

Conference Report:

The 26 to 27 November: 23rd Extraordinary Session of the Bureau of the World Heritage Committee, and the 29 November to 4 December: 23rd Session of the World Heritage Committee, Marrakech, Morocco.

By Mark J. Spalding

Last year we reported on the 22nd Extraordinary Session of the Bureau and 22nd Session of the World Heritage Committee, Kyoto, Japan (JED V8N2). In that conference report, we suggested that the UNESCO World Heritage Committee was not sufficiently transparent and provided too much deference to member governments when evaluating World Heritage Sites hosted by them. Unlike UN human rights reports or United Nations Environment Programme reports and decisions, the World Heritage Committee is too afraid to call a member nation to task for not protecting a World Heritage Site.

During 1999, two controversies illustrate this. At last year's meeting two sites were up for inclusion on the list of Natural World Heritage sites in danger. One was Kakadu National Park in Australia, which had been recommended by the IUCN (the World Conservation Union) for inclusion in the list due to the development of a uranium mine within the site. Australia refused to discontinue preparations for mining during a six-month extension for further scientific review. The scientific review was inadequate in that it did not respond to the IUCN's concerns. Despite this, the World Heritage Committee failed to list the national park as in danger.

At a special July 1999 meeting, the World Heritage Committee expressed "its deep regret" that the voluntary suspension of construction of the mine has not taken place, and it was gravely concerned about the serious impacts to the extant cultural value of the site. However, the Committee decided it "will remain vigilant" in reviewing and assessing the progress made by the Australian Government and requested that the Australian Government submit a progress report by 15 April 2000 for examination by the twenty-fourth session of the Bureau of the World Heritage in July 2000. Thus giving an entire additional year for continued development of the mine before acting on the recommendation of the IUCN regarding the site's status.

The second controversy involved the Whale Sanctuary of El Vizcaíno in Baja California Sur, Mexico where a joint venture between Mitsubishi Corporation and the Mexican Government proposed to build a 116 square mile solar salt production facility.¹ In the case of El Vizcaíno, the Bureau recommended, Mexico accepted and the Committee approved an IUCN Mission for 1999 to "prepare an up-to-date state of conservation report on the Whale Sanctuary of El Vizcaíno. This occurred in August 1999, but only after Mexico dictated that the Mission could not consider the proposed solar salt production facility under the pretense that the project did not exist because no building permit application was on file; a pretense because one merely needed to look at the joint venture's web site to view maps and read many details about its plans. In addition, the press releases and press interviews of salt company officials as well as Mitsubishi representatives confirmed many details about the project. Finally, we had the 1994 version of the same project (which was rejected in 1995) to examine, as well as the joint venture's current operation in Guerrero Negro, Mexico. Thus the report of the Mission predictably said that the

¹ The proposal was canceled by Presidential Decree on 2 March 2000.

site was not currently in danger, but that this finding would have to be revisited should there be a new development proposed. In other words, the Mission failed to adequately inform the World Heritage Committee and thus the international community that is supposed to share responsibility for the protection of the heritage of all mankind. All because it was too deferential to Mexico which is inherently in a conflict of interest position as 51% owner of the saltworks joint venture.

However, in the end it is arguable whether the Mission report influenced Mexico's decision on the project as Mexico's President Zedillo and Mitsubishi Corporation both referred to the Mission report for justification for the decision to reject the project. We will probably never know if the seemingly weak report was used for political cover, or whether the soft diplomacy exercised by the World Heritage Committee's Mission genuinely influenced the decision of the Zedillo Administration.

To make matters worse, NGOs were again prevented from registering for the meeting until the Committee granted them permission to attend, a practice that would be considered anachronistic in many other UN forums. Adding insult to injury, especially for those who had traveled thousands of miles to attend the meeting, the chair, Abdelaziz Touri of Morocco, decided not to allow any NGOs to speak to any agenda items during the Committee meeting.

On the positive side of the ledger, the World Heritage Committee inscribed 48 new cultural and natural sites on the World Heritage List. The List now has 630 sites of "exceptional universal value" in 118 countries. The record number of 48 new sites chosen this year is made up of 11 natural sites, 35 cultural sites and two mixed sites, both cultural and natural. There were also five already-listed sites that were expanded to protect more land.

The 11 new natural sites are: Argentina: Península Valdés, Brazil: (2 sites) Brazilian Discovery Coast and the Atlantic Forests of the South East, Canada: Miguasha Park, Costa Rica: Area de Conservación Guanacaste, Cuba: Desembarco del Granma National Park, Indonesia: Lorentz National Park, Philippines: Puerto Princesa Subterranean River National Park, Portugal: Laurisilva of Madeira, Russian Federation: The Western Caucasus, South Africa: Greater St. Lucia Wetland Park.

To win status as a natural heritage site, an area must have outstanding physical, biological and geological formations, habitats of threatened species of animals and plants and areas with scientific, conservation or aesthetic value. These values are defined by a 1972 international treaty, the Convention concerning the Protection of the World Cultural and Natural Heritage. The complete list of sites is available on the World Heritage Web site at <http://www.unesco.org/whc/news/news011299.htm>

The two mixed sites designated displayed both cultural and natural values - Mount Wuyi in China and the island of Ibiza in Spain.

The 48 new sites are located in 33 countries, reflecting the aim of improving geographical balance (two African countries are among the four new sites) as well as taking into account the concept of "cultural landscape," as several of the new sites fit this description.

The intergovernmental World Heritage Committee includes 21 Parties elected for a term of six years by the General Assembly of the 155 Parties to the Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, November 16, 1972). The Committee is responsible for the implementation of the Convention and determines the inclusion of sites on the World Heritage List on the recommendation of two advisory bodies: the International Council on Monuments and Sites (ICOMOS), for cultural sites; and the World Conservation Union (IUCN), for natural sites.

By adhering to the Convention, nations are committed to ensure the preservation of those sites that they themselves have nominated and which have been included on the World Heritage List. The World Heritage Committee examines reports on the state of conservation of listed sites and requires the States Parties to take corrective measures when they are not managed properly. States concerned must also adopt legislative and regulatory measures to protect these sites. With 155 Parties, the Convention is one of the international instruments that brings together the largest number of nations. It is the only international instrument for the protection of both cultural and natural sites and it encourages co-operation among nations for the protection of their common heritage.

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