics all came to a head at the committee session in December 2000 in Cairns, Australia, with the reports from four separate working groups. Among other “reforms,” the committee decided to recommend that candidates for the committee voluntarily reduce their terms of office from six to four years (simultaneously, they discouraged states from two or more consecutive mandates); they rejected proposals for subcommittees that had been designed to free up committee time (small delegations, which did not have enough members to participate, didn’t wish to be ‘left out’); they decided to set an annual limit to the number of nominations the committee would review (with exceptions), set to 30 for the next full cycle, and one per state party, although this would be subject to future review; they abolished “extraordinary” committee and bureau sessions; and they revised the committee’s calendar so that in the future it, rather than the bureau, would meet in June, prior to the biennial General Assembly (Figure 3). (The bureau’s original calendar slot in June gave it an agenda-setting role for the General Assembly.) The separate bureau session was relegated to a slot in March/April, but increasingly seen as redundant and irrelevant, bureau sessions held independently of committee meetings would be finally abolished in 2003. The result was to



Figure 3. Twenty-eighth Session of the World Heritage Committee in Suzhou, China, June 2004. Author’s photo.

place an even greater workload on the annual committee session. (In two instances, in 2002 and 2004, unable to complete its regular agenda, the committee had to schedule a second “extraordinary” session to complete its work; and in 2012, the committee scheduled a 12-day working session.)

The “Cairns Decision” (later the “Cairns Suzhou Decision”) has come to mean the limit on nominations, but in reality, the suite of “Cairns Decisions” as a whole had a greater impact on the future of the convention. In effect, it was at Cairns that the committee took a significant step from being an international tool for conservation to becoming a “geopolitical” instrument.

In a sense, the United States disengaged from World Heritage activities at just the wrong moment, and there is little evidence that it saw more than the symptoms of the struggle that was going on as the committee tried to grapple with its own reform.

### **Re-engagement**

The US return to UNESCO in 2003 brought a reawakened interest by the Department of the Interior in the work of the Committee. Paul Hoffman, the former Director of the Chamber of Commerce in Cody, Wyoming, had been named the new Deputy Assistant Secretary for Fish and Wildlife and Parks in 2002. From Cody, one of Yellowstone’s “gateway communities,” Hoffman had a close-up view of the controversies which buffeted the park, including the New World Mine proposal. While he took no stock in UN conspiracy theories which often seemed to fill the mountain west news, he did think that communication—both by the mine proponents and by the NPS—had been poorly handled. An adversarial confrontation did not assist conservation, he believed. As a consequence, he shared the view of several like-minded states parties to the convention that the List in Danger designation would not accomplish the task the convention intended it to do if the state party was opposed to the designation.<sup>24</sup>

The first meeting Hoffman attended was the Sixth Extraordinary Session in March 2003. The most significant of the agenda items was the adoption of the revised *Operational Guidelines*, and in particular, the debate over state party consent to List in Danger inscription. A complete overhaul of the *Guidelines* had been one of the ‘reform’ tasks set by the committee in 1999, but despite two subsequent sessions and two special drafting sessions, it had been unable to agree on a new text. The chief obstacle had been over state party consent to inscription on the List of World Heritage in Danger. The March 2003 meeting, it was hoped, would finally bring closure to the issue.

In the debate on the issue, Hoffman recalled, most of the committee members speaking had favored a more explicit revised text in which inscription on the Danger List did not require state party consent. About two hours into the debate, the chair gave the floor to comments by the observer delegations. Hoffman read a prepared statement in which he reminded the committee that the United States was “the only developed nation with sites on the List of World Heritage in Danger.” Its position was that inscription on the List in Danger “cannot and must not occur without the consent of the State Party on whose territory the property is situated.”<sup>25</sup> Following Hoffman’s lead, other observers, led by the Australian delegation, supported the US view, and a vigorous debate followed for several days, not resolved by the

establishment of a working group to reach consensus. In the end, the committee, unable to agree on a revised text, agreed that the existing *Guidelines* text concerning inscription on the List in Danger was adequate, and no change would be made.

**Yellowstone comes off the List in Danger.** When the Committee met three months later for its regular 2003 session, Hoffman, with his trademark cowboy hat, was already a familiar figure as a new controversy erupted over the proposal to remove Yellowstone from the List of World Heritage in Danger. The US had already submitted a report on the site, noting that the principal threat, from the proposed mine, had been resolved, and other, lesser threats, such as those to the bison and cutthroat trout populations, were also being addressed. IUCN had agreed with the assessment, and the draft decision prepared in advance of the committee session called for removing the site from the List in Danger.<sup>26</sup> However, two environmental groups opposed to the removal of Yellowstone from the Danger List, the Greater Yellowstone Coalition and the Natural Resources Defense Council, had rallied their members and inundated UNESCO with thousands of e-mail messages condemning the proposal. “And to a certain degree,” Hoffman admitted, “I guess it achieved its desired purpose because it stimulated many members of the Committee to question whether the site should be delisted.” The result, Hoffman said, was a long three-hour debate, only concluded with the concession by the US that it would continue to provide reports to the committee on progress in resolving the remaining issues facing the park.<sup>27</sup>

**The new US Tentative List.** The US Tentative List, with minor modifications, had existed almost unchanged since 1982. The April 2005 Expert Meeting in Kazan, Russia, to review how the concept of outstanding universal value could be applied consistently to sites being proposed for inscription, was, for Hoffman, the moment of inspiration: if Tentative Lists are “the test against which you measure outstanding universal value,” then a revision to the old list was essential before the US could even consider nominating additional sites to the World Heritage List.<sup>28</sup>

On Hoffman’s initiative, OIA re-engaged Jim Charleton, who had created the first Tentative List nearly a quarter of a century earlier. However, instead of a “top-down” approach, OIA solicited proposals from interested organizations who believed their properties met the criteria for inscription. Charleton designed an application form based largely on the existing World Heritage nomination form. OIA received 35 Tentative List proposals. After review by both internal and external reviewers, the final Tentative List, submitted to the World Heritage Centre in early 2008, consisted of fourteen properties, including nine cultural properties, four natural properties, and one “mixed” (natural and cultural) property. (As noted above, the mixed property, Papahānaumokuākea Marine National Monument, Hawaii, was inscribed on the World Heritage List in 2010, the first US site to be inscribed since 1995.) An additional eleven properties were identified for future consideration. The US delegation used a Fourth of July reception at the committee’s 2008 session in Québec City, Canada, to present the publication of the US’s new Tentative List, in a glossy 48-page publication.<sup>29</sup>

**Periodic reporting.** After many years of discussion, the committee in 1998 had finally adopted a program, known as “Periodic Reporting,” to regularly examine the state of conservation of all World Heritage sites, similar to one that had been proposed by the United

States in 1982 (see the preceding essay of this series). The committee established a six-year cycle of submissions, beginning with the Arab States region in 2000, and concluding with the Europe/North American region in 2005 and 2006.

The United States and Canada had decided from the start that its periodic reporting submission would be a joint exercise. Stephen Morris, newly recruited to organize the US side of the exercise, recalled the start of the process in a big orientation meeting in Los Angeles in January 2003, attended by all of the US and Canadian site managers, as well as both the Park Service directors for cultural and for natural resources, Katherine Stevenson and Mike Soukup. The two-year collaboration included two joint site managers' meetings, a stakeholder consultation process, and collaboration in preparation of a joint regional report.<sup>30</sup>

At the 2005 committee session in Durban, South Africa, the US and Canada presented the results of their collaboration. Among the recommendations were that the World Heritage Committee should undertake research on how to recognize the importance of local populations residing within and/or adjacent to natural World Heritage sites, clarify requirements for management plans, and develop guidelines for evaluating visual impacts on World Heritage properties.<sup>31</sup>

The process was a major effort, and the Canadian delegate, Christina Cameron, commented afterwards that the in-depth overviews of the status of sites were far more useful than the individual State of Conservation reports that the committee examined at every session, which she considered “brush fires.”<sup>32</sup> Morris, who succeeded Cleary as OIA chief in 2004, agreed: “We did a tremendous amount of work, but who was actually going to be processing the information and putting it to use? ... [If the reports were better utilized] ... a lot less State of Conservation reporting would need to take place.” Using the example of the continued requests for reports on Yellowstone, he suggested that better use of periodic reports to provide this baseline data might improve the way the committee reviews the state of conservation at individual sites.<sup>33</sup>

One positive outcome of the Periodic Reporting process was the establishment of “Statements of Significance” for each North American site. As a pilot project for other regions, Statements of Significance for North American sites were approved by the committee at its 2006 session. Following an expert meeting in April 2007, Statements of Significance were expanded as “Statements of Outstanding Universal Value” (OUV). Participants at the meeting agreed that statements of OUV in effect amounted to a ‘contract’ between the state party and the committee, as to the specific values that state parties would maintain at each site. The statements of OUV “were really the *linchpin* ... to remind the Committee that these are the values we care about.” The US position was that clearly defined statements of OUV should also deter the Committee from a tendency of “*mission creep*—looking at issues outside of the agreed-upon OUV as areas of concern.”<sup>34</sup>

### **The US returns to the committee (2005–2009)**

At the General Assembly that fall (October 2005), the United States was elected to the committee. Like most of the 28 candidates for the twelve seats, following the Cairns reforms in 2000 the US pledged to limit its mandate to four years, rather than the six years to which

it was entitled under terms of the convention. As a further statement of their impartiality in evaluations, both the US and the Netherlands also pledged that they would not put forward any new nominations during their term in office.

**Vilnius, Lithuania (2006), and the secret ballot.** The committee's session in Vilnius in early July 2006 was the first regular session for the US as a committee member since 1998, and the first since 1982 in which the US had been a member state of UNESCO. Paul Hoffman and Ambassador Louise Oliver, the US Permanent Representative to UNESCO, led the delegation. During the US term on the committee, Ambassador Oliver took a keen interest in the committee's attempts at structural reform; she insisted, one committee member recalled, that the committee's budget decisions be consistent with its previous decisions; and she worked to improve the financial situation of the World Heritage Centre. At the 2006 session, with the full backing of the committee, she had called for a management audit to identify the organizational strengths and weaknesses of the centre. In 2007, following the absorption of the centre into UNESCO's Culture Sector the year before, she led the committee's call to reinstitute full "operational autonomy," recognizing that the new responsibilities that came with the Culture Sector were interfering with the centre's work for the committee and its "timely responses" to site emergencies.<sup>35</sup>

The session in Vilnius was notable for the introduction by the US of the first use of the secret ballot, a long unused provision of the committee's *Rules of Procedure*; like most UN bodies, the committee was more accustomed to take its decisions by consensus, and few even remembered the rule existed.

Among the new nominations being reviewed by the committee, one site, a cultural landscape in south-central France, the Causses and the Cévennes, proved particularly contentious. In its evaluation, ICOMOS reported that it had difficulty identifying the site's outstanding universal value and recommended that the nomination should be deferred for further development. While France's allies on the committee, Spain and Tunisia, immediately rushed to its defense, Norway noted that if none of the criteria were met, then the site should not be inscribed. The debate continued over several hours, with breaks while a small working group tried unsuccessfully to reach a compromise. But as a new committee member, Hoffman had been reading the *Rules of Procedure* and thought he saw a solution. To the surprise of most committee members, the US delegation called for a secret ballot. The proposal was immediately seconded by Norway; Hoffman was appointed one of the tellers, and, he recalled, he used his cowboy hat to collect the paper ballots. Two separate votes were needed: the results of the first vote defeated an amendment to inscribe the site; the second accepted an amendment to "refer" the site back to the state party for additional work, rather than to "defer" the nomination for more extensive development of the nomination, as had been recommended by ICOMOS.<sup>36</sup>

Since 2006, the secret ballot has been used more often: in the period 2006–2010, according to a recent study, the secret ballot has been used twelve times in connection with 227 decisions concerning nominations. Five instances were in 2010 alone.<sup>37</sup> In the opinion of the US delegation, the use of the secret ballot should become routine. "Any time that it seemed to be that the Committee was going away from an Advisory Body recommendation, there should be a vote."<sup>38</sup>



Notably, at the 2006 session, the Committee also approved the US proposal for “benchmarks” for the eventual removal of the Everglades National Park from the List of World Heritage in Danger. The benchmarks had been developed by the US and IUCN during and after a mission to the Park undertaken by the Advisory Body the preceding April. The Committee’s considered approval, however, would stand in marked contrast with its decision a year later.

The following April (2007), at an expert meeting on benchmarks, Robert Johnson, director of the South Florida Natural Resources Center, and chief of natural resources for Everglades National Park presented the park’s benchmarks as a case study, “Lessons Learned from Everglades National Park, U.S.A.” The presentation laid out the history of the problem and the restoration initiatives that were being undertaken and the ecological benefits that would result.<sup>39</sup>

**Christchurch, New Zealand (2007), and the delisting of Everglades National Park.** Three months after Johnson’s presentation, Everglades National Park was abruptly removed from the List in Danger. Todd Willens had recently been named as the new deputy assistant secretary of the interior for fish and wildlife and parks, replacing Hoffman. Willens and Ambassador Oliver headed the delegation at the meeting in Christchurch, New Zealand. The committee’s annual state of conservation report, prepared by IUCN and the World Heritage Centre, had made no change to the recommendation for Everglades, but a number of committee members, who didn’t share IUCN’s view of thresholds and the role of the Danger List, persuaded Oliver and Willens that inscription on list had done the work it was expected to do—and now the site could be removed from it. The decision was probably helped by the printed IUCN recommendation, which appeared immediately below that pertaining to Everglades, to remove another site (Río Plátano Biosphere Reserve in Honduras) from the Danger List after much less effort by the state party. The decision to request that Everglades be removed from the List in Danger was the work of a moment, without consultation with Washington or with officials in the park. After thanking IUCN for its kind words about improving conditions at the park, “in light of the very significant progress made, [the delegation] requested that the Committee remove the property from the List of World Heritage in Danger on the understanding that it had no intention to change its plans for the continuing restoration of the property.”<sup>40</sup> Immediately after its request, delegations from India, Canada, Madagascar, Chile, and Benin all supported the request and praised the United States for its efforts. IUCN demurred and suggested a monitoring mission. Kenya and Spain supported the US, and then India, noting that other sites had been removed from the Danger List without a monitoring mission, said there was no need for one. Seeing an apparent consensus of committee members, despite the objections of IUCN, the chair declared the decision adopted as amended.

The sense of accomplishment at the committee session was not shared by most of the US environmental community, park staff, or US Senator Bill Nelson of Florida. The Bush Administration was accused of “bending science to suit its politics.” Senator Nelson, a member of the Senate Foreign Relations Committee, which oversees State Department appropriations, was furious that this had been allowed to happen. “And basically he asked the State Department,” OIA Chief Stephen Morris recalled, ““Don’t you require your ambassador to check back in with you before taking an action like this?””<sup>41</sup> Nelson argued

that the Everglades restoration project was still less than half finished and still threatened by Florida developers.

Bob Johnson, the Everglades scientist responsible for the benchmarks, was more sanguine: “There’s always been a kind of pressure from the Washington level to say, ‘Okay, we’ve got a plan, now take us off the list...’ I think for the Bush administration, it was seen as a black eye to be on that list.”<sup>42</sup>

Two years later, newly appointed Secretary of the Interior Ken Salazar announced that the Obama administration was taking steps to restore the Everglades National Park to the Danger List. “The Everglades,” he said, had been “hastily removed from the list in 2007 at the request of the previous Administration without adequate consultations with the National Park Service, the state of Florida and other stakeholders.”<sup>43</sup> At its meeting in Brazil in 2010 (Figure 4), the World Heritage Committee re-inscribed the park on the Danger List. At the time, the US delegation reiterated its view of the Danger List as a positive tool “to draw international attention to threats facing sites of global significance and to galvanise worldwide support for the protection of these sites for their importance to humanity.”<sup>44</sup>

**Québec and the Temple of Preah Vihear (2008).** The full story of the 2008 committee session in Québec City (Canada) remains to be written. Heavy lobbying by some senior UNESCO and French officials for the inscription of the Cambodian Temple of Preah Vihear at both the 2007 and 2008 sessions, despite the site’s location in a sensitive border region along the Thai border, dominated the meeting. US Ambassador Oliver, working in both sessions with both the Thai and Cambodian delegations, helped to draft the final 2008

**Figure 4.** U.S. Observer Delegation at the 34th session of the World Heritage Committee, Brasilia, Brazil, July 2010. National Park Service photo by Jonathan Putnam, NPS Office of International Affairs.



decision that inscribed the site. Nevertheless, it was clear that the Thais were not happy with the inscription.

While the outstanding universal value of Preah Vihear was never questioned, the issue was about sufficient boundaries to protect the site. The nomination was exacerbated by the unstable state of Thai politics, and the inscription ultimately resulted in artillery bombardment, injuries, and deaths on both sides. According to a former World Heritage Centre official, the nomination should never have been allowed to come up. UNESCO, the official said, is “NOT a battle ground for border issues. We have enough problems without getting into issues that the UN itself hasn’t been able to resolve, especially for a site whose state of conservation had not been under particular threat, and [and whose] inscription led to exposing the site to armed conflict.”

At the same meeting, State Department officials used a review of a draft decision concerning the World Heritage site “Medieval Monuments in Kosovo (Serbia)” to push the US government’s case for the independence of Kosovo from Serbia, arguing at length that the name “Serbia” should be dropped from the title of the decision. (The United States had formally recognized the independence of Kosovo earlier that year.) The UNESCO legal advisor reminded the committee that it was bound to follow UN practice. As the UN as a whole had not recognized Kosovo’s independence, Security Council Resolution 1244 (1999) continued to apply. Despite multiple interventions by the US representatives, ultimately the committee chair ruled against accepting the US amendment.

**Waterton–Glacier returns, 2009–2010.** The committee’s 2009 session, and the US delegation’s last as a committee member, was held in Seville, Spain. For the delegation, the notable event was the committee’s consideration of threats to the joint US–Canadian site, Waterton–Glacier International Peace Park, inscribed in 1995 during the US’s previous term on the committee.

As in the 1980s, mining again was being proposed for an area of the upper Flathead River Basin in British Columbia. As early as 2008, US and Canadian nongovernmental organizations (NGOs) had begun a campaign to have the site placed on the List of World Heritage in Danger, a move also supported by Montana Senators Max Baucus and Jon Tester.

The US officially responded to the concerns raised by the NGOs in a letter to the World Heritage Centre in April 2009. The risks to the outstanding universal value of the site would “continue to exist indefinitely,” the US wrote, “unless these lands are protected from resource development.” Earlier findings had indicated that extraction operations in the upper Flathead Basin “could not be fully mitigated and would result in some level of impairment or degradation” of the property. The US letter also drew attention to the analysis by the IJC, which had examined the previous mining proposal in the Flathead basin in 1988. “The IJC was particularly cognizant of the potential risk of unusual events such as the failure of waste dumps and settling ponds and considered that these represented ‘an unacceptable risk’ to the river basin.”<sup>45</sup>

At the Seville meeting, the US and Canadian delegations requested that the World Heritage Centre and IUCN organize an evaluation mission to the property. In its decision, the committee recalled that the original nomination itself had noted that

the integrity of the property [was] inextricably linked with the quality of stewardship of the adjacent areas within the international Crown of the Continent ecosystem and that therefore the protection of the property's Outstanding Universal Value require that it be managed within the context of this greater ecosystem.<sup>46</sup>

The joint World Heritage Centre/IUCN monitoring mission took place the following September. "From our perspective," OIA Chief Stephen Morris and World Heritage specialist Jonathan Putnam recalled recently, the mission "was very effective.... [Participants from the World Heritage Centre and IUCN] came out, and they got a very good overview. We spent a few days in Glacier, and they talked to all the Fish & Wildlife Service, and USGS and State of Montana officials." But the single most effective tool, Putnam remembered, was "the airplane overflight. There is no better way to see how a place is connected than to physically fly over it and see—yes, there may be an international boundary here, or a park boundary, but they flew over the entire [region]. They also went north to Crowsnest Pass, where there are some gigantic mountaintop removal-type mines, and they saw that this was what was in store for the Flathead Valley." The early appearance of the damning conclusions of the mission's report in the British Columbia press in the approach to the Winter Olympics in Vancouver the following February was very effective, Putnam and Morris believed, in getting an agreement signed between the governor of Montana and the premier of British Columbia to ban any kind of mining or energy development on both sides of the border. The accord established new frameworks for transboundary assessments of forestry operations, wildlife connectivity, ecological health, and landscape change. In its report to the committee in 2010, the World Heritage Centre and IUCN called the signing of the agreement "historic" and "an extremely positive response to the needs for transboundary cooperation on the management, endorsed at the highest political level."<sup>47</sup>

### **Future of the World Heritage Convention**

With the approach of the 40th anniversary of the convention, the committee at its 2008 session in Quebec asked that states parties reflect on the future direction of the World Heritage Convention and submit proposals to be discussed at a forthcoming workshop. The US was among 44 states parties to respond, and in its submission of September 2008 highlighted seven issue areas:

- The emphasis on inscription over conservation;
- The failure to use the Danger List as it was intended;
- Devaluation of the World Heritage "brand" with sites that often seemed of less than global significance;
- Under-resourced World Heritage Centre and advisory bodies;
- Inconsistent and often inadequate comparative analyses for nominated cultural properties by ICOMOS;
- An overstretched World Heritage Committee, often addressing over 250 decisions, led to weak and poorly thought-out deliberations; and

- Increased politicization of the decision-making process with open lobbying by states parties for their own sites.

The US submission recommended four measures:

- Alternate committee sessions, separating consideration of new nominations from the state of conservation of inscribed sites;
- Limit inscriptions from well-represented regions;
- Increase resources for the World Heritage Centre and advisory bodies; and
- Institute secret ballots as a routine measure.<sup>48</sup>

The submissions were considered at a chaotic overflow workshop at UNESCO headquarters at the end of February 2009. While many states and experts recognized that the increasing size of the list was a serious issue, other states, notably from Latin America and Africa, vigorously objected, saying that more sites needed to be added. Even a senior World Heritage Centre official claimed that new inscriptions were “the life-blood of the Convention.” Both the United Kingdom and Barbados strongly supported the US proposal for increased use of the secret ballot, allowing states parties to follow their conscience rather than acquiescing to the political demands of other states.<sup>49</sup>

In the months following the workshop, some states parties were disappointed by the failure of both the workshop and the committee to address the issues that had been raised. When the General Assembly met later that fall, for the first time it took significant steps that had *not* been orchestrated in advance by the committee. It called for an independent evaluation by UNESCO’s external auditor on the implementation of the Global Strategy and the PACT initiative (a partnership program with the private sector begun in 2002), while at the same time accepting an offer from Australia and Bahrain to host an expert meeting in Bahrain in late 2010 on the decision-making procedures of the committee and the convention’s other statutory organs.<sup>50</sup>

**Report of the Bahrain expert group.** The expert group made a number of recommendations that the workshop had been unable to tackle, addressing both the workload issue and ways of de-politicizing committee decisions. Among the recommendations were that there be three committee sessions every two years, with the third session devoted to policy matters held concurrently with the General Assembly; that committee members not bring forward new nominations during their term, and that there be greater transparency in the committee’s work, with meetings live-streamed over the Web.<sup>51</sup>

At its session in Paris in 2011, the committee made an attempt to address the recommendations, and made the decision to hold three sessions every two years and to live-stream its sessions. (The committee’s 2012 session from St. Petersburg was Webcast in real time.) Other recommendations, however, including the prohibition on new nominations by committee members, were rephrased as suggestions.

**Report of the external auditor to the General Assembly.** The UNESCO external auditor made the presentation of its findings to the General Assembly in November 2011. The audit found that the “Global Strategy” was “an apparent consensus that masks divergent

interpretations in the absence of defined notions in the *Operational Guidelines*.” “Balance” and “representativity” for many states parties were interpreted according to purely geographic and political criteria, “forgetting that Outstanding Universal Value is the key condition for nomination to the List.” Therefore its first recommendation was for the Committee to define the “Global Strategy” and ensure that it was not in conflict either explicitly or implicitly with the convention. It found that many entries on states parties’ Tentative Lists did not fulfill the criteria for nomination and were a waste of preparatory assistance funds, and that despite regional meetings organized for the purpose, little progress had been made toward harmonizing these lists. The committee also came in for severe criticism due to the absence of technical specialists from delegations, as required by the convention. If specialists were not to be given a “central role,” then the convention should be reclassified as a “geopolitical” instrument, rather than an international instrument dedicated to the conservation of heritage. Like the Bahrain expert group, it recognized the self-interest of committee members reviewing nominations from their own countries and recommended that the practice be prohibited.<sup>52</sup>

In the discussion that followed the auditor’s presentation to the General Assembly, thirty-three countries took the floor to support the report. The US delegation expressed its “shock” at the breadth of problems, and called the report “an alarm bell to signal that the World Heritage Convention is seriously off track.” If the recommendations are not addressed, the delegation noted, “the consequences could be very detrimental to the Convention.” The delegation noted that it had “long called for the restoration of conservation as the main issue.” Now was the time to act.<sup>53</sup>

### **Epilogue: Into the next half-century**

As the last of this series of essays comes to an end, it seems fitting to restate the original intention of the United States in proposing the convention. Conservation was the original goal, as first articulated by the convention’s US proponents; identification of sites with outstanding universal value was the means to that end, not the goal. The emphasis on conservation must remain the convention’s true aim and the US implementation of it. Based on the foregoing review of the Park Service’s role in the convention, the writer offers some thoughts on the US role in the convention in the next half century.

The 2011 admission of Palestine as a member state of UNESCO (and a state party to the convention) has triggered two US laws from the 1990s prohibiting the US payment of dues to UNESCO or to the World Heritage Fund. While the non-payment of dues may not affect the ability of the US to vote in the General Assembly, it would limit the effectiveness of any moral leadership the US might try to exercise. The international suggestions below assume that this state of affairs is of no long duration.

**Concerning the World Heritage Committee.** Since its most recent service on the committee ended in 2009, the US has remained an active participant in World Heritage meetings. A fully engaged US delegation can continue to help guide the convention’s development, whether as observer or as a member of the committee. In the absence of a strong chair, or articulate members, it takes very little to prevent the committee from taking a “course of least resistance” in making its decisions, often adopting politically motivated decisions in opposition to advisory body recommendations, its *Operational Guidelines*, or even its

own *Rules of Procedure*. But as this history has shown, any display of intellectual rigor or institutional memory by a committee member (or in some cases by an observer delegation) is often picked up by other members and can change the direction of discussion. The US and other delegations that care about the conservation goals and the integrity of the convention must be vigilant.

The biennial election of committee members at the General Assembly could be more effectively used to ensure that candidates are focused on conservation rather than on the national self-interest. While the US never announces in advance its voting decisions, it can, with like-minded states, announce that it will only vote for those candidates that publicly pledge to put forward no nominations of sites in their own territories during their mandates (the US itself made this pledge when it ran for election to the committee in 2005). The US could also make it clear that states which pledge to give a role to heritage experts (as required by the convention) would be favored. Both expectations were recommendations of the 2011 audit discussed above.<sup>54</sup>

**World Heritage expert meetings in the United States.** Over the years, many countries have sponsored expert meetings to foster exchanges on specific technical subjects. An occasional expert meeting hosted at a relevant US World Heritage site would not only be a significant contribution to the World Heritage community, it could also give US site managers and their staffs a role in, and the experience of, international meetings. Possible topics might include those the US and Canada have already expressed an interest in, at the time of the 2005 Periodic Report: how to recognize the importance of local populations residing within and/or adjacent to natural World Heritage sites; or a discussion of guidelines for evaluating visual impacts on World Heritage properties.

**Concerning bilateral partnerships.** In creating the Office of International Affairs in 1961, Interior Secretary Stewart Udall explicitly recognized the role that the National Park Service should play in sharing its expertise with other countries. “We must,” he said, invoking the European phrase of the moment, “establish a Common Market of conservation knowledge and endeavor.”<sup>55</sup> Nearly a half century later, this commitment was reiterated in the final report of the National Parks Second Century Commission, the blue-ribbon panel commissioned for the upcoming National Park Service centennial in 2016.<sup>56</sup> As the National Park Service embarks on its second half-century in international cooperation, it must continue to renew its bilateral relationships, which are mutually beneficial both to NPS and to its resource management partners in other countries.

One of the founding programs in bilateral relations was the International Short Course in the Administration of National Parks and Equivalent Reserves. “That was one tangible element of leadership,” former Assistant NPS Director for Natural Resources Mike Soukup recalled, “that was unmistakably successful. Throughout my career whenever I met with foreign Park people, they would say to me, ‘You need to put that back together. That was so important to my career ... to my country ... to the world, that you had that course available and funded’.... That’s the one thing we could do internationally,” Soukup said, “that would restore a healthy leadership position for the Park Service and for the nation, in the eyes of a tremendous amount of people around the world.”<sup>57</sup>

The second program that should be restarted is the cooperative program with the Peace Corps. For over a quarter of a century, between 1972 and 2000, the National Park Service had an active partnership with the Peace Corps to assist other nations in developing national parks, providing training to Peace Corps volunteers in park planning, management, and interpretation. In an era of disengagement, the program was allowed to expire in 2001. With the support of USAID, it should be renewed.

**Concerning US World Heritage sites.** The network of World Heritage sites in the US needs to be reinforced. Site managers attending the 1992 Santa Fe meeting have repeatedly stressed how important the meeting was to them, and how beneficial the subsequent meetings. Both Dick Ring, former superintendent of Everglades, and Dave Mihalic, former superintendent of Glacier, recalled the loss of institutional knowledge that was inherent in the movement of site managers around the park system. “The best thing about [the Santa Fe] meeting,” Mihalic said, “was the fact that all the managers were able to get in one place, including the non-Park Service sites—the Cahokia Mounds, Monticello managers—and not just to understand things all at the same time. But it was a great way to start thinking in a bigger picture, more strategic manner.”<sup>58</sup> “It would be enormously valuable,” Ring said, “to see some resources set aside to support the convening of the US World Heritage site managers.” These network activities, Ring added, could also reinforce the international goals of the Park Service: “It would be very easy to make sure that whenever there is a convening of US managers, that there is an invitation extended to the hemisphere or thematically to similar sites around the world to make a focus, and to invite those folks in, and help support bringing them there.”<sup>59</sup>

**Concerning nomination of future World Heritage sites in the United States.** Recalling the original goals of the convention, and its emphasis on outstanding universal value and conservation, the US must decide its own course, regardless of the decisions taken by other countries, concerning the composition of the List of World Heritage sites in the United States. The US should seriously consider what a potentially finite number of World Heritage sites in the US would look like. The list of natural World Heritage sites in the US seems well on its way toward fully representing natural biogeographic provinces, but what cultural heritage sites uniquely represent US history and pre-history? (If natural sites represent important biogeographic provinces, what analogous cultural themes should be represented by cultural properties?) Will it simply be a more rarified list of thousands of national historic landmarks? Or does “outstanding universal value” have a more substantive meaning? This is not a process that lends itself to volunteer, grassroots proposals. A rigorous discussion and analysis should identify defining historical themes, and only then examine how those themes might be best represented. The US already has management and legal provisions that set the country apart from the way all others manage World Heritage nominations; policies that adhere to a unified and substantive interpretation of outstanding universal value is a logical extension of those management requirements. But there is no inherent urgency to the inscription of World Heritage sites: a good candidate will always be eligible, whether its nomination comes one year, twenty years, or fifty years from now.



## Endnotes

1. The earlier essays were published in successive issues of *The George Wright Forum* 28:3 (2011), pp. 279–290; and 29:1 (2012), pp. 148–175. The essay is principally informed by the substantial archive of position papers, reports, and copies of State Department cables retained by the Office of International Affairs, 1201 Eye Street, NW, Washington, DC 20005; by the official reports and documents of the World Heritage Committee on the World Heritage Centre’s web site; and by interviews with Sharon Cleary, Blaine Cliver, Richard Cook, Paul Hoffman, Melinda Kimble, William W. McIlhenny, Dave Mihalic, Robert C. Milne, John Reynolds, Dick Ring, Mike Soukup, Karen Trevino, and Ray Wanner. OIA Chief Stephen Morris, and OIA staff members Jonathan Putnam and Phyllis Ellin have also provided advice and comment, as has former World Heritage Committee Chair, Christina Cameron, now Canada Research Chair on Built Heritage, Université de Montréal.
2. Richard J. Cook interview, 25 February 2010.
3. Sharon Cleary interview, 21 April 2010.
4. Milne became “Special Advisor, International Affairs” before being seconded in retirement to the World Heritage Centre for two years to replace the Canadian, Hal Eidsvik.
5. Milne, personal communication, 11 February 2011.
6. Report of the Bureau of the World Heritage Committee, 19th session, 3–8 July 1995, UNESCO Doc. WHC-95/CONF.201/12, p. 48.
7. Memo, Mott to Regional Director, Rocky Mountain Region [no date; probably Jan. 1986], Federal Interagency Panel meeting, Box 5, Connally Papers, Library of the National Trust for Historic Preservation, University of Maryland.
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