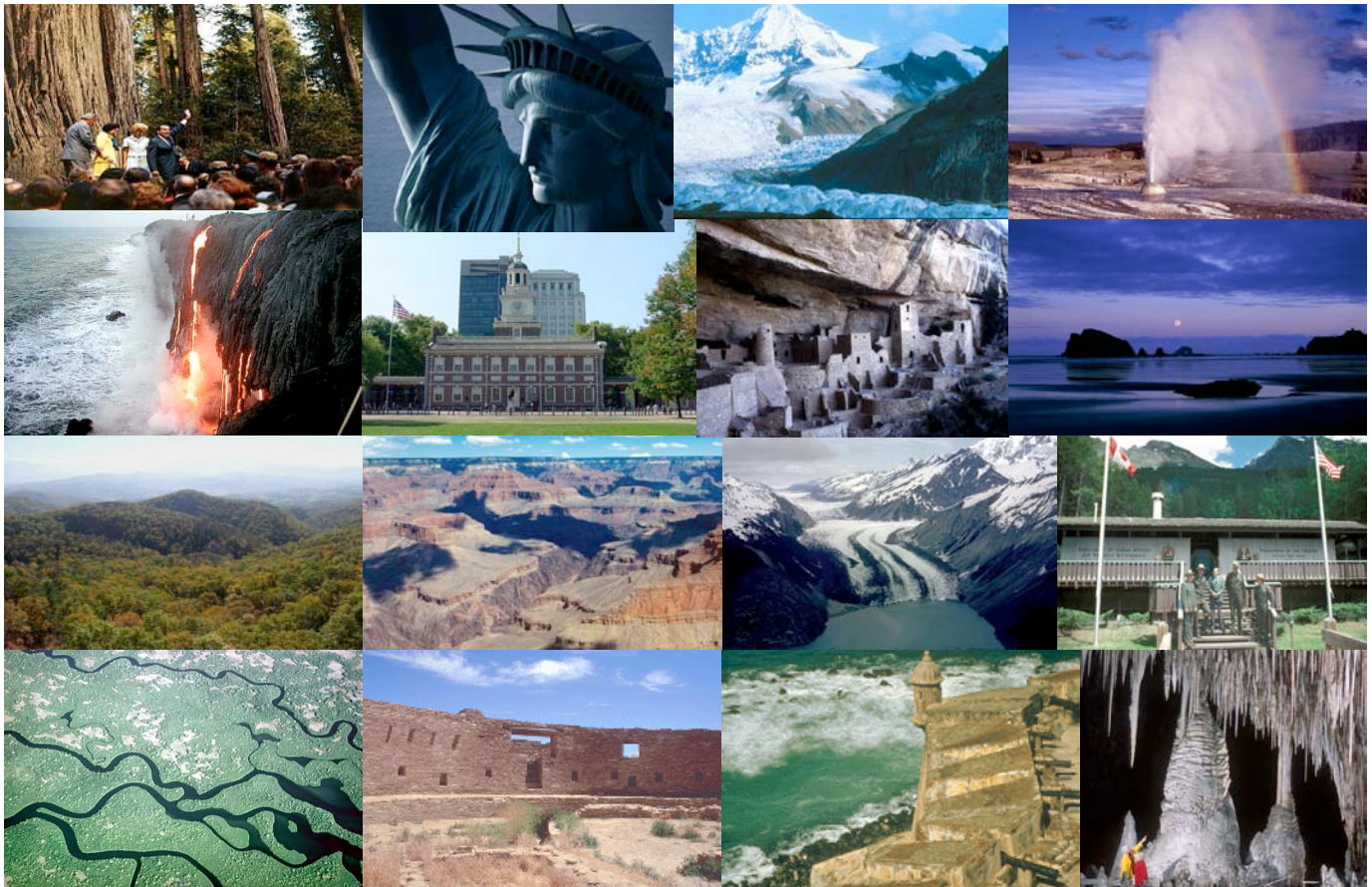




# GUIDE TO THE U.S. WORLD HERITAGE PROGRAM

November 2005 Draft



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## INTRODUCTION

### Purpose and Organization

The purpose of this **Guidebook** is to provide a reasonably brief guide for persons and organizations who are interested in the U.S. World Heritage Program, as well as for owners of nationally important cultural and natural sites, in understanding the World Heritage List. It will also explain fully how a very few exceptional sites in this country are nominated to it and how owners and other interested parties may participate.

Because there has been much confusion as to what inclusion in the List means, the **Overview** (Chapter I) also briefly discusses what inclusion in it means **and what it does not mean**.

Chapters II and III explain the extremely selective nomination process for World Heritage Sites in detail; annotated instructions for preparing U.S. World Heritage nominations in the required **Format** appear in **Appendix A**. Chapter IV, which discusses key issues in the program, is intended to be helpful to those who wish to propose nominating particular types of sites. Chapter V discusses reporting on sites already designated. Chapter VI explains how sites can be removed from the List, although that has never occurred to date.

The **Appendices** to this **Guidebook** provide some documents essential in the World Heritage Program. These include the *U.S. World Heritage Program Regulations* and the *Operational Guidelines* used by the World Heritage Committee to conduct the international World Heritage Program. **Annex V** to the *Operational Guidelines* is the *Format and Explanatory Notes* for preparing World Heritage nominations. This *Format* has been annotated specifically for the preparation of U.S. World Heritage nominations and appears as **Appendix A—Instructions for Preparing U.S. World Heritage Nominations**.

Finally, to provide easy reference within the chapters and sections of this **Guidebook**, numerous cross references to related sections of the *Operational Guidelines* and the *U.S. Program Regulations* have been provided.

### For More Information

Although the fundamentals of the World Heritage process have remained unchanged at the national and international levels for more than a quarter century, the nomination form, the criteria, the program procedures, and basic administrative requirements and deadlines have all changed multiple times.

Therefore it is quite important for users of this **Guidebook** to check with the Office of International Affairs of the National Park Service and/or the World Heritage Centre to be sure the information they have is up to date. The *Operational Guidelines* also contain numerous Internet addresses where additional documents can be found.

**World Heritage Program Officer**  
National Park Service  
Office of International Affairs (0050)  
Washington, DC 20240  
202-354-1803

**World Heritage Centre**  
7, place de Fontenoy  
75352 Paris 07 SP France  
33-1-4568-1136



# I. OVERVIEW OF THE U.S. WORLD HERITAGE PROGRAM

## U.S. Role in the World Heritage Convention

The purpose of the World Heritage Convention (“Convention Concerning the Protection of the World Cultural and Natural Heritage”), the 1972 treaty which established the World Heritage List, is to enhance worldwide understanding and appreciation and international cooperation for heritage conservation and to recognize and preserve a relatively small number of exceptional natural and cultural properties around the world that have been formally determined to possess outstanding universal value to humanity. The United States, under President Nixon, was a primary architect of the World Heritage Convention and became the first signatory when the U.S. Senate ratified the treaty 95-0 on October 26, 1973. The United States has continuously maintained a leadership role in the work of the Convention, including serving multiple terms on the World Heritage Committee, the governing body of 21 countries elected from among the nations that have signed the Convention.

In terms of nations, the World Heritage Convention, with 180 signatories, is the most nearly universal treaty for cultural preservation and nature conservation in human history. World Heritage Sites are extremely exceptional cultural and natural properties nominated voluntarily by signatory nations, which have been approved for inclusion in the List by the World Heritage Committee. As of July 2005, there were 812 properties inscribed on the World Heritage List in 137 countries. It is not to be expected that World Heritage listing will ever be common. The criteria are exceptionally demanding.

In the U.S., there are 20 World Heritage Sites, notably including the Grand Canyon, Yellowstone National Park, Independence Hall, and the Statue of Liberty. Two transborder sites are listed jointly with Canada. (*See Appendix E for the full list of U.S. sites.*)

## International Effects of World Heritage Listing

### *Operational Guidelines VI-VII—Paragraphs 211-257 and Annex 8*

Most nations eagerly seek World Heritage listing for some of their most important sites and consider the designation a badge of honor. Initially, this was the case in the United States, no doubt in part because of the key U.S. role in its establishment. However, based on hundreds of inquiries expressing concern that have been received by the National Park Service over the past decade, inaccurate reports about the nature and effects of United States participation in the World Heritage Convention are widespread. Notably, there is an impression that its implications are far greater than they are in fact. Actually, the United States has participated in this international cooperative program for more than 30 years. Participation does not infringe on the national sovereignty of the United States.

Under the terms of the World Heritage Convention, nations **voluntarily** nominate their most outstanding examples of natural and cultural heritage to the World Heritage List. A nation that nominates properties to the World Heritage List does not surrender sovereignty, control, or ownership over them. Neither the listing of a property nor its placement on the corresponding List of World Heritage in Danger supersedes United States sovereignty. The World Heritage Committee does not thereby gain any legal or management authority over U.S. World Heritage Sites.

## Relationship of the World Heritage Convention to the United Nations

Article VI of the World Heritage Convention points out that the Convention was drafted with the express intent of “fully respecting the sovereignty” of the nations that became States Party to it. Those nations may also renounce, or withdraw from participation in the Convention, although none ever has.

At the urging of, among others, the United States, the World Heritage Convention was proposed to the world community by the General Conference of UNESCO (the United Nations Educational, Scientific and Cultural Organization) in 1972. Although the membership of UNESCO is quite similar to that of the Convention, the governing body of the Convention, the General Assembly of States Party to the Convention, is an independent body. The General Assembly’s main responsibility is to elect the World Heritage Committee. From 1984 until 2003, the United States was not a member of UNESCO, but remained active in the General Assembly and the World Heritage Committee.

The World Heritage Centre, which provides the staff support and administrative services for the Committee, consists of UNESCO staff and is housed in UNESCO’s headquarters building in Paris, France, but the Centre possesses considerable functional autonomy within UNESCO and is in major ways responsible to the World Heritage Committee.

Therefore any suggestion that the U.S. Government has turned over sovereignty, ownership or management authority over U.S. World Heritage Sites to the United Nations is utterly untrue.

## U.S. Domestic Legal Effects of World Heritage listing

Nomination to and inclusion in the World Heritage List represents the formal pledge by the United States to itself and to the international community to take all steps necessary to protect a property, including regular reports on its condition, but U.S. laws and regulations affecting the property are not superseded or abrogated. Rather, World Heritage listing affirms existing U.S. law.

It is vital to note that World Heritage nomination or listing has, in a number of cases in many countries, including the U.S., had the effect of stimulating public debate and even intense international publicity regarding what measures should be taken to protect properties regarded as threatened or potentially threatened. As might be expected, there is often no consensus on the nature of threats and on what steps should be taken to remedy them.

Opposing parties in these debates have in recent years tried, in the reporting process for World Heritage Sites, to involve the World Heritage Committee in what are at least in part domestic administrative controversies. They fundamentally misread the nature of the World Heritage Convention, which is intended to serve as a forum for international cooperation, not as an international court of environmental justice. It is a mistaken notion to think that the Committee has judicial authority to compel a national government and site managers to take specific actions. It cannot do so; it has only advisory authority and the power of persuasion. The Committee’s only real sanction is deletion of a site from the World Heritage List—which, as of early 2005, has still never occurred.

## Some Benefits of World Heritage Listing

- The publicity that accompanies World Heritage listing and the placement of World Heritage plaques has led to increased tourism at some sites, often to the benefit of the economies of surrounding areas.
- International organizations and national governments and foundations often give priority to World Heritage Sites in their financial and technical assistance. In recent years, such sources of assistance have been quite substantial when compared to the limited amounts provided by the World Heritage Committee through the World Heritage Fund. This has happened in substantial part because World Heritage listing attests not only to the international importance of the site but also to the commitment of the nation in which it is situated to protect it.
- Cooperative efforts to assist World Heritage Sites have not attracted nearly as much publicity as the controversial debates over how to protect a few threatened sites, but it is clear that World Heritage listing has encouraged international cooperation and assistance and outcomes beneficial to World Heritage Sites, especially at lesser known sites and in countries needing financial resources or information exchange to care for their World Heritage sites. For example, a useful information exchange has occurred between Stonehenge and the Cahokia State Historic Site (“Woodhenge”), in Illinois. Even controversies have sometimes been resolved to good effect as far as the World Heritage Sites were concerned. Thus, the State of California rerouted a major highway to avoid damage to Redwood National Park and mines planned near Waterton-Glacier and Yellowstone were not constructed.

## Identifying and Nominating World Heritage Sites

Within a broad framework of common criteria, format, deadlines and other shared administrative measures, set up by the World Heritage Committee, each signatory country (“State Party”) is responsible for developing a process for identifying and nominating sites under its own legal system. A nominating nation must possess sovereignty over the entirety of any site that it nominates.

The U.S. process for nominating sites to the World Heritage List is discussed in the next Chapter. U.S. sites are nominated under requirements set out in the applicable law and in program regulations. The rights of owners are fully protected because, by Federal law, no property can be nominated without the **full concurrence** and cooperation of **all** its owners.

## How World Heritage Sites are Designated

The process for consideration of World Heritage Sites at the international level is discussed in more detail in Chapter III. World Heritage Site nominations are received and processed under the *Operational Guidelines* adopted by the World Heritage Committee (**Appendix B**).

The World Heritage Committee (formally known as the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage) is the Committee established by Article 8 of the Convention and which is assisted by the World Heritage Centre established within and by UNESCO. The Committee is composed of 21 nations elected from among all those participating in the Convention, and is responsible for implementing the Convention at the international level. The Committee establishes the criteria which properties must satisfy for inclusion on (and deletion from) the World Heritage List and List of World Heritage in Danger, meets annually to approve properties for inclusion on the two lists, and awards international assistance to sites. The Committee's actions are governed by formal *Rules of Procedure* (which may be consulted on the World Heritage Centre's website).

## World Heritage Criteria

### *Operational Guidelines IID-IIE—Paragraphs 77-95*

Although cultural heritage and natural heritage are defined in the World Heritage Convention, the Committee has adopted (and several times revised) criteria and other requirements that explain in more detail how sites that meet these definitions are to be selected. Only sites that the Committee judges to meet these criteria of “outstanding universal value” will be listed. The World Heritage Convention's definitions of cultural and natural heritage and the currently adopted World Heritage criteria appear in full in the *Operational Guidelines* at **Paragraphs 45-53 and 77-78**, respectively. (**Appendix B**).

The World Heritage criteria are extremely stringent. Although there are no limits or quotas on the total number or the number in any nation, it is specifically noted in the *Operational Guidelines (Paragraph 52)* that the Convention;

is not intended to ensure the protection of all properties of great interest, importance or value, but only for a select list of the most outstanding of these from an international viewpoint. It is not to be assumed that a property of national and/or regional importance will automatically be inscribed on the World Heritage List.

A number of precedents in the use of the criteria have been set, and it will be very valuable to study them before undertaking to nominate a site. Some general precedents are discussed in Chapter IV. The explanatory notes in **Section 3** of **Appendix A** explain how to use the criteria in preparing that section, the **Justification for Inscription** section of the World Heritage nomination, and give information on how to obtain examples of how the criteria have been used in past nominations..



## II. HOW THE UNITED STATES NOMINATES WORLD HERITAGE SITES

### Introduction

There is just one way in which sites in the United States can be nominated to the World Heritage List. Only the Assistant Secretary for Fish and Wildlife and Parks of the U.S. Department of the Interior, the designated executive official responsible for the United States World Heritage Program, can nominate properties to the World Heritage List on behalf of the United States. The Assistant Secretary can do so only with the full concurrence of all property owners. This complicated and lengthy nomination process is first summarized and then explained in detail in this Chapter.

The day-to-day work of the U.S. World Heritage Program is carried out by a staff officer in the Office of International Affairs (OIA) of the National Park Service (NPS). That officer not only responds to information requests about the nomination of sites but also initially handles other program administrative issues for the Assistant Secretary.

Anyone interested in determining whether a particular site may qualify for nomination should first contact the Office of International Affairs **after** reviewing this chapter **and** Chapter IV, where a number of specific national and international issues relating to nominating sites to the World Heritage List are discussed. The staff officer's address and phone number are:

**World Heritage Program Officer**  
National Park Service  
Office of International Affairs (0050)  
Washington, DC 20240  
202-354-1803

General questions may also be raised through the OIA website, where this entire document is also posted.

In conducting the World Heritage Program, the Assistant Secretary and the National Park Service must follow (and are legally bound by) the program regulations, which are based on the World Heritage Convention and a subsequent law authorizing the program. The Convention, the law, and the program regulations set many rigorous requirements and procedural steps that must be met by a successful candidate site. These requirements are explained in detail below. (*See text of the U.S. World Heritage Program Regulations at Appendix C; Sections 73.7-73.11 deal with the nomination of World Heritage Sites.*)

### Summary of U.S. World Heritage Nomination Process: *Regulations 73.7*

The Assistant Secretary initiates the process for identifying candidate properties for the World Heritage List and subsequently preparing, evaluating, and approving U.S. nominations by

publishing a legal notice in the **Federal Register**, the official U.S. Government legal gazette. This notice includes a list of candidate sites, the Tentative List (formerly known as the Indicative Inventory of Potential Future U.S. World Heritage Nominations) and requests that public agencies and private organizations and individuals recommend properties both for addition to the Tentative List and for World Heritage nomination.

The Assistant Secretary, after consulting with an advisory panel (the Federal Interagency Panel for World Heritage) (*see Figure at end of this Chapter*) may propose for possible nomination a limited number of properties listed on the Tentative List.

Next, property owners, in cooperation with NPS, voluntarily prepare a detailed nomination document for their property that has been proposed for nomination. The nominations must meet the **Format** and other requirements determined by the World Heritage Committee. (*See Appendix A.*) The Panel reviews the accuracy and completeness of draft nominations and makes recommendations on them to the Assistant Secretary.

The Assistant Secretary then decides whether to nominate any of the proposed properties. He transmits any approved United States nominations, through the Department of State, to the World Heritage Centre to be processed for consideration by the World Heritage Committee for addition to the World Heritage List.

Finally, the World Heritage Committee decides whether to include a property on the World Heritage List.

## Prerequisites for Nominating U.S. Sites

### **Regulations 73.7(b)**

A property in the United States **must** satisfy the following three legal requirements **and** appear to meet one or more of the World Heritage Criteria **before** the Assistant Secretary can nominate it to the World Heritage List:

1. The property **must have been formally determined to be nationally significant before nomination**. A property qualifies as "nationally significant" **only** if it is:
  - A property that the Secretary of the Interior has designated as a National Historic Landmark (36 CFR part 65) or a National Natural Landmark (36 CFR part 62) under provisions of the 1935 Historic Sites Act (Public Law 74-292; 49 Stat. 666; 16 U.S.C. 461 et seq.);
  - an area the United States Congress has established by law as nationally significant; or
  - An area the President of the United States has proclaimed as a National Monument under the Antiquities Act of 1906 (16 U.S.C. 433).
2. **All** of the property's owners **must concur in writing** to the nomination and provide a protection agreement. Thus, it is particularly important that owners be kept fully informed at every stage of consideration for World Heritage nomination. If a unit of United States government (Federal, State, and/or local) owns or controls the property, a letter from the owner(s) demonstrates concurrence. If private parties own or control the property, they must provide the protection agreement outlined in Sec. 73.13(c) of the program regulations before final approval of the nomination.

An *owner* is any individual or organization of record that owns private land that is being nominated for World Heritage status, or the head of the public agency, or subordinate to whom such authority has been delegated, responsible for administering public land that is being nominated for World Heritage status.

All owners of any property interest in a nominated property must concur **before** the Assistant Secretary can finally include their property within a World Heritage nomination. For example, a responsible Federal management official can concur for the unit, but cannot concur for any non-Federal property interest within the boundaries of the unit. NPS will seek the concurrence of those who own or control any non-Federal property interest if it is determined that the property interest is integral to the entire property's outstanding universal values.

3. The final nomination document **must** include evidence of such legal protections as may be necessary to ensure the preservation of the property and its environment. (*The distinct protection requirements for public and private properties are identified below under the section entitled "Protection Agreements for U.S. World Heritage Properties."*)

## Beginning of the U.S.

### World Heritage Nomination Process: How to Apply

**Regulations 73.7(c) and 73.9; Operational Guidelines II.D.-E. – Paragraphs 77 et seq.**

Any person or organization may suggest to the staff coordinator for World Heritage in the National Park Service's Office of International Affairs that a nationally significant property should be considered for nomination, although the full support of **all owners** will be required before a site can be nominated. The Assistant Secretary or the National Park Service may also propose properties for review but they must meet the same requirements as any other. The initial suggestion should make clear as fully as possible the exact extent and nature of the property and document the reasons it is believed to satisfy the World Heritage criteria. It is very important to note that the World Heritage criteria require that the sites possess **international** significance or outstanding universal value, **not merely national** importance. (*See Operational Guidelines at II.D. – Paragraph 77 et seq. for the current criteria.*)

The coordinator reviews the proposal against the legal Prerequisites for nomination noted just above to determine whether it is likely the property can meet them. The coordinator may also request additional information and should determine whether all the owners support the property's consideration. If it seems that the property might meet the legal requirements, the coordinator will ask the cultural and/or natural resource officials of the National Park Service to review the merits of the property against the World Heritage criteria.

Next, the coordinator will advise the party who made the suggestion of the outcome of the National Park Service review, including whether additional information is needed and in what form, and indicate whether the Assistant Secretary will be asked to continue the nomination process.

If the Assistant Secretary believes that a property (or properties) deserves to be scheduled for consideration, he, through the NPS, publishes a First Notice in the *Federal Register* to begin the U.S. World Heritage nomination process. This notice, among other things:

- (1) Sets forth the schedule and procedures for identifying proposed U.S. nominations to the World Heritage List. It includes specific deadlines for receipt of suggestions and comments, and for preparing and approving nomination documents for properties proposed as U.S. nominations;
- (2) Includes the U.S. Tentative List (former Indicative Inventory) (*see just below*), solicits recommendations on which properties on it should be nominated, and requests suggestions of properties that should be considered for addition to it; and
- (3) Identifies any special requirements that properties must satisfy to be considered for nomination.

### U.S. Tentative List (former Indicative Inventory) and How It Is Used

#### ***Regulations 73.7(d); Operational Guidelines II.C. – Paragraphs 62-76 and Annex 2***

The World Heritage Convention (Article 11) requests each signatory nation to submit a list of candidate sites for the World Heritage List. These lists are also known as Tentative Lists and have formerly been known in the U.S. as the Indicative Inventory. They are used at the national and international levels as one tool to compare the potential World Heritage values of properties. The NPS compiled and maintains the Tentative List for the Assistant Secretary. It is a list of cultural and natural properties in the United States that, based on preliminary review, may qualify for the World Heritage List and that the Assistant Secretary may consider for nomination to the List

Inclusion of a property on the Tentative List **does not** confer World Heritage status on it, but merely indicates that the Assistant Secretary may further examine the property for possible nomination. The Assistant Secretary selects proposed nominations from the Tentative List. Thus, the Assistant Secretary uses the Tentative List as the basis for selecting United States World Heritage nominations. Any agency, organization, or individual may recommend additional properties, with accompanying supporting documentation, for inclusion on the Tentative List. Ordinarily, a property must have been listed on the Tentative List before the Assistant Secretary can consider it for nomination, but there is nothing to prevent the Assistant Secretary from adding the property to the Tentative List and then immediately nominating it.

Additions to and (potentially) deletions from the Tentative List are considered by the Assistant Secretary along with proposals to nominate sites as part of the cycle of review initiated by the First Notice. The Assistant Secretary, in cooperation with the Panel and other sources as he may determine appropriate, decides whether to include a recommended property on the Tentative List. If a property is included, NPS will list it the next time the Tentative List appears in the ***Federal Register***. The Assistant Secretary, as needed, updates the Tentative List, including documentation on each property's location and significance, and sends it to the World Heritage Committee for use in the comparative evaluation of nominations.

The U.S. Tentative List was prepared in 1982 and last amended in 1990. The Assistant Secretary can amend or revise it at any time.

## Preparation of a New U.S. Tentative List:

As this Guidebook was being prepared, in 2005, the Assistant Secretary's Office decided to respond to a request from the World Heritage Committee by preparing a new U.S. Tentative List, in 2005-07. Pending the completion of that revision, the Assistant Secretary, barring an emergency situation, is not expected to nominate any new sites to the World Heritage List. (*See Appendix F for the current U.S. Tentative List (Indicative Inventory). See also Chapter IV, Revision of U.S. Tentative List.*)

Explanatory material on the preparation of the new U.S. Tentative List is being prepared separately from this **Guide**. This **Guide** will, however, be distributed to those who wish their properties considered for inclusion in the new Tentative List.

## Selecting U.S. Sites to Nominate

### *Regulations 73.7(e)*

After the First Notice's comment period expires, NPS compiles all suggestions and comments. The Assistant Secretary then reviews the comments and suggestions and works in cooperation with the Federal Interagency Panel for World Heritage, which he chairs, to decide whether to add any properties to the Tentative List and whether to identify any properties as proposed U.S. nominations. A key step in this work has generally been review of the proposals at a public meeting of the Federal Interagency Panel. The meeting is advertised in the *Federal Register* and is open to the public. Written comments are received and public comment may be allowed, although the meeting is not a formal public hearing.

The Assistant Secretary may announce the decision at the conclusion of the meeting or later. In addition to how well the property satisfies the World Heritage criteria and the legal requirements outlined above, the Assistant Secretary may consider:

- (i) How well the particular type of property (i.e., theme or region) is represented on the World Heritage List;
- (ii) The balance between cultural and natural properties already on the List and those under consideration;
- (iii) Opportunities that the property affords for public visitation, interpretation, and education;
- (iv) Potential threats to the property's integrity or its current state of preservation; and
- (v) Other relevant factors, including public interest and awareness of the property.

Selection as a proposed nomination indicates that a property appears to qualify for World Heritage status and that the Assistant Secretary will encourage the preparation of a complete nomination document for it.

The Assistant Secretary publishes a Second Notice advising the public of the outcome of the Panel meeting and listing any nominations that will be prepared. Owners and other interested parties are notified.

## Drafting U.S. World Heritage Nominations

### *Regulations 73.7(g)*



NPS coordinates arrangements for the preparation of a complete nomination document for

each proposed property. Property owners, in cooperation with NPS, are responsible for preparing or approving a draft nomination and for gathering documentation in support of it, including the preparation of the required protection agreement discussed in the next section. NPS may render assistance in the preparation of a nomination, depending on the availability of staff and funding, but in all cases oversees the preparation of the nomination and ensures that it follows the procedures contained in the *U.S. World Heritage Program Regulations* and the *Format* and procedural guidelines established by the World Heritage Committee. It is expected that each nomination will be prepared according to the schedule set out in the First Notice. (*See Appendix A for the detailed Instructions for Preparing U.S. World Heritage Nominations.*)

In drafting a nomination, it will be useful for the preparers to consult not only with the Office of International Affairs, but also to seek advice from the U.S. International Council on Monuments and Sites (USICOMOS) and the International Union for the Conservation of Nature of the U.S. (IUCNUSA). Contacts for them are:

**USICOMOS**

401 F Street, NW, Suite 331  
Washington, DC 20001  
202-842-1866

**IUCNUSA**

1630 Connecticut Ave. NW, 3<sup>rd</sup> floor  
Washington, DC 20009  
202-387-4826

Learned societies, museums, professional organizations, etc., may also be asked to assist.

[Protection Agreements for U.S. World Heritage Nominations](#)  
*Regulations 73.13*

**Protective Requirements**

The World Heritage Convention mandates that each participating nation shall take, insofar as possible, the appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, preservation, and rehabilitation of properties of outstanding universal value; and U.S. Federal law (Pub. L. 96-515) requires that no non-Federal property may be nominated to the World Heritage List unless its owner concurs in writing to such nomination. The nomination document for each property must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment, including, for example, restrictive covenants, easements, and other forms of protection.

The protective agreements should be gathered and/or prepared in the course of preparing the World Heritage nomination and must be submitted as a part of it. (*See Section 4c of the Instructions in Appendix A.*)

**Protection Measures for Public Properties**

For properties owned or controlled by Federal, State, and/or local governments, the following items satisfy the protective requirements:

- (1) Written concurrence by the owner prior to nomination;
- (2) The nomination document must include reference to:
  - (i) All legislation establishing or preserving the area; and
  - (i) All existing and proposed administrative measures, including management plans, that would ensure continued satisfactory maintenance of the property and its environment; and
- (3) A written statement by the owner(s) that such protective measures satisfy the requirements.

### **Protection Measures for Private Properties**

For properties owned or controlled by private organizations or individuals, the following items satisfy the protective requirements:

- (1) A written covenant executed by the owner(s) prohibiting, in perpetuity, any use that is not consistent with, or which threatens or damages the property's universally significant values, or other trust or legal arrangement that has that effect; and
- (2) The opinion of counsel on the legal status and enforcement of such a prohibition, including, but not limited to, enforceability by the Federal government or by interested third parties.

In addition, if the owner(s) is willing, a right of first refusal may be given for acquisition of the property, along with a guaranteed source of funding and appropriate management framework, in the event of any proposed sale, succession, voluntary or involuntary transfer, or in the unlikely event that the requirements outlined above prove to be inadequate to ensure the preservation of the property's outstanding universal value.

The protective measures for **each** private property being considered for possible nomination to the World Heritage List will be reviewed on a case-by-case basis to ensure that the requirements set forth above are met and to fulfill the mandate of Federal law.

### **Evaluating U.S. World Heritage Nomination Drafts**

The draft nomination document serves as the basis for the Assistant Secretary's decision to nominate the property to the World Heritage List. NPS coordinates the review and evaluation of draft World Heritage nominations. Copies are distributed to all members of the Federal Interagency Panel for World Heritage and other interested parties with a request for comments regarding the international significance of the property and the adequacy of the draft nomination. (Depending on the schedule, NPS may decide to circulate the draft to the World Heritage Centre staff for preliminary review.) Afterward, the recommendations and comments are compiled and presented at another public meeting of the Panel.

The Assistant Secretary, based on personal evaluation and the recommendations from the Panel, may decide to nominate a property that appears to meet the World Heritage criteria to the World Heritage Committee on behalf of the United States. The Assistant Secretary may announce his decision as to whether to nominate a property at the second Panel meeting or may do so later.

A Third Notice is published in the **Federal Register** to explain the outcome and announce the decision.

## Submitting U.S. World Heritage Nominations

If the Assistant Secretary is satisfied that the property merits nomination and that all procedural requirements have been met, he signs the nomination and sends the approved nomination document, through the Department of State, to the World Heritage Committee. The nomination document should be transmitted so that the World Heritage Committee receives it before the deadline established for any given year. If not, consideration will be postponed for at least a year.

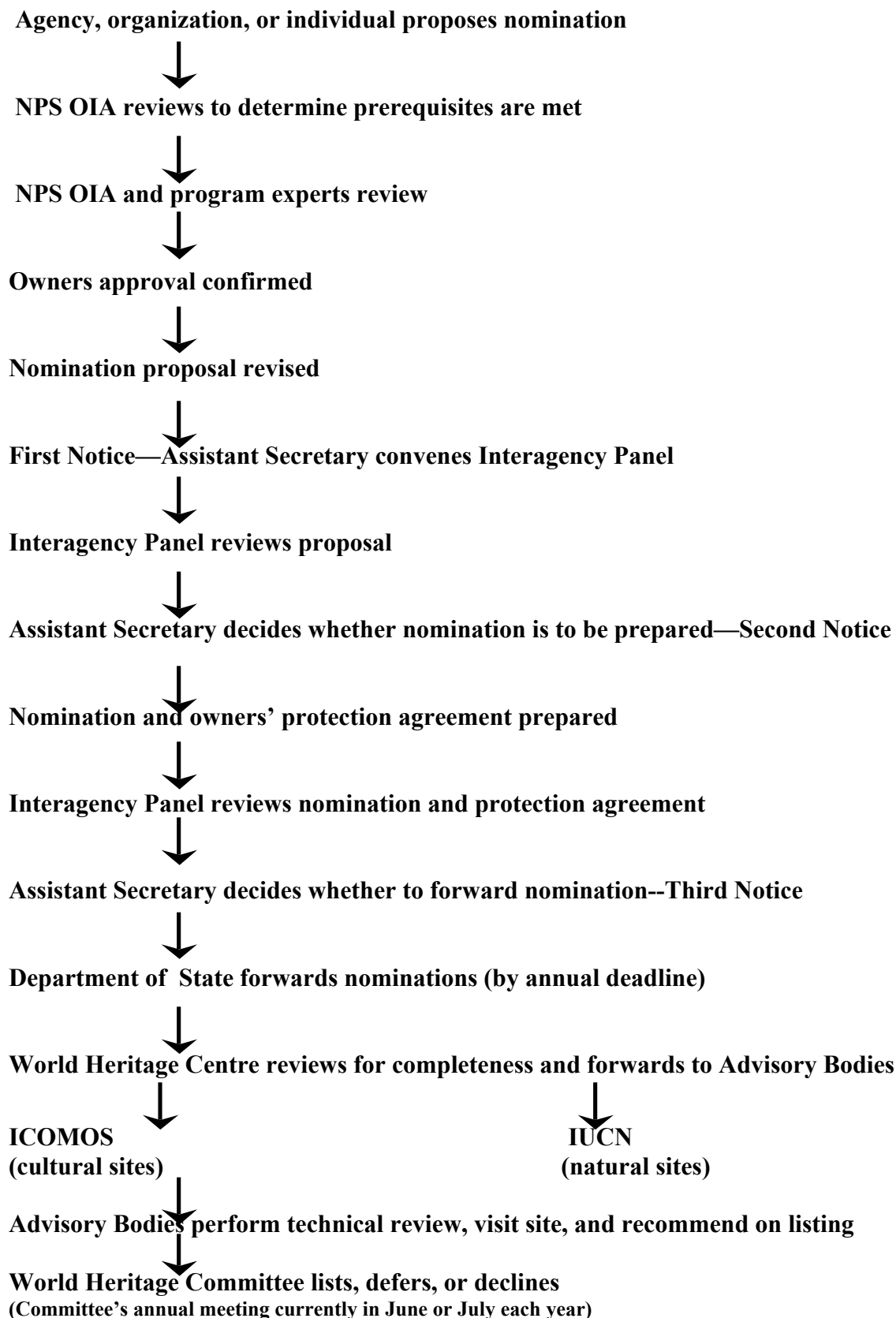
*(When this Guide was prepared the annual deadline was February 1 of a given year for complete nominations to be scheduled for review no sooner than the summer meeting of the World Heritage Committee the following year. Because of a heavy workload at the Committee level and other factors, final consideration may even be postponed to a later year. See Chapter III.)*

## Inscription on the World Heritage List

Nomination by the United States does not place a property on the World Heritage List. The World Heritage Committee must still consider and approve the nomination, normally at its meeting during the midsummer of the year following the submittal of the complete approved nomination, before it is inscribed as a World Heritage Site.

The process at the international level, including reviews of cultural and natural sites by ICOMOS and IUCN, respectively, is detailed in Chapter III of this **Guidebook** and **Section III.E.—Paragraphs 143-151** and **Annex 6** of the **Operational Guidelines**.)

# U.S. WORLD HERITAGE NOMINATION PROCESS



## Federal Interagency Panel for World Heritage

### ***Responsibilities***

The Federal Interagency Panel for World Heritage (“Panel”) was established to advise the Department of the Interior on implementation of the World Heritage Convention.

As the key executive official of the U.S. World Heritage Program, the Assistant Secretary for Fish and Wildlife and Parks, or his/her designee, chairs the Panel, and sets its agenda and schedule. The NPS provides staff support to the Panel.

Among other things, the panel assists in the following activities:

- (1) development of policy and procedures for effectively implementing the Convention in the U.S.;
- (2) evaluation of draft U.S. nomination documents;
- (3) making of recommendations for approval of U.S. nominations;
- (4) dissemination of information on the Convention within other Federal agencies; and
- (5) promotion of increased awareness and understanding of the importance of heritage conservation

### ***Membership***

The Federal Interagency Panel for World Heritage is composed of representatives, named by their respective agencies, from the following agencies and offices:

- Office of the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior;
- National Park Service, U.S. Department of the Interior;
- U.S. Fish and Wildlife Service, U.S. Department of the Interior;
- President's Council on Environmental Quality;
- Smithsonian Institution;
- Advisory Council on Historic Preservation;
- National Oceanic and Atmospheric Administration, Department of Commerce; and
- U.S. Department of State.

Additional representatives from other Federal agencies with mandates and expertise in heritage conservation may be requested to participate in the Panel.

**Source:** World Heritage Program Regulations, Section 73.13



### III. HOW THE WORLD HERITAGE COMMITTEE LISTS SITES

#### Role of World Heritage Centre

***Operational Guidelines I.F. – Paragraphs 27-29 and III.D. -- Paragraphs 140-142***

After a country submits a nomination, the World Heritage Centre reviews it for completeness and then sends it to the appropriate Advisory Bodies for review and evaluation. The Centre staffs all aspects of the World Heritage Committee's work, including maintaining an archives of nominations and the Committee's records. The Centre's staff also advises nations in preparing nominations and is, for example, willing to review nomination drafts.

#### Timetable for Consideration of World Heritage Nominations

***Operational Guidelines III.J -- Paragraph 168***

The current deadline for submittal of complete nominations to the World Heritage Centre is February 1 in any given year. The normal process of review takes about 16 months with nominations normally scheduled for review at the annual summer meeting (June-July) of the World Heritage Committee in the year following their submittal.

#### Roles of Advisory Bodies

***Operational Guidelines I.G. –Paragraphs 30-37 and III.E. – Paragraphs 143-151 & Annex 6***

Technical advice on and evaluations of completed nominations are provided by two of the Committee's three statutory Advisory Bodies. Two of them are independent international organizations: the International Council on Monuments and Sites (ICOMOS) and the World Conservation Union (IUCN), which evaluate the merits of cultural and natural sites, respectively, and visit them to prepare on-site inspection reports. The Advisory Bodies may also request supplementary information from the nominating countries. *(See Annex 6 to the Operational Guidelines for a detailed description of the Advisory Bodies' evaluation procedures.)*

The third Advisory Body is the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), an international governmental organization which provides the Committee with expert advice on the care and treatment of cultural sites and on training activities for staff who deal with World Heritage Sites and issues.

The Advisory Body evaluations are provided to the Committee members and the nominating country in advance of the World Heritage Committee meeting scheduled to consider the nominations, which occurs approximately 16 months after the nominations are submitted.

#### Action By the World Heritage Committee

***Operational Guidelines III.G. – Paragraphs 154-160 and III.H. -- Paragraphs 161-162***

Once a year, in late June or early July, the Committee meets in regular session in the home country of the Chair to decide which sites to include in the World Heritage List from among those submitted by February 1 of the previous year (as well as any requests for emergency consideration). The Committee reviews the nomination and reports on each site from the Advisory Bodies and decides whether or not to include the property in the World Heritage List.

(As with other Committee decisions, a 2/3 majority of Committee Members present and voting is required for inscription.)

The Committee may also defer action and request additional information from a nominating country or request additional study of the site along with similar properties.

The Committee not only inscribes sites on the World Heritage List but also examines reports on the condition of designated World Heritage Sites, including the placement of sites on the List of World Heritage in Danger, the provision of assistance to sites from the World Heritage Fund to which signatory nations contribute, and all other key decisions needed to implement the World Heritage Convention.

## IV. KEY ISSUES IN THE WORLD HERITAGE NOMINATION PROCESS

### Summary

The substance of World Heritage and the issues involved in it are as intricate as the evolution of humanity's cultures in their multitude of expressions and as diverse as nature in all its manifestations. The task is nothing less than attempting to represent equitably the most significant aspects of all nature and all culture in one list. To do so requires that national chauvinism and narrow prejudices of race, culture, class, and politics be set aside or at least suspended. The preceding chapters could not provide a thorough picture of just how hard this is to accomplish.

The earlier chapters have sketched how the complex process of selecting World Heritage Sites operates on the international level and in the United States. But it is not just the procedures of World Heritage that are complex and excruciatingly demanding. This Chapter will discuss some key issues that have arisen in dealing with World Heritage in practice, on both the U.S. national and the international levels. The intent is to help those in the United States who are interested in World Heritage, especially those who would like to propose nominating sites, to understand these issues, how they have been dealt with, and why some of them have proved so difficult to solve. Readers are advised to glance through the headings below and review any topics that appear to apply to a proposed nomination or other issues with which they are concerned.

This Chapter discusses some of the troublesome, even puzzling, substantive issues involved in World Heritage. Examples will be drawn from three decades of work with them and efforts to resolve them at the national and international levels. In some cases, the ways in which the U.S. Government or the World Heritage Committee have chosen to deal with these issues have placed major limits on the application of the Convention. In other cases, no satisfactory solutions have been found.

This review of issues is by no means complete. It should be considered as a work in very slow progress. But it is a discussion of great importance in understanding the World Heritage program because there is no official codification or even a thorough study of these issues and precedents.

## U.S. ISSUES:

Some of the issues are specific to U.S. law and practice and to the circumstances of natural and cultural sites in this country. Other countries encounter corresponding but differing sets of issues. Other issues, particularly that of the representivity of the World Heritage List and its overall management, must be dealt with at both levels.

The goal of this analysis is to present these issues in as factual and apolitical a manner as possible. It is noteworthy that, insofar as the U.S. approach to most of the issues cited below is concerned, the approaches in law, regulation, policy, and practice have been remarkably similar and stable under the management of successive Administrations.

At the outset, it should be emphasized that the time, effort, and other resources involved in preparing and processing World Heritage nominations has consistently been underestimated by practically everyone concerned. Accordingly, any notions that a property might be nominated to meet such goals as achieving its inscription by a particular date or anniversary or to assist in short-term fund-raising are highly unrealistic and impractical.

### Voluntary Restraint in Nominating Sites

As a international policy matter unrelated to the nature of potential U.S. sites, the U.S. has severely limited the number of sites that it will forward to the World Heritage Committee. The U.S. has, in fact, not nominated any new site since 1994.

Although other reasons have influenced this decision, there are long-standing international concerns about equity in the composition of the World Heritage List, both by nation and by various site types. There is also a practical limit to the number of nomination proposals and other business that the World Heritage Committee can process at a single meeting. These two factors have led to repeated requests from the Committee for nations to voluntarily delay the submittal of nominations and the U.S. has done so.

In fact, the United States has led in efforts to keep the listing process equitable and representative. In 1999, the U.S. proposed a “waiting list” for nominations to help insure that nominations from unrepresented and less represented countries and site types would receive priority consideration. The Committee has adopted a modified version of the “waiting list” concept and has also set an upper limit on the number of nominations that are to be reviewed at the annual Committee meeting. The latest review of this decision set the total number of nominations to be considered annually at 45, with a quota of 2 per country, at least one of which must be a natural area nomination.

### Recognition vs. Protection

Another factor has placed limits on resources available to identify and process nominations of World Heritage Sites. On both the national and international levels, all listing programs for sites, except those that are strictly honorary, have a natural tension between programs that list sites and

those that advise and assist them. The balance between these programs changes over time as more sites requiring advice and assistance are identified. Program resources tend to flow disproportionately to listed sites and to those with the greatest problems; the latter must be scrutinized continuously.

Thus, the U.S. program has, in recent years, devoted much of its attention to Reactive Reporting on the 20 listed sites, especially Yellowstone and Everglades, which have been on the List of World Heritage in Danger for much of that time and to the preparation of the Periodic Reports for all listed sites, which must be submitted once every 6 years. (*See Chapter V.*)

## National Significance versus “Outstanding Universal Value”

The World Heritage List is intended to embrace properties on a worldwide basis. It is not intended to be an international list of national lists but rather a single list selected on this basis of a common set of criteria and a process that identifies only those sites that possess “outstanding universal value.” In practice the international criteria for both nature and culture are subject to differences of interpretation and the application of principles of selection in strikingly different ways, but still they are, in their basic intent, highly selective, almost exclusionary.

About 3300 properties in the U.S. have been designated as nationally important, including nearly 2500 National Historic Landmarks and almost 600 National Natural Landmarks designated by the Secretary of the Interior and some 200 other areas officially designated by Congress and the President as nationally significant.

Many of the nationally significant U.S. sites are excluded from the World Heritage candidate pool because they lack any apparent relation to or influence on international events or phenomena. Others are disqualified by reasons of rule or practice at the international level, including their potential for inciting controversy and competition rather than cooperation: examples include battle sites and the homes of many prominent individuals, which have been largely excluded at the international level. Limitation of the use of cultural criterion (vi)-- from 1996 to 2005, it could not be used alone and the Committee still prefers that it be used in conjunction with other criteria--has further curtailed the prospects for nomination of sites dealing with associative history and relatively few U.S. sites appear likely to qualify on the basis of the other cultural criteria.

## The Original U.S. Tentative List (Indicative Inventory 1982-2007)

Some 70 unlisted sites remain on the U.S. Tentative List (former Indicative Inventory of Potential Future World Heritage Nominations), the candidate pool from which U.S. nominations have in theory been drawn since 1982. (*See Appendix F.*) The prospects that very many of these sites will be nominated are quite limited and not just because of the limitation on criterion (vi) and because the World Heritage Committee has sought to limit nominations from the well represented countries. (The new Tentative List, which is designed to serve for about a decade, will essentially begin anew.)

There are some serious issues with the original Tentative List. Even casual review will make clear that it lacks some types of sites that are clearly important in American culture and nature

but that appear to be well represented internationally; for example, historic landscapes and sites associated with many aspects of aboriginal, ethnic and racial history, are not included. Some types of natural sites are conspicuously absent; marine sites being a very prominent example. Some of these apparent contradictions can be explained by the fact that in many cases there have been no comprehensive studies to identify nationally significant sites associated with these topics.

Nationally significant sites continue to be identified and the U.S. Tentative List is no doubt destined to be revised over time, so it can be expected that these gaps in subject matter will eventually be reviewed. For example, studies of Spanish missions and U.S. architecture prepared for the National Park Service well after the preparation of the Tentative List made recommendations as to which sites might qualify for nomination in those two important subject areas but those recommendations have not been integrated into the Tentative List.

Although the U.S. Tentative List was established as a revolving list that could be added to and deleted from as studies progressed, the World Heritage Committee also intended that nations review their Tentative Lists after a decade. However, as of late 2005, when the preparation of a new Tentative List was undertaken, the U.S. Tentative List had been largely unchanged for more than 23 years and completely unaltered for 15. Recently, the Committee has again urged nations to review their candidate lists with the idea of identifying short lists that would only include properties intended for nomination during the next decade. The preparation of such a new Tentative List has been begun by the National Park Service in late 2005.

Although revision and shortening of the Tentative List will likely provide a more realistic and accurate indication of what the U.S. will nominate during the next decade, competition for inclusion will probably be quite intense, especially if it is recognized that no further revision will be likely for at least a decade or longer and that any additions will, during that time, be quite unlikely.

## Recent Sites

One case where the U.S. criteria for national significance do not conform to the World Heritage criteria and practice is with recent cultural sites. The U.S. criteria are more exclusionary. Except in exceptional circumstances, the National Historic Landmark criteria deliberately exclude almost all sites associated with events less than 50 years in the past and with living individuals, such as architects and artists. These rules have been breached fairly seldom in the U.S. On the other hand, other nations have successfully nominated several relatively recent sites.

## Difficulties with Historic Districts and Serial Nominations

U.S. law and regulation give owners an absolute veto over whether their property is included within a World Heritage nomination and requires that willing owners submit protection agreements. These requirements have had several important effects:

- Owners may not wish to take part in the World Heritage process if they feel it limits their management authority or economic prospects.



- Otherwise willing owners may balk at the time and expense involved in preparing a World Heritage nomination, and, especially, a legally acceptable protection agreement.
- Historic districts with numerous owners, such as a collection of urban buildings, are exceedingly difficult to nominate in the United States.
- Thematic or serial nominations of related sites cannot be successfully proposed for nomination in the United States unless all the owners agree.
- A noteworthy imbalance exists at the national level when properties are excluded from consideration for the World Heritage List because of factors other than their significance. For example, if the most prominent site or sites cannot be nominated for legal reasons, it will be extremely difficult to justify proposing nomination of a lesser site or of only some of a group.

### Emergency Nominations:

The U.S. nomination process, including the requirements for multi-stage notification and the advance approval of protective agreements by U.S. Government legal counsel, is so complex and time-consuming that it is unlikely to yield requests for emergency nomination, which ordinarily involves simultaneous inscription in the List of World Heritage in Danger. However, the prospects for doing so should not be categorically excluded, especially in cases of natural disaster or terrorism.

### Lessons from U.S. Nominations:

Most U.S. nominations have consisted of national parks and other Department of the Interior property. This is in part because it has been easier to satisfy the protection requirement when the Department was offering the pledge for itself. The difficulty of securing protection agreements that will satisfy all concerned is formidable in the case of most other sites.

The World Heritage Committee has declined to list several U.S. nominations. These failed or stalled nominations do, however, offer lessons that can be helpful in considering future nominations.

Based on apparent deficiencies in the nominations, the early rejection of the Edison National Historic Site and Wright Brothers National Memorial nominations by the World Heritage Committee provide at least the following lessons for the future.

- It is essential to review all sites associated with scientific developments or events and select only sites that have both great importance and a high degree of historic authenticity;
- Scientific and technological accomplishments or events and where they occurred should be emphasized rather than the length of time famous individuals spent at the sites;

- Related scientific developments in all countries and sites associated with them should be fully and clearly evaluated.

The lesson to be drawn from the refusal of the World Heritage Committee to accept the nomination of Frank Lloyd Wright's Taliesin is that nominations of similar or related properties must be constructed with great care given to what is included to represent a particular topic. After almost 15 years, no serial nomination has yet been prepared that includes the most important of his hundreds of works.

The inscription of Hawaii's Pu'uhonua o Honaunau National Historical Park on the World Heritage List was deferred in 1986 pending a study of sites illustrative of Pacific cultures, even though the nomination text made use of a study that sought to address other examples of places of refuge in the Pacific. This deferral would seem to offer several lessons:

- It is extremely difficult to persuade the World Heritage Committee and its international advisory bodies to list precedent-making sites until a thorough comparative international study has been conducted.
- It cannot be assumed that the importance of particular types of sites will be easily accepted; there will probably need to be a review of all types of sites important to a culture.
- Sites representing cultures or other phenomena that cross national boundaries should, when feasible, be considered for joint nomination by all countries concerned
- Great care must be taken in evaluating the authenticity of a site and in presenting its construction history.

### Future Prospects for U.S. Nominations

The World Heritage List already includes some of the most prominent sites in the United States, sites that were obvious choices for nomination. Possible future nominations are not so obvious. The list of possibilities that follows is speculative and suggestive; it largely based on trends in nature conservation and cultural site preservation, including some studies conducted by IUCN and ICOMOS and sites encouraged by the Committee. It is meant to spur thought on the topic, and especially to encourage examination of sites from new or different perspectives.

- Nominations of sites that represent unrepresented or relatively under-represented topics or types of sites
- Joint nominations by the U.S. and other nations: The Committee has encouraged such nominations. Joint nominations of similar natural areas, such as types of marine reserves and forests, seem reasonable. Linked cultural sites associated with exceptionally important cultural events, such as slavery or the Industrial Revolution, may present good opportunities. The exceptional multiracial, multiethnic, and economic diversity of the United States make such prospects better than for most nations.

- Sites or collections of sites that reflect exceptional routes that transcend national boundaries such as the Underground Railroad or the migration routes of animals may be difficult to evaluate and nominate, but are more plausible in light of the listing of such sites as the pilgrimage routes of Santiago de Compostella in France and Spain.

## INTERNATIONAL ISSUES

No listing process that seeks to recognize and assist the most important natural and cultural places in the world will be perfectly representative or universally acknowledged as perfectly constituted or administered. Yet this is what the World Heritage List is established to do and its resources to accomplish this are really quite meager relative to the task.

Many of the key topics addressed just above as national issues resonate to some degree on the international level. Those discussed below are intended to help those unfamiliar with World Heritage operations at the international level to understand its workings. The credibility of the World Heritage List is at stake, depending on how well these issues are understood and addressed.

### Jurisdiction and Relation to Other Treaties

*Operational Guidelines I.I. – Paragraphs 41-44*

It is critical that everyone who deals with the World Heritage Program understand that, despite its prestige and the grandeur of its mission, the program rests on the basis of the national programs for nature conservation and cultural preservation and can only be as effective as the willingness of nations to provide the necessary financial and intellectual resources both at home and for the international program. The World Heritage Committee is a forum for voluntary international cooperation by sovereign nations, not a world court for the environment. It is not chartered or staffed to operate as a judicial body. The Committee does not even have its own Legal Advisor. Yet, it exists within an international legal context and its effectiveness is also influenced by international political issues and disputes.

Notably, although the World Heritage Committee has encouraged “closer coordination of its work” with other international programs and the relevant conventions there is no clearly defined or universally accepted relationship between the World Heritage Convention and such international instruments as the convention on biodiversity, the treaties on the law of war and the law of the sea and various treaties, conventions, and declarations aimed at protecting human rights and indigenous peoples rights. One limiting factor is that few of those instruments are as universal as the World Heritage Convention.

It is a clear and unmistakable conclusion to be drawn from the recent history of the World Heritage Convention that efforts to raise such issues as indigenous rights or to impose inscription on the List of World Heritage in Danger on a nation that does not desire a site to be so inscribed will lead to controversies and debates that hamstring the work of the Committee and dilute its very limited time and resources. It is also inevitable that aggrieved parties will still try to raise such issues in any available international forum and there is no question but that the Committee and its Advisory Bodies have contributed to that problem by not firmly remanding such debates to the national authorities or to any more appropriate international bodies. It should also be

understood by all that the World Heritage system will work better when programs of action have been hammered out before coming to the Committee.

Issues where boundaries, sovereignty, or ownership rights between countries and/or other parties are disputed are beyond the prerogatives and have proved to be beyond the practical capability of the World Heritage Committee to address. Efforts to apply the Convention in disputed seas, in Antarctica, and to extraterrestrial sites have been so far rebuffed. A major instance in which such an issue was raised was in the nomination of Jerusalem by Jordan; the site was inscribed without reference to sovereignty, over the objections of, among others, the United States. The listing has proved ineffective without the cooperation of Israel.

One additional category of issues has also led to great difficulties. Assertions by one nation or its citizens of rights against another generally cannot be effectively dealt with by the Committee. Examples include claims for real and personal property owned by individuals and an effort by a corporation to defeat a World Heritage nomination in another country. Such claims need to be addressed by negotiations between the parties concerned.

### Representivity of the World Heritage List *Operational Guidelines II.B. – Paragraphs 54-61*

Other than issues of jurisdiction, issues concerning the representivity of the World Heritage List are perhaps the most basic at the international level. The major consequence of these concerns has been Committee action in recent years to give a measure of priority to unrepresented and less represented countries and types of sites. There are several aspects to this issue:

- size of the List overall and its integrity. There are no limits set for the overall size of the List or for its components or for the number of sites or types of sites from any country or region. However, as a practical matter related to the length of its meetings, the Committee has recently struggled to limit the number considered for addition to the List in any given year.
- the balance between nature and culture and between various aspects of both, including equity between geographical regions and cultural groupings. There has been much concern at the international level because cultural sites generally and certain regions and countries, especially those in Europe, are much more heavily represented than others.

There are some important cautions that need to be considered when reviewing this issue:

- Nations and regions of the world are profoundly different and present different possibilities for nomination. Some countries, for example, may lack any natural sites that are plausible to nominate or may lack particular types of sites, such as coastal and marine sites or high mountains.
- The types of sites that can qualify for the World Heritage List are different in so many ways that it is not reasonable to simply count and compare the raw numbers of sites. For example, a natural site nomination may embrace more territory than some countries and a serial nomination of cultural sites may group many properties in one listing.

- Some nations have been slow to participate, for various reasons, and others that have ratified recently have had fewer opportunities to present properties to the World Heritage Committee.
- New discoveries and changes in scientific thinking have led to changes in the types of sites that are proposed.
- Jurisdictional issues and difficulties in arranging international cooperation have limited the nomination of joint and serial sites common in or on the borders of more than one country. The problems encountered here are similar to the issues confronted when a nation, such as the U.S., seeks to submit a serial nomination that must be prepared in multiple components.
- The uncovering of previously unknown or unnoticed archeological sites and new concepts in cultural history and anthropology have given prominence to new categories of sites.
- Progress in identifying types of sites varies dramatically from country to country, making comparisons of types of sites that occur in more than one country extremely difficult

## War Sites and Other “Negative” Sites

Throughout the Committee’s history, concern has periodically been expressed about the possible damaging consequences for the World Heritage List of the inscription of “negative” sites (such as battle sites and concentration camps) and the introduction of other politically charged issues (such as ones connected solely with boundary disputes or the careers of political and military leaders). The Committee has usually tried to sidestep or limit such inscriptions, as in the case of Auschwitz, where the Committee limited future inscriptions of similar sites. Nevertheless, great defensive fortification systems, such as the Spanish fortifications of the Caribbean, the Great Wall of China, Hadrian’s Wall, and walled city centers, have been inscribed.

## Historic Cities and Historic Districts

### *Operational Guidelines Annex 3 – Paragraphs 14-16*

The referenced section of **Annex 3** to the *Operational Guidelines* provides guidance for the nomination of historic city and town centers, of which quite a number have been inscribed. Ancient cities that are maintained as archeological sites and have small populations have presented few issues compared to the historic cores of inhabited modern cities. The latter present several problems. For one thing, as has been noted, it is not practical for legal reasons for the United States (and perhaps some other countries) to nominate large historic districts that embrace major parts of modern cities or even large towns. Also, such nominations present formidable burdens in nomination documentation and even greater continuing burdens in reporting, for the World Heritage Committee does not function readily or effectively as a design review board for historically important inhabited urban cores, which are typically among the most sensitive sites politically in their nations.

## Cultural Landscapes

### *Operational Guidelines Annex 3 – Paragraphs 6-13*

These also receive special attention in the *Operational Guidelines*. Relatively few have been listed and therefore the cautions expressed elsewhere about the difficulty of nominating precedent-setting sites bear repetition here. Among the principal issues are the difficulty of documenting them and the application to them of the test of authenticity. For example, must rice forever remain the main crop on the Rice Terraces of the Philippines World Heritage Site? The World Heritage Committee may one day have to decide.

## Heritage Canals and Routes

### *Operational Guidelines Annex 3 – Paragraphs 16-24*

Such historic relics tend to be composed of vast numbers of components, including linear elements of vast extent, that vary in their historic integrity and authenticity. Their nomination also poses complex boundary and other issues.

## Modern Sites

With the exception of 20<sup>th</sup> century towns, nominations of which, despite the inscription of Brasilia, are ordinarily to be deferred, there has been no clear or consistent guidance or lasting consensus from the World Heritage Committee for dealing with modern sites, although there has been pressure to inscribe them from time to time. These include very recent sites and those associated with living architects or other prominent living persons. The Committee has rarely listed such sites. The U.S. process has for the most part excluded them.

## Mixed Sites

These are sites found to qualify separately under both natural and cultural criteria. There are few and it is not to be expected that there will be many successfully nominated. In addition to documenting such sites and applying the tests of authenticity and integrity to them, there is the over-arching issue of how to resolve potential conflicts between nature and culture that may arise.

## World Heritage Comparative, Thematic, and Regional Studies

### *Operational Guidelines Annex 3 -- Paragraphs 25-26 & the Select Bibliography on World Heritage*

Issues dealing with the representativity and maintenance of the List have led to the commissioning of various international studies (including some dealing with certain of the topics discussed just above), by or in cooperation with ICOMOS and IUCN. These studies examine and make recommendations regarding what are judged by subject matter experts to be the most prominent candidates in particular topics. These studies have not been adopted by the



Committee, but do provide a very strong basis for a country to nominate a property to the World Heritage List. On the other hand, if no current international comparative study exists, a site nomination may languish indefinitely, as in the case of the United States' nomination of Pu'uhonua o Honaunau National Historical Park in Hawaii in the mid-1980s.

Accordingly, the preparer of a nomination should make every effort to obtain and cite any applicable global studies. (Internet addresses for these studies are referenced in the *Operational Guidelines* end sections noted above.) If the study is not supportive of a site's prospects, a decision should be made on whether to suspend work on the nomination proposal or whether to attempt to supplement, challenge or refute the findings in any subject studies altogether.

## Development Threats and Management Impacts

Cases where development threats arise near, but beyond the boundaries, of a proposed or listed World Heritage property, have proven to be among the most controversial and contentious issues with which national governments and the World Heritage Committee have dealt at World Heritage Sites.

Intrusive development can harm a site's setting, or the views from it or of it. Industrial processes can threaten a property by polluting the air or water or damaging delicate construction materials in buildings or exposed rock art. Management within a site's boundaries also has impacts. For example, the construction of new roads or tourist and transportation facilities in or nearby can bring to a property more visitors than it can absorb in safety.

But there is frequently no consensus on the effects of specific impacts or whether they are compatible with the preservation of a site's World Heritage values and its management, whether for public, private, or mixed use. One person's development threat may be regarded by another person as an economic opportunity. All that can be said is that such issues are best resolved or at least clarified before proceeding with nomination. Otherwise, the proposed nomination is likely to encounter delays at either the national or international level or both.

## V. REPORTING ON WORLD HERITAGE SITES

### Introduction

World Heritage Sites are subject to change by a variety of forces. A World Heritage nomination presents the situation of a site and knowledge about it at the time of its nomination. Because the World Heritage Convention envisions a program of continuing cooperation and mutual assistance to recognize and protect sites, it is necessary to assess and report on conditions at World Heritage Sites on an on-going basis, especially those that are suffering damage. In the absence of reporting and action to correct damage to sites, the long-term credibility of the World Heritage List would be called into question.

Although there are often disagreements regarding which developments at or near a site merit inclusion in a report and what measures should be proposed in response, it is clear that those qualities and features for which a site was explicitly inscribed are to be protected and are subject to reporting.

## Reactive Reports

### *Operational Guidelines IV.A. -- Paragraphs 172-198*

Reactive reporting is reporting regarding changes to properties that arise over time and may address any of a vast array of issues. Common examples include major construction or new extractive industry near or within a site, visitor pressures, and poaching of wildlife or the removal of artifacts. The national governments, in cooperation with site managers, are expected to submit reactive reports in response to conditions as they arise. Governments are asked to use the on-line State of Conservation Reporting Tool developed by the World Heritage Centre (<http://whc.unesco.org.soc>). The reports are to be sent to the World Heritage Centre no later than February 1 of the year following the Committee meeting that requested them. The World Heritage Centre, other sectors of UNESCO, the Committee's Advisory Bodies, and external bodies may also prepare reactive reports.

Not all reactive reports necessarily go to the Committee for review. Issues are sometimes resolved or determined not to be sufficiently serious to merit the Committee's attention. The Centre's staff customarily edits reports or submits supplementary reports or recommendations that are reviewed by the Committee and form the basis for its decisions.

## Periodic Reports

### *Operational Guidelines V. -- Paragraphs 199-210 and Annex 7*

In 1998, the Committee adopted a cycle of regular reports on conditions at all World Heritage Sites as well as national and regional reports on the implementation of the World Heritage Convention. Currently, each nation is to report on all its sites every 6<sup>th</sup> year. The site reports present a "snapshot" of current conditions. The first set of United States Periodic Reports was presented in February 2005.

The Periodic Reports are designed to conform generally to and present and update the same information as contained in the World Heritage nominations.

The Format for Periodic Reports presented in the *Operational Guidelines* has been modified in practice by States Parties, including the United States.

## Followup to Reports

Various steps may be taken. An update of the nomination in whole or part might be undertaken. For example, a revision of the boundary to reduce or enlarge the World Heritage Site might be

undertaken or consideration under an additional criterion requested. Major boundary or content revisions require the submission of new documentation, just as if the proposal were a new nomination.

Reports to the Committee may also form the basis for inscription of sites on the List of World Heritage in Danger.

## VI. WITHDRAWING A WORLD HERITAGE LISTING

### Summary

#### *Operational Guidelines IV.C. – Paragraphs 192-198*

The World Heritage Committee has provided a process for the removal or deletion of sites from the World Heritage List. This can occur if the property has deteriorated to the point where it has lost the characteristics that led to its listing **or** if the site was threatened at the time of its listing and has not received the measures necessary to correct the threat. However, as of June 2005, no site had ever been removed from the World Heritage List and only in a few instances has the issue been seriously raised. Thus, the discussion here is highly speculative.

Examples of the types of situations that might lead to a site's removal include destruction of a cultural site in whole or in part, whether deliberately by human hands or by forces of nature, and irreparable damage to a natural area caused by ecological changes or catastrophes, whether brought about by humans or nature.

### Procedure for Withdrawal

The withdrawal process, if not begun at the request of the nation in which the site proposed for removal is located, is to include full consultation with that nation, and the consideration of all possible measures to prevent a site's removal. It is to be anticipated that in many cases a nation will regard a proposal to remove a site as a sanction. Thus, only if a site's initial nomination and subsequent reports on it are comprehensive and crystal-clear can proposals dealing with its condition be handled fairly and with a minimum of controversy.

Removal of a site from the World Heritage List requires a two-thirds vote of the World Heritage Committee members present and voting. Removal of a site from the List does not require the consent of the country in which the site is located.

There is no procedure for the removal of a site from the World Heritage List based solely upon the request of a State Party. The more extreme case of the status of sites in a country which has denounced the Convention and withdrawn from participation is a hypothetical question that hopefully will never need to be addressed.