

## 9<sup>th</sup> US/ICOMOS International Symposium

### The United States and the World Heritage Convention

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*It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify and would make available technical and other assistance where appropriate to assist in their protection and management. **Statement of President Richard M. Nixon advocating the adoption of the World Heritage Convention, 1971.***

*At best, world heritage . . . designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government.” **Statement of Congressman Don Young introducing the “American Land Sovereignty Protection Act”, 1997.***

*“U.S. participation in the World Heritage Convention was to help spread the uniquely American idea of the national park around the globe. . . .To strengthen the credibility and currency of World Heritage designation we must ensure that future nominations and designations of new sites be those that have true global significance.” **Statement of U. S. Secretary of the Interior Gale Norton after the election of the United States to a seat on the World Heritage Committee in October, 2005.***

The legislative history of the World Heritage Convention<sup>2</sup> in the United States presents an interesting case study over more than thirty years from its inception to the most recent actions by the Department of the Interior to update the nomination process for American properties. What began with such idealism and enthusiasm became sidetracked by domestic political and parochial considerations. Nevertheless, a number of communities and organizations have sought to fulfill the program’s vision in its country of origin by advocating that the defacto freeze on new nominations be ended and that eligible properties once again be considered for listing. Most notably, the hosts of this symposium, the Newport World Heritage Committee, have brought together a broad coalition of those interested in heritage conservation to actively pursue World Heritage listing for the community’s outstanding resources. The current Administration in Washington has taken a number of actions to reinvigorate the American role under the Convention. Will that be enough to get U.S. participation back on track or, more importantly, restore American leadership to this program we had such a central role in creating?

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<sup>2</sup> The Convention Concerning the Protection of the World Cultural and Natural Heritage, popularly known as the World Heritage Convention, is truly universal in its scope. Promulgated at the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) 1972, it had been signed by 181 nations as of March 2004, making it perhaps the most widely accepted environmental and preservation agreement. As of the end of 2005, 812 properties had been inscribed on the list – 628 cultural, 160 natural, and 24 mixed – located in the territories of 134 states parties.

According to former Nixon Administration official Russell Train<sup>3</sup>, the idea for a “Trust for the World Heritage” was developed following a White House conference and subsequently refined in a resolution adopted by the World Conservation Union in 1967. In 1971, Train recommended to President Nixon that he propose the idea in his message to Congress, and in the subsequent year Train put forward the idea at the Stockholm Conference on the Human Environment.<sup>4</sup> The Stockholm Conference significantly raised the international profile of environmental concerns and highlighted the inextricable relationship between the environment and economic development. Several international treaties grew out of the deliberations there. The US initiative, embraced in Stockholm, became the World Heritage Convention later that year when adopted by the UNESCO General Convention. Combining both natural and cultural heritage protection, the Convention not only spurred efforts to conserve significant individual resources but also arguably contributed to the evolving concept of sustainable development.<sup>5</sup>

In addition to its major role in the creation of the Convention, The United States became the first nation to ratify it in 1973 by a vote in the Senate of 95-0. The Convention entered into force on December 17, 1975 after ratification by the requisite number of States Parties. The United States has served as a member of the World Heritage Committee for much of that body’s existence and in 1978 hosted the first Committee meeting that listed sites. Of the 12 sites listed at that time, two were in the United States: Mesa Verde and Yellowstone National Parks. Since that time, implementing laws and regulations– and politics – have had the practical effect of limiting U.S. participation. Bills introduced in Congress in recent sessions could have further crippled participation had they become law.

As a signatory to the Convention, the United States is obligated to “ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage ... situated on its territory” and take “effective and active measures” to protect this heritage.<sup>6</sup> The Convention calls on all States Parties to “recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate,” but does so while “fully respecting the sovereignty of the States on whose territory the cultural and natural heritage ... is situated, and without prejudice to property right provided by national legislation.”<sup>7</sup>

After the Convention entered into force, implementing legislation was established in the U.S. by the 1980 Amendments to the National Historic Preservation Act (NHPA)<sup>8</sup>. Section 2 of

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<sup>3</sup> Train served as Administrator of the Environmental Protection Agency, as the first Chairman of the President's Council on Environmental Quality, and as Under Secretary of the Interior as well as Chairman of the World Wildlife Fund.

<sup>4</sup> Remarks by Russell E. Train, September 14, 2005, [http://www.amb-usa.fr/usunesco/texts/Train\\_Speech\\_Eng.pdf](http://www.amb-usa.fr/usunesco/texts/Train_Speech_Eng.pdf), last accessed April 1, 2006.

<sup>5</sup> Bernd von Droste zu Hülshoff, “World Heritage and Development”, World Heritage Newsletter, No. 16, April-June 1998.

<sup>6</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage, Nov. 23, 1972, 27 U.S.T. 37, 11 I.L.M. 1358, arts. 4-6.

<sup>7</sup> Ibid, art 6.

<sup>8</sup> The National Historic Preservation Act of 1966, 16 U.S.C. § 470 *et seq.*, is the key federal statute in the area of historic preservation, establishing a partnership between federal, state and local governments following closely the

the NHPA recognizes the international roles and obligations of the United States in heritage conservation:

It shall be the policy of the Federal Government, *in cooperation with other nations* . . . to . . .

(2) provide leadership in the preservation of the prehistoric and historic resources of the United States *and of the international community of nations* . . .<sup>9</sup>

This language also provides legislative authority and direction for National Park Service staff to be involved internationally in heritage conservation.

The 1980 amendments gave the Secretary of the Interior the responsibility of directing and coordinating U.S. activities under the Convention in coordination with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation.<sup>10</sup> Regulations setting forth policies and procedures used by the U.S. Department of the Interior to direct and coordinate participation were adopted in 1982 and continue in force. The regulations also address maintenance of the U.S. Indicative Inventory of Potential Future World Heritage Nominations<sup>11</sup> and the nomination of sites to the World Heritage List.<sup>12</sup> They established the Federal Interagency Panel on World Heritage to advise the Assistant Secretary for Fish and Wildlife and Parks, to whom is delegated responsibility for administering World Heritage activities undertaken by the U.S. government.

To date, twenty sites in the United States have been inscribed on the World Heritage List, two of which are sites jointly listed with Canada. Eight listings are cultural sites. However, no properties have been added to the list since 1995.<sup>13</sup>

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approach set out in *With Heritage So Rich*, a report of a special committee under the auspices of the United States Conference of Mayors. The federal approach involves the establishment of national standards, designation of properties worthy of preservation (National Register of Historic Places), protection of listed properties from federally licensed and funded projects (Section 106), appropriate management of federally-owned properties, and the provision of incentives to state and local governments and private individuals. This law has served as a model for preservation laws in some other nations and represents a departure from the European model that traditionally focused on listing monuments to an approach focused on a broad range of heritage properties. It is at the local level in the United States where government has the “teeth” to protect heritage properties from damage or destruction by private owners. The regulation of land use through the police power is one of the traditional powers of state government guaranteed through the Tenth Amendment of the U.S. Constitution. State governments have, in turn authorized local governments to exercise this power by enacting historic preservation ordinances.

<sup>9</sup> 16 U.S. C. 470-1; emphasis added.

<sup>10</sup> Public Law 96-515, December 12, 1980, 94 Stat. 3000.

<sup>11</sup> The United States was the first nation to prepare such a list, commonly referred to as the “tentative list”, and the current version is a slightly amended form of the document prepared in 1982. This list is intended to be an open-ended or revolving list. James Charleton, “The United States and the World Heritage Convention”, a paper presented at the annual symposium of US/ICOMOS in Indianapolis, Indiana in 2000, [www.icomos.org/usicomos/Symposium/SYMP00/charleton.htm](http://www.icomos.org/usicomos/Symposium/SYMP00/charleton.htm), accessed 5 January 2005.

<sup>12</sup> 36 CFR 73.

<sup>13</sup> Of these sites, two were subsequently placed on the List of World Heritage in Danger: Everglades National Park and Yellowstone National Park.

The relatively small number of U.S. inscriptions on the World Heritage List given the size of the country and its rich resources is due in part to the owner consent requirement included in the 1980 Amendments to the NHPA. The law prohibits any non-Federal property from being nominated unless the owner concurs in writing. The Interior Department adopted regulations requiring *written concurrence* not only from the owner of an individual property but *from 100 percent of property owners* in a multiple property nomination. No other State Party to the Convention requires either government ownership or 100% private owner consent as a prior condition for nomination. This requirement is also more restrictive than other provisions of the NHPA pertaining to listing properties in the National Register of Historic Places or as a National Historic Landmark. A property may be listed under those programs unless there is a *notarized written objection* from the owner (or *majority of owners of any single property*) or *a majority of the owners of such properties within a district*.<sup>14</sup>

Additionally, each owner must pledge to protect the property by executing a legal agreement specified in federal regulations. For non-governmental properties, the regulations require (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.<sup>15</sup> There is certainly a question as to the necessity of this provision in cases where local historic preservation legislation prohibits changes in the appearance of a designated property without the issuance of a certificate of appropriateness by the community's preservation commission. In fact, the National Historic Preservation Act and its implementing regulations provide a process for certifying local governments that enact and enforce protective legislation. Properties designated and protected by Certified Local Government ordinances are eligible, for example, for federal tax benefits that are otherwise limited to properties listed in the National Register of Historic Places.

Because of these restrictions it must be asked whether the United States has unreasonably limited its participation in the Convention. Of the properties listed, most are federally owned. No U.S. cities or historic districts have been listed, something quite common for other participating countries.<sup>16</sup>

A relevant case in point is that of Savannah, Georgia. In the late 1980s there was increasing interest in listing the Savannah National Historic Landmark District on the World Heritage List. Through research and documentation, the district was placed on the Indicative List of Potential U.S. World Heritage Cultural Nominations. In 1992, the City of Savannah decided to move forward with the nomination process and a proposal was forwarded to the Federal Interagency Panel after two years of additional research. There was no question of significance or

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<sup>14</sup> 16 U.S.C. 470a(a)(6); 36 CFR 60.6; 36 CFR 65.5(f)(1).

<sup>15</sup> 23 CFR 73.13(c).

<sup>16</sup> Examples include Islamic Cairo (Egypt); Historic Centers of Venice, Florence and Rome (Italy), Bath (UK) and Quebec (Canada); and the Medina of Fez (Morocco).

adequate protection, as required by the Convention. The district had been listed as a National Historic Landmark in 1966 and the area was protected against inappropriate development by a strong local historic district ordinance<sup>17</sup>. However, there was the issue of owner consent. Although local historic zoning had been the subject of a referendum which was approved by a three to one vote margin, discussions with the members of the Federal Interagency Panel made it clear that 100% written concurrence would be required. The likelihood of obtaining unanimous written consent from over 1,000 property owners in Savannah, or any other American city, was inconceivable. The decision was therefore made to nominate the main components of the city plan, including the streets, 52 acres of tree-shaded squares, parks and internationally acclaimed public monuments within a 2.2 square mile area. The Savannah city plan has been recognized as a unique artistic achievement in town planning and a masterpiece of creative genius on the part of the city's founder, General James Edward Oglethorpe. This creative solution to the owner-consent barrier proved to be unsuccessful, however. After reviewing the nomination, the ICOMOS World Heritage Coordinator informed the Mayor of Savannah he could not recommend inscription to the Bureau of the World Heritage Committee because the nomination was outside the operational guidelines for implementation of the Convention.<sup>18</sup> Since the rejection of the Savannah nomination, no further city or district nominations have been forthcoming from the United States.

A second, though less significant, problem with the U.S. nomination process concerns significance. The implementing statute simply states, "No property may be so nominated unless it has previously been determined to be of national significance."<sup>19</sup> Interior Department regulations for cultural properties recognize "national significance" as being limited to National Historic Landmarks (or areas of national significance established by the Congress or by presidential proclamation under the Antiquities Act of 1906.) Further, the Department uses theme studies to identify and nominate as Landmarks properties associated with a specific area of American history, such as the fur trade, earliest Americans, women's history, Greek Revival architecture, etc. The nomination may face difficulties if no theme study exists, the theme study is incomplete or outdated, or the property does not fall into a particular theme category. Established Landmark themes and sub-themes must be cited in the World Heritage nomination form, and the nominator must refer to other theme studies (or historic contexts) already prepared that are relevant for a particular nomination.<sup>20</sup> There is no theme study at present for cultural landscapes, for example, a category of nomination that is of particular interest to the World Heritage Committee.<sup>21</sup> At best, such a process may impose a lengthy delay and additional administrative hurdles in the nomination process.

Another contributing factor to the U.S. failure to nominate properties for World Heritage listing since the mid-1990s is undoubtedly the chilling effect caused by potentially damaging legislation introduced in Congress. The so-called "American Land Sovereignty Protection Act"

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<sup>17</sup> City of Savannah Code of Ordinances, §8-3030.

<sup>18</sup> US/ICOMOS Newsletter, No. 4, 1995.

<sup>19</sup> 16 U.S.C. 470a-1(b).

<sup>20</sup> <http://www.cr.nps.gov/nr/publications/bulletins/nhl/nhlpt1.htm>, accessed 5 January 2005.

<sup>21</sup> <http://www.cr.nps.gov/nhl/themes/themes-all.htm>, accessed March 14, 2006.

(ALSPA) would have amended the NHPA to make World Heritage nominations significantly more difficult, requiring new administrative procedures and the approval of Congress before a site could be nominated to the World Heritage List or included on the List of World Heritage in Danger.<sup>22</sup>

Supporters of this bill expressed fear that environmental and cultural advocacy groups and federal agency managers would use World Heritage principles and processes in land management decisions without the knowledge of Congress or use designation to undermine local land use decisions without input from citizens and local governments. Federal regulatory actions, they asseed, could have an adverse effect on the value of private property and a negative impact on local economies. However, under its current process, the Interior Department provides open public meetings and congressional notification when considering sites for nomination. The World Heritage Convention does not give UNESCO or the UN any authority over U.S. sites nor does it require changes in domestic law. The Convention does require that signatories protect their listed sites and settings, but that protection is provided under the laws of each state party – in the case of the United States, the Constitution along with federal, state and local laws and procedures. The only way the Convention can affect land management decisions is by influencing public opinion or the decisions of the governing authority through the power of persuasion.<sup>23</sup> Even this is apparently a concern to those who fear limitations on unrestricted development of federal and private land. It has been suggested that industry groups and pro-industry legislators do not want light shed on the politics and process that allows the lucrative exploitation of fragile resources by business interests.<sup>24</sup>

These fears seem to have been fuelled by a situation involving Yellowstone National Park. In 1995, the Interior Department notified the World Heritage Committee that the park was in danger and requested an on-site visit. After sending a special assessment team and further consultation with U.S. officials, the Committee placed Yellowstone on the List of World Heritage in Danger.<sup>25</sup> Among the threats cited was a proposed gold mine just over a mile form the park. A number of U.S. environmental organizations were very vocal in their opposition to the mine. Much of the mining activity would have been on private land, but some federal land outside the park would have been affected. President Clinton issued orders effectively creating a buffer zone on the federal land prior to the listing. Mining and forest interests along with others opposed to environmental legislation asserted the World Heritage Convention had had a significant role in the federal decisions affecting the mine and seized the issue as justification for introducing

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<sup>22</sup> Introduced in the 104th Congress as H.R. 3752 (no vote in the House), in the 105<sup>th</sup> Congress as H.R. 901 (passed the House, no vote in the Senate), in the 106<sup>th</sup> Congress as H.R. 883 (passed the House, no vote in the Senate), in the 107<sup>th</sup> Congress as H. R. 883 (assigned to committee). Companion bills were introduced in the Senate, the last being S.2575 introduced June 4, 2002, and assigned to committee but not sent to the floor for a vote. No similar bills were introduced in either chamber during the 108<sup>th</sup> Congress.

<sup>23</sup> Machado, Matthew, "Land and Resource Management: X. Mounting Opposition to Bioshpere Reserves and World Heritage Sites in the United States Sparked by Claims of Interference with National Sovereignty," 1997 COLO. J. INT'L ENVTL L.Y.B. 120.

<sup>24</sup> Gebert, Daniel L., "Sovereignty Under the World Heritage Convention: A Questionable Basis for Limiting Federal Land Designation Pursuant to International Agreements", 7 S. Cal. Interdis. L.J. 427, Fall, 1998.

<sup>25</sup> Statement by Department of Interior of Designation of Yellowstone National Park as a World Heritage Site in Danger, <http://www.doi.gov/news/archives/pr35m.html>, last accessed March 15, 2006.

ALSPA.<sup>26</sup> Opponents of the bill contended that the problem with the mine had nothing to do with Yellowstone's World Heritage listing, but rather the fact that mining would adversely affect an important national park. Yellowstone was removed from the List of World Heritage in Danger in 2003 at the request of Paul Hoffman, Deputy Assistant Interior Secretary for Fish and Wildlife and Parks.<sup>27</sup> The issue of US properties on the World Heritage List in Danger may surface again in 2006. A group of organizations have filed a petition asking the World Heritage Committee to designate the Waterton Glacier International Peace Park, a joint US/Canada site, as in danger because of climate change.<sup>28</sup>

Proponents of ALSPA often tried to bolster their arguments about the operation of the World Heritage Convention by citing the withdrawal of the United States from UNESCO in 1984. In fact, it was the policy of the Reagan Administration to retain U.S. participation in the Convention while withdrawing from UNESCO for other reasons.<sup>29</sup> Notably, President George H. W. Bush's Interior Secretary, Manuel Lujan, hosted the World Heritage Committee in Santa Fe, New Mexico in 1992<sup>30</sup>. Perhaps this argument will have less weight now that the United States has rejoined UNESCO.<sup>31</sup> However, there remains a core of Congressional discontent with U.S. Participation in UNESCO and the UNESCO programs. In June, 2004 a resolution was introduced in the House of Representatives expressing the sense of Congress that the United States should again withdraw from UNESCO citing, among other reasons, "...UNESCO effectively bypasses congressional authority to manage Federal lands by establishing management policies."<sup>32</sup>

Despite the assertion of its Congressional supporters that the ALSPA only ensured the involvement of the public and elected representatives in decision making and the protection of private property rights<sup>33</sup>, the publicity around the issue apparently tapped a deep vein of American xenophobia. Rumours spread on talk radio shows that the United Nations controls

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<sup>26</sup> In spite of the fact that the mining company had settled its claims with the government and Congress had appropriated money for that purpose.

<sup>27</sup> <http://whc.unesco.org/archive/decrec03.htm>, last accessed 15 March 2006. Mr. Hoffman asserted that "Yellowstone is no longer in danger." Former Interior Department officials and other environmentalists questioned this assessment. See, "Yellowstone Staff at Odds o Park Threats", *Los Angeles Times* (June 26, 2003).

<sup>28</sup> <http://www.lclark.edu/org/ielp/glacierpetition.html>, last accessed 20 March 2006.

<sup>29</sup> Testimony of Brooks B. Yeager, Deputy Assistant Secretary for Policy and International Affairs, U.S. Department of the Interior, before the House Committee on Resources, March 19, 1999, citing letters from Reagan Administration officials in support of the convention and a press release from then Interior Secretary Hodel indicating how proud the department was that the Statue of Liberty could be recognized as a World Heritage site.

<sup>30</sup> At that meeting, American Jennifer Salisbury was elected Chairperson of the Committee and Glacier Bay National Park was inscribed as an extension of the Wrangell/ St. Elias/Kluane World Heritage site (Canada and the United States of America) <http://whc.unesco.org/en/newsletter/1/>, last accessed March 15, 2006.

<sup>31</sup> Speech of President George Bush before the UN General Assembly, September 12, 2002. However the reasons he cited for rejoining had nothing to do with environmental or cultural issues: "The United States is joining with the world to supply aid where it reaches people and lifts up lives, to extend trade and the prosperity it brings, and to bring medical care where it is desperately needed."

<sup>32</sup> H. Con. Res. 443, 108<sup>th</sup> Congress, 2d Session.

<sup>33</sup> "And let's be clear, the goal of this measure is to abandon these programs, not simply to regulate them." Rep. Bruce Vento (D-Minn), statement before the House Committee on Resources, March 18, 1999.

U.S. National Parks or that the parks are being used as staging areas for UN troops.<sup>34</sup> So many inquiries were received about a foreign takeover of the Great Smokey Mountains National Park<sup>35</sup> that the Park Service had to include an article in the official visitors' guide under the title "Park Is Not Run by United Nations" assuring readers that the park "remains the property of the United States government." Politicians capitalized on these conspiracy theories.<sup>36</sup> In 1996, Rep. Don Young (R-Alaska), the author of the ALSPA, sent a letter to congressional colleagues asking "Is Boutros Boutros-Ghali zoning land in your district?"<sup>37</sup> These fears and rumours even turned to personal attacks. Following his testimony against the ALSPA in 1997, US/ICOMOS Executive Director Gustavo Araoz received a threatening e-mail.<sup>38</sup>

The late Rep. Bruce F. Vento (D-Minnesota) speaking in 1999 in opposition to ALSPA asserted, "The legislation sends a signal around the world that our nation, the United States of America, which forged the policy path to institute these various treaties and protocols, is undercutting the values and benefits of international recognition for important cultural or environmental sites."<sup>39</sup> The World Heritage Convention does not threaten the interests or sovereignty of the United States. The recognition brought through listing simply enhances the prestige of sites already protected by existing domestic law and brings economic benefits to local communities.<sup>40</sup>

In spite of attacks on U.S. participation in the World Heritage Convention from the property rights lobby, there is currently a renewal of interest in World Heritage listing from a number of quarters, particularly historic cities.<sup>41</sup> Those seeking to nominate additional sites have

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<sup>34</sup> In the case of Biosphere Reserves, a proposal for the Ozark Highlands Regional Biosphere was scuttled after conspiracy theorists claimed the designation was part of a plot by the UN to seize 55,000 square miles of the Ozarks using UN troops being trained in the Dakotas. One man reported seeing tanks in the woods and a woman asked if she could be shipped overseas and tried as an international criminal for picking wildflowers. "Black Helicopters Invade Ozarks", an editorial appearing in the *St. Louis Post Dispatch*, April 9, 1997.

<sup>35</sup> This park has been designated an international "biosphere reserve", a program which is also a target of the ALSPA.

<sup>36</sup> ALSPA opponent Rep. Jay Inslee (D-Wash.) suggested the bill be renamed the "American Land Paranoia Act", and Rep. Mark Udall (D-CO) claimed the bill "is primarily a means for supporters to take a shot at the United Nations and particularly UNESCO, and to demonstrate their solidarity with some who seem to view the U.N. as engaged in a vast multiwing conspiracy to overthrow our constitutional government." See "House Debated U.S. Participation in UNESCO Program and Implications for Americas Sovereignty; Senate Holds First Hearings", United Nations Association of the United States of America, June 1999, <http://www.unausa.org/newindex.asp?place=http://www.unausa.org/policy/NewsActionAlerts/info/alspa3.asp>, accessed 5 January 2005.

<sup>37</sup> Mann, Jim, "Dealing With Conspiracy Theories and Rumors Is No Walk in the Park", *Los Angeles Times*, September 2, 1966.

<sup>38</sup> The text read: "America is "sovereign" soil that belongs to Americans; not the world! You will not confiscate out [sic] sacred soil without a battle ... this is the bottom line! Your Treaty from hell will not succeed; for the Prince of Peace is Sovereign who will destroy you and your NEW WORLD ORDER! For God and County, G.I. Jane P.S. Incidentally, with such a foreign-sounding name; where exactly is your native terrain; the Inferno, perhaps?"

<sup>39</sup> *Supra*, Note 19.

<sup>40</sup> During the period 1990-1994 visitation to U.S. World Heritage parks increased 9.4 percent, as opposed to 4.2 percent for all national parks, and there is strong evidence that a significant part is derived from international tourism. Statement of Brooks B. Yeager. Note 17.

<sup>41</sup> Newport, Rhode Island, Charleston, South Carolina, and Baltimore, Maryland are cases in point.

their work cut out for them. While ALSPA was not enacted in previous sessions, underlying hostility of at least several members of Congress remains.

A recent survey of U.S. World Heritage site managers illustrates varied approaches to dealing with listing that may result from a lack of public awareness and strong direction from the Department of the Interior as well as some hostility on the part of a small minority. Most sites include references in their literature and display plaques recognizing World Heritage listing. Most also report a lack of awareness of the site's international status on the part of U.S. visitors. However, reactions from U.S. visitors are generally positive (or neutral) when they are informed. Two sites indicated their local communities were particularly proud of the listing, and one of these formally celebrates the designation's anniversary. Another site is developing an exhibit on World Heritage what will put the site in context with all U.S. listings. Foreign visitors were described as much more aware of the listing, and several managers indicated that World Heritage status was a likely reason for increased international visitation. Nonetheless, several managers reported some negative reactions, generally limited to "a few radicals" with "'new world order' phobia." A significant number of negative comments appear to come not from visitors, but individuals who simply contact the site. Letters have been received with concerns that World Heritage listing means "we have 'sold' our patrimony to a sinister power" or that the United Nations runs the site. A few people assert the managers are lying when they try to assure them that US National Parks are under the exclusive control of the U. S. government. One manager noted, "There is no reasoning with those folks." Another manager said, "When the subject comes up, we worker harder to explain what the designation does NOT mean that what it does." Interestingly, one site reported that although there had been no negative comments at all from citizens concerning World Heritage status, the site had complied with a request from the state's junior Senator to remove the World Heritage logo from the site's stationery.<sup>42</sup>

However, not every Senator has reacted as described above. Senator Lincoln Chafee of Rhode Island has been a determined advocate of World Heritage and has actively advanced the interests of citizens in Newport to see key sites within their community join other American properties on the World Heritage list. The Newport World Heritage Committee has developed significant proposals focusing on the heritage of religious liberty of the Colonial period and Newport's Gilded Age. The strong community interest in Newport brought the US/COMOS annual international symposium to Newport to examine a variety of World Heritage issues. The Newport effort represents the first serious attempt to designate a significant portion of a city since the failure of the Savannah bid. Key to the Newport approach is meticulous preparation, the active participation of key players, strong political support, and a more limited number of property owners involved. Local community effort of this kind may be crucial to achieving new nominations and listings.<sup>43</sup>

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<sup>42</sup> Survey by Michael Chapman, candidate for a Master of Historic Preservation degree at the University of Georgia, 2006.

<sup>43</sup> Sean Flynn, "Newport seeks National Park Service Support for World Heritage," *Newport Daily News*, October 18, 2005.

U.S. participation in the World Heritage Convention may have reached a turning point in 2005 after the period of uncertainty and retrenchment described in this paper. The Bush administration has moved on several fronts to address longstanding issues. The groundwork was laid three years earlier when President Bush led the United States back into UNESCO declaring, “As a symbol of our commitment to human dignity, the United States will return to UNESCO. This organization has been reformed and America will participate fully in its mission to advance human rights and tolerance and learning.”<sup>44</sup>

In October 2005 the United States was elected to a four-year term on the World Heritage Committee during the 15<sup>th</sup> General Assembly of States Parties to the World Heritage Convention held at UNESCO headquarters in Paris.<sup>45</sup> The National Park website states that this election was the “culmination of [a] carefully planned campaign” involving the Assistant Secretary of Fish and Wildlife and Parks, the U.S. UNESCO Ambassador Louise Oliver and her staff, the State Department’s Bureau of International Organization Affairs, the World Heritage Subcommittee of the U.S. National Commission for UNESCO, and the National Park Service Office of International Affairs.<sup>46</sup> The UNESCO Commission has since moved forward in establishing a World Heritage Subcommittee to actively engage the World Heritage program both nationally and internationally.

October 2005 also marked the publication in the Federal Register of a proposal by the Department of the Interior to collect information leading to an update of the Tentative List of American properties to be considered for nomination as World Heritage sites. When completed, this update would be the first significant revision since the Tentative List was published in the Federal Register in 1982.<sup>47</sup> Interestingly, rather than basing the revision on a professional, comprehensive study of potentially eligible sites, the proposal called for interested property owners to self-nominate their properties. The proposal did not call for any changes in current requirements for nomination or listing. While this would eliminate any doubt concerning the requirement of owner consent, it would not necessarily produce a list of the most important or representative eligible properties in the United States.<sup>48</sup> In spite of the approach’s shortcomings, it does open the door to increased American participation in the World Heritage program.

As the United States enters its fourth decade as a signatory of the World Heritage Convention, the question remains whether it will fulfil the vision it gave the world in 1972 and

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<sup>44</sup> President George W. Bush, 57<sup>th</sup> UN General Assembly, September 12, 2002. As further explained by a press release of the State Department’s Office of International Organization Affairs dated September 22, 2003, “UNESCO helps countries protect their natural and cultural heritage. It promotes adoption of sound scientific standards. These efforts are important in maintaining a healthy balance between continuity and imperatives for change.” <http://www.state.gov/p/io/fs/2003/24189.htm>, last accessed March 15, 2006.

<sup>45</sup> The United States has not been a member of the World Heritage Committee since 1999 when its previous six-year term expired.

<sup>46</sup> [http://www.nps.gov/oia/news/WHC\\_Committee.html](http://www.nps.gov/oia/news/WHC_Committee.html), last accessed March 15, 2006.

<sup>47</sup> Two properties were subsequently added to the list: Haleakala National Park in Hawaii in 1983 and Taliesin West in 1990.

<sup>48</sup> 70 Fed. Reg. 60849 (October 19, 2005). Inclusion in a State Party’s tentative list is a prerequisite for submission of a nomination to the World Heritage List. See “Operational Guidelines for the Implementation of the World Heritage Convention,” UNESCO, WHC.05/2, 2 February 2005.

again step forward into a leadership position. In 1999, U.S. Rep. Bruce Vento pointedly put the question being asked by many advocates of cultural and natural resource conservation:

When the United States is thrust into a role of dominant power and in the central role as a world leader in so many areas, why would we voluntarily abdicate perhaps the most important leadership position we occupy, that of a leader in an effort to make this life on this planet sustainable? **Statement of Congressman Bruce Vento concerning the “American Land Sovereignty Protection Act,” 1999.**

The signs are encouraging. The Bush Administration might have avoided a potential conflict with Republican Party members and supporters who oppose any international involvement of this kind through continued inactivity. However, the actions of the Departments of Interior and State and the United States Commission for UNESCO during the last six months, including their participation in this symposium, indicate that they are taking a more proactive, though cautious, approach. It would be unfortunate indeed if the very country whose inherently American national park ideal formed a philosophical underpinning for the Convention forsook leadership in the World Heritage Program.

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#### USEFUL LINKS:

<http://whc.unesco.org/> The home page of the UNESCO World Heritage Centre is the logical beginning point for investigation of the World Heritage Convention. The site contains internal links to the official text of the Convention, a list of States Parties, an overview, brief history, and benefits of ratification. There are also links to the List itself along with the World Heritage in Danger List, information on key partners, and an overview of procedures and policy issues.

<http://www.nps.gov/oia/> The U.S. National Park Service Office of International Affairs site contains information on the World Heritage Program in the United States along with information on properties currently inscribed and the Tentative List of potential nominees.

<http://www.icomos.org/> The International Council on Monuments and Sites is the UNESCO partner that reviews cultural and mixed properties nominated to the World Heritage List.

<http://www.icomos.org/usicomos/> The United States Committee of ICOMOS site details the role of US/ICOMOS in World Heritage Program.

<http://www.iucn.org/> The World Conservation Union is the UNESCO partner that reviews natural and mixed properties nominated to the World Heritage List.