

# CRS Report for Congress

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## World Heritage Convention and U.S. National Parks

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### Summary

During the 105<sup>th</sup> Congress, the House considered H.R. 901, legislation which would give Congress a role in designating any new U.S. national parks and monuments of world significance added to the World Heritage List, a UNESCO administered list established by the 1972 World Heritage Convention. Sponsors of the bill are concerned that designation of a U.S. site to the U.N. list, which is currently done under Executive Branch authority, does not protect the rights of private property owners or the States. The Administration and opponents of the bill argue that the designation has no effect on property rights and does not provide the United Nations with any legal authority over U.S. territory. H.R. 901 passed the House on October 8, 1997. This paper describes the operation of the UNESCO Convention and H.R. 901. It will be updated as the legislation progresses through the House and Senate. Similar language concerning the UNESCO Man and the Biosphere Program has become law. For information on that legislation, see CRS Report 96-517 ENR, Biosphere Reserves: Fact Sheet.

There are currently 469 natural and cultural sites from around the world listed on the World Heritage List established under the World Heritage Convention. Twenty U.S. sites are listed, including Yellowstone and Grand Canyon National Parks, Independence Hall, and the Statue of Liberty. The World Heritage in Danger list currently has 18 sites worldwide, including Yellowstone National Park and Everglades National Park. The 1980 National Historic Preservation Act of 1980 establishes the Interior Department as the administrator and coordinator of U.S. activities under the Convention. H.R. 901, the American Land Sovereignty Act would place restrictions on Interior's authority to nominate new sites and require specific Congressional authorization for new nominations.

### About the Convention

The Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) was adopted by the General Conference of UNESCO in 1972. The United States initiated and led the development of the treaty and

was the first nation to ratify it in 1973. The Convention now has 146 parties. The Convention's purpose is to identify and list worldwide natural and cultural sites and monuments considered to be of such exceptional interest and such universal value that their protection is the responsibility of all mankind. Each country adopting the Convention pledges to protect listed sites and monuments within its borders and refrain from activities which harm World Heritage sites in other countries. The international community agrees to help protect them through the World Heritage Committee and Fund.

## World Heritage Committee

The World Heritage Committee, composed of 21 specialists from member nations elected for 6-year terms, administers the Convention. (The United States will be a member of the Committee until 1999). The Committee has two principal tasks. First, it selects sites nominated by member states to be included on the World Heritage List, based on the criteria established by the Committee. Decisions are generally made by consensus. UNESCO provides administrative assistance to the Committee but has no role in its decisions. The Committee monitors the sites and when a site is seriously endangered, it may be put on a List of World Heritage in Danger. In 1992, the Committee adopted a plan to improve its operations, including an increased focus on monitoring conditions at existing sites rather than adding new sites to the List.

The Committee also administers the World Heritage Fund, which provides technical and financial aid to countries requesting assistance. Assistance can include such support as expert studies, training, and equipment for protection. The World Heritage Fund receives income from several sources. Member states pay dues equal to 1 percent of their UNESCO contribution. The United States is not a member of UNESCO. The Fund also receives voluntary contributions from Governments, donations from institutions, individuals, and from national or international promotional activities. The United States contributed \$450,000 to this program in FY1997, an amount appropriated in the Foreign Operations Appropriation. Virtually no other U.S. money was contributed to this program.

## U.S. Participation

The National Park Service is the primary U.S. contact for World Heritage sites in the United States. The National Historic Preservation Act Amendment of 1980 (P.L. 96-515) charges the Department of Interior with coordinating and directing U.S. activities under the Convention, in cooperation with the Departments of State, Commerce, Agriculture, the Smithsonian Institution and the Advisory Council on Historic Preservation. The National Park Service administers all the U.S. sites with funds appropriated by Congress, except for several that are owned by states, a foundation, and an Indian tribe.

## American Land Sovereignty Protection Act, 1997

H.R. 901 was introduced on February 27, 1997 by Representative Don Young, chairman of the House Committee on Resources and has 175 cosponsors. The legislation amends the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) to require a determination by the Interior Department that the designation of a new site will not adversely affect private land within ten miles of the site, a report to Congress on the impact of the designation on existing and future uses of the land and surrounding private

land, and specific authorization for new Heritage site designations. The bill places several other prohibitions and reporting requirements on the Department of the Interior and the federal government. It passed the House on October 8, 1997 by a vote of 236 to 191. In addition, on July 15, 1997, the House adopted an amendment to the Interior Department Appropriations bill (H.R. 2107) introduced by Representative Coburn which prohibits the Interior Department from funding the UNESCO "Man and the Biosphere" program and any similar programs<sup>1</sup>. Similar language was included in the House passed version of the Foreign Relations authorization bill. The bill focuses primarily on the UNESCO "Man and the Biosphere" Program, but World Heritage sites would likely be included in the prohibition. No similar language is included in the companion Senate bills. In commenting on the bill, the Administration stated that UNESCO programs do not give the United Nations the authority to affect land management decisions within the United States and have not been utilized to exclude Congress from land management decisions.

## Issues for Congress

### Impact of the Convention on U.S. Sovereignty

Member countries nominate sites for the World Heritage List voluntarily and agree to develop laws and procedures to ensure protection. In some cases, Governments may provide a buffer zone to protect the sites. The Convention has no role or authority beyond listing sites and offering technical advice and assistance. World Heritage Fund technical assistance must be requested by a member country in an agreement with the Committee which sets conditions for the assistance.

### Impact of Placement on the World Heritage List

Inclusion on the World Heritage List increases knowledge and interest in sites throughout the world. It also brings international attention and support to protect endangered sites. In 1993, the World Heritage Committee supported the United States in protecting Glacier Bay National Park and Preserve by publicizing U.S. concerns about a Canadian open pit mine near the Bay and reminding the Canadian government of its obligations under the Convention to protect the site. In 1996, international concern, including concern raised by U.S. citizens, was instrumental in changing the plans of a Polish company to build a shopping center near Auschwitz Concentration Camp in Poland, a World Heritage Site.

### Yellowstone National Park

In June 1995, the U.S. Department of the Interior notified the World Heritage Committee that Yellowstone was in danger and requested an on-site visit. A team organized by the World Heritage Center reviewed actual and potential threats to the park. In December 1995, based on this visit, the World Heritage Committee placed Yellowstone

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<sup>1</sup> For information on the Man and the Biosphere program, see CRS Report 96-517, Biosphere Reserves: Fact Sheet.

on the List of World Heritage in Danger, citing threats posed by plans for a gold mine just over 1 mile from the Park, the introduction of non-native fish into Yellowstone Lake, and activities to eliminate brucellosis from Park bison herds. The Committee noted that any response to the threat was a U.S. domestic decision and asked to be kept informed of actions being taken by the United States. Both the gold mine and the situation of the Park bison herds are the subject of ongoing federal, state, and local discussions.