

**UNESCO's "benign organism":
The 'World Heritage regime' and its international influence**

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Introduction

State aspirations to have national properties recognised as belonging to the heritage of humanity with an international significance has increasingly empowered the United Nations Educational, Scientific and Cultural Organization (UNESCO) in regard to its influence upon international behaviour. In the early 1970s, UNESCO embarked on an ambitious mission to protect and preserve humanity's most outstanding heritage to guarantee that it will be passed to future generations. It also aimed to recognise people's interaction with nature and to ensure a balance between them. Towards this end, UNESCO launched a global World Heritage regime to accomplish its noble mandate. Over the past thirty-nine years this regime has become an international success as it has enabled the safeguarding of numerous tangible and intangible goods of exceptional value for the entirety of humanity. The key to its success has been a balanced combination of measures that highlight the regime's direct and indirect forms of power. Yet, with a growing number of sites inscribed on the World Heritage List¹ and with growing threats to them, the World Heritage system has found itself increasingly facing difficulties in maintaining its "moral power". These challenges have been exacerbated by a lack of coercive force and sanctioning methods in realistic terms, as well as by rising flows of tourism and, at the same time, decreasing international assistance and funds. The ongoing success of the regime thus come to depend, more than ever, upon the shared involvement and commitment of the States Parties, the international community, and the civil society.

This thesis proposes to examine the multiple ways in which the World Heritage regime has used its power mechanisms to achieve its current significant international position. It will begin with a definition of the UNESCO's World Heritage Convention, an international treaty to preserve the world cultural and natural and intangible heritage. UNESCO's World Heritage regime is thus chiefly based on the implementation of the World Heritage Convention and the Operational Guidelines for the Implementation of the World Heritage Convention² through the World Heritage Committee (WHC). A brief

¹ There are currently 911 properties inscribed on the List.

² The *Operational Guidelines* refer to regularly updated procedures, norms, and rules that determine the assessment processes of the regime. The currently valid version of the Guidelines was revised in 2008 for the 19th time. <http://www.whc.unesco.org/en/guidelines> or <http://whc.unesco.org/archive/opguide08-en.pdf> [last accessed 10 January 2011]

diachronic view of the Convention's work and aims are therefore imperative for understanding the regime's power mechanisms and its dynamics. Also provided will be definitions of cultural and natural heritage as well as cultural landscapes and the adopted criteria for the nomination of world heritage, which are all key aspects and assessment measures of UNESCO's Heritage regime. After a brief synopsis of the differences between this regime and conventional International Organisations (IOs), this research will shed light on the nature of its persuasive forms of power: *scientific objectivity*, *blacklisting*, *mimicry*, and *competition* - especially regarding the significance of both the States Parties and the regime's reputation, as well as its legitimacy. It will discuss how vital these forms of power are to success in influencing states to ratify the World Heritage Convention, to ensure compliance, and persuade them to jointly achieve the proposed goals. It will be further shown that the regime's legitimacy is based on the perception of its procedures and favourable outcomes by its Member States. In addition, this research will theorise on the constructivist IR approach by adapting it to the regime. How Member States follow constructed rules and adopt a 'logic of appropriateness' will also be explored. It will in addition involve examination of its political tools, the World Heritage List, the List of World Heritage in Danger and socio-cultural tools, since they represent the conduit for its power mechanisms, and argue the chances of success in each arena. Examples from the Cologne Cathedral in Germany and the Kathmandu Valley in Nepal illustrate how the regime's tools can be used as a deterrent mechanism to ensure the integrity of World Heritage sites. Moreover, the dichotomy of heritage viewed through the lens of national and international interests will be addressed, as well as what this entails for the States Parties' sovereignty. International interests may come to the forefront of heritage protection, creating a new form of sovereignty: 'Disaggregated sovereignty'. The World Heritage regime's various benefits will also be discussed, its impact on the state's economies especially in regard to tourism, the granting of international assistance as well as funds, and its influence on the States Parties social life by igniting a sense of prestige and pride about their World Heritage properties and by sensitising entire nations regarding the necessity to jointly protect and conserve this collective treasure. Examples from Cambodia and the Democratic Republic of the Congo illustrate the effectiveness of international assistance provided by the regime, while the example of the Galapagos Islands' underlines the need to develop sustainable tourism practices to prevent the deterioration of heritage sites.

After examining the World Heritage regime's ways of inducing international behaviour, this research will discuss its strengths and weaknesses and by drawing lessons from the past, it will seek to raise questions about what could be done better in the future. The existing impairments to the regime: underfunding, a lack of sanctioning power, representational imbalances, etc. provide the basis for proposing new prospects for the World Heritage regime aimed at emphasizing the intrinsic values of the world heritage, which should primarily encapsulate for humanity over economic and political advantage.

The following analysis will be drawn largely from primary sources owing to a dearth of analysis regarding the political aspect of the World Heritage regime in secondary sources. Furthermore, the chosen structure of this research intends to highlight the numerous intertwined aspects involved in the World Heritage regime's mechanisms. Accordingly, the tools, the incentives, and benefits have contributed, in their own way, to advance its global leverage and recognition.

1. UNESCO's World Heritage regime and its political mandate

1.1 The 1972 World Heritage Convention: Historical background and evolution

The Preamble and Article 1 of the UNESCO Constitution sets out as one of UNESCO's missions to

*maintain, increase and diffuse knowledge: By assuring the conservation of books, works of art and monuments of history and science, and by recommending to the nations concerned the necessary international conventions*³.

The International safeguarding campaign launched by UNESCO in 1959 to protect the Abu Simbel temples in the Nile Valley represented one of the first commitments in the protection of heritage. The Egyptian government intended to build the Aswan Dam, which would have flooded the valley encompassing the temples. Due

³ See paragraph 6 of the Preamble to the *World Heritage Convention* as well as Article 1, paragraph 2 (c) of the *Constitution of UNESCO*. See respectively: <http://whc.unesco.org/en/conventiontext/> and http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html [last accessed 12 January 2011]

to UNESCO's campaign US \$ 80 million was collected to protect the site.⁴ Similarly, in 1965 the “*World Heritage Trust*” was initiated to promote international co-operation and to protect both cultural and natural sites. However, since both the UNESCO campaign and the World Heritage Trust failed to create an efficient international protection system,⁵ the General Conference of UNESCO⁶ decided to adopt the World Heritage Convention on 16 November 1972. The Convention created a formally structured international regime of protection, preservation and management of the most extraordinary manifestations of both culture and nature by, providing the necessary financial and intellectual resources and promoting avoidance of exploitation for economic purposes. This goal was pursued by the introduction of a World Heritage List, which encloses states' properties considered to be of ‘outstanding universal value’ for humanity and thus worth being safeguarded and passed on to future generations through conscientious international co-operation and commitment. The World Heritage Convention led to the establishment of the World Heritage Fund (WHF) in 1976, and the World Heritage Committee (WHC), which represent the main actors in the arena of the World Heritage regime.

In summary, UNESCO's World Heritage mission is to:

- persuade countries to sign up to the World Heritage Convention and to guarantee the protection of the world's heritage;
- encourage States Parties to nominate properties in their territories for inclusion in the World Heritage List;
- influence States Parties to adopt management and reporting systems on the conservation of their sites;

⁴ Getty Conservation Institute: *Cultural Heritage in Asia and the Pacific: proceedings of a symposium held in Honolulu, Hawaii, September 8- 9, 1991*, Margaret G. H. Mac Lean (ed.), 1993, p. 1.

⁵ Boylan, P.: *Review of the Convention for the Protection of Cultural property in the Event of Armed Conflict. The Hague Convention of 1954*, Paris: UNESCO, 1993.

⁶ The General Conference consists of representatives of the UNESCO members usually from the ministerial level that meets every two years to finalise the policies, programmes and budget to set international standards and tools for the entire IO. See: http://portal.unesco.org/en/ev.php-URL_ID=37843&URL_DO=DO_TOPIC&URL_SECTION=201.html [last accessed 20 February 2011]

- support States Parties to protect properties by providing financial, technical and educational assistance;
- provide emergency assistance for endangered sites;
- assist signatories to enhance public awareness in the protection and preservation of the world's patrimony;
- encourage participation of the public in the safeguarding of heritage;
- foster international co-operation in the conservation of heritage⁷.

What however is heritage? Which properties have been defined as world heritage and which internationally agreed upon criteria have been adopted to nominate them?

1.2 Cultural, natural heritage and cultural landscapes: A definition

*"Heritage is our legacy from the past, what we live with today, and what we pass on to future generations".*⁸ Originally, the concept of world heritage was restricted to cultural properties and was then extended over time, to encompass also natural, underwater heritage and intangible properties in order to keep pace with societal changes associated with globalisation and to allow a better understanding of the chronological and societal life aspects of humanity.

The WHC includes under cultural heritage: monuments, groups of buildings, and sites in terms of works of man⁹. Natural heritage, on the other hand, is defined as biological, geological and physiographical formations or groups of formation of an exceptional aesthetic, or of vital significance for threatened species of both fauna and flora¹⁰. A third significant category of heritage is 'cultural landscapes', which refers to a

⁷ *World Heritage Information Kit*, UNESCO World Heritage Centre, 2008, p. 3. http://whc.unesco.org/documents/publi_infokit_en.pdf [last accessed 10 October 2010]

⁸ *World Heritage Information Kit*, UNESCO World Heritage Centre, 2008, p. 5, http://whc.unesco.org/documents/publi_infokit_en.pdf [last accessed 10 October 2010]

⁹ See: Article 1 of the *World Heritage Convention*: <http://whc.unesco.org/en/conventiontext> [last accessed 12 February 2011]

¹⁰ Ibid. According to Article 2 of the World Heritage Convention (examples are: The Victoria Falls, the Gran Canyon National Park and the Galapagos Island)

combination of cultural and natural elements, or to the outcome of the interaction of humans with nature. This entails landscapes designed by man, such as parks and the development of settlements and societies facing environmental restraints¹¹. An example of a cultural landscape¹² is provided by the Tongariro National Park in New Zealand, which satisfies the criteria since it has both cultural - it showcases Maori customs and ways of life - as well as natural value.

1.3 Nomination criteria and the Outstanding Universal Value (OUV)

Heritage, irrespective of whether it is natural, cultural or mixed, embodies an intrinsic internationally recognised value, the 'outstanding universal value' (OUV). This corresponds to the main principle under the World Heritage Convention and is used to define whether a property is worth being labelled 'world heritage', merits being protected and hence transmitted to our descendants. The OUV refers to the uniqueness, beauty, extraordinary qualities and importance of properties, or to historic and disappeared civilisations, or to still existing nations. It also refers to the attraction the properties exercise over people of the entire world. The Operational Guidelines for the Implementation of the World Heritage Convention describe the OUV as follows:

Outstanding universal value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common interest for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole¹³.

There are ten criteria for the assessment of the OUV, which have undergone several revisions since the emergence of the first version of the Operational Guidelines in 1977.

¹¹ See: *Operational Guidelines for the Implementation of the World Heritage Convention*, rule 47, <http://whc.unesco.org/archive/opguide08-en.pdf>, p.13 [last visited 10 January 2011]

¹² Interestingly, the criteria that lead to the delineation of natural landscapes were initiated by a request of a State Party, Great Britain, rather than by the WHC itself, representing a "demand-driven explanation" in Martha Finnemore's terms, for UNESCO. This is in contrast to a supply driven model where UNESCO provides services to states without their explicit demand. See: Finnemore, M.: "International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy, in: *International Organization*, Vol. 47, N. 4, 1993. The WHC was unable to list the Lake District (Cumbria), due to the fact that it neither met the necessary criteria to qualify as a cultural heritage nor the criteria as a natural heritage. The Committee, thus, felt compelled to rephrase the criteria, which entailed the creation of the concept of 'cultural landscapes'.

¹³ *Operational Guidelines for the Implementation of the World Heritage Convention*, rule 49, p. 14, <http://whc.unesco.org/archive/opguide08-en.pdf> [last visited on 10 January 2011]

While originally representing two different sets, one for cultural and the other for natural heritage, the WHC merged them to underline their interconnectedness. Properties are considered to be of OUV if they meet at least one of the following set of criteria:

- (i) represent a masterpiece of human creative genius;*
- (ii) exhibit an important interchange of human values [...];*
- (iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilisation [...];*
- (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 traditional human settlement, land-use, or sea-use which is representative of a culture [...], or human interaction with the environment [...];*
- (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;*
- (vii) contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;*
- (viii) be outstanding examples representing major stages of earth's history [...], significant on-going geological processes in the development of landforms, [...];*
- (ix) be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial [...] ecosystems [...];*
- (x) contain the most important and significant habitats for in – situ conservation of biological diversity [...]¹⁴.*

Further key criteria that require being fulfilled for a property to be recognised as having OUV and that qualify for the World Heritage List are: authenticity, integrity, and the existence of a domestic system capable of protecting and managing the properties. The *Implementation Guidelines* define authenticity as a set of characteristics - such as form, material and, function - that verify that the property is truthfully what it is deemed

¹⁴ *Operational Guidelines for the Implementation of the World Heritage Convention*, rule 77, <http://whc.unesco.org/archive/opguide08-en.pdf>, p. 20. [last visited 10 January 2011]

to be and not just a replica. The term 'integrity' refers to the "*intactness and wholeness*"¹⁵ of the heritage.

Having provided an overview regarding UNESCO's evolving mandate and its standards that constitute the basis of its tools, this research will proceed to demonstrate the reasons why the World Heritage regime has not fallen prey to the usual problems associated with International Organisations (IO) and why it has been able to operate with continued success.

2. Political problems and power mechanisms of UNESCO's World Heritage regime

In the realist conception of international politics the fundamental problem with IOs is that they are liable to be used to advance the states own interest at the expense of the general good.¹⁶ The most cynical of scholars doubt the usefulness of IOs as tools to shape state behaviour. Mearsheimer believes that, "*What is most impressive about institutions, in fact, is how little independent effect they seem to have had on state behaviour*", as IOs are unable to coerce states into compliance with their demands.¹⁷ However, the World Heritage regime - although an IO - displays only "shades" of these problems. Despite the regime's lack of an enforcement and punitive mechanism based on police force or the status of law to dictate states' international behaviour, the above defined World Heritage Convention, as well as its listing and delisting instruments, create leading "international norms" that define the role of heritage in the world and the states' performance. Using the power tools at its disposal UNESCO has been able to advance its mission in the face of intransigent States Parties' interests. More recent scholarship by Finnemore and Barnett has expanded on the power relations between states and IOs by defining IOs' authority in terms of "*the ability of one actor to use*

¹⁵ *Operational Guidelines for the Implementation of the World Heritage Convention*, rule 88, p. 23, <http://whc.unesco.org/archive/opguide08-en.pdf> [last visited on 10 January 2011]

¹⁶ Morgenthau, H.: *Politics Among Nations. The struggle for power and peace*, 4th ed., New York: Alfred A. Knopf, 1967, p. 92.

¹⁷ Mearsheimer, J.: "The False Promise of International Institutions", in: *International Security*, Vol. 19, N. 3, 1995, p. 47.

institutions and discursive resources to induce deference from others".¹⁸ Hurd expands on Finnemore and Barnett's line of reasoning, believing that IOs are able to create an authority that is separate from their state members, giving IOs autonomy in setting goals and designing programmes. Hurd ties the authority of IOs to how legitimate states see their bureaucratic procedures and the substantial goals they strive to achieve.¹⁹

This thesis will show that UNESCO has successfully achieved a level of legitimacy and credibility that allows it to set the world's cultural agenda and to have political influence. However, UNESCO, being the least funded of all UN Organisations, is progressively perceived as having its hands tied in the pursuit of stricter enforcement and implementation of its programmes. Thus, a significant level of state co-operation is required for the achievement of its agenda.

2.1 The theory of persuasive power

The World Heritage regime is a formal institution that limits state behaviour to internationally agreed upon standards. Signatories deliberately accept restrictions to their state sovereignty in order to pursue self-interests and international power as they believe they have common interests and common aversions. The success of this regime is also highly dependent on its co-operation with epistemic communities. This refers to "*communities of experts sharing a belief in a common set of cause-and effect-relationships as well as common values to which policies governing these relationships will be applied*"²⁰.

The WHC²¹, as the centrepiece of international commitment in safeguarding humanity's heritage, adopts scientific evidence to ensure compliance and regime maintenance. Rather than relying on traditional coercive power, the WHC has made use of science, given its perceived objectivity and unbiased yardstick, for appropriate

¹⁸ Barnett, M. and Finnemore, M.: *Rules for the World. International Organisations in Global Politics*, Ithaca: Cornell University Press, 2004, p. 5.

¹⁹ Hurd I.: *After Anarchy: Legitimacy & Power in the United Nations Security Council*, New Jersey: Princeton University Press, 2007, p.62.

²⁰ Haas, P.: "Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control", in: *International Organisation*, Vol. 43, 1989, p. 384.

²¹ More about the WHC in chapter 3 p. 17.

standards of action. Decision-making processes based on evidence are transparent and unambiguous, can thus avoid politicisation of the regime's tools and provide compelling reasons to act in the defence of heritage. Moreover, the scientific logic and empirical data have enabled UNESCO's World Heritage system to achieve its goals by persuading States Parties to comply and rescind developments or decisions that might have threatened heritage. However, the scientific discourse is not always unitary as it strongly depends on the preferred scientific paradigm in each country. Disagreement generally arises from knowledge gaps which impair the gathering of valid evidence. Furthermore, a government's scientific findings may be used to counter the regime's decisions²². Nevertheless, on the whole, science remains foundational to the regime's persuasive tools. The World Heritage List, the List of World Heritage in Danger and socio-cultural programmes, by contributing to the awakening of public awareness, additionally serve to further the regime's cause.

In addition, the World Heritage regime has diffused its policies world-wide irrespective of states different interests, political systems, or level of development. This is achievable due to an interplay of various power mechanisms within a set of social relations, which can be identified as direct and indirect forms of persuasive power. The first one refers to direct coercive attempts to convince states to change policies: *Blacklisting and reputation*. The second and third forms - mimicry and competition - rely on an indirect and more ethereal but equally potent power. In light of these power types the regime is thus based on an altered manifestation of "coercive power" that ensures ratification of the World Heritage Convention and states compliance to it. *Blacklisting*²³ consists of an overt and strategic exercise of power to push states to conform. *Blacklisting* suggests that the regime is not only successful in pushing blacklisted states into compliance, but also in creating a deterrent to others to engage in the same conduct. Sharman identifies two types of blacklisting: "*Reactive compliance*" consisting of compliance as a result of experiencing material and reputational losses and "*pre-*

²² As happened in the case of Australia, discussed in chapter 5.2, pp. 47 – 48. Maswood, S. J.: "Kakdadu and the Politics of World Heritage Listing" in: *Australian Journal of International Affairs*, Vol. 54, N.3, 2000, p. 358 - 359.

²³ UNESCO's List of World Heritage in Danger operates in a logic comparable to the money laundering list and the OECD shame list described by Sharman in the following articles: "Anti-Money Laundering in Developing States", in: *International Studies Quarterly* and "The Bark is the Bite: International Organizations and Blacklisting", in: *Review of International Political Economy*.

emptive compliance” that sees States Parties implementing reforms immediately after having gained knowledge of the negative effects on the reputation of other concerned states²⁴. In contrast to realist expectations, being blacklisted stands for more than communicating known transgressions, but confers on states a new negative status that can alter how others perceive them. Accordingly, compliance is reached by fear of being internationally stigmatised and “*publicly condemned*”²⁵ and by risking losing credibility, reputation and material resources. *Mimicry*, by contrast, is an indirect form of coercive force which induces states to adhere to the regime’s policies driven by the dread of losing world-wide social acceptance and of lagging behind or being unable to keep pace with other states. The World Heritage regime sets the appropriate behaviour to follow and thus establishes who belongs to the international community and who is excluded. This power mechanism entailing social acceptance is comparable to peer pressure on the international scale, since the lack of emulation would result in perceptions of backwardness and would signal a dearth of shared common values, hopes and threats, regardless of their local circumstances. In identity politics a similar behaviour based on common values enhances the sense of togetherness allowing more effective international co-operation.²⁶ In analogy to the World Heritage system, the awareness of sharing common values reinforces the desire to protect and preserve the world heritage sites as belonging equally to the international community. This behaviour is based on the *logic of appropriateness*²⁷, which will be further highlighted in the next chapter. Accordingly, compliant states would reap benefits that are not only material but especially social in terms of international reputational status. The regime thus influences international behaviour through constructed norms as is the case with the third power form: competition.

Competition empowers the World Heritage regime through strong pressure to conform with the rest of the world. The strength of the pressure to ratify the World

²⁴ Sharman, J.: “The Bark is the Bite: International Organisations and Blacklisting”, in: *Review of International Political Economy*, Vol. 16, Issue 4, 2009, p. 576.

²⁵ Sharman, J.: “Power and Discourse in Policy diffusion: “Anti-Money Laundering in Developing States”, in: *International Studies Quarterly*, Vol. 52, 2008, p. 646.

²⁶ Guibernau, M.: *The Identity of Nations*, Cambridge: Polity Press, 2007, p. 9 – 11.

²⁷ In constructivist terms the ‘logic of appropriateness’ holds that states follow the rules because they are considered appropriate actions, opposed to actions taken for purely reasons of self-interest.

Heritage Convention is directly proportional to the universality of the regime. In other words, the more states join the regime, the more pronounced is the will of each state to conform. Hence, *competition* is tightly intertwined with *mimicry* as together they create a dynamic independent from the level of development of the states that joined. Consequently, the expanding membership of the regime reached a tipping point²⁸ as world heritage protection became the international standard of conduct. Competition thus resembles a market where states contend to maintain an impeccable reputation to ensure their interests. This demonstrates that both the regime and the states are concerned about maintaining the integrity of their reputation.

Sharman shares Mercer's²⁹ sociological belief that a reputation is not "owned" by an entity, and applies this logic to international organisations. Sharman views reputation as the most important determinant of an IO's ability to impact policy-makers within the state. IOs depend deeply on the strength of their reputation, which relies on being considered as neutral arbiters and as possessing apolitical decision-making processes. This allows them to affect policies and to provide a credible claim for lacking a political motive or a coercive power.³⁰ Sharman highlights the reputational power of the Organisation for Economic Cooperation and Development (OECD) noting, "*OECD reports are widely used as authoritative statements of knowledge in many policy areas, again often without the author seeing any need beyond the label 'OECD' to justify the authoritative character of the knowledge contained therein.*"³¹ So, he concludes that IOs with a high reputation will be able to sway public policy based on their identity alone, regardless of the content of their prescriptions.³² Similarly, the World Heritage regime

²⁸ In the arena of identity politics this process would be deemed to be in line with the instrumentalists' approach consisting of the recognition of identity shifts and choices for merely instrumental purposes, i.e. for achieving self-interested goals and taking advantage of opportunities. In other words, in the tradition of Schelling, identity shifts - also known as identity tips - are engendered by the interaction with others. States, by judging other states to be likely to assimilate, will act accordingly, thus creating 'assimilation cascades'. See: Laitin, D.: "A theory of Political identities", in: *Identity in Formation*, Ithaca, NY: Cornell University Press, 1998, p. 21 – 24 and Schelling, T.: *The Strategy of Conflict*, Cambridge: University Press, 1960.

²⁹ Mercer, J.: *Reputation and International Politics*, Ithaca: Cornell University Press, 1996, pp. 6 - 10.

³⁰ Sharman, J.: "Power and Discourse in Policy diffusion: Anti-Money Laundering in Developing States", p. 30.

³¹ Ibid., p. 31.

³² Ibid., p. 32.

has kept an intact and apolitical reputational image that allows it to dictate universally agreed – upon policies.

Hence, although not relying on rational learning or pressure through sanctions and law, the world heritage system has evidenced a relatively satisfying compliance record since States Parties are generally willing to adhere to the regime's proclamations owing to the manifold incentives it offers. Non-compliance is thus, in the majority of the cases, a result of the regime deficiencies and states' institutional and financial inability to comply. Political scientists view the regime's lack of punitive and enforcement mechanisms as controversial. Chayes holds that sanctioning and strict coercive measures are unproductive, as deliberate non-compliance is sporadic.³³ Conversely, scholars such as Downs³⁴ argue that compliance should underlie standards that transcend the mere concept of 'acceptance' and should rather be based on vigorous enforcement structures, especially in case of colliding interests.

Overall, the WHC has added weight to its decisions by relying on scientific evidence, its reputational credibility and numerous interlinking power mechanisms. In fact, signatories are more likely to accept the regime's rulings if they are persuaded that the decisions follow objective procedures without being influenced by self-interested and political reasons.

2.2 Constructivism and the World Heritage regime

The formation of UNESCO's World Heritage regime confirms Krasner's hypotheses of regime formation.³⁵ He argued that regimes are formed out of a combination of self-interest, power in the service of the common interest, norms, and knowledge that forms a basis for co-operation. Accordingly, the world heritage regime's self-interests are identifiable with its desire to maintain its reputation, leverage and international "monopoly" position in the protection of world heritage. However, its main

³³ Chayes, A.: "On Compliance", in: *International Organization*, Vol. 47, N. 2, 1993, pp. 175 - 205.

³⁴ Downs, G. et al.: "Is the Good News About Compliance Good News About Co-Operation?", in: *International Organization*, Vol. 50, N. 3, 1996, pp. 379 - 406.

³⁵ See: Krasner, S.: *International Regimes*, London: Cornell University Press, 1983, pp. 10 – 19.

cause, as well as norms, serve the common good. This means that, once the regime had been formed, it took on an independent dynamic in line with constructivism.

Although states often seek inclusion on the World Heritage List for their economic gains, UNESCO also expanded the concept of 'heritage' to encourage states to ratify the Convention for other benefits. This aspect reinforces Finnemore's theory that IOs can act as a supplier of interests and norms and not only respond to states' demands.³⁶ Accordingly, with the World Heritage regime UNESCO has managed to shape choices of internal state structure as it supplies policy options on the international level.³⁷ The fact that states adopt policies in response to the regime's constructed norms and understandings recognised by the entire international community demonstrates that the regime follows constructivist theoretical approaches rather than conventional realist theories of International Relations. This evidences that the regime represents an international arena which develops norms and dictates international behaviour through the abovementioned power mechanisms as well as its manifold political, economic and socio-cultural incentives. The regime could thus be identified as a principal rather than an agent.

Furthermore, the constructivist approach sheds light on the importance of epistemic communities, which make use of the regime to wield influence as is the case with environmental and nuclear control groups such as the International Atomic Energy Agency (IAEA).

However, the regime can only be influential to the extent that its rules are seen as legitimate. Hurd identifies three sources of legitimacy for international institutions. First, a "*favourable outcomes approach*" believes states accept institutions as legitimate when they deliver outcomes that are favourable to members and provide material benefits for joining. Second, a "*fairness approach*" that sees legitimacy as a by-product of rules being perceived as fair. Finally, a "*procedural approach*", which emphasises

³⁶ Finnemore, M.: "International Organizations as Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy, in: *International Organization*, Vol. 47, N. 4, 1993, pp. 568 – 570.

³⁷ On the other hand, though, states also influence the World Heritage system's behaviour in case they disrespect the norms and decide to pursue domestic development plans rather than safeguarding heritage. This happened with Australia and the *Kakadu National Park*, where the regime was obliged to loosen its criteria to retain the state as a signatory. More about this case in chapter. 5.2, pp. 47 – 48.

that states accept rules as legitimate even when they go against their interests if the “correct” procedure is followed in reaching a decision.³⁸ UNESCO’s World Heritage regime is underpinned by Hurd’s first and third type of legitimacy. States have joined the regime because they saw the economic benefits as a favourable outcome relative to the minor loss of sovereignty. Yet, States Parties were willing to remain in the regime even when their permission was not sought for placement on the List of World Heritage in Danger or the organisation disagreed with them on matters of national policy, which is in line with the procedural approach. Thus, there is a consensus on the regime’s scientific method as it is deemed to be the right procedure to decide matters of national heritage and culture. Therefore, States Parties followed partly a “*logic of appropriateness*” as constructivism would predict, as they viewed the protection of Heritage as an inherent normative value that transcends the economic benefits derived from their protection. However, the concept of ‘fairness’ presents persistent problems to the regime’s underlying legitimacy as it is partially in opposition to the regime’s notion of ‘scientific objectivity’.³⁹ ‘Fairness’ is a fundamentally difficult concept because it is based on subjective notions of the regime’s operation and outcomes, i.e. its actions are under constant scrutiny from states - each of which has their own notion of what constitutes a fair system.

The following demonstrates the regime’s tools for promoting states’ commitment in safeguarding world heritage and setting up domestic mechanisms to ensure compliance.

3. The World Heritage Committee: Its tools and power dynamics

UNESCO’s persuasive power to protect and (re)define heritage is mainly advanced through economic incentives and enhanced international reputation for signatories. For a better understanding of the ways and the extent of world heritage mechanisms on the world’s political reality, it is essential to explore UNESCO’s international instruments such as the World Heritage List, the List of World Heritage in

³⁸ Hurd I.: *After Anarchy: Legitimacy & Power in the United Nations Security Council*, pp. 67 – 73.

³⁹ More about the shortcomings of the regime and its threatened credibility and legitimacy in chapter 5.2 p. 45.

Danger, and socio-cultural tools, and examine them in light of the power mechanisms they rely on in order to assess their degree of success.

The WHC, as the executive body of the World Heritage regime, is vested with: decision-making power to determine and define the nomination criteria, to list and delist properties, to establish the kind and extent of international assistance to authorise, to manage the funds at the regime's disposal, and to monitor sites on the Lists. The WHC consists of twenty-one representatives⁴⁰ from States Parties, which are elected by the General Assembly⁴¹ for terms of up to six years. The daily affairs of the committee are run by a chairperson, five vice-chairpersons and a recording secretary and is assisted in its decision-making and assessment processes by numerous agencies designed to provide scientific, technical and cultural evidence such as the *International Centre for the Study of the Preservation and Restoration of Cultural Property* (ICCROM), the *International Council of Monuments and Sites* (ICOMOS) and the *International Union for Conservation of Nature and Natural Resources* (IUCN). The scientific evidence provided will then be used in the WHC's persuasion efforts.

3.1 The World Heritage List: The regime's primary instrument

The World Heritage List embodies the world's cultural, natural and anthropological diversity, in their manifold expressions, be they intellectual, cultural, architectural or sociological. It encompasses the world's "best of the best" and has increasingly become a quality mark for all the countries represented on it. The processes and mechanisms that lie behind this highly influential List are fairly complicated and require joint national and international endeavours.

States' motivation to have national sites placed on the List is driven by diverse domestic reasons - economic, political, religious, and cultural. Accordingly, depending on the States Parties' national interests they may apply for the nomination of one

⁴⁰ The current Member States of the WHC are: Australia, Bahrain, Barbados, Brazil, Cambodia, China, Egypt, Estonia, Ethiopia, France, Iraq, Jordan, Mali, Mexico, Nigeria, Russian Federation, South Africa, Sweden, Switzerland, Thailand, and United Arab Emirates. See: <http://whc.unesco.org/en/committee/> [last visited 12 November 2010]

⁴¹ The GA includes all States Parties to the Convention.

property and withhold others. The inclusion processes, though, are not without impediments.

3.2 The nomination and inclusion process of properties on the World Heritage List and its hindrances

The *World Heritage Convention* views the identification and delineation of properties of OUV in a territory as one of the State Parties' major duties, along with the protection, preservation, monitoring, reporting and transmission of the heritage to future generations. However, the identification-duty implies a number of financial, administrative, legal and social efforts. States Parties are required to compile an inventory, more generally referred to as the Tentative List, of properties judged as bearing an OUV and thus being appropriate for listing.⁴² In the case of transboundary properties⁴³, i.e. properties located in countries with shared borders, the Tentative List is expected to be compiled collectively. The preparation of a Tentative List is therefore imperative for a potential nomination of a property. The role of the civil society of a State is often essential when it comes to prepare an inventory as well as identify and define whether a property is of OUV, as outlined in Articles 1 and 2 of the Convention. Evidence shows that States have involved local and regional governments, touristic managers, NGOs, local communities and other concerned parties in this process⁴⁴. Once Member States submit their Tentative Lists for nominations of a specified property the advisory bodies mandated by the Convention, ICOMOS, IUCN, and ICCROM, provide the WHC with evaluations of the nominated sites as well as expert advice on conservation and training measures. After the property has been nominated and evaluated the WHC will confirm its suitability to be placed on the World Heritage List

⁴² See: *Operational Guidelines for the Implementation of the World Heritage Convention*, rule 15 (i), p. 4, <http://whc.unesco.org/archive/opguide08-en.pdf>, or *World Heritage Convention*, Article 11(1), <http://whc.unesco.org/en/conventiontext> [last accessed 10 January 2010]

⁴³ Examples of transnational and transboundary heritage are: The Victoria Falls, belonging to both Zimbabwe and Zambia; the Limes, parts of the former border of the Roman Empire, shared among Germany, Great Britain and Northern Ireland; and the Struve Geodetic Arc which nomination was submitted jointly by ten states: Belarus, Estonia, Finland, Latvia, Lithuania, Moldova, Norway, Russian Federation, Sweden and Ukraine.

⁴⁴ *Operational Guidelines for the Implementation of the World Heritage Convention*, rule 64, p. 18, <http://whc.unesco.org/archive/opguide08-en.pdf> [last visited 10 January 2011]

and then make the final decision. In essence, the listing process is characterised by three steps: The preparation of Tentative Lists, the application for nomination, and finally the actual decision by the WHC of inclusion onto the List, which includes deferral and requesting of further information on the properties, or their rejection.

However, despite the desire of States Parties to have as many properties as possible included on the List, the nomination process manifests a series of difficulties. These mainly arise with transboundary properties, and especially with states having unresolved boundary disputes, such as Jordan and Israel. In 1981 Jordan nominated the property of the historic city of Jerusalem and its walls for inclusion on the World Heritage List. The town, though, was administered by Israel, which was not a contracting State Party of the Convention. Given that the states' consent is a precondition for the inscription of properties, the WHC was unable to add this site to the World Heritage List. Furthermore, nomination problems often take place in divided countries or in countries with minorities, where governments are reluctant to promote the culture of indigenous people or minorities in their territory. In such cases there is hesitancy associated with the nomination of some sites. This has happened for instance in Turkey, which has thus far opposed the nomination of Armenian sites.

Also, Article 4 states that a property has to be in the State Party's territory, which entails yet another listing problem when the property is located at sea, outside the territorial waters, as, for instance, in the case of the Titanic.⁴⁵

In summary, the World Heritage List represents the major persuasive tool of the regime, as it symbolises UNESCO's leverage in holding the key to enhancing the signatories' economic and socio-cultural prestige. The underlying power mechanism of this World Heritage instrument consists of a combination of competition and mimicry power, which both aim at enhancing the concerned States Parties' reputation. The World Heritage regime benefits from States Parties competing for representation on the List as it increases the regime's normative legitimacy and perpetuates the desirability of representation. With the List representing increasingly a "quality brand" that is conferred only on the most deserving states, it resembles an exclusive community in which every Member State contends for membership to secure enhancement in global reputation.

⁴⁵ Archeologists and biologists disfavour long lists of underwater properties, since they want to avoid treasure hunting or people seeking for sites and thereby causing damage to flora and fauna.

This dovetails into the mimicry power discourse which views signatories as willing to emulate other states in having their properties inscribed on the World Heritage List, which occurs since they seek social acceptance by entering the community as a symbol of common values and common duties towards world heritage. This behaviour is in line with the constructivist notion of the 'logic of appropriateness' as it is deemed to be the most accepted response to heritage protection in the international community.

The interaction of two different power mechanisms has proved exceptionally successful, since within 39 years the Convention has seen 193 signatories and 911⁴⁶ represented sites on the World Heritage List. It furthermore underpins Hurd's theory based on competition and mimicry as the right procedure and as a means to favourable outcomes, thus reinforcing the regimes credibility and legitimacy.

Nevertheless, this alone would not be sufficient for pressuring the States Parties to fulfil their duties. For this, it requires additional punitive measures for non-compliance represented by the List of World Heritage in Danger and, as a last resort, the definitive delisting of the sites from the World Heritage List.

3.3 The List of World Heritage in Danger, the delisting process and the signatories' responses

UNESCO's List of World Heritage in Danger represents another highly influential instrument of the World Heritage regime. It encompasses former properties of the World Heritage List, which are seriously threatened and for which assistance has been requested. It also alerts the international community to threats in the hope that it can join efforts to save the sites. Threats to the world heritage include rapid deterioration due to projects of urban or tourism development, armed conflict and war, natural calamities, pollution, poaching and so forth.

The placement of properties on this List occurs when States Parties apply for inclusion because they are unable to maintain the characteristics of the site for which it was originally inscribed on the World Heritage List and might want therefore to receive UNESCO funds. The inscription of a property on the List requires the WHC to establish

⁴⁶See: <http://whc.unesco.org/en/list> [last accessed 13 February 2011]

and adopt, in consultation with the concerned Member State, corrective and subsequent monitoring measures. All efforts aim at restoring the property's values in order to be able to remove it from the List as soon as possible.

Thus, being on the List reflects negatively on signatories - economically, politically and socially. It harms their international reputation and also signifies failure to protect the heritage in their territories. Countries, therefore, generally make vehement efforts to avoid appearance on the List. In spite of this, the WHC does at times, include properties on this List without States' approval, and only once certain criteria are satisfied will the WHC then remove them from the List.

It is thus evident that the List of World Heritage in Danger has a noteworthy impact on the states as it provides further evidence of UNESCO's ability to undermine state's authority by urgently placing on the List and without seeking members' consent, sites located in their territories, with a view to avoiding irreversible damage. The process of inscribing properties on the List requires the WHC to dispatch experts from ICCROM, ICOMOS and IUCN and other qualified organisations. Experts are asked to report on the condition of the property and to propose corrective measures. The report is the basis for the WHC decision to place properties on the List and requires a two-thirds majority of members. *"The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicise it immediately"*⁴⁷. This was the case with the old city of Dubrovnik, after war broke out, with the *Garamba National Park* in the Democratic Republic of Congo⁴⁸, and with the

⁴⁷ *World Heritage Convention*, Article 11(4), <http://whc.unesco.org/en/conventiontext> [last accessed 12 January 2011]

⁴⁸ Dubrovnik, the 'pearl of the Adriatic' was inscribed on the World Heritage List of Danger firstly owing to urgent need - armed conflict - and secondly for lack of commitment from the former Yugoslav government, which did not respond to the numerous appeals to compliance coming from the WHC. Non co-operation was also displayed by the Democratic Republic of the Congo, which lead to a situation of 'urgent need' and thus to the necessity for the WHC to place the property on the World Heritage List of Danger in 1996. *Report of the World Heritage Committee, 15th Session, Carthage, 9 – 13 September 1991*, para. 29, *"Recalling that the repeated requests of UNESCO to observe the obligations of the Convention concerning the protection of the World Cultural and Natural Heritage have so far not been needed, and noting the state of exceptional emergency caused by the armed conflict, the Committee decided, in accordance with the provisions of Article 11, paragraph 4 of the Convention, to inscribe Dubrovnik on the List of World Heritage in Danger and to publicize this entry immediately"*. <http://whc.unesco.org/archive/repcom91.htm>, [last accessed 15 January 2011] and *Report of the World Heritage Committee, 20th Session, Merida, 2 – 7 December 1996*, VII. 37, *"The Committee decided to inscribe the Garamba National Park on the List of World Heritage in Danger, and urged the State Party to collaborate with WWF, IUCN, and the Centre to prepare a plan for corrective measures in conformity with the Operational Guidelines and encouraged international partners to collaborate to safeguard the northern white rhino and other wildlife populations in the Park"*, <http://whc.unesco.org/archive/repcom96.htm>, [last accessed 14 January 2011]

Yellowstone National Park. In this last example, the US did, however, act resolutely to alleviate the threats to its natural heritage. Other examples of sites that were inscribed on the List of World Heritage in Danger without the States Parties' consent are the Cologne Cathedral and the Kathmandu Valley.

3.3.1 Some illustrative examples: The Cologne Cathedral in Germany and the Kathmandu Valley in Nepal

The Cologne Cathedral in Germany and the Kathmandu Valley in Nepal provide an example for the effective use of UNESCO World Heritage regime's power mechanisms and the concerned states' commitment to the regime.

One of the reasons why properties are included on the List of World Heritage in Danger is the lack of buffer zones. These are areas surrounding heritage properties aimed at preserving their visual integrity and at reducing the impact of new developments in the neighbourhood of historic buildings. An example of the necessity of a buffer zone for the integrity's sake is the Cologne Cathedral in Germany⁴⁹. It had to be placed on the List of World Heritage in Danger owing to skyscrapers which were built in the vicinity of the historic property, threatening its visual integrity. The cathedral was, however, removed from the List of World Heritage in Danger, as soon as the city of Cologne ceased further high-rise building on the other bank of the Rhine in 2006⁵⁰.

Similarly, the Kathmandu Valley in Nepal was placed on the List of World Heritage in Danger for having undermined the site's integrity by not providing necessary buffer zones. In this instance, the local government did not act to impede the construction of modern building in proximity to the heritage, hence compromising its visual integrity. Consequently, the WHC felt obliged to include the site on the List without the State Party's approval in 2003⁵¹. These cases often ignite vivid disputes as

⁴⁹ *Report of the World Heritage Committee, 28th Session*, Suzhou, 2004, Decision 28, COM. 7A.29, <http://whc.unesco.org/en/decisions/348>, [last accessed 28 January 2011]

⁵⁰ *Report of the World Heritage Committee, 30th Session*, Vilnius Lithuania, 2006, Decision 30, COM 7A.30. <http://whc.unesco.org/en/decisions/1079/> [last accessed 1 February 2011]

⁵¹ *Report of the World Heritage Committee 27th Session*, Paris, 2003, Decision 27, COM 7B.52, <http://whc.unesco.org/en/decisions/635/> and *Report of the World Heritage Committee 28th Session*, Suzhou, 2004, 28 COM 15 A.25, 2004, <http://whc.unesco.org/en/decisions/348>, [last accessed 28 January 2011]

States Parties, on the one hand, are eager to maintain the properties' inclusion on the World Heritage List though, on the other, they want to use their territories to build constructions for domestically relevant purposes.

States Parties therefore often face domestic conflicts, since they may have plans regarding urban development and about how to best use the free space on their territory. However, due to the vicinity of World Heritage properties and the abovementioned criteria that require constant adherence, States are obliged to change their plans and respect UNESCO's rules if they still want to retain their sites on the List. Indeed, once they consent to the inclusion of their properties on the World Heritage List they agree to subject the sites concerned to the provisions of the World Heritage Convention, which views the conservation of the OUV as having priority over the domestic interests of the State Party in question:

*The preservation of the properties belonging to the world heritage requires a high degree of co-operation on the part of the State Party, co-operation which these States undertake to provide precisely by their acceptance of the Convention. [...], by acceding to this instrument, the States Parties to the Convention willingly agree to submit the exercising of their sovereignty to the achievement of the objectives of general interest pursued by the Convention*⁵²

In cases where states refuse to comply with the regime, preferring to keep existing national benefits, UNESCO may resort to the deletion of properties from the World Heritage List. The Operational Guidelines of the World Heritage Convention⁵³ outline the conditions under which a definitive deletion of a property from the World Heritage Lists should occur. Removal then takes place when the property's deterioration has reached a stage that makes it impossible to recognise the characteristics for which it was originally inscribed on the List. In addition, deletion from the List is also justified when the value of the property was endangered already at the time it was nominated and intended steps that would have been essential to prevent it from further decline have not been taken. The first condition may not necessarily depend on the States Parties' commitment, as the damage could also derive from

⁵² *Policy and legal issues concerning the inscription of properties on the List of World Heritage in Danger and the potential deletion from the World Heritage List, 26th Session, Budapest 2002, WHC-02/CONF.202/8, para. 34, pg. 17, <http://whc.unesco.org/en/sessions/26COM/documents/> [last accessed 11 February 2011]*

⁵³ See: "Procedure for the eventual deletion of properties from the World Heritage List", in: *Operational Guidelines for the Implementation of the World Heritage Convention*, p. 52 – 53, para. 192 – 198.

natural events. However, the second condition clearly recognises the state's non-compliance and therefore the regime holds them responsible. Even in such cases though, the WHC can delete a property from the List only after having consulted the concerned state, but this does not necessarily require the state's consent. In other words, deletion of a property from the World Heritage List can take place against a state's will as long as it has been previously consulted. In 2007, the WHC for the first time in its history, removed a site from the World Heritage List. This took place with the *Arabian Oryx Sanctuary* in Oman, which had been included in 1994.⁵⁴ The property was removed from the List after the WHC had tried to urge the state to implement correcting measures for the property which had been in serious deterioration for several years. The heritage, in the end, was damaged to such an extent that it had lost its OUV and integrity⁵⁵ and thus any legitimacy to maintain its world heritage "label". In 2009, Dresden and the surrounding Elbe valley were also delisted against the States Party's will. The German town which was reconstructed in its Baroque splendour after massive bombing during World War II had to be delisted because of a motorway bridge damaging the properties' integrity.⁵⁶

It must be underscored though, that whatever action has been undertaken with a property under the UNESCO's World Heritage mechanism – whether it be nomination, inscription or removal from the Lists, or international assistance - all actions must follow a consultation with the concerned state and should be approved by it, with the only exception being sporadic urgent delisting. These are generally due to the loss of OUV of the property and the state's lack of commitment in avoiding further decay. Therefore, a distinction needs to be made between delisting under ordinary circumstances and under "urgent necessity".

⁵⁴ *Report of the World Heritage Committee, 31st Session, Christchurch, 2007*, p. 50 – 51, Decision: 31 COM 7B.11 "[The WHC] Concludes with regret that, having further consulted IUCN and being convinced that as a result of the reduction of the Sanctuary under Omani Law, the property has deteriorated to the extent that it has lost its Outstanding Universal Value and integrity; Decides to delete the Arabian Oryx Sanctuary (Oman) from the World Heritage List", <http://whc.unesco.org/en/sessions/31COM/documents/>, see also: *World Heritage in Danger. A compendium of key decisions on the conservation of natural. World Heritage properties via the List of World Heritage in Danger. IUCN World Heritage Studies*, N. 7, 2009, p. 21 – 22, [last accessed 12 February 2011]

⁵⁵ Oman also planned to pursue hydrocarbon explorations in the vicinity of the property, which had engulfed ninety percent of the property ground.

⁵⁶ "The limits of soft cultural power", in: *The Economist*, 10 September 2009.

On the whole, the placement of properties on the List of World Heritage in Danger illustrates a further instance of the World Heritage regime's international power over the states. It is a form of blacklisting and thus serves as a reputational and material threat for the members whose sites are included on the List. In terms of material threats, States Parties may face decreasing tourist revenues, although they are eligible for international assistance to restore the sites. The German and Nepali examples demonstrate that blacklisting through the List of World Heritage in Danger was a success since both governments had to endure the regime's policies even if this entailed having to forgo their development plans. The concerned states acted in line with 'pre-emptive compliance' and managed to keep their sites from being permanently deleted from world heritage status. In addition, the regime by using blacklisting mechanisms has not only pressured members into compliance, it has also signalled deterrence measures for other States Parties to avoid compromising their sites by lapsing into self-interested behaviour. In reputational terms, the regime's use of blacklisting highlights Sharman's thesis that blacklisting communicates more than a state's failure to comply. On the contrary, being included on the List demonstrates the state's international "degradation" and provokes a negative response from the international community towards its new status. Thus, blacklisting raises the question of whether this practice is fair. The controversy arises as blacklisting relies on scientific objectivity whereas the concept of 'fairness' is fundamentally based on the States Parties' subjective understanding and perception of fairness. At times, the WHC places properties on the List of World Heritage in Danger which belong to developing countries, but these are often unable to comply due to institutional, financial as well as managerial deficiencies. The regime foresees that in such cases, assistance and funds can be made available, though the concerned States Parties should apply for them. This often does not occur because of the abovementioned deficiencies, with a consequent loss of reputation for certain states. Despite a possibility of signatories therefore questioning the regime's fairness, inclusion on the List does satisfy, to a certain extent, Hurd's *procedural approach*, because Member States accept UNESCO's norm related to the List as being legitimate. This is because, although they may not always feel that it is in their interest, they recognise that the decision is followed by procedures that are generally deemed to be scientifically correct and objective. This concern emphasises the dilemma between *blacklisting* and *fairness*.

The removal of a site from the World Heritage List represents the ultimate action in response to non-compliance and embodies a further deterrence strategy of the regime. The delisting process, having been used only twice in the regime's history, provides evidence for the effectiveness of the abovementioned power mechanisms. Consequently, states have been driven to compliance making further delisting measures unnecessary.

The World Heritage regime's tools though would not be as effective if public consciousness regarding the heritage's value were lacking. Thus, the awareness raising tool is qualitatively different from other instruments of UNESCO's power, since rather than acting as a direct incentive to join, it relies on subtly changing the public's perception and appreciation of world heritage. Accordingly, UNESCO also adopts socio-cultural instruments to augment its persuasive power in the long-term. To this end, the world heritage bodies have launched various information and education campaigns to increase public awareness.

3.4 The World Heritage regime's socio-cultural tool: Information and education projects for public awareness raising and illustrative examples

The World Heritage Regime established educational and information programmes conceived for sensitising the public to the value of world heritage and its constant threats and thus to the obligation to contribute to its protection.⁵⁷ The programmes seek also to inform about the benefits and duties related to heritage and to increase collective responsibility through communication.

On the occasion of its *26th Session* in 2002, the WHC adopted the *Budapest Declaration on World Heritage* encouraging all signatories to support heritage protection through strategic objectives, as follows:

to promote World Heritage through communication, education, research, training and public awareness strategies [...] seek to ensure the active involvement of

⁵⁷ *World Heritage Convention*, Articles 27 and 28, <http://whc.unesco.org/en/conventiontext>. [last accessed 10 January 2011]

*our local communities at all levels in the identification, protection and management of our World Heritage properties*⁵⁸.

A stronger awareness also boosts the role world heritage takes in the everyday life of the communities in which the properties are located. The involvement of the public in these processes also embodies a means to ensure, on the one hand, the appreciation and recognition of the values of the properties and thereby to engender a will to maintain these values. On the other hand, it aims to guarantee their sustainable use, as States Parties have proved to be keen to have their sites on the List for the fulfilment of “soft” and “hard” goals. To this end, the WHC encourages local communities to promote world heritage information through brochures or to publish activities - such as exhibitions - related to heritage preservation in the local press. Moreover, they are invited to mark the properties on their territories also by making use of the world heritage emblem, representing the closed interdependence of natural and cultural heritage.

In order to attract funding, the UNESCO Secretariat and the World Heritage Centre⁵⁹ have been charged with preparing and distributing informational material for States Parties, especially concerning examples of best practise, success cases and properties on the World Heritage List in Danger. These bodies translate and publish their material on the World Heritage Centre website⁶⁰ and in periodicals.

Drawing attention to World Heritage among young people has also been an important goal of the regime. Accordingly, it has endeavoured to raise public awareness through dissemination of material⁶¹ and events organised in schools as well as universities. In 1994 UNESCO initiated the *Project on Young People’s Participation in World Heritage Preservation and Promotion* to allow interaction between secondary school students, educators and world heritage experts. 130 countries have been

⁵⁸ “Budapest Declaration on World Heritage”, in: *Report of the World Heritage Committee, 26th Session*, Budapest, 2002, WHC-02/CONF.202/5, 26 COM 9, <http://whc.unesco.org/archive/decrec02.htm#sec8>. [last accessed 14 January 2011]. See also: *Operational Guidelines for the Implementation of the World Heritage Convention*, para 26, <http://whc.unesco.org/archive/opguide08-en.pdf>, [last accessed 10 January 2011]

⁵⁹ In essence, the World Heritage Centre functions as an administrative secretary to the World Heritage Committee. It is responsible for co-ordination of funds, helps States Parties to compile Tentative Lists, etc.

⁶⁰ The website is by far UNESCO ‘s best visited site.

⁶¹ For instance the *World Heritage in Young Hands Kit* for secondary school teachers, which has been translated into 30 languages or multimedia material.

involved in this project to date and numerous other programmes and activities have been launched since then. These have included international conferences, workshops established for training teachers, and the World Heritage Youth Forums⁶².

The synergy with universities is also crucial for the World Heritage regime's influence in the cultural and societal realm as higher education multiplies skilled manpower and experts in heritage related subjects. In 2000 a number of UNESCO Chairs were established at the University of Laval in Canada, at Deakin University in Australia, at Tel Aviv University, and at the Bezale Academy of fine Arts in Jerusalem. They are offering degrees in *Cultural Heritage and Museum Studies*, *Heritage on the Modern Movement*, and *Urban Design and Conservation Studies*⁶³. Furthermore, a triennial academic exchange programme *Sharing Our Heritage* enables Master students from Australia and Europe to study in the respective partner university for one semester. This way, students of site management, for instance, can acquire first-hand information in France at the Val de Loire or in Australia at the Kakadu National Park. Another noteworthy education, networking and information tool is the *Forum UNESCO-University and Heritage* (FUUH). Since its launching in 1995 it has counted more than 10,000 members from over 300 universities⁶⁴. A monthly newsletter ensures that members are updated on issues on heritage conservation and protection.

These examples provide evidence for the significant role public awareness plays in the World Heritage regime's socio-cultural influence, as it goes beyond generations, cultures and continents. The underlying power mechanism of this tool represents a restrained form of mimicry which takes place at the sub-state level. It is a long-term and indirect exertion of power that subtly targets the nations' consciousness but with an enduring outcome. The regimes socio-cultural power instrument also mirrors Nye's discourse on 'soft power' based on global culture with power "*passing from the 'capital-rich' to the 'information-rich'*"⁶⁵. Applied to the World Heritage regime, it underlines its

⁶² See: World Heritage Youth Forum, <http://whc.unesco.org/en/activities/55> [last accessed 27 February 2011]

⁶³ See: UNESCO Chairs- UNITWIN Networks, http://portal.unesco.org/education/en/ev.php-URL_ID=22129&URL_DO=DO_TOPIC&URL_SECTION=201.html [last accessed 14 January 2011]

⁶⁴ See: http://portal.unesco.org/culture/en/ev.php-URL_ID=23213&URL_DO=DO_TOPIC&URL_SECTION=201.html [last accessed 16 January 2011]

⁶⁵ Nye, J.: Soft Power, in: *Foreign Policy*, N. 80, 1990, p. 164.

ability to harness soft power over traditionally coercive measures, in hard power terms. A high distribution of information increases public awareness, thus facilitating the achievement of the regime's goals through public participation. Information and public awareness also promotes the its capability in setting the international agenda and in decreasing the level of resistance to it.

The listing, delisting and public awareness raising processes are only some aspects of the regime's power dynamics. An inevitable facet of these dynamics is also the severe "tension" between the national and international interest of safeguarding world heritage.

3.5 National sovereignty vs. collective interest: A critical dichotomy in the World Heritage regime

Despite its increasing success since the launch of the World Heritage Convention in gathering more signatories and expanding the World Heritage List, the regime has had to deal with several controversies, as sites, on the one hand, are under the states' sovereignty and, on the other, represent collective goods of a paramount international interest. To mitigate this conflict, the Convention has repeatedly rephrased its nomination criteria and has also changed its application of international law. Thus, while placing a great emphasis on respecting the states' sovereignty, the shared interest remains crucial for various reasons. It contributes to avoiding the growing commoditisation of heritage, it complements the national heritage protection by providing international assistance as the technological, scientific and economic resources of the states, in which the sites are situated, are often deficient; and it more efficiently natural, societal, and economic threats, such as irreversible decay or natural calamities.

Yet, the States Parties' role in the World Heritage regime remains arguable. The Convention declares that it is the State Party's duty to protect the property located in its territory. However, Article 6 of the Convention seems to suggest that other Member States can become involved in this matter and this has implications for state sovereignty.

*Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage [...] is situated, [...] the States Parties to this Convention recognise that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate*⁶⁶.

In addition, the Preamble of the Convention states as follows:

*Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong*⁶⁷.

That is to say, that the international regime of the World Heritage Convention is committed to protecting properties irrespective of the state and peoples they belong to as it views every damage and loss of a cultural or natural property as an impoverishment of the whole of humanity. However, third State Parties that might be called upon to co-operate in the conservation of a property are required to express their involvement in written form. Only then, are they allowed to collaborate and provide assistance in the processes of identification, protection and conservation of heritage⁶⁸. International assistance is then granted due to compulsory commitment along the lines of the Convention or just bilaterally⁶⁹. The option for third States Parties' intervention as well as of other national and international bodies is in line with Slaughter's concept of "disaggregated sovereignty". She notes the increasing tendency of the state to disaggregate into separate parts as, "courts, regulatory agencies, executives, and even legislatures - are networking with their counterparts abroad, creating a dense web of relations that constitutes a new, trans-governmental order", to solve problems⁷⁰. Similarly, the protection of heritage could benefit if co-operation improved between the appropriate departments of State Parties – such as the Departments of Culture and Heritage, Economic Development and Conservation. Likewise, Bouilleux, a director of International Organisation *La Francophonie*, believes that an inter-ministerial approach

⁶⁶ *World Heritage Convention*, Article 6 (1), <http://whc.unesco.org/en/conventiontext> [last accessed 10 January 2011]

⁶⁷ Preamble of the *World Heritage Convention*, para. 5, <http://whc.unesco.org/en/conventiontext>, [last accessed 10 January 2011]

⁶⁸ *World Heritage Convention*, Article 11, para. 4.

⁶⁹ Angkor Wat in Cambodia can be instanced in this respect as it received significant international assistance from various parties, governments, NGOs, etc.

⁷⁰ Slaughter, A.M.: "The Real New World Order", in: *Foreign Affairs*, Vol.76, No.5, 1997, p.184.

to heritage promotion and protection is vital as, “*Merely mobilizing [individual] ministries of culture is not enough to achieve this [goal], because their weight in the various governments of North and South is often more limited*”⁷¹. Third party intervention has also been espoused by Chayes and Chayes who have defined a ‘new sovereignty’. Their understanding of ‘sovereignty’ focuses on the state’s ability to participate in IOs to counter international problems with national and supranational peers, rather than seeing sovereignty in the traditional light of states being immune from interference in their affairs. Under this conception of ‘sovereignty’, states are accorded international status based on their willingness to engage with other states and accept mutual obligations,⁷² as is the case with the World Heritage regime, which is based on multi – and bilateral co-operation.

Another aspect of mutual obligation which pertains both to the States’ duties and to the national community is to prevent any act of vandalism or threat to their heritage. If the state does not take appropriate measures, whenever they might be essential, and fails to protect the properties on its territory so that the world heritage becomes damaged, the Convention will view the concerned State as being fully responsible⁷³. Furthermore, the violation of the State’s obligation to protect the world heritage properties is considered as an offence against all the States Parties, since they are properties of collective interest. So, given its significance to the international community, their protection is considered to be a global task.

The sovereignty overriding measures employed by the regime can be viewed as a by-product of its power mechanisms’ outcome. Hence, to avoid being blacklisted, being considered as not belonging to the social community with shared values and responsibilities and, most importantly, suffering damage to their reputation, States Parties accept the regime’s sovereignty, overriding actions. Furthermore, they even allow third party intervention by recognising World Heritage as a collective good. This aspect is a significant normative development and evidence for the World Heritage regime’s power for, as O’Keefe states, there is no legal basis or intention in the original

⁷¹ Bouilleux, F.: “Ways to encourage funding culture from the perspective of the OIF”, in: *Funding Culture, Managing the Risk: Proceedings held at UNESCO Paris*, 16 and 17 April 2010.

⁷² Chayes and Chayes A.: *The New Sovereignty: Compliance with International Regulatory Agreements*, Cambridge, Massachusetts: Harvard University Press, 1995, p. 4.

⁷³ Article 6 (3) of the *World Heritage Convention*.

convention for third party states to intervene on behalf of others⁷⁴. Indeed, the regime empowers local bodies, non-governmental agencies, as well as individuals, to oppose government plans that are not in line with World Heritage policies. Thus, even if the government has decided to cave in to self-interest, the regime, working with local constituencies, can oppose governmental resistance to world heritage protection.

4. Benefits for States Parties to become a signatory

The few costs of membership discussed above, such as foregoing urban development for maintaining the sites' integrity or allowing mechanisms that impinge on sovereignty for the collective interest, pale compared to the multitude of advantages that involvement entails. The overarching benefit of ratifying the World Heritage Convention is that of belonging to an international community of appreciation and concern for universally significant properties that represent the world's most outstanding examples of cultural diversity and natural wealth. Further incentives for states to sign up stem from economic growth, in terms of increasing tourist revenues, job opportunities, development, financial and technical assistance. States Parties also benefit from the preparation and implementation of a management plan that establishes adequate protection and monitoring measures for the sites. In addition, membership fosters non-economic interests related to the signatories' enduring international prestige and most importantly, it raises the consciousness that the respect of heritage should become embedded in domestic society.

4.1 Advantages for States Parties to be well represented on the World Heritage List

One of the advantages the listing of properties entails for the States Parties is undoubtedly a thriving tourist trade, which also enhances economic welfare. In addition, it provides a human development asset, as it generates employment and creates income, and thus reduces poverty. Besides, less affluent countries take an interest in joining the List or at least to submit Tentative Lists, in order to be eligible for funding, which creates yet another incentive to become involved in the "UNESCO mechanism".

⁷⁴ O'Keefe, R.: "World cultural heritage: obligations to the international community as a whole?", in: *The international and comparative law quarterly*, 2004, vol. 53, issue 1, p. 191.

The economic impact of the World Heritage regime on the signatories is massive for both developing and developed countries. However, it is necessary to differentiate between them, depending on how essential economic advantages are for their economic sustainability. Accordingly, the World Heritage Convention has stated that the inclusion of a property on the World heritage List does not prohibit its sustainable use:

*World heritage properties may support a variety of ongoing and proposed uses that are ecologically and culturally sustainable. The State Party and patterns must ensure that such sustainable use does not adversely impact the outstanding universal value, integrity and/or authenticity of the property. Furthermore, any use should be ecologically and culturally sustainable [...]*⁷⁵.

The promotion of sustainable use of properties is accompanied by the ability to receive international assistance which allows members to receive support in their efforts to safeguard the properties located in their territories.

4.2 International assistance and World Heritage Fund

Given the collective interest associated with world heritage, it is the duty of the entire world's community to preserve it. UNESCO has therefore established an international assistance, co-operative and protection system and the World Heritage Fund, which are all co-ordinated by the WHC and which aim to preserve among other things, endangered properties in countries unable to protect them with their own efforts. It was decided:

*To provide international protection, the international authority can regulate these problems by international convention, establish such institutions as appear necessary and determine the assistance which it can give to States and the conditions under which it will be granted. Although both States and the international community have duties in regard to these monuments, groups of building and sites, the extent and subject and their responsibility are not the same in the two cases*⁷⁶.

⁷⁵ *Operational Guidelines for the Implementation of the World Heritage Convention*, para 119, <http://whc.unesco.org/archive/opguide08-en.pdf>, [last accessed 10 January 2011]

⁷⁶ See the preliminary draft of the World Heritage Convention: *International Instruments for the protection of Monuments, Groups of Buildings and Sites*, SHC/MD/17, para.21. Paris, 1971, http://docs.google.com/viewer? a=v&q=cache:QDAFqORq_H4J:whc.unesco.org/document/1534+SHC/MD/17&hl=en&gl=nz&pid=bl&srcid=ADGEESiYqg9sL9D9j9K3GcVv1rH3Bo_mQRrFe4TyfTH7m6LPdp3VRb6ufDj5s796BeRD4RzjeTsZjn h7v3myKHggv2U53X56iwOmQrlqyol80qYVVtZYtcJWfz6Xjz2fWwt4ddHJU6RF&sig=AHIEtbQqF6dsj7227n

In fact, international assistance merely seeks to complement the States Parties' actions and not replace them. Access to the World Heritage Fund, embodies a key benefit of ratification, especially for developing countries that are eligible to receive annual funds of an estimated US \$ 1 million to identify, preserve and promote sites in their territories.

International assistance has been immensely fostered by an effective co-operation of the WHC and the Fund. There are several forms of international assistance: Emergency assistance, for endangered properties on the List of World Heritage in Danger; preparatory assistance, to compile Tentative Lists and deal with nominations requests; training and research assistance, to train staff for the conservation, management and presentation processes of world heritage properties; technical assistance, by providing skilled labour and specialists for the preservation of sites and assistance for education, information and awareness raising, which is self-evident⁷⁷. Help can be provided also bilaterally, e.g. a third State Party, is allowed to appeal to another state and seek to help states insufficiently able to protect their endangered property jointly⁷⁸.

However, international assistance can only be of effective use if conscientiously managed and allocated. This is enabled by the involvement of the World Heritage Fund, which represents the main financing source of international assistance. The WHC is in charge of distributing the resources and of also adopting mechanisms to increase the Fund' s endowment, despite the voluntary or compulsory contributions⁷⁹ to the Fund received from the States Parties. The main fund-raising measures so far adopted are, *inter alia*, partnerships⁸⁰, co-operations⁸¹ projects, and bilateral agreements on world

bpvcD3edvS9swo8A, [last accessed 18 January 2011]. The overall budget for international assistance allocated by the WHC make an average of 2.5 million US \$ per year. See for more details: *Report of the World Heritage Committee, 29th Session*, Durban, South Africa, 2005, Decision WHC-05/29.COM/14B, para.12, [last accessed 18 January 2011]

⁷⁷ *Operational Guidelines for the Implementation of the World Heritage Convention*, para. 233 - 240, <http://whc.unesco.org/archive/opguide08-en.pdf>, [last accessed 10 January 2011]

⁷⁸ *Operational Guidelines for the Implementation of the World Heritage Convention*, para. 60 (c), <http://whc.unesco.org/archive/opguide08-en.pdf>, [last accessed 10 January 2011]

⁷⁹ The compulsory contribution corresponds to one percent of the contribution of the Member States to UNESCO. See Article 15(3) of the *World Heritage Convention* about what the Fund resources should be, <http://whc.unesco.org/en/conventiontext>, [last accessed 10 January 2011]

⁸⁰ Partnerships were established for instance with the World Bank, the United Nations Development Programme-Global Environment Facility UNDP-GEF, or the Japan Bank for International Co-operation.

heritage⁸². These “money-engendering strategies” are increasingly necessary in light of the exponential number of Member States to the Convention and the rising nominations to the World Heritage List.

On the whole, the World Heritage Fund has contributed considerably to the success and influence of the World Heritage regime for the last thirty-nine years. Albeit, the skyrocketing number of nominations and the expanding World Heritage system's budgetary shortcomings have rendered its operation more difficult. This has been exacerbated in particular by the increasing inclusion of developing countries' sites, since they demanded more assistance as demonstrated in the Cambodia or Congo cases described below.

4.2.1 Illustrative examples of international assistance: Cambodia and the Democratic Republic of the Congo

The Angkor Archaeological Park embodies one of the main South-East Asian archaeological properties. This is chiefly due to the ruins of the former Khmer Empire and to the numerous spiritual, historical and artistic buildings it encompasses. The temples of Angkor Wat and the over forty other “history-charged” buildings are placed in an outstanding natural setting. In addition, the residents nurture various popular and oral traditions. This heritage gem was severely damaged during armed conflicts between 1975 and 1991.

In 1990, UNESCO initiated a *Plan of Action for the Conservation of the Angkor Monuments* which included, *inter alia*, a round table of Cambodian experts as well as representatives of international and governmental and non-governmental organisations

⁸¹ Co-operation was finalised with international and non-governmental bodies, such as the abovementioned agencies ICCROM, ICOMOS, IUCN, as well as individuals.

⁸² Agreements to increase the resources to support the conservation of world heritage have been signed bilaterally between the World Heritage Centre and a considerable number of States Parties. See: “Progress Report on World Heritage PACT”, WHC.05/29.COM/3, item 13 of the *Provisional Agenda of the 29th Session*, Durban, South Africa, 2005. “*The World Heritage PACT, or Partnerships for Conservation Initiative, was launched by the WHC in 2002 for the implementation of sustainable partnerships whose purpose, beyond financial issues, is the development of a dialogue, an exchange, and an interaction between all stakeholders interested in World Heritage Conservation*”, <http://whc.unesco.org/en/pact>, [last accessed 21 February 2011]

to discuss and jointly prepare corrective measures. In 1991, after peace was restored, UNESCO succeeded in directing the attention of the entire international community to the need for protection of the property. The WHC, owing to the urgent need for help, placed the site on both the World Heritage List as well as on the List of World Heritage in Danger.

The projects that were carried out primarily tackled de-mining of the territory for safe access to the property and the purging of vandalism, theft and the trade of cultural objects removed from the heritage sites. In the framework of international assistance, Japan hosted an *Intergovernmental Conference on the Safeguarding and Development of the Historic site of Angkor*, which entailed the adoption of the *Tokyo Declaration*⁸³, under which was initiated an international committee assigned the duty of co-ordinating and assisting the Cambodian authorities with the conservation projects. The international community spent around US \$ 50 million on the Cambodian safeguarding campaign over a period of 10 years, cementing the norm of third party intervention possibilities outside of the World Heritage Convention. Throughout this time much of the damage could be repaired through restoration and development projects, the engagement of a heritage protection police force, and establishing of inventories of cultural objects belonging to the sites to counter illegal trafficking.

Another *International Conference for the Safeguarding and Sustainable Development of Angkor and its Region* took place in Paris in 2003. One of the main issues discussed was the pressing need for an even stronger international commitment to the safeguarding actions. This conference instituted a new master plan resulting in a considerable improvement to the property which then led to its removal from the List of World Heritage in Danger in 2004.

⁸³ Among the countries, institutions and organisations that signed up to the *Tokyo Declaration* were: Australia, Belgium, Brunei, Cambodia, Canada, China, France, Great Britain and Northern Ireland, Hungary, India, Indonesia, Italy, Japan, Laos, Luxemburg, Malaysia, the Netherlands, Norway, the Philippines, Poland, Russia, Singapore, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the United States of America, Viet Nam, the European Community, the Asian development Bank, the International Centre for the Study of the Conservation and Restoration of Cultural Property (ICCROM), the Southeast Asian Ministers of Education Organization Regional Centre for Archeology and Fine Arts (SEAMEO/SPAFA), etc. More information under <http://www.mofa.go.jp/region/asia-paci/mekong/development/cambodia.html>, [last accessed 27 January 2011]. The varied signatories show the degree of international assistance.

The Angkor case confirms the efficiency of international aid under the World Heritage regime as one of the main benefits received by signatories. It also underlines UNESCO's effective influence as Cambodia could be persuaded to relent on its sovereignty to accept international intervention, assistance and even third party intervention by Japan. The World Heritage system was thus able to provide the necessary support to a state which has otherwise been incapable of self-help. The Cambodian instance also evidences UNESCO's legitimacy in cultural affairs and management of protection and preservation measures. This example also underlines one of the regime's aspects of legitimacy in Hurd's tradition given his views that IOs gain legitimacy when providing favourable outcomes.

Similarly, the project formally identified as the *Biodiversity Conservation in Regions of Armed Conflict: Protecting World Natural Heritage in the Democratic Republic of the Congo*⁸⁴ offers a further example of successful international co-operation under the auspices of UNESCO. The Congolese preservation measures took place between 2000 and 2004 and involved several national and international institutions and organisations protecting natural properties which were placed on the List of World Heritage in Danger. The threatened sites included the *Okapi Wildlife Reserve*, as well as the national parks of *Garamba*, *Kahuzi-Beiga*, *Salonga*, and *Virunga*.

The safeguarding acts were financed by the *United Nations Foundations* (UNF), the *UN Fund for International Partnerships* and by various other sources, which provided an overall support of about US \$ 12 million. The main measures that were undertaken embraced the granting of salary substitutes and equipment for the staff to allow them to fulfil their tasks efficiently, establishment of staff workshops to promote the protection and surveillance of the properties, the creation of inventories of species to enhance monitoring of the conditions of biodiversity, and the setting up of an enduring funding system to guarantee protection in the future. Moreover, in 2004 UNESCO organised a three-week event labelled *Congo - Heritage in Danger -*

⁸⁴ See: <http://whc.unesco.org/en/congobiodiversity/>, [last accessed 22 February 2011]. Some of the co-operating partners were: UNESCO's World Heritage Centre and the Division of Ecological Sciences together with World Conservation Union (IUCN), the Gesellschaft fuer Technische Zusammenarbeit (GTZ) of Germany, the Institut Congolais pour la Conservation de la Nature (ICCN) of the Democratic Republic of the Congo, the International Rhino Foundation (IRF), the International Gorilla Conservation Programme (IGCP), the World Wide Fund for Nature (WWF), etc.

*Protecting the wonders of the Democratic Republic of Congo*⁸⁵ to both raise additional funds and to sensitise the international community to the need for supporting a permanent resolution to the difficulties that have been threatening the Congolese heritage.

The Congolese example shows that UNESCO's influence is not limited to supplying reconstruction and protection support but it also implements long-term structural reforms that enable states to pursue sustainable practises. In addition, in the last few years, a considerable number of bi- or multilateral agreements have been finalised with the intention of maintaining the effectiveness of international co-operation and assistance. These benefits emanating from the World Heritage regime all aim at reinforcing its persuasive power in the world by strengthening its credibility, since the heralded goals were maintained.

4.3 Tourism: A double-edged sword for World Heritage

The UNESCO World Heritage's List has become a global "seal" that embodies the planets' most precious sites. Once properties have been included on the List, they attract a soaring number of visitors - in some cases tourist numbers have even quintupled within a year⁸⁶. The World Heritage's emblem on a site has unquestionably become a significant marketing instrument and source of capital and economic welfare – especially for States Parties whose economy is mainly nourished by tourism. Indeed, the economic benefits represent the primary incentive for states to sign up to the World Heritage Convention. However, in the pursuit of profitable interests, Member States have repeatedly neglected their key duty which consists of protecting and conserving the world heritage in their territory. Accordingly, countries which have had properties recently included in the World Heritage List are now facing hordes of tourists, yet appropriate infrastructure, management and programmes to cope with crowds are missing. Often difficulties already arise with the quest to satisfy basic needs owing to a lack of catering and accommodation facilities, parking capacities or even restrooms.

⁸⁵ See: <http://whc.unesco.org/en/events/31/>, [last accessed 16 January 2011]

⁸⁶ As has happened with the royal tombs from the Chosun Dynasty in Korea added to the List in June 2009. "UNESCO Heritage Sites See Visitor Numbers Soar", in: *The Chosunilbo Co*, 28 December 2010.

The best example of tourism being both a blessing and a means of devastation in the same breath for certain countries, is the Galapagos Islands.

4.3.1 An illustrative example of tourism: The Galapagos Islands

The over one hundred islands and surrounding marine reserve of this archipelago in the Pacific Ocean have been identified as the most astonishing place on earth due to its unique biodiversity. These islands host over 1,300 species living nowhere else in the entire world. Since it was nominated as a natural heritage site in 1978⁸⁷ tourism has ignited controversy.⁸⁸

Invasive species as well as the rapid and unsustainable population and economy growth of the islands have threatened this natural paradise. An expanding population requires more resources and causes waste and pollution, which has increasingly led to an imbalance between the needs of humans and nature. Similarly, the uncontrolled expansion of tourism - with the number of visitors rising from 12,000 in 1979 to more than 160,000 in 2010⁸⁹ - has severely threatened more than forty species. The burgeoning number of visitors has led to a plethora of hotels and nightclubs as well as to the introduction of entertainment facilities. For this reason the WHC placed the islands on the List of World Heritage in Danger in 2007. Since then, the Ecuadorian government has undertaken corrective measures to safeguard the property such as tightening the immigration policies and setting up an *Invasive Species Fund*⁹⁰. On the other hand, though, tourism has had a considerable positive impact on the islands, as it has enabled the funding of conservation projects over the last forty years, which would have been almost impossible to finance otherwise. Tourism, however, needs to be cautiously co-ordinated to ensure that further damage does not undermine the already

⁸⁷ See: Darton, T.: "Comment UNESCO; was wrong to remove the Galapagos Islands from the Danger List, believes Toni Darton", in: *The Daily Telegraph*, 7 August 2010.

⁸⁸ The Tikal in Guatemala and the Yucatán in Mexico represent similar cases, where tourism had to be restricted for the properties' sake.

⁸⁹ Darton, T.: "Comment UNESCO; was wrong to remove the Galapagos Islands from the Danger List, believes Toni Darton", in: *The Daily Telegraph*, 7 August 2010.

⁹⁰ Ibid.

frail ecosystem. Local authorities are compelled to design a model of tourism which is able to control mass tourism as “*unmanaged tourism could destroy the Galapagos; planned tourism could save them*”⁹¹.

4.4 World Heritage Sustainable Tourist Programme

The above case represents a paradigm for the reality of the World Heritage regime, e.g. that its sound mandate and principles do lead to enormous changes in the preservation of both tangible and intangible heritage. However, its abuse for lucrative purposes can only be avoided if the world heritage emblem does not get misused as a marketing instrument – “*fodder for “things to see before you die” [in] coffee-table books*”⁹². Therefore, the WHC launched the *World Heritage Sustainable Tourism Programme*⁹³ in 2001 to persuade States Parties to ensure a balanced combination of conservation and economic development and to help them to manage tourism as a long-term benefit by protecting the sites’ value. The programme examines the key issues that allow maintaining a balance between sustainable tourism and heritage conservation and developing policies that foster successful management of, on the one hand, environmental and social protection and, on the other, creation of benefits for the local people as well as governments. The programme’s action plan includes: Creating a sustainable tourism management plan, training locals in tourism-related activities so that they can benefit from tourism, using tourism-generated funds for protection costs and raising public pride, awareness through campaigns, sharing expertise and lessons with people in other tourist areas, building an increased understanding of the necessity to protect the world heritage and its values, and establishing a constructive dialogue with the tourism industry to contribute to protection of the sites.

The economic incentive highlights the competitive spirit of States Parties as each country attempts to gain the most out of the system for self-interested motives. The World Heritage regime’s mechanisms, however, constrain states to balance their

⁹¹ Darton, T.: “Comment UNESCO; was wrong to remove the Galapagos Islands from the Danger List, believes Toni Darton”, in: *The Daily Telegraph*, 7 August 2010.

⁹² Osborne, S.: “Here comes the hordes” in: *Independent Life*, 29 April 2009.

⁹³ See: World Heritage Centre – *Sustainable Tourism Programme*, <http://whc.unesco.org/en/sustainabletourism/>, [last accessed 17 January 2011]

economic motive with sustainable tourism practises for the sake of world heritage. Sustainable tourism, though, can only be courted if states counter the “commodification” of heritage and respect its intrinsic value. This value refers to the inherent worth of a country’s cultural identity and peoples’ relations to their past, which they would want to share with other cultures as well as to conserve for the generations to come. In other words, society chooses aspects which it values and is proud of and wants therefore to remember in the future. This socio-cultural aspect of heritage, however, is often neglected or even ignored by states that are highly dependent on tourism. Consequently, as long as the economic and political values of heritage overshadow the intrinsic social values, societies will continue to struggle with establishing sustainable tourism. States should thus develop their domestic markets to shape interests, ignite enthusiasm and enhance pride among locals. A new thinking about the role of domestic tourism could promote sustainable heritage tourism by also embracing its intrinsic value⁹⁴.

In addition to competition, however, Member States also rely on the regime’s high international reputation as the endorsement of the regime would not provide economic benefits if it was unable to command respect or recognition from the general public. Signatories, apart from receiving economic profits, are also supplied with socio-cultural benefits, displaying the interconnectedness of the benefits⁹⁵.

4.5 Prestige and international recognition: The regime’s socio-cultural benefits

The World Heritage regime also displays socio-cultural benefits which have proved sufficient incentives for States Parties to nominate sites. It has assisted entire nations to increase their international reputation and to sensitise them to the value of their national heritage which thus earns their respect and commitment to preservation for future generations. UNESCO’s aforementioned instruments and its standards helped the public achieve a better understanding of not only the importance of heritage for humanity, but also its manifold variety. *The Global Strategy for Balanced,*

⁹⁴ It has in fact been demonstrated that one of the weaknesses concerning tourism in developing societies was their focus on the international tourism market rather than on developing their local ones.

⁹⁵ The abovementioned *World Heritage Sustainable Tourist Programme* highlights the existence of overlapping benefits.

*Representative, and Credible World Heritage List*⁹⁶ also contributed to this view. It broadened the concept of cultural heritage by taking into account changes in scientific developments, intangible heritage, anthropological aspects as well as realms that had previously not been considered such as traditions, migrations, humans' spiritual and artistic expression, cultural landscapes, industrial heritage, land and waterways⁹⁷. The socio-cultural incentive is unexpectedly significant even to developing States Parties which, despite apparent economic motives, join the World Heritage regime to foster their global status. Indeed, Blake explains that since the founding of UNESCO, developing states have favoured 'endogenous development' that seeks to increase the value of heritage and culture⁹⁸. Blake notes that in the past certain South African cultural communities, ashamed of some aspects of their culture, prevented them from being passed on to future generations. The regime's awareness raising measures thus allowed them to endure⁹⁹.

Overall, UNESCO's power mechanisms has helped the public to gain consciousness of their countries' cultural patrimony, to foster a world-wide appreciation for their culture, and give local communities a greater say in what should constitute heritage and culture. In fact, the number of sites on the List a state obtains is proportional to the states international prestige, to the extent that a state's cultural heritage may overshadow all other facets of its identity in the general consciousness.

5. Lessons learned and recommendations for the future

5.1 What led to the regime's success?

The World Heritage regime has been increasingly successful in pursuit of its mandate to protect and preserve heritage of outstanding universal value to mankind since the adoption of the World Heritage Convention in 1972. The steady increase of

⁹⁶ More about this strategy in chapter 5.2, p. 50 (footnote 110).

⁹⁷ Within this scope the WHC carried out a revision of the criteria of world heritage for a more holistic depiction of the world's heritage. See: *Global Strategy for a Representative, Balanced and Credible World Heritage List*, <http://whc.unesco.org/en/globalstrategy>, [last accessed 12 January 2011]

⁹⁸ Blake, J.: "UNESCO's 2003 Convention on Intangible Cultural Heritage: the implications of community involvement in 'safeguarding'", in: *Intangible Heritage*, New York, 2009, p. 48.

⁹⁹ Ibid., p. 63 - 64.

contracting States Parties as well as the number of properties included in the World Heritage List bear witness to this particularly positive development. The world-wide recognition of the List and the inscribed properties have generated a global “brand” able to “*transcend borders, politics - and even economics*”¹⁰⁰.

The key aspects of UNESCO’s World Heritage regime’s power are undoubtedly **science**, **rational objectivity** and **evidential analysis** in the decision-making processes, as they allow its maintenance and management without relying on traditional coercive power, as defined by realists. They furthermore ensure a certain degree of compliance by minimising the regime’s politicisation which would have represented a motive for non-compliance. Often, the WHC and the States Parties, along with UNESCO experts, have managed to find solutions before threats would have lead to a site which had deteriorated to such an extent that it had to be placed on the List of World Heritage in Danger or be removed from the World Heritage List. This way, the Heritage regime has succeeded in averting several signatories from irreversibly damaging their sites. For instance in 1987, they prevented the Greek authorities from building an aluminium plant near the Delphi oracle and in 1995, they impeded the Egyptian government’s construction of a motorway in the vicinity of the *Pyramids of Giza* in Cairo. In early 1999, the WHC also stopped a project to enlarge a salt factory for commercial purposes in the *El Vizcaino Bay* in Mexico, which represents a whale sanctuary and the last adequate reproduction lagoon for the grey whale. The regime persuaded the Mexican government to refuse permission for the salt works¹⁰¹ which benefitted both the country’s reputation as well as its natural heritage.

Other key reasons for the regime’s success lie in its **power tools** and **mechanisms**: blacklisting, mimicry, and competition. The World Heritage List, as the regime’s main power tool, has led to its success since it increases the member’s reputation and provides tangible and intangible advantages. The List of World Heritage in Danger, as the regime’s pressure and deterrence instrument, has allowed the WHC to urge states to comply, whereas its socio-cultural tools have enabled the regime to raise public awareness, and to enable the involvement of local communities in the

¹⁰⁰ Osborne S.: “Here come the hordes”, in: *Independent Life*, 29 April 2009.

¹⁰¹ World Heritage Information Kit, UNESCO World Heritage Centre, 2008, p. 19, http://whc.unesco.org/documents/publi_infokit_en.pdf, [last accessed 10 October 2010]

processes related to the nomination of properties for their inclusion in the World Heritage List. The regime's success was particularly enhanced by states' mimicry and competition to join and abide by the regimes norms.

In addition, its numerous **benefits**, be they tourist revenues, international prestige, or assistance have also contributed to the heritage system's evolution, as Member States would not easily abrogate their duties once a property situated in their territory has received World Heritage recognition.

5.2 What has impaired the regime's further success and what could be done better in the future?

Under the World Heritage Convention, the countries' rights and advantages prevail by far over the States Parties' duties chiefly based on the protection and preservation of their tangible and intangible heritage of OUV and on the international co-operation duty designed to enhance the safeguarding standards. Despite the minor duties, members have proved reluctant to comply in those cases in which they were obliged to alter their economic or urban development plans for the heritage's sake and especially when they had to recognize their most valuable heritage as being subject to international scrutiny and jurisdiction and to thus have their national sovereignty undermined in the interests of humanity. Yet, the collective interest is significantly conditioned by the states' sovereignty. Indeed, the fact that the states' consent is required to inscribe a property on the World Heritage List limits the regime's influence, as it is unable to expand its protection and conservation system to properties that satisfy the inclusion criteria but which have not been nominated by the concerned States Parties. This problem is further exacerbated in such cases where the Member State is facing armed conflicts and no longer possesses an authoritative government and is thus unable to give its consent to the nomination of the properties, or when a government is unwilling to allow the inclusion of a site which belongs to minorities in its territory. On the other hand, the nomination process precisely because it is conducted by the signatories allows the involvement of the public, which, as abovementioned, is a significant awareness raising tool. That is to say, if the regime deprives the members of the right to consent to the placement of properties, it would be able to protect also sites that have an outstanding universal value, but lack recognition from the state for political

or economic reasons. However, this would entail the loss of its socio-cultural tool and would possibly undermine its legitimacy or even lead to the withdrawal of members from the regime. To tackle this problem the World Heritage regime could establish a norm outlining the precise circumstances - which must be truly exceptional - under which it assumes the authority to intervene on behalf of the global community to protect endangered sites.

Furthermore, the World Heritage regime's power has been undermined by the need for the states' **approval** to be **required** for the granting of **international assistance**. Considering the significance of heritage for the entire international community, the protecting and assistance system should not be restricted to this requirement. In emergency cases, for instance, the WHC is allowed to place threatened properties on the List of World Heritage in Danger or to delete them from the World Heritage List. However, to receive international assistance, in case of emergency, the WHC still needs the state's request which, due to the circumstances, it is generally unable to submit. This entails that the World Heritage regime, at times, cannot provide support in preserving heritage of OUV when it is needed most which runs counter to its mandate. Thus, a possible solution could be if it supplied resources to governmental, non-governmental, national, regional, and international organisations which are working to preserve heritage sites within states. The regime would thus be modelled on the recently created United Nations Democracy Fund (UNDEF), which acts to provide the necessary resources to sub-state groups attempting to strengthen democracy in weak states¹⁰².

Moreover, despite the manifold means of attracting funds, the World Heritage system is woefully under-financed. How is it then going to further succeed in its aim if the number of sites are rising, though not the available resources? Due to the severe **under-funding** of the regime it is therefore imperative to find new ways for increasing its resources. Barnett notes that the key to IO autonomy is its level of resource independence, i.e. with more independence in resources comes more autonomy to implement preferred programmes and mechanisms. Importantly, it is not just independent financial resources that determine an IO's autonomy, but also the level of knowledge that can be created independently that determines a regime's ability to be

¹⁰² See: UNDEF, www.un.org/democracyfund/, [last accessed 7 January 2011]

autonomous¹⁰³. Accordingly, the World Heritage regime could provide more objective evidence as a persuasive tool with a revenue stream independent of State Parties. Furthermore, being less reliant on states for funding would increase its leverage and would enhance its ability to act in line with its mandate. Another revenue-increasing possibility for the World Heritage regime would be if UNESCO redirected its own funds towards World Heritage, which is after all its flagship programme.

Also impairing the World Heritage regime's leverage is its **lack of sanctioning power**, in realistic terms. Despite its coercive methods, the regime is not underpinned by power based on law and thus has limited admonishing instruments to force members to comply with rulings. Its intimidation strategy based on neutral and objective scientific evidence and entailing the removal of properties from the World Heritage List, and placement on the List of World Heritage in Danger or to withhold funds is, at times, considered a harmless "light guns" approach by States Parties, which are aware that the delisting of properties has happened only twice in thirty-nine years. In rare circumstances where States Parties seek to boost their economies by choosing certain properties over others, or are simply unwilling to comply, the World Heritage regime is left with insufficient options to enforce the protection of places in a territory, as happened with Australia. In this case, the WHC deemed the *Kakadu National Park* as being seriously endangered by a uranium mine adjoining the site. While UNESCO argued about scientific evidence for the mining activity as being a threat to the living culture of the Aboriginal communities and to the environment, with uranium being a low-grade radioactive material, the Australian government countered the regime's resolution by providing scientific evidence that proved that there was no credible reason for rejecting the mining project. Consequently, the WHC felt compelled to keep the site off the List of World Heritage in Danger, as it was unable to oppose the strong governmental resistance. In addition, there were too few influential domestic constituencies that could have been supportive in overcoming the governmental position. The WHC in compromising itself by not acting according to scientific advice though, managed to avoid yet a graver damage to the regime which would have occurred if the Australian Government had bluntly ignored the committee's decision and become non-compliant, and withdrawn its wholesale support from the regime. In the

¹⁰³ Barnett, M.: "Historical Sociology and Constructivism: an estranged past, a federated future?", in: *Historical Sociology of International Relations*, Cambridge: University Press, 2002, p. 114.

end, Australia did not have to fear potential threats by other states or that future heritage listing of their sites would be made harder for them. As a result, they were therefore prepared to push ahead with development plans rather than pursue conservation measures. So, the decision to keep the *Kakadu National Park* off the List of World Heritage in Danger guaranteed that Australia remained a signatory and fulfilled its duty to other sites on its territory. Paradoxically, compliance was thus achieved by weakening the regime's compliance standards in this specific case. This demonstrates that science is not always enough for securing compliance and that tougher standards would require the increasing support of domestic institutions to counter governmental opposition to the regime's decisions. Accordingly, two types of compliance problems which the World Heritage regime faces can be identified: 'Soft' and 'hard' one¹⁰⁴. The first type regards compliance to the world heritage listing which does not require policy changes. Also, states having nominated the properties themselves try to maintain a high degree of compliance. The second type refers to the placement of properties on the List of World Heritage in Danger without the States Parties' consent. That is to say, lacking sanctioning power¹⁰⁵, the regime's response could be to continue its efforts in strengthening norms of placing environmental protection over economics. To achieve this end, it should apply severe sanctions for State Party's non-compliance which caused the damage to properties, be it as a result of group vandalism, general disinterest of the public, or unskilled local heritage staff as happened in China¹⁰⁶. Countries being aware of the enormous advantages that nominations of their sites entail, would endure these policy changes in the same way they endure sovereignty

¹⁰⁴ Maswood, S. J.: "Kakadu and the politics of World Heritage Listing", in: *Australian Journal of International Affairs*, Vol. 54 N. 3, 2000, p. 360.

¹⁰⁵ This allows States Parties to also easily free-ride. This happened in case of Italy where the *Pompeii's House of the Gladiators* - which even survived the Vesuv's eruption in 79 A. D. - collapsed from lack of basic maintenance of the site in November 2010. This was due to a missing commitment from the Italian government. Citizens blame the inefficiency of the Italian political system and especially Berlusconi's administration for having allowed deep cuts to heritage preservation from 30 m to 19 m Euro. That is to say, the World Heritage system needs more sanctioning power to guarantee States Parties' compliance, as the primary duty to protect the properties lies with the concerned States, whilst the regime plays a complementary role in supporting their efforts. See: "The second fall of Pompeii: The collapse of Pompeii's House of Gladiators this week has been branded a 'world scandal'", in: *The Guardian*, 12 November, 2010.

¹⁰⁶ In February 2001 three properties in the hometown of Confucius were heavily damaged due to tourism staff washing the painted roofs of the site without considering the required technical skills to conserve it. Nobody was made responsible; instead the local authorities raised the admission, fees from 50 Yuan to 90 Yuan, to increase the revenues. See: Linyong, Z: "Exploitation Destroying Our Heritage", in: *China Daily*, 8 June 2010.

overriding mechanisms. The new tool that ought to be forged should consist of a fining system tiered according to the damage caused to the site. This measure has the added benefit of increasing the regime's resources and diminishing the economic motives of the concerned State Party. In addition, a fining system would promote the system's fairness as it can be applied to each Member State equally regardless of their level of development and leverage in the world and would also increase the regime's general leverage and credibility.

Furthermore, the World Heritage machinery has displayed some **representational imbalances** to date which weaken its reputational power and legitimacy. The World Heritage List has evidenced disparities concerning the representation of some states and cultures, in which the properties are situated, over others. Owing to the increasing world-wide recognition of the World Heritage List and its significance and advantages for the included countries, States Parties compete to have as many sites listed as possible. This is in spite of the WHC recently pushing signatories to have only one nomination per year unless it concerns a country which has not compiled a Tentative List yet, or which is under-represented on the World Heritage List. In other words, States Parties with many nominations are asked to withhold compiling new Tentative Lists for several years in order to give precedence to the least represented ones. Initially, the World Heritage List was characterised by a *"European-inspired monumentalist vision"*¹⁰⁷ mainly based on cultural heritage. At its 31st conference in Christchurch in 2007, of the then State Parties, only 157 of 183¹⁰⁸ submitted Tentative Lists. The majority belonged to developed countries in Europe and North America which corresponded already to the best represented regions. Conversely, other regions recorded a relatively equal number of sites on the List. The over-representation of some Member States in relation to other world continents indicates only one of the shortcomings and gaps of the List. The inequalities also include an over-nomination of historic locations and religious buildings, more Christian

¹⁰⁷ Francioni, F.: *The 1972 World Heritage Convention. A commentary*, Oxford: Oxford University Press, 2008, p. 29.

¹⁰⁸ See: <http://whc.unesco.org/en/tentativelists>, [last accessed 20 November 2010]. The States Parties that did not submit the Tentative Lists were from Africa (Burundi, Congo, Lesotho, Liberia, Rwanda, São Tomé and Príncipe, Seychelles, Sierra Leone, and Swaziland); from the Arab region (Kuwait, Libya, Qatar, and United Arab Emirates); from the Asian and Pacific region (Bhutan, Maldives, Niue, Solomon Islands, and Tonga); and from the Latin American and Caribbean region (Antigua and Barbuda, Belize, Dominica, Honduras, Saint Vincent and the Grenadines).

sites than from other religious traditions, and the over-representation of certain historical periods over others¹⁰⁹. Also, the regime's commitment to eliminate unevenness in the representation of world heritage properties in the world has led to an enhanced leverage and credibility as well as balance of the entire system and provides more chances for developing countries. However, this works against the World Heritage regime's mandate to safeguard properties of OUV irrespective of the territory to which they belong. Accordingly, it is evident that certain states might have more sites that qualify for the World Heritage List. So, limiting the inclusion of sites situated in already over-represented countries would therefore hinder the listing of worthwhile properties by assigning priority status to those sites that satisfy the criteria to a less extent but which are located in under-represented countries on the World Heritage List. This change, initiated by the *Global Strategy for a Balanced, Representative, and Credible World Heritage List*¹¹⁰, seems to be fair and reasonable at first glance, though, in the end, it might transform the World Heritage regime's mission of safeguarding humanity's most precious heritage into a mere political instrument, applied to satisfy the Member States' interests rather than serving the international community. The world's trust in UNESCO's World Heritage regime, reinforced by its highly efficient and beneficial international behaviour over the last thirty-nine years, would be at risk if the regime were deemed to act in a biased way towards either the developed world or single countries. One recommendation to enhance its credibility by balancing the List would be to increase its transparency. It could for instance make the assessments of nominated sites and other decisions public to demonstrate its underlying scientific objectivity.

Another aspect that could be understood as compromising the World Heritage regime's authority is the **definition of the Outstanding Universal Value**, which although repeatedly revised and extended, being based on subjective views, could still be insufficient to take into account the immense diversity of the world's heritage.

¹⁰⁹ See: *Global Strategy for a Representative, Balanced and Credible World Heritage List*, <http://whc.unesco.org/en/globalstrategy>, [last accessed 12 January 2010]

¹¹⁰ The *Global Strategy for Balanced, Representative, and Credible World Heritage List* was adopted by the WHC in 1994 with the aim of filling gaps in the World Heritage List and of overcoming disparities. Its main goals are hence to find a balance between cultural and natural properties on the List, to foster the inclusion of categories of properties which are still insufficiently represented, and to encourage underrepresented States Parties to submit their Tentative Lists and nominations. It was furthermore designed to counter critiques deriving from Member States on the placement of properties on the World Heritage List without having fully satisfied the criteria, which has impaired the trustworthiness and authority of the WHC, the World Heritage Convention, and the entire heritage regime.

Moreover, being the definition established by the WHC which includes only a relatively small number of members, it might be considered partially stereotypical. To counter possible critiques to their shortcomings the WHC has recently tried to concentrate on the intrinsic value of the properties and to the significance properties have for the concerned nations, which may only be recognised by the international community at a second glance. This attitude promoted by the WHC aims at facilitating the cultural exchange as well as broadening the understanding of heritage, which varies according to differences amongst the world's peoples. Consequently, if the regime wishes to counter the critiques concerning those aspects not covered by the criteria it should forgo further expansion of them, as this would otherwise cause a dilution of the OUV. The WHC should rather maintain its current criteria and seek to increase the number of criteria that would need to be met by properties to be eligible for nomination on the World Heritage List, from one to at least three. This measure would also provide a solution for a second problem, the exponential number of sites on the World Heritage List. The increased number of properties on the List makes it progressively difficult to monitor the sites and to co-ordinate the adequate protective or corrective measures required. In addition, the greater number of properties on the World Heritage List exacerbates the regime's budgetary difficulties as each new site takes up more and more of the already limited resources. Therefore, tougher criteria would slow the nomination pace, thereby allowing the regime to concentrate on improving its monitoring system.

Another existing problem for the regime concerns the poor level of **inter-governmental and local** communication and **co-operation**. Although the regime has been able to build a successful international network between itself and States Parties, a dearth of co-operation remains at the national and local level to the disadvantage of heritage protection. As a result, the system needs to strengthen its institutional and co-operative structure by inducing members to reconcile the World Heritage Convention with their domestic legal system. This would entail a decentralisation of the implementation of the Convention and thus a decrease of administrative bureaucracy as well as a greater dedication of the States Parties. Moreover, a stronger regional commitment and co-operation could prevent and highlight the risks heritage faces. For example Malaysia and Singapore have been able to avoid illicit traffic of cultural objects

by direct co-cooperation between museum and custom authorities¹¹¹. Also, in the case of stolen cultural objects, *Interpol* and the *International Foundation for Art Research* (IFAR) should be informed immediately. The knowledge of how to use existing networks of international co-operation and the expertise of NGOs, such as ICOMOS and ICOM¹¹², can contribute to even better outcomes.

Ultimately, the World Heritage regime necessarily needs to address the abovementioned gaps and deficiencies if it still wishes to succeed in exercising dominion over the earth's wonders, continue its "protection-hegemony" and avoid further aggravation of the existing problems. The world ought to place more emphasis on heritage, as it is still considered less significant than current acute economic and financial crises, terrorism, and climate change. Therefore, it would need to tackle all of the above, in terms of "*caring for the past while actively embracing the present*"¹¹³.

Conclusion

This thesis has aimed to demonstrate UNESCO World Heritage's global influence and the world's response to its diverse power mechanisms. It has sought to prove that the key to the regime's success lies in the perceived scientific objectivity of its procedures and in the tight interaction of direct and indirect power forms related to States Parties as well as the international community. These have been identified as: *Reputation*, *blacklisting*, *mimicry* and *competition*. The World Heritage system's world-wide influence has also emanated from the creation of numerous incentives and the adoption of non-traditional forms of coercive power.

The UNESCO World Heritage regime was mainly empowered through *competition* by states to ratify the World Heritage Convention and to have those properties situated on their territories added to the World Heritage List. *Competition* blended with *mimicry*, as joining the regime and the protection of world heritage

¹¹¹ Getty Conservation Institute: *Cultural Heritage in Asia and the Pacific: proceedings of a symposium held in Honolulu, Hawaii, September 8- 9, 1991*, Margaret G. H. Mac Lean (ed.), 1993, p. 9 – 10.

¹¹² See: *International Council of Museum*, <http://icom.museum/>, [last accessed 15 January 2011]

¹¹³ Avrami, Erica et. al.: *Values and Heritage Conservation. Research Report*, Los Angeles: The Getty Conservation Institute, 2000, p. 22.

became the expected standard of appropriate international behaviour. The States Parties' reaction to the regime added weight to the constructivist notion of a *logic of appropriateness* dictating state conduct in the world system. The regime's main persuasive tool, the World Heritage List, offering a combination of *competition* and *mimicry* power, has acted to boost the States Parties' reputation. Once more, the *logic of appropriateness* provides the context for states' desire to join the List as it has become a quality brand. The universal response towards the regime also proves the existence of shared values in the international arena, which elucidates the states' will to belong to a collective global community and to co-operate at every political level on matters of world heritage protection.

However, the World Heritage List alone is not sufficient to induce the compliance of Member States. The creation of the List of World Heritage in Danger endows the regime's non-coercive power with the ability to use *blacklisting* and deterrence, thus representing the major *stick* of the regime to ensure compliance. The examples of the *Cologne Cathedral* and the *Kathmandu Valley* demonstrate the ways the regime is able to exercise power over member's policies, and how it is able to prevent states from following a narrow path of self-interest. The risk of reputational loss that accompanies *blacklisting*, as well as the loss of material benefits, outweigh perceptions of any economic advantages that would occur through development in the minds of States Parties. Indeed, inclusion on the List of World Heritage in Danger has taken on a connotation of irresponsibility in the international community.

The regime has also proved itself able to successfully influence its Member States through more subtle means, in the form of socio-cultural tools. Attempts to educate the public in a number of ways - publishing material, cultural exchanges, and academic programmes - all support the regime in exerting a restrained form of *mimicry* that seeks to inculcate an awareness of heritage and the necessity of respecting heritage amongst populations over the long-term. Accordingly, the regime's socio-cultural influence is a manifestation of *soft power* that allows it to set the world's cultural agenda and lower resistance to its mandate. Indeed, to date, the regime has been successful in empowering sub-state groups, whether local bodies or NGO's, to oppose governmental action that harms heritage, through the promotion of strong international norms and epistemic communities.

Membership in the regime also provides numerous benefits to States Parties, that is, several *carrots* can be used to ensure the proper maintenance of heritage sites on the List. Economic advantages that derive from membership are the most prominent benefits as signatories obtain a development asset that delivers a stream of tourists, generating employment and reducing poverty in the region. Furthermore, States Parties become eligible for monetary assistance, a *carrot* that has been valuable in preserving the heritage of impoverished states such as Cambodia and the Congo. Moreover, the economic *carrot* reinforces the high level of competition that the regime fosters when attracting members.

UNESCO's efforts to expand the conception of culture has also proven a *carrot* for Member States to abide by international norms as an increase in prestige and international recognition in the world's consciousness often follows from placing sites on the World Heritage List. In fact, the prestige conferred on members for heritage preservation has evolved to a level where it is considered *on par* with other indicators of successful development. Consequently, the regime is based on a variety of *carrots* that overshadow the almost non-existent *sticks* in enforcing compliance. Apart from the *blacklisting* "punishment", the only downside members have to face is the impingement of their sovereignty for the collective interest of mankind.

Even with the regime's numerous shortcomings and impairments - the entrenched notion of sovereignty that can prevent protection of heritage, the financial strain of an ever increasing List, and a lack of heavy sanctioning power - the future of the regime looks bright. In fact, given that the World Heritage regime also encompasses intangible properties and that it is increasingly expanding, it is akin to a constantly growing living organism whose influence and attraction mobilises and captures the entire world. This organism can undoubtedly be deemed as benign as it seeks to cherish and appreciate the greatest achievements and traditions of humanity and the world's most extraordinary natural environments. In addition, it plays a significant positive role in raising international awareness about the necessity to nurture, respect and protect this "collective treasure" from deterioration based on the consequences of human behaviour or natural cataclysms. In essence, the World Heritage regime's primary aim in the future should be to claim for the conservation of exceptional properties and to enhance appreciation and respect for the intrinsic values they embody for humanity.

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