The UNESCO World Heritage Convention: Congressional Issues

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Summary

The United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention) identifies and helps protect international sites of such exceptional ecological, scientific, or cultural importance that their preservation is considered a global responsibility. Under the Convention, which entered into force in 1975, participating countries nominate sites to be included on the World Heritage List and the List of World Heritage in Danger (Danger List). Countries that are party to the Convention agree to protect listed sites within their borders and refrain from actions that might harm such sites in other countries. Currently, the World Heritage List is composed of 878 natural and cultural sites in 145 countries, and the Danger List includes 30 sites from 24 countries. One hundred and eighty-five countries, including the United States, are parties to the Convention.

The George W. Bush Administration provided voluntary contributions to the World Heritage Fund and supported U.S. membership on the World Heritage Committee, the implementing body of the Convention. The Department of the Interior National Park Service administers the U.S. World Heritage program, processing U.S. nominations and handling other daily program operations. It administers sites with funds appropriated by Congress, except for several sites that are owned by states, private foundations, the Commonwealth of Puerto Rico, or Native American tribes. Twenty sites in the United States are currently included on the World Heritage List, including the Statue of Liberty, Everglades National Park, and the Yellowstone National Park. No U.S. sites are currently on the Danger List.

Members of Congress have generally supported the World Heritage Convention. The Senate unanimously provided advice and consent to ratification of the Convention in 1973, and some Members have supported the inclusion of sites on the World Heritage List or Danger List. In the mid-1990s, some Members expressed concern that designating U.S. lands and monuments as World Heritage sites would infringe on national sovereignty. Ultimately, however, U.S. participation in the Convention does not give UNESCO or the United Nations authority over U.S. World Heritage sites or related land-management decisions. In addition, some Members have expressed concern with what they view as the limited role of Congress in nominating U.S. World Heritage Sites. Under current law, Congress is involved in the nomination of U.S. sites only to the extent that the Assistant Secretary for Fish and Wildlife and Parks is required to notify the House Committee on Natural Resources and the Senate Committee on Energy and National Resources regarding which sites he or she plans to nominate for inclusion on the World Heritage List.

This report provides background information on the World Heritage Convention, outlines U.S. participation and funding, and highlights criteria for adding and removing sites from the World Heritage Lists. It discusses possible issues for the 111th Congress, including the Convention's possible impact on U.S. sovereignty, the role of the legislative branch in designating sites, and the potential implications for a site's inclusion on the Lists. The report will be updated as events warrant.

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Introduction

During the past two decades, Members of Congress have demonstrated an interest in U.S. participation in the United Nations Educational, Scientific, and Cultural Organization (UNESCO) Convention Concerning the Protection of the World Cultural and Natural Heritage (popularly known as the World Heritage Convention). Under the Convention, which entered into force in 1973, countries agree to protect and preserve natural and cultural sites of exceptional ecological, scientific, or cultural importance through the World Heritage List and the List of World Heritage in Danger (Danger List). Each country that ratifies or accedes to the Convention agrees to protect listed sites within its borders and refrain from actions that might harm such sites in other countries. The World Heritage List includes 878 natural and cultural sites in 145 countries.[1] Thirty sites from 24 countries are on the Danger List.[2] As of November 30, 2007, 185 countries are parties to the Convention.

The United States led the development of the Convention and was the first country to ratify it in 1973.[3] Currently, 20 U.S. sites are included on the World Heritage List, including Yellowstone National Park, the Statue of Liberty, and Everglades National Park. No U.S. sites are listed on the Danger List. The George W. Bush Administration strongly supported the UNESCO World Heritage Convention, providing voluntary contributions to the World Heritage Fund, supporting U.S. membership on the World Heritage Committee, and proposing the first new U.S. nominations to the World Heritage List since 1995.

Congressional perspectives on the Convention have varied. Some Members of Congress have supported the Convention, while others have expressed concern that UNESCO designation of World Heritage sites in the United States infringes on national sovereignty. Ultimately, however, U.S. participation in the Convention does not give the United Nations authority over U.S. World Heritage sites or related land-management decisions. Moreover, some Members of Congress have suggested that Congress should have a greater role in nominating U.S. sites for inclusion on the List.

This report discusses the UNESCO World Heritage Convention and its mechanisms, including the World Heritage Committee and Fund. It outlines U.S. participation in the Convention, in particular the role of U.S. agencies, U.S. financial contributions, and technical assistance to World Heritage sites outside of the United States. It also addresses criteria and procedures for adding and removing sites from the World Heritage Lists. The report also addresses issues that the 111th Congress may wish to take into account when considering U.S. participation in and funding of the Convention—including the possible impact of the Convention on U.S. sovereignty, the role of Congress in nominating U.S. sites, and the implications of including U.S. sites on the World Heritage Lists.

[1] Of the 878 sites on the list, 679 are cultural, 174 are natural, and 25 are a mix of both. Twenty-seven new sites were added in 2008. See http://whc.unesco.org/en/news/453.

[2] Article 11(4) of the Convention highlights criteria for the Danger List. For a list of current sites on the List, see http://whc.unesco.org/en/danger/. For more information, see the "List of World Heritage in Danger" section.

[3] Parts of this report are drawn from CRS Report 96-395, *World Heritage Convention and U.S. National Parks*, by Lois B. McHugh.

The World Heritage Convention

The World Heritage Convention was adopted by the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) on November 16, 1972.[4] It established a World Heritage List that identifies cultural and natural heritage sites of "outstanding universal value."[5] The Convention's purpose is to identify and help protect worldwide sites of such exceptional ecological, scientific, or cultural importance that their preservation is a global responsibility. The Convention also created a List of World Heritage in Danger, which is composed of sites on the World Heritage List that face significant natural or man-made risk and dangers. A site must be on the World Heritage List to be considered for inclusion on the Danger List.

Countries that are party to the Convention agree to protect listed sites and monuments within their borders and refrain from actions that might harm such sites in other countries. The Convention recognizes the sovereignty of individual countries, stating that the responsibility for protecting and conserving World Heritage sites belongs primarily to the country where the site is located.[6] States Parties to the Convention (hereafter referred to as "parties") agree to help provide such protection through the World Heritage Committee and Fund.

World Heritage Committee

The World Heritage Committee, which is comprised of 21 members elected by the parties to the Convention for six-year terms, oversees implementation of the World Heritage Convention through several responsibilities.[7] First, it selects the sites nominated by parties to be included on the World Heritage List. The Committee also monitors the sites and may make recommendations to improve the management of a site, or may place the site on the Danger List. In extreme circumstances, it can remove a property from the World Heritage List if it determines that a country is not fulfilling its obligations to protect and preserve the site. In general, Committee decisions are made by consensus. When voting is conducted, however, decisions are made by a two-thirds majority of Committee members present and voting.[8] Committee decisions to add sites to the World Heritage List or Danger List are typically made by consensus.

The Committee has three intergovernmental and non-governmental advisory bodies to provide advice during its deliberations. They include (1) the International Union for Conservation of

[4] UNESCO is one of the specialized agencies of the U.N. system. It is an autonomous intergovernmental organization with its own constitution, separate budget, and program. It is affiliated with the United Nations through an agreement signed in 1946. UNESCO's purpose is to contribute to peace and security by promoting collaboration among member states in the fields of education, science, and culture.

[5] Preamble, World Heritage Convention, at http://whc.unesco.org/en/conventiontext/.

[6] Article 6 of the Convention states that while "fully respecting the sovereignty of the States" on whose territory the cultural and natural sites are found and "without prejudice to property right provided by national legislation [sic]," the parties to the Convention recognize that the sites constitute "a world heritage for whose protection, it is the duty of the international community as a whole to cooperate." Article 4 notes that each party to the Convention "recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage ... situated on its territory, belongs primarily to that State."

[7] Though the Committee term is six years, most parties, including the United States, voluntarily choose to be members for four years to give other parties an opportunity to serve.

[8] Article 13(8), World Heritage Convention.

Nature (IUCN); (2) the International Council on Monuments and Sites (ICOMOS); and (3) the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).[9] Some Committee members have advocated improving the Committee's operations under an ever-growing work load by focusing on monitoring conditions at existing sites rather than adding new sites. Nevertheless, new sites are added regularly.[10] The UNESCO World Heritage Centre is the Convention Secretariat, and plays no role in decisions of the Committee.[11] Current members of the Committee include Australia, Bahrain, Barbados, Brazil, Canada, China, Cuba, Egypt, Israel, Jordan, Kenya, Madagascar, Mauritius, Morocco, Nigeria, Peru, South Korea, Spain, Sweden, Tunisia, and the United States.

World Heritage Fund

The World Heritage Committee administers the World Heritage Fund (the Fund), which provides technical and financial assistance to countries requesting it. Such assistance can include provision of experts, technicians, skilled labor, equipment, and training, as well as emergency assistance. World Heritage technical assistance must be requested by a member country in an agreement with the Committee, which sets conditions for assistance. The majority of the Fund's income comes from required member country contributions amounting to about 1% of that member's UNESCO dues. The Fund also receives voluntary contributions from governments (including the United States), foundations, individuals, and national and international promotional activities. Total funding is usually about $4 million each year. In recent years, requests have largely exceeded available funds, and the Committee has had to allocate funds according to the urgency of the request with priority given to the most threatened properties.

U.S. Participation

The United States generally supports the World Heritage Convention.[12] It led the creation of the Convention and ratified it in 1973.[13] It has also served multiple terms on the World Heritage Committee and currently serves as a member. Twenty U.S. sites are included on the World Heritage List. No U.S. sites are included on the List of World Heritage in Danger.

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[9] For further information on the World Heritage Committee's advisory bodies, see http://whc.unesco.org/en/advisorybodies/.

[10] In 2005, the Committee added 25 sites; in 2006 it added 18 new sites; in 2007 it added 22 new sites; and in 2008 it added 27 sites.

[11] The Centre is the focal point and coordinator within UNESCO for all matters related to the World Heritage Convention. For more information, see http://whc.unesco.org/en/134.

[12] The United States, for instance, remained active in the Convention and Committee during its withdrawal from UNESCO between 1994 and 2003. The United States withdrew from UNESCO because, in its view, the agency was highly politicized, exhibited hostility toward the basic institutions of a free society—especially a free market and a free press—and demonstrated unrestrained budgetary expansion and poor management.

[13] The Senate provided advice and consent to ratification by a vote of 95 in favor and zero against. The United States ratified the treaty on December 7, 1973. In 1992, the United States hosted a World Heritage Committee meeting in Santa Fe, New Mexico. The United States is also a member of the World Heritage Committee's advisory bodies: the International Union for Conservation of Nature (IUCN); the International Council on Monuments and Sites (ICOMOS); and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

George W. Bush Administration Position

The Bush Administration strongly supported U.S. participation in the World Heritage Convention. In 2005, the Administration ran for a seat on the World Heritage Committee, and in January 2008 it submitted a "Tentative List" of potential U.S. nominations to the World Heritage List. This Tentative List of 14 new U.S. sites represented the first revision of the U.S. nomination list since the original list was developed in 1982.[14] At the same time, the Administration expressed concern with the growing number of World Heritage List inscriptions, particularly from regions already well-represented on the List. It argued that given the limited resources of the World Heritage Fund, parties to the Convention should focus on protecting and conserving existing sites rather than adding new ones. The Administration expressed concern that the Danger List has been seen by many, if not most, parties as a negative designation rather than a mechanism to rally global support for threatened sites. It also contended that the World Heritage Centre and Committee staff are stretched by an increasing workload and no commensurate increases in financial resources.[15]

World Heritage Sites in the United States
(year inscribed)

- **Mesa Verde National Park**, AZ (1978)
- **Yellowstone National Park**, WY/MT (1978)
- **Everglades National Park**, FL (1979)
- **Grand Canyon National Park**, AZ (1979)
- **Independence Hall**, PA (1979)
- **Kluane/Wrangell-St. Elia/Glacier Bay/ Tatshenshini-Alsek**,* AK (1979, 1992, 1994)
- **Redwood National and State Parks**, CA (1980)
- **Mammoth Cave National Park**, KY (1981)
- **Olympic National Park**, WA (1981)
- **Cahokia Mounds State Historic Site**, IL (1982)
- **La Fortaleza & San Juan National Historic Site**, Puerto Rico (1983)
- **Great Smoky Mountains National Park**, NC/TN (1983)
- **Statue of Liberty**, NY (1984)
- **Yosemite National Park**, CA (1984)
- **Chaco Culture National Park**, NM (1987)
- **Hawaii Volcanoes National Park**, HI (1987)
- **Monticello & University of Virginia**, VA (1987)
- **Pueblo de Taos**, NM (1992)
- **Carlsbad Caverns National Park**, NM (1995)
- **Waterton Glacier International Peace Park**,* MT (1995)

*Transboundary sites with Canada

Agency Roles and U.S. Nominations

The National Historic Preservation Act Amendment of 1980 (P.L. 96-515) charges the Department of the Interior with coordinating and directing U.S. activities under the World Heritage Convention, in cooperation with the Departments of State, Commerce, and Agriculture, the Smithsonian Institution, and the Advisory Council on Historic Preservation.[16] The National Park Service administers the U.S. World Heritage program, processing U.S. nominations and handling other daily program

[14] The U.S. World Heritage Tentative List includes Civil Rights Movement sites in Birmingham and Montgomery, Alabama; Mount Vernon in Virginia; and White Sands National Monument in New Mexico. For more information, see http://www.nps.gov/oia/topics/worldheritage/New_Tentative_List.htm.

[15] The Administration has also expressed concern about the possible devaluing of the World Heritage "brand" because more sites are continually added, as well as increased politicization of the decision-making process. See "Submission by the United States of America," World Heritage Committee Workshop on the Future of the World Heritage Convention, September 2008.

[16] Sec. 401 (a), (b) of P.L. 96-615 (94 Stat. 3000), The National Historic Preservation Act Amendments of 1980, December 12, 1980.

operations. It administers sites with funds appropriated by Congress, except for several sites that are owned by states, private foundations, the Commonwealth of Puerto Rico, or Native American tribes.

To be nominated as a U.S. site, property owners must engage in an extensive application process through the National Park Service.[17] The Assistant Secretary for Fish and Wildlife and Parks, who is the designated executive official responsible for the U.S. program, periodically considers applications and nominates properties on behalf of the United States. The Assistant Secretary may only nominate non-Federal property for inclusion on the List if the property owner agrees to the nomination in writing. The Assistant Secretary is required to notify the House Committee on Natural Resources and the Senate Committee on Energy and National Resources of U.S. selections prior to nominating the sites.[18]

U.S. Contributions

U.S. contributions to the World Heritage Convention are provided through both U.S. assessed contributions to UNESCO and U.S. voluntary contributions to the World Heritage Fund. The U.S. rate of assessment for the UNESCO regular budget is 22%, resulting in an assessed contribution of approximately $77.3 million for FY2008.[19] The World Heritage Fund is financed by compulsory contributions of States Parties to the Convention as well as voluntary contributions. The compulsory contributions are set at a uniform rate that cannot be in excess of 1% of the States Parties assessed contributions to the regular budget. In FY2008, the United States was assessed an estimated $772, 860 to the Fund. It pays this assessment through voluntary contributions to the World Heritage Committee through the UNESCO International Contributions for Scientific, Education and Cultural Activities (ICSECA) of the International Organizations and Programs (IO&P) account. In the past decade, U.S. contributions to the Convention have ranged from a low of $428,604 in FY2000 to a high of $700,000 in FY2008. (See **Table 1**.)

[17] For a detailed description of U.S. nomination procedures for World Heritage sites, see "Guide to the U.S. World Heritage Program," National Park Service, Department of the Interior, November 2005, under "Guidebook to the U.S. World Heritage Program," at http://www.nps.gov/oia/topics/worldheritage/worldheritage.htm. Also see, "World Heritage Convention," 36 CFR § 73.7, Vol. 47, No. 103, May 27, 1982.

[18] Sec. 401(a), (b) of P.L. 96-615 (94 Stat. 3000), The National Historic Preservation Act Amendments of 1980, December 12, 1980.

[19] Recent U.S. assessed contributions to UNESCO include $70,924,000 in FY2006 (actual); $73,479,000 in FY2007 (actual); and $77,286,000 in FY2008 (estimate).

Table 1. U.S. Voluntary Contributions to the U.N. World Heritage Convention, 1999 to 2009

(paid in $ U.S. dollars)

Fiscal Year	U.S. Contributions (from the IO&P Account)[a]
1999[b]	$500,000
2000[b]	$428,604
2001[b]	0.0 (per P.L. 106-492)
2002[b]	$410,000
2003[b]	$435,000
2004	$671,000
2005	$640,000
2006	$671,000
2007	$671,000
2008	$700,000
2009	TBD

Source: Department of State, Bureau of International Organization Affairs

a. Pledged amounts may be slightly more than actual contributions due to U.S. proportionate withholding from World Heritage Committee activities in countries the State Department views as "pariah states."

b. The United States was not a member of UNESCO during these years.

ICSECA includes funding for a number of UNESCO activities and programs, including the World Heritage Convention, the Intergovernmental Oceanographic Commission (IOC), and others.[20] Though the United States withdrew from UNESCO from 1984 to 2003, it continued to provide financial assistance to the Convention through annual voluntary contributions. In 2000, however, due to concerns over U.S. sovereignty and the limited role of Congress in nominating U.S. World Heritage sites, Congress passed foreign operations appropriations legislation that prohibited funding to the World Heritage Fund for FY2001.[21]

Technical Assistance and Other Related Programs

The National Park Service works independently and with other agencies to provide technical assistance to countries that have ratified or acceded to the World Heritage Convention. The Park Service also maintains bilateral relationships with counterpart agencies in other countries that allow them to provide in-country training and assistance at non-U.S. World Heritage sites.[22]

[20] Since FY2004, total U.S. voluntary contributions to ICSECA have ranged from $837,000 to $1,889,000. They include $1,889,000 in FY2004 (actual); $806,000 in FY2005 (actual); $961,00FY2006 (actual); $961,000 in FY2007 (actual); and $992,000 in FY2008 (estimate).

[21] Sec. 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations, 2001 (H.R. 5526, enacted by reference in Sec. 101(a) of P.L. 106-429; 114 Stat. 1900A-55; November 6, 2000). For more information see the "Congress and the World Heritage Convention" section.

[22] Examples of technical assistance programs conducted by the U.S. government in the last five years are available at http://www.nps.gov/oia/NewWebpages/WHAssistance2.html.

Additionally, it supports a sister park program where World Heritage sites in the United States and other countries are paired so that staff can exchange information on site management issues.[23]

Other U.S. government agencies and programs provide support to the UNESCO World Heritage sites outside of the United States. The U.S. Agency for International Development (USAID) has provided technical assistance to sites in a number of countries, including Bulgaria, Macedonia, and Mali.[24] Moreover, the Ambassador's Fund for Cultural Preservation, which was established by Congress in 2001, provides direct grant support to cultural heritage preservation projects in developing countries, including World Heritage sites.[25]

U.S. World Heritage Sites Previously on the List of World Heritage in Danger

Two U.S. World Heritage sites—Everglades National Park and Yellowstone National Park—have previously been included on the List of World Heritage in Danger (Danger List). Everglades National Park was added to the Danger List in December 1993 because of the severe effects of Hurricane Andrew combined with other issues, such as excess nutrient pollution from agricultural activities, urban growth, and alteration of natural water flows.[26] The World Heritage Committee removed the Everglades from the Danger List in June 2007 due to U.S. progress in rehabilitating the site. It remains on the World Heritage List.[27]

In June 1995, the Department of the Interior notified the World Heritage Committee that Yellowstone National Park was in danger and requested an on-site visit. In December 1995, a team organized by the World Heritage Committee visited the Park and decided to add it to the Danger List. When explaining its decision, the Committee cited several threats—including plans for a gold mine approximately one mile from the Park, and the introduction of non-native fish into Yellowstone Lake. The Committee removed Yellowstone from the Danger List in July 2003, recognizing U.S. progress in addressing the issues that led to its inclusion on the List.[28]

[23] For more information, see the National Park Service World Heritage website, at http://www.nps.gov/oia/NewWebpages/WHAssistance.htm.

[24] Ibid, also see http://www.nps.gov/oia/NewWebpages/WHAssistance3.html.

[25] In a House Conference Report to H.R. 5548, the Departments of Commerce, Justice, State, the Judiciary, and Related Agency Appropriations Act, 2001, Congress directed the State Department to provide up to $1 million for the Ambassador's Fund from the appropriated State Department funds. (See House Conference Report 106-1005, October 25, 2000, p. 291 to H.R. 5548, enacted by Sec. 1(a)(2) of P.L. 105-553, and included as Appendix B to that public law; 114 Stat. 2762A-51; December 21, 2000). World Heritage sites that received assistance from the Ambassador's Fund include the Forest of the Cedars of God in Lebanon, Chan Chan Archaeological Zone in Panama, and Medina of Tunis in Tunisia. The Fund has supported more than 500 international projects totaling more than $13.4 million.

[26] Report of the World Heritage Committee, seventeenth session, December 6-11, 1993, WHC-93/CONF.002/14, February 4, 1994.

[27] World Heritage Committee decision 31COM 7A.12—Everglades National Park, July 2, 2007.

[28] Congress, for example, appropriated funds to compensate the mine owners for not developing a mine near Yellowstone Park. See P.L. 105-83 (111 Stat. 68), Department of the Interior and Related Agencies Appropriations Act, 1998, November 14, 1997. Also see World Heritage Committee decision 27COM 7A.12—Yellowstone, July 5, 2003.

Congress and the World Heritage Convention

In 1973, the Senate provided advice and consent to ratification of the World Heritage Convention, and until the mid-1990s, Members of Congress from both parties generally supported U.S. participation in the Convention.[29] In 1995, when Yellowstone National Park was added to the World Heritage List in Danger, some Members expressed concern that UNESCO designation of World Heritage sites on U.S. land would infringe on national sovereignty. Some Members also maintained that Congress did not have enough of an influence on which U.S. sites were nominated to the World Heritage List.[30] Consequently, from the 104th to 107th Congresses, Members of the House and Senate introduced variations of a bill entitled the American Land Sovereignty Protection Act (Land Sovereignty Act), which sought to amend the National Historic Preservation Act Amendments of 1980 (P.L. 96-515), to give Congress a larger say in which U.S. sites are nominated for the World Heritage List.[31] The House of Representatives passed variations of the Land Sovereignty Act in the 104th, 105th, and 106th Congresses.[32]

In 2000, due to similar concerns regarding U.S. sovereignty and the role of Congress in nominating U.S. sites to the World Heritage List, Congress included Section 580 in the Foreign Operations, Export Financing, and Related Appropriations Act, 2001,[33] which stated that none of the funds appropriated or made available by the Act may be provided for the UNESCO World Heritage Fund (P.L. 106-429).[34] No related bills were introduced in the 109th or 110th Congress.

[29] On October 26, 1973, the Senate provided advice and consent to U.S. ratification by a vote of 95 in favor and zero against.

[30] For a further discussion of U.S. sovereignty and the role of Congress in nominating World Heritage sites in the United States, see the "Congressional Issues"section.

[31] The most recent version of the Land Sovereignty Act was introduced, but not adopted, in the 107th Congress (H.R. 883). It required congressional authorization for U.S. designation of World Heritage sites, and directed the Department of the Interior to: (1) determine that the designation of a new site will not adversely affect private land within ten miles of the site; and (2) report to Congress on the impact of the designation on existing and future land uses and surrounding private land.

[32] See (1) H.R. 3752 [104th], American Land Sovereignty Protection Act of 1996, introduced by Rep. Don Young on June 27, 1996, and passed by a vote of 246 to 187 on September 26, 1996; (2) H.R. 901 [105th], American Land Sovereignty Protection Act, introduced by Rep. Don Young on February 27, 1997, and passed by a vote of 236 to 191; and (3) H.R. 883 [106th], American Land Sovereignty Protection Act, introduced by Rep. Don Young on March 1, 1999, and passed by a voice vote on May 20, 1999. In the 105th, 106th, and 107th Congresses, the Senate introduced, but did not pass, related bills. (See S. 2098 [105th], S. 510 [106th], and S. 2575 [107th].)

[33] Sec. 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations, 2001 (H.R. 5526, enacted by reference in Sec. 101(a) of P.L. 106-429; 114 Stat. 1900A-55; November 6, 2000).

[34] Section 580 of the Appropriations Act also stated that no funds may be provided for the UNESCO Man and the Biosphere Program (MAB). Since 1972, the United States has participated in the MAB program, which is coordinated by UNESCO. Each participating nation establishes its own domestic MAB program, which includes a wide variety of ecosystem and biological research. As part of the U.S. MAB program, 47 biosphere reserves have been established in the United States. For more information, see http://www.rmrs.nau.edu/USAMAB/What%20is%20MAB.html and http://www.state.gov/www/global/oes/mab.html.

Procedures and Criteria for Adding and Removing Sites from the World Heritage Lists

The procedures for adding and removing sites from the World Heritage List and the Danger List are outlined in the "Operational Guidelines for the Implementation of the World Heritage Convention," developed by the World Heritage Committee. The guidelines are the main working tool for the Committee, and are revised periodically to reflect the Committee's ongoing experience and evolving situations. They were last updated in January 2008.

World Heritage List

Adding Sites to the List

In order for a site to be added to the World Heritage List, parties must complete a nomination document that identifies and describes the site, provides justification for its addition to the list, and highlights conservation and other factors affecting the site. The Convention's advisory bodies evaluate whether a site meets the criteria for the List and make recommendations to the Committee. The recommendations fall into three categories: (1) properties (sites) that are recommended for inscription without reservation; (2) properties that are not recommended for inscription; and (3) nominations that are recommended for referral or deferral.

To be selected, sites must meet one or more of a set of criteria demonstrating "outstanding universal value." Sites meeting such criteria might be a masterpiece of human creative genius; represent an outstanding example of a type of building, architecture or technological ensemble or landscape that illustrates significant stages in human history; or contain superlative natural phenomena or areas of exceptional beauty. The Committee also takes into consideration the integrity and/or authenticity of the site and adequate site protection and management. (See **Appendix A** for the full list of criteria for outstanding universal value.)

The Committee considers the recommendations of the advisory bodies and decides if a site should be inscribed on the World Heritage List. The Committee may refer a proposed site back to the party for additional information, or defer the nomination until additional in-depth study or assessment is completed or the party submits a substantial revision.

Removing Sites from the List

The Committee may delete a property from the World Heritage List if it determines that the property has deteriorated to the extent that it has lost the characteristics that led to its inclusion on the List. It may also be removed from the List if the Committee determines that the party did not take the measures necessary to protect the site from threats and dangers within the agreed-to time frame.[35] If these conditions apply, the party on whose territory the site is situated is required to inform the World Heritage Convention Secretariat. Other parties may also inform the Secretariat if they believe a site should be deleted from the list. In such cases, the Secretariat will verify the

35 Ibid, pp. 51-52.

source and contents of the information and consult with the concerned party.[36] Once a site has been recommended for deletion by a party, the Secretariat will invite the relevant advisory bodies to comment on the information received. The Committee will then consider all the available information, and can vote to remove a site from the list by a two-thirds majority of members present and voting. A site cannot be removed from the list unless the concerned party has been consulted. Since the Convention was established, only one site has been deleted from the World Heritage List. In 2007, the Arabian Oryx Sanctuary in Oman was removed from the List (with the concurrence of the Omani government) after the size of the sanctuary was reduced by 90%.

List of World Heritage in Danger

Sites on the World Heritage List that are considered to be seriously endangered may be placed on the Danger List. These are sites that are in particular danger for which "major operations are necessary and ... assistance has been requested.... "[37] Two-thirds of Committee members present and voting are required to add or remove a site from the Danger List, though generally such decisions are made by consensus.

Adding Sites to the Danger List

The World Heritage Committee is responsible for adding and removing sites to the Danger List. The Committee may add sites to the Danger List when it determines that the property is threatened by serious and specific danger; major operations are necessary for the conservation of the property; and assistance under the Convention has been requested for the property. Article 11(4) of the Convention states that sites "threatened by serious and specific dangers" should be placed on the list. Examples of such dangers include the threat of disappearance caused by accelerated deterioration; large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; the outbreak or the threat of an armed conflict; and serious fires, earthquakes, landslides, volcanic eruptions; and other similar circumstances. (See **Appendix B** for a full list of criteria for inclusion on the Danger List.)

The criteria for determining whether a site should be placed on the Danger List are divided into two types of danger: "ascertained dangers" that are permanent and proven dangers; and "potential dangers" that could have "deleterious effects on its [the site's] inherent characteristics."[38] The criteria for cultural sites and natural sites are different. Cultural sites under consideration for the Danger List must meet at least one of several ascertained or potential danger criteria, including serious deterioration of materials; significant loss of historical authenticity; lack of conservation policy; outbreak of threat or armed conflict; and gradual changes due to geological, climatic, or other environmental factors.[39] Natural sites under consideration must meet at least one of ascertained or potential danger criteria that include (1) a serious decline in the population of the species of outstanding universal value for which the property was legally established to protect; (2) human encroachment on boundaries or in upstream areas which threaten the integrity of the

[36] Ibid.

[37] Article 11(4), World Heritage Convention.

[38] "Operational Guidelines for the Implementation of the World Heritage Convention," pp. 47-49.

[39] Ibid, pp. 47-50.

property; or (3) planned resettlement or development projects within the property or so situated that the impacts threaten the property.[40]

When considering a site for the Danger List, the Committee should consult with the concerned party to develop a program of corrective measures that includes analysis of the present condition of the site, threats to the property, and the feasibility of implementing corrective measures. In some instances, the Committee will send a group of observers and/or advisors from its advisory bodies to visit the site, evaluate the nature of the threats, and propose recommendations. Upon receiving and considering all relevant information, the Committee determines whether the site should be added to the Danger List. Once a site is added, the Committee will define the program of corrective action to be undertaken. The United States and other parties maintain that the consent of the relevant party must be attained before a site may be placed on the Danger List.

Removing Sites from the Danger List

Generally, sites are removed from the Danger List because the World Heritage Committee feels that the conditions of the site have improved to the point where the site is no longer in imminent danger.

However, the Committee may also remove a property from the Danger List when it determines (1) "the property has deteriorated to the extent that it has lost those characteristics which determined its inclusion in the World Heritage List" and (2) "the intrinsic qualities of a World Heritage site were already threatened at the time of its nomination by action of man and where the necessary corrective measures as outlined by the party at the time, have not been taken within the time proposed."[41] To date, no site has been removed from the Danger List for these reasons. If such a removal were to occur, however, the party on whose property the site is located would inform the Convention Secretariat if (1) the site has seriously deteriorated; or (2) the necessary corrective measures have not been taken within the time proposed. Other parties and organizations may also recommend a site be removed from the list. In these cases, the Secretariat will determine the validity and source of the information and consult with the concerned party. The Secretariat forwards all relevant information to the Committee advisory bodies, who make recommendations to the Committee. The Committee then votes on whether a site should be removed from the Danger List.

Policy Issues for Congress

Members of the 111th Congress may take the following issues into account when considering current or future U.S. World Heritage sites and U.S. participation in and funding of the World Heritage Convention and its mechanisms.

Impact on U.S. Sovereignty

Opponents of the World Heritage Convention have argued that U.S. participation in the Convention may allow UNESCO to influence the management of U.S. parks and monuments.

[40] Ibid, p. 49.

[41] Ibid, p. 52.

Ultimately, however, U.S. participation in the Convention does not give UNESCO or the United Nations authority over U.S. World Heritage sites or related land-management decisions.[42] In testimony before Congress, officials from the Departments of State and Interior stated that under the terms of the World Heritage Convention, site management and sovereignty remain with the country where the site is located.[43] They emphasized that the Convention, including the World Heritage Committee, has no role or authority beyond listing or de-listing sites and offering technical advice and assistance to parties.[44]

In addition, supporters have emphasized that parties to the Convention voluntarily nominate sites for inclusion on the Heritage Lists and agree to develop laws and procedures to protect the sites using their own domestic laws. They also maintain that many U.S. World Heritage sites already receive protection under U.S. law as national monuments or parks. Supporters of the Convention point to the text of the World Heritage Convention, which recognizes the sovereignty of states where World Heritage sites are located "without prejudice to property rights provided by national legislation."[45] The Convention also states that countries where sites reside are responsible for identifying, protecting, and conserving the site.[46]

Role of the Legislative Branch in Selecting U.S. World Heritage Sites

In the past, some Members of Congress have expressed concern with what they view as the limited role of Congress in nominating U.S. World Heritage Sites. Under the authority of P.L. 96-515, the National Historic Preservation Act Amendments of 1980, Congress is involved in the nomination process only to the extent that the Assistant Secretary for Fish and Wildlife and Parks is required to notify the House Committee on Natural Resources and the Senate Committee on Energy and National Resources regarding which sites he or she plans to nominate for the List.[47] Some Members of Congress have expressed concern that the executive branch could guide domestic land use policies—including the designation of World Heritage sites—without

[42] Some often assert that U.S. participation in the Convention might give the United Nations influence and control over U.S. lands. The international organization actually involved in the Convention is UNESCO. The United Nations does not have a role under the Convention. In addition, the National Park Service states, "There is an impression that its [the Convention's] implications are far greater than they are.... [U.S.] Participation does not infringe on the national sovereignty of the United States.... A nation that nominates properties to the World Heritage List does not surrender sovereignty, control, or ownership over them." ("Guide to the U.S. World Heritage Program," National Park Service, Department of the Interior, November 2005, p. 5.)

[43] See, for example,"Statement of John Leshy, Solicitor, Department of the Interior," before the Senate Committee on Energy and National Resources Subcommittee on National Parks concerning "Bills to amend... H.R. 901, The American Land Sovereignty Protection Act ... " February 12, 1998. Also see, "Testimony of Brooks B. Yeager, Deputy Assistant Secretary for State for Oceans and International Environmental and Scientific Affairs, Department of the State," before the Subcommittee on Energy and Mineral Resources of the House Committee on Resources, at a hearing concerning a "Proposed World Heritage Committee Policy Prohibiting Mining in Areas Surrounding World Heritage Sites," October 28, 1999.

[44] Further, the National Park Service states, "U.S. laws and regulations affecting the [World Heritage] property are not superceded or abrogated. Rather, World Heritage listing affirms existing U.S. law." ("Guide to the U.S. World Heritage Program," National Park Service, Department of the Interior, November 2005, p. 5.)

[45] Article 6 of the Convention emphasizes respect for the sovereignty of the "States on whose territory the cultural and natural heritage ... is situated, and without prejudice to property rights provided by national legislation.... "

[46] Article 4, World Heritage Convention.

[47] Section 401(a),(b) of P.L. 96-615 (94 Stat.3000), December 12, 1980.

consulting Congress. In particular, some suggest that federal agencies could take into account the rules of the World Heritage program when making land-use decisions, even if UNESCO has no control of U.S. World Heritage sites.[48]

Implications for Inclusion on the World Heritage List

Supporters of U.S. participation in the World Heritage Convention emphasize that there are a number of benefits to being included on the World Heritage List. They maintain that a site's inclusion on the List increases international knowledge, interest, and awareness of the property. In 1993, for example, the World Heritage Committee supported the United States in protecting the Glacier Bay National Park and Preserve by publicizing U.S. concerns about a Canadian pit mine opening near the Bay, reminding Canada of its obligation under the Convention. Similarly, in 2000, Mexico dropped plans to develop a salt plant on the shore of a gray whale breeding ground in a protected area designated as a World Heritage site in Mexico.

Supporters also suggest that publicity from a site's World Heritage listings may lead to increased tourism, which is often beneficial to economies surrounding the site. Moreover, some emphasize that international organizations, national governments and foundations often give priority to World Heritage sites when distributing technical and financial assistance. The National Park Service maintains that such assistance is particularly significant given the relatively limited amounts of funding distributed each year by the World Heritage Committee through the World Heritage Fund (approximately $4 million).[49] Finally, supporters emphasize that a World Heritage listing facilitates an exchange of information that benefits individual sites, particularly those that are lesser known or in countries that do not have the information or financial resources to maintain them.[50]

Opponents of the World Heritage Convention often cite concerns regarding the impact of World Heritage designation on private property located next to the sites. In particular, some are troubled by the World Heritage Committee guidelines that allow for buffer zones around sites.[51] Opponents suggest that establishing buffer zones in accordance with the Convention may have an impact on the use of privately owned land near World Heritage sites. Furthermore, some opponents argue that environmental advocacy groups, or in some cases the federal government, may use the World Heritage Convention to influence public, and sometimes private, land management. Opponents, for example, took issue with the Clinton Administration's efforts to add Yellowstone National Park to the Danger List. They argued that the Administration was advocating Yellowstone's inclusion on the Danger List to bring international attention to the opening of a gold mine on nearby private and U.S. Forest Service land, possibly placing additional pressure on the company to not develop the mine.

[48] This has sparked related concerns that the federal government could undermine local land use decisions based on a site's inclusion on the World Heritage List, perhaps without the advice or knowledge of local authorities or property owners.

[49] "Guide to the U.S. World Heritage Program," p. 7.

[50] Ibid.

[51] "Wherever necessary for the proper conservation of the property, an adequate buffer zone should be provided." See "Operational Guidelines for the Implementation of the World Heritage Convention," January 2008, pp. 26-27, available at http://whc.unesco.org/en/guidelines/.

Appendix A. Criteria for Outstanding Universal Value

Source: "Operational Guidelines for the Implementation of the World Heritage Convention," January 2008, pp. 20-21.[52]

"The [World Heritage] Committee considers a property as having outstanding universal value if the property meets one or more of the following criteria. Nominated properties shall therefore:

i) represent a masterpiece of human creative genius;

ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;

iii) bear a unique or at least exceptional testimony to a cultural tradition or toa civilization which is living or which has disappeared;

iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;

v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

vi)be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);

vii) to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;

viii) to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;

ix) to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals; and

x) to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation."

[52] The Operational Guidelines are available at http://whc.unesco.org/en/guidelines/.

Appendix B. Criteria for Inclusion on the List of World Heritage in Danger

Source: "Operational Guidelines for the Implementation of the World Heritage Convention," January 2008, pp. 48-49.

"Criteria for Cultural Sites—List of World Heritage in Danger

Ascertained danger:

i) serious deterioration of materials;

ii) serious deterioration of structure and/or ornamental features;

iii) serious deterioration of architecture or town-planning coherence;

iv) serious deterioration of urban or rural space, or the natural environment;

v) significant loss of historical authenticity;

vi) important loss of cultural significance; or

Potential danger:

i) modification of juridical status of the property diminishing the degree of its protection;

ii) lack of conservation policy;

iii) threatening effects of regional planning projects;

iv) threatening effects of town planning;

v) outbreak of threat or armed conflict;

vi) gradual changes due to geological, climatic, or other environmental factors."

"Criteria for Natural Sites—List of World Heritage in Danger

Ascertained danger:

i) A serious decline in the population of the endangered species or the other species of outstanding universal value for which the property was legally established to protect, either by natural factors such as disease or by man-made factors such as poaching;

ii) Severe deterioration of the natural beauty or scientific value of the property, as by human settlement, construction of reservoirs which flood important parts of the property, industrial and agricultural development including use of pesticides and fertilizers, major public works, mining, pollution, logging, firewood collection, etc.;

iii) Human encroachment on boundaries or in upstream areas which threaten the integrity of the property; or

Potential danger:

i) a modification of the legal protective status of the area;

ii) planned resettlement or development projects within the property or so situated that the impacts threaten the property;

iii) outbreak or threat of armed conflict;

iv) the management plan or management system is lacking or inadequate, or not fully implemented."[53]

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[53] Additional factors the World Heritage Committee may wish to take into account when considering adding a site to the Danger List are listed on page 50 of the "Operational Guidelines for the Implementation of the World Heritage Convention," January 2008.