

ENVIRONMENTAL
STUDIES PROGRAM

THE YELLOWSTONE AFFAIR

**ENVIRONMENTAL PROTECTION,
INTERNATIONAL TREATIES
AND NATIONAL SOVEREIGNTY**

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EXECUTIVE SUMMARY

Environmental regulation has gone international in recent decades. There has been a proliferation of treaties, conventions, and protocols aimed at protecting the “global environment.” Such agreements may reinforce a mode of thinking that slights national sovereignty and discourages sound approaches to environmental protection.

The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage provides a mechanism by which governments can seek international recognition for places of special historic, cultural or natural significance by listing them on a roster of “world heritage sites.” This roster is developed by an international authority called the World Heritage Committee, which operates in association with UNESCO (United Nations Educational, Scientific and Cultural Organization). UNESCO’s “Man and the Biosphere” Program also involves a list of international sites, some four dozen now in the United States.

The proliferation of such international treaties and programs has provoked concern, particularly in the western United States. Members of Congress were particularly alarmed at the U.N.’s apparent intervention into a domestic environmental dispute near Yellowstone National Park. In response, House Resources Committee Chairman Don Young (R-AK) introduced “The American Land Sovereignty Protection Act” in the summer of 1996. The measure would require the express, prior consent of Congress (and of relevant state and local authorities) before submitting any particular American site to international supervision.

The controversy regarding Yellowstone arose from a 1989 proposal by Crown Butte Mines, Inc. to develop a Montana mining site, known as the New World Mine, near Yellowstone Park. From the outset, environmental advocacy groups denounced the project as a threat to the Yellowstone ecosystem. To prevent the mine’s development, fourteen environmental groups asked the World Heritage Committee to investigate the threat posed to Yellowstone by the proposed Crown Butte mine. The Committee obliged and voted to place Yellowstone on its list of sites “in danger,” though even the draft Environmental Impact Statement had not yet been completed. The environmental groups trumpeted this action as yet another reason to oppose the mine. The American delegate at the meeting assured the committee that the United States government did not regard this decision as an improper intrusion into the domestic law or policy of the United States.

Rather than try to defend its project, Crown Butte announced, in August 1996, that it was abandoning its effort to develop a mine in the Yellowstone area. Instead, it accepted a U.S. government offer to trade its mining claims there for others at another site to be determined.

Perhaps the outcome would have been the same even if the World Heritage Committee had not been brought into the dispute. But environmental advocates thought they gained extra leverage by appealing to international authorities. And the U.S. government, rather than rely on its own legally mandated procedures, readily cooperated in this effort to use an international entity to influence the resolution of an internal domestic dispute. The leading actors in this little drama were quite ready to invoke international obligations as the cover story for what they did.

The assumption behind the World Heritage program is that a site of special historic, cultural or scenic importance is better protected by an international consortium of governments than by the particular sovereign state on whose territory it exists. In other words, such sites will be better protected by diffusing responsibility for their protection among many different governments than by focusing responsibility on the government most concerned. The “Strategic Plan for the U.S. Biosphere Reserve Program,” frequently invokes the ambiguous term “stakeholder,” an amorphous term designed to blur distinctions between owner and spectator and citizen and outsider.

It may be argued that programs of this kind, even if they do little good, still do no great harm. What they do is nurture a kind of alternate reality. It is mostly a fantasy world and as such does not impinge very often or very directly on the real world. But fantasies can evolve into settled delusions and delusions can carry people – and governments – in very foolish directions. At the very least, these programs are a threat to the clarity of law.

If programs like the World Heritage Convention and the Biosphere Network are symbolic, they are symbols of an outlook that imagines we can have regulation without law, obligation without enforcement, agreement without compromise, protection without possession – and a world without borders. We can dismiss these programs as symbols. But they symbolize visions which, if taken seriously, would be quite dangerous.

THE YELLOWSTONE AFFAIR:

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Jeremy Rabkin

INTRODUCTION

Environmental regulation has gone international in recent decades. There has been a proliferation of treaties, conventions, and protocols aimed at protecting the “global environment.”¹ Most international environmental agreements are examples of “soft law;” that is, hortatory conventions without clear standards or real bite. It is easy to dismiss such agreements as mere diplomatic ceremony. Yet whatever else they do, such agreements may reinforce a mode of thinking that slights national sovereignty and discourages sound approaches to environmental protection.

Every now and then a particular incident casts a revealing light on the larger trend. One such incident was the 1995 intervention of a previously obscure international authority in a dispute over mining operations near Yellowstone Park. The intervention provoked outrage among local citizens, and then among members of Congress representing western states.² In response, a bill dubbed the American Land Sovereignty Protection Act was introduced in the U.S. House of Representatives in the summer of 1996 and again in 1997. The measure would have required the expressed, prior consent of Congress and relevant state and local authorities before any particular American site could be submitted to any sort of international supervision. There was a full day of hearings before the House Committee on Resources in September 1996 to air the concerns behind the bill. Whatever happens to the bill itself, the concerns that prompted its introduction deserve attention.

These concerns are not simply a reflection of paranoid or xenophobic resistance to international supervision. At bottom, the issue is a serious one.

Are natural resources – in the United States and elsewhere – better protected by an international system that blurs traditional boundaries and diffuses responsibility?

¹By one count, there were already 140 multilateral environmental treaties in effect by the early 1990s — most of them developed only since the 1972 United Nations Stockholm Conference on the Human Environment. See Peter Haas, Robert Keohane and Marc Levy, *Institutions for the Earth: Sources of Effective International Environmental Protection*, (Cambridge, Mass: MIT Press, 1993), p. 6.

² For example, Senator Alan Simpson (R-WY) denounced the UN’s involvement as “a terrible intrusion,” while Senator Conrad Burns (R-MT) pronounced it “astonishing that a group of extreme environmentalists can invite in a few folks from the United Nations to circumvent laws that Americans and Montanans have worked hard for and lent their voices to.” For a survey of similar reactions from local figures, see Valerie Richardson, “UN ‘intrusion’ stirs anger at Yellowstone,” *The Washington Times*, February 1, 1996, p. A1.

The controversy regarding Yellowstone arose from a 1989 proposal by Crown Butte Mines to develop a Montana mining site.

Frampton invited the World Heritage Committee to make its own on-site inspection and volunteered to cover the cost of this inspection from Interior Department funds.

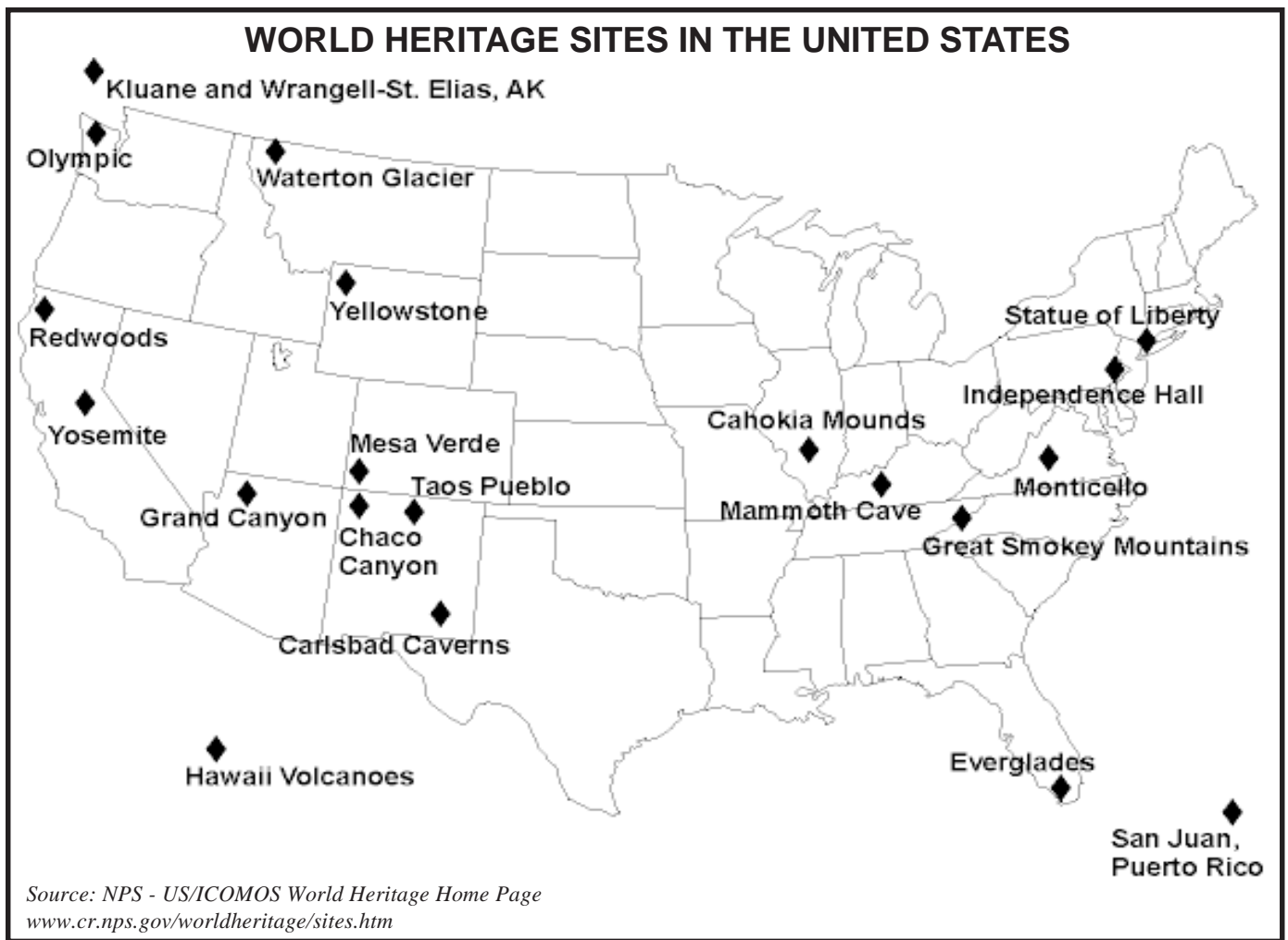
Are natural resources – in the United States and elsewhere – better protected by an international system that blurs traditional boundaries and diffuses responsibility? Or are resources, including even the special natural splendors of areas like Yellowstone Park, better protected by insisting on national sovereignty and property rights? The programs involved are equally slighting to questions of national sovereignty as they are to questions of private ownership. They are a reminder of how readily disdain for one spills over into disdain for the other.

THE CAMPAIGN AGAINST CROWN BUTTE

The controversy regarding Yellowstone arose from a 1989 proposal by Crown Butte Mines, Inc., to develop a Montana mining site, known as the New World Mine, three miles from the boundary of Yellowstone Park. From the outset, environmental advocacy groups denounced the project as a threat to the Yellowstone ecosystem. Based on its own initial studies, Crown Butte disagreed. To go forward with the project, however, the company would first have to convince state and federal authorities that its proposed mining operations would be environmentally sound. The company was sufficiently confident of this conclusion that it was prepared to invest several million dollars in the research effort required to prove it.

In 1993, the company thus set in motion a formal process to produce an Environmental Impact Statement (EIS), as required by the National Environmental Policy Act. Had the EIS revealed any scientific basis for concern, the mining operations would have been prohibited by federal authorities. Even if the EIS concluded that the project posed no significant environmental threat, the adequacy of its analysis could have been challenged in federal court by dissatisfied environmental advocates. But the advocacy groups did not want to wait that long. Instead, they found a new forum in which to challenge the proposal.

The new forum was provided by the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. The United States was closely involved in drafting this United Nations-sponsored treaty and was one of the first to ratify it. Essentially, the World Heritage convention provides a mechanism by which governments can seek international recognition for places of special historic, cultural or natural significance, by getting them listed on a roster of “world heritage sites.” This roster is developed by an international authority called the World Heritage Committee, which operates in association with UNESCO (United Nations Educational, Scientific and Cultural Organization). The Committee is composed of delegates from 21 nations, elected by delegates of all the states that are parties to the convention. Sites that are not properly maintained can be removed from the list by vote of the Committee. Previous to that, the Committee can register its concern by placing a particular site on a special list of sites “in danger.”



The Yellowstone affair shows how differently this international regulatory system operates from an American regulatory agency.

The World Heritage Committee was brought into the dispute by a direct appeal from 14 U.S. environmental advocacy groups (National Parks and Conservation Association, Greater Yellowstone Coalition, American Rivers, Wilderness Society, Sierra Club, Trout Unlimited, National Wildlife Federation, World Wildlife Fund, National Audubon Society, Natural Resources Defense Council, Mineral Policy Center, Friends of the Earth, Beartooth Alliance, Canadian Parks and Wilderness Society). They sent a letter in February 1995 to the chairman of the committee, Dr. Adul Wichiencharoen of Thailand, asking the committee to investigate the threat posed by the proposed Crown Butte mine, as well as other concerns in the Yellowstone area. The Committee then sought clarification from the U.S. government. In response, Assistant Secretary of the Interior George Frampton explained that the government could not provide a detailed assessment to the committee until the completion of the EIS. In the same letter, however, Frampton indicated that the Interior Department was already concerned that the mining project would put the park “in danger.” Frampton then invited the

The World Heritage Committee voted to place Yellowstone on its list of sites “in danger,” though even the draft EIS had not yet been completed.

The U.S. government readily cooperated in this effort to use an international short-cut to influence the decision of an internal American policy dispute.

World Heritage Committee to make its own on-site inspection and volunteered to cover the cost of this inspection from Interior Department funds.³

By July, Committee documents spoke of “a request by the United States to include Yellowstone Park on the Endangered Heritage List.” When the on-site visit was conducted in September, the agenda, arranged by the Interior Department, was dominated by environmental advocacy groups hostile to the process. Crown Butte and other mining interests were given relatively little attention. In statements to local journalists at the time, the international visitors promised to make no decision until the conclusion of the U.S. EIS process. The following December, however, at the next meeting of the World Heritage Committee, the Committee voted to place Yellowstone on its list of sites “in danger,” though even the draft EIS had not yet been completed. The American delegate at the meeting assured the committee that the United States government did not regard this decision as an improper intrusion into the domestic law or policy of the United States.⁴

The environmental groups which had originally protested the project then issued a press release trumpeting the action of the World Heritage Committee and emphasizing that it was the proposed mine that “warranted [Yellowstone’s] addition to the list.” This in turn provoked angry protests from local people, soon echoed by members of Congress from Montana and neighboring Wyoming.⁵ “It is astonishing that a group of extreme environmentalist can invite a few folks from the United Nations to circumvent laws that Americans and Montanans have worked hard for and lent their voices to,” commented Senator Conrad Burns (R-MT). “We have an exhaustive procedure in the books in Montana to decide where mines can and cannot be sited. Why should we allow the U.N. to pick and choose when these laws and rules will be allowed to work?”

But Crown Butte saw the handwriting on the wall. Rather than try to defend its project through the drafting of an Environmental Impact Statement, it announced in August 1996 that it was abandoning its effort to develop a mine in the Yellowstone area. Instead, it accepted a U.S. government offer to trade its mining claims there for others at another site to be determined.⁶

³ The early stages of the controversy are described in some detail in Tripp Baltz, “U.S. Has Duty to Protect Yellowstone Head of World Heritage Committee Says,” *BNA National Environment Daily*, September 12, 1995. Details of the relevant correspondence are provided in Testimony of Paul C. Jones (Executive Director, Minerals Exploration Coalition), Hearings on H.R. 3752, Committee on Resources, U.S. House of Representatives, September 12, 1996.

⁴ Minutes of the Nineteenth Ordinary Session of the World Heritage Committee (Berlin, Germany, 4-9 December, 1995), Agenda item VII.22, p. 18: “The Representative of the United States noted that the Assistant Secretary of the Interior, in a letter dated 27 June 1995, wrote that ‘the Committee should be informed that the property as inscribed on the World Heritage List is in danger.’ ... He stated that the State Party [i.e., the USA] does not consider action by the [World Heritage] Committee to be an intervention in domestic law or policy.”

⁵ For example, an editorial in the *Montana Standard* (Butte, Montana, Aug. 27, 1995) asked, “Will the New World Order sabotage the New World Mine?” The paper then offered an anxious answer: “Clinton administration officials appear to be scheming to bring that about.”

⁶ This deal has not been finalized.

Perhaps the outcome would have been the same even if the World Heritage Committee had not been brought into the dispute. But environmental advocates thought they gained extra leverage by appealing to international authorities. And the U.S. government, rather than rely on its own legally mandated procedures, readily cooperated in this effort to use an international short-cut to influence the decision of a domestic policy dispute. At the least, the environmental groups were eager to propagate the notion that American policy should be swayed by the promptings of international monitors and the U.S. government was willing to arrange its own actions in a way that implied dutiful attention to such international directives. If not the sole reason for the ultimate outcome, the leading actors in this little drama were quite ready to invoke international obligations as the cover story for what they did.

“MAN AND THE BIOSPHERE”

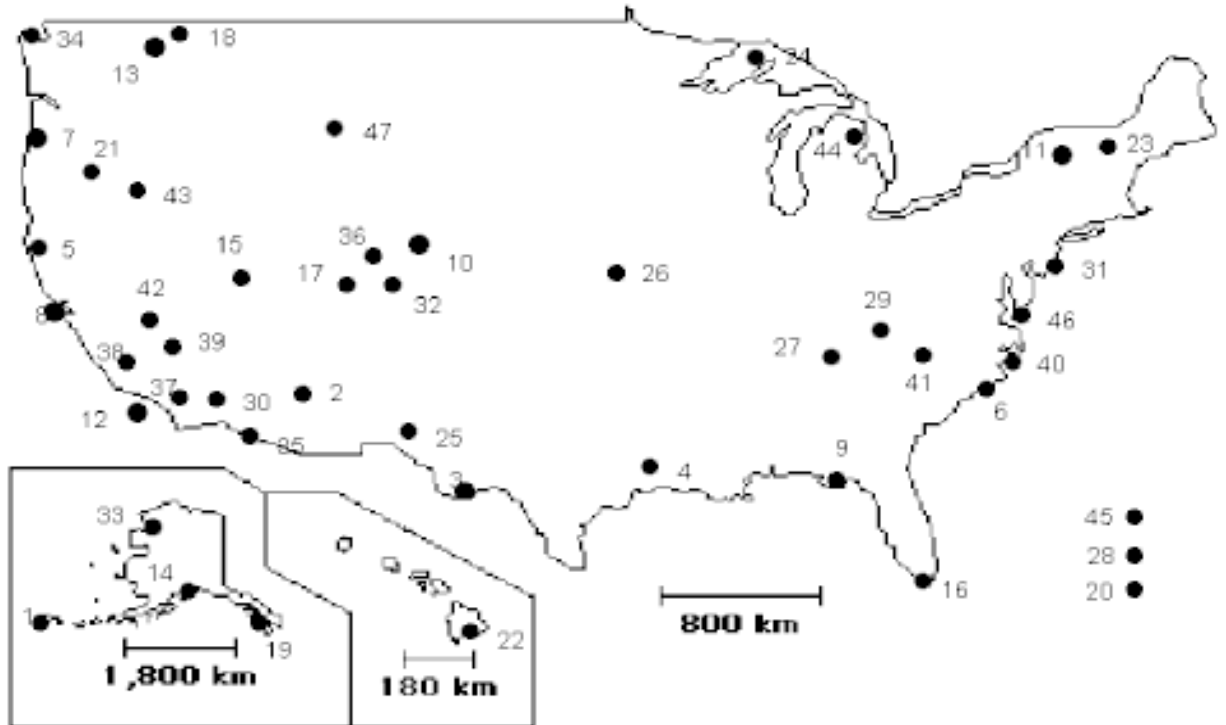
The controversy brought to light a similar program, which does not even have a treaty behind it. UNESCO’s “Man and the Biosphere” program also involves a list of international sites, some four dozen in the United States. The designated sites are nominated by participating governments and approved by an “International Coordinating Council” (composed of delegates from 34 governments, elected at a meeting of all the participating governments). The Coordinating Council is supposed to maintain standards of proper care through periodic review of registered sites – with the threat to de-list a site which is not properly maintained. Launched in 1976, at the prompting of a special UNESCO “Task Force,” the program was given a new impetus by the Convention on Biological Diversity, signed at the Rio Earth Summit in 1992. In 1995, a UNESCO-sponsored conference in Seville, Spain formulated a “strategy” statement (“the new Seville Strategy”) and a “Statutory Framework of the World Network of Biosphere Reserves” (which, despite the name, is not a statute nor even a treaty, but simply another conference document).

UNESCO’s “Man and the Biosphere” program also involves a list of international sites, some four dozen in the United States.

At the hearings on the land sovereignty bill, witnesses concerned about land-use policies in different parts of the United States expressed great concern about this program as well. All witnesses protested that they had not been consulted at all before land in their area was registered (or proposed for registration) as a UNESCO “biosphere reserve.” Though such registration gives no clear legal authority to coerce private landowners, witnesses expressed fear is that it would be used to bulldoze or steam roll local and state governments into exercising their regulatory powers for ill-advised measures favored by biosphere champions.⁷ Yellowstone Park, along with surrounding lands, turned out to be designated as a biosphere reserve.

⁷ The committee received first hand testimony regarding such local experiences from Fred T. Alvarez, Commissioner of Eddy County Commissioners Court, Eddy County, New Mexico (regarding private lands in the vicinity of Carlsbad Caverns National Park); from Ray E. Cunio, President of Citizens for Private Property Rights and member of the local planning and zoning (continued on next page)

MAP OF U.S. BIOSPHERE RESERVES



- | | | |
|-------------------------------|-----------------------------------|----------------------------------|
| 1. Aleutian Islands | 17. Fraser | 33. Noatak |
| 2. Beaver Creek | 18. Glacier | 34. Olympic |
| 3. Big Bend | 19. Glacier Bay -Admiralty Island | 35. Organ Pipe Cactus |
| 4. Big Thicket | 20. Guanica | 36. Rocky Mountain |
| 5. California Coast Ranges | 21. H.J. Andrews | 37. San Dimas |
| 6. Carolinian-South Atlantic | 22. Hawaiian Islands | 38. San Joaquin |
| 7. Cascade Head | 23. Hubbard Brook | 39. Sequoia-Kings Canyon |
| 8. Central Gulf Coastal Plain | 24. Isle Royale | 40. South Atlantic Coastal Plain |
| 10. Central Plains | 25. Jornada | 41. Southern Appalachian |
| 11. Champlain-Adirondack | 26. Konza Prairie | 42. Stanislaus-Tuolumne |
| 12. Channel Islands | 27. Land Between the Lakes | 43. Three Sisters |
| 13. Coram | 28. Luquillo | 44. University of Michigan |
| 14. Denali | 29. Mammoth Cave Area | 45. Virgin Islands |
| 15. Desert | 30. Mojave and Colorado Deserts | 46. Virginia Coast |
| 16. Everglades | 31. Niwot Ridge | 47. Yellowstone |

Source: U.S. Biosphere Reserves Home Page
www.nbs.gov/nbii/mab/mapomab.html

commission and the local soil and water board, Sullivan, Missouri (regarding the Ozark region biosphere); from Kathleen Jachowski, member of the Park County Multiple Use Association, Park County, Wyoming (regarding private lands in the vicinity of Yellowstone Park); from George McGowen, Town Councilman, Lake George, New York (regarding Adirondack-Champlain Biosphere Reserve); and from Fawn A. Tantillo, County Legislator, Ulster County, New York (regarding proposed Catskill Mountain Biosphere Reserve). In addition, Myron Ebell of Frontiers of Freedom Institute (Arlington, Virginia) presented written statements from four different elected officials in New York, protesting the proposed designation of the Catskill region as a Biosphere Reserve.

In the face of such trends, concerns about “sovereignty” do not seem altogether misplaced. But it is worth some effort to be clear on what these concerns are and why they are serious.

THE NATURE OF NATIONAL SOVEREIGNTY

In the Yellowstone dispute, environmentalists ridiculed protests over international intervention as “black helicopter arguments” – paranoid ravings about sinister U.N. military squads, poised to take control of American national parks. Though some people do seem given to paranoid ravings, one may take the threat to sovereignty quite seriously without being a raving paranoiac.

There have been serious debates about the proper level of American involvement in international institutions throughout this century. Warnings about threats to national sovereignty have frequently punctuated these debates. Yet those who rallied to the defense of national sovereignty did not seriously worry that international authorities would reduce the United States to the status of a dependent province.

At the end of the First World War, for example, the debate over American participation in the League of Nations centered on the question of whether American troops could be committed to action by resolution of the League, without separate approval by the U.S. Congress. Opponents of the League were perfectly aware that the American President could veto resolutions of the League Council. They worried that presidential agreement with other nations in the League could be cited as sufficient authority for deployment of American troops, without any declaration of war by Congress.⁸ In recent debates over American contributions to U.N. peacekeeping missions in Somalia and the Balkans, there has never been any danger that U.S. troops would be irrevocably lost to U.S. control. The concern was that the primary responsibility of the American government to the American people would become diffused – hence distracted and confused – by cross-cutting international obligations.

Fundamentally, sovereignty is an answer to the question, “Who is in charge?” There must be an answer to that question to answer the parallel question: “Who is responsible?” A sovereign government is “responsible”

Fixed and definite laws mark the boundaries of sovereignty as well as the boundaries of property rights.

⁸ Thus, in spite of the fact that the Covenant of the League of Nations only empowered its Council to “recommend” military action (and in spite of the fact that the U.S., had it joined the League, would have had a veto over Council recommendations), the Senate Foreign Relations Committee still insisted on a reservation “to meet the most vital objection” to U.S. participation by stipulating that the United States would never send troops to assist in military operations of the League “except by action of Congress” which “by the Constitution of the United States ... alone has the power to declare war.” Henry Cabot Lodge, *The Senate and the League of Nations*, (New York: Charles Scribner’s Sons, 1925), p. 173, quoting the Foreign Relations Committee’s report on the Covenant of the League.

The assumption behind the World Heritage program is that a site is better protected by an international consortium of governments than by the particular sovereign state on whose territory it exists.

for the territory over which it exercises its sovereignty. That is the traditional principle in international law. For example, when American diplomats were held hostage in Iran, the United States held the government of Iran responsible for the outrage, even though Iranian government officials claimed our Tehran embassy had been seized by angry students, acting independently of the government. The government legally “in charge” is legally responsible.

Sovereignty in this sense is closely parallel to ownership: It is the owner of property, not the manager, the employee, or the hired agent, who is held responsible for its misuse. Fixed and definite laws mark the boundaries of sovereignty as well as the boundaries of property rights. A government cannot be held legally “responsible” for what it did not have the legal authority to control. For example, our government cannot be responsible for offensive statements by private citizens, since the government is forbidden by our Constitution from restricting the free speech of private citizens. As well, a property owner cannot be responsible for failing to control the actions of coyotes on the property, if existing laws prohibit interference with this species.

The converse point is equally true and perhaps even more important. A government is held “responsible” by the voters for what it may do or fails to do. So, too, owners of property are held accountable, in all privately owned resources, by market competition. Property owners failing to use their own resources as productively as they might have under existing laws and as productively as competitors have done can be penalized by consumers. Fixed and definite law is as necessary for the workings of constitutional democracy as it is for the workings of a market economy.

For this reason, the great texts in the western constitutional tradition are often as insistent about national sovereignty as about private property rights. Blackstone’s Commentaries, for example, the chief legal authority for the American founders, defined “the right of property” as “that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.”⁹ Of course, Blackstone immediately qualified this definition to acknowledge that property rights have legal limits. However, he meant to emphasize how total the owner’s control should be within these limits, which is another way of saying how sharply defined these limits should be, so that the owner can remain totally unconstrained (“despotic”) within these limits.

Blackstone was equally fierce in defining “the rights of sovereignty” as conveying “supreme, irresistible, absolute, uncontrolled authority.”¹⁰ He did not mean, of course, to celebrate dictatorship, but to characterize a lawmaking

⁹ William Blackstone, *Commentaries on the Laws of England*, Book II, Ch. 1 (University of Chicago Press, Facsimile of the First Edition, 1765, 1979, Vol. II) p. 2.

¹⁰ Blackstone, *Commentaries*, Vol. I, Introduction, Sec. 2, (Chicago Press edition) p. 49.

authority not answerable to any outside control, apart from that provided in the internal constitution of the country.

If all of this seems obvious and elementary – or abstract and irrelevant – one should pause to compare it with the assumptions reflected in the two international programs that came into focus in the Yellowstone controversy. The assumption behind the World Heritage program is that a site of special historic, cultural or scenic importance is better protected by an international consortium of governments than by the particular sovereign state on whose territory it exists. In other words, such sites will be better protected by diffusing responsibility for their protection among many different governments than by focusing responsibility on the government most concerned.

To be sure, the treaty insists that its operations will be “fully respecting the sovereignty of the States on whose territory [the designated sites are] situated” and also will operate “without prejudice to property right [sic] provided by national legislation . . .”¹¹ But the treaty is surely designed to cloud or blur the rights of sovereignty and property to some extent. If it imposes no new obligations on the signatory states, what is the point of having a formal treaty? In fact, the signatories do pledge such undertakings as “to integrate the protection of [designated sites] into comprehensive planning programmes.”¹² Subsequent guidelines have elaborated this to mean that each site should be surrounded by a protected “buffer zone” with its own land use limitations. It is unclear precisely who would be injured if a particular signatory failed to perform such obligations. It is also unclear who gets to enforce this obligation. But that’s the point – in place of a definite system of rights and duties, the World Heritage Convention imposes or adds a vague, indefinite obligation to the world at large.

This is made even more clear by the Biosphere program, which is so cavalier about law and legality that it has never actually been presented to participating governments as a formal treaty to be formally ratified. It is a drifting cloud of fairy dust rather than a precise legal instrument. But the implementing guidelines articulate very well the outlook behind it. The Seville Strategy Statement, for example, urges each biosphere reserve to “survey the interests of the various stakeholders and fully involve them in planning and decision-making,” and “use these evaluations to promote environmentally sound and economically sustainable income opportunities for local people.” This requires efforts to “develop alternative means of livelihood for local populations when existing activities are limited or prohibited within the biosphere reserve,” and still “ensure that the benefits derived from the use of natural resources are equitably shared with the stakeholders . . .”¹³

Environmentalists ridiculed protests over international intervention as “black helicopter arguments.”

Fundamentally, sovereignty is an answer to the question, “Who is in charge?”

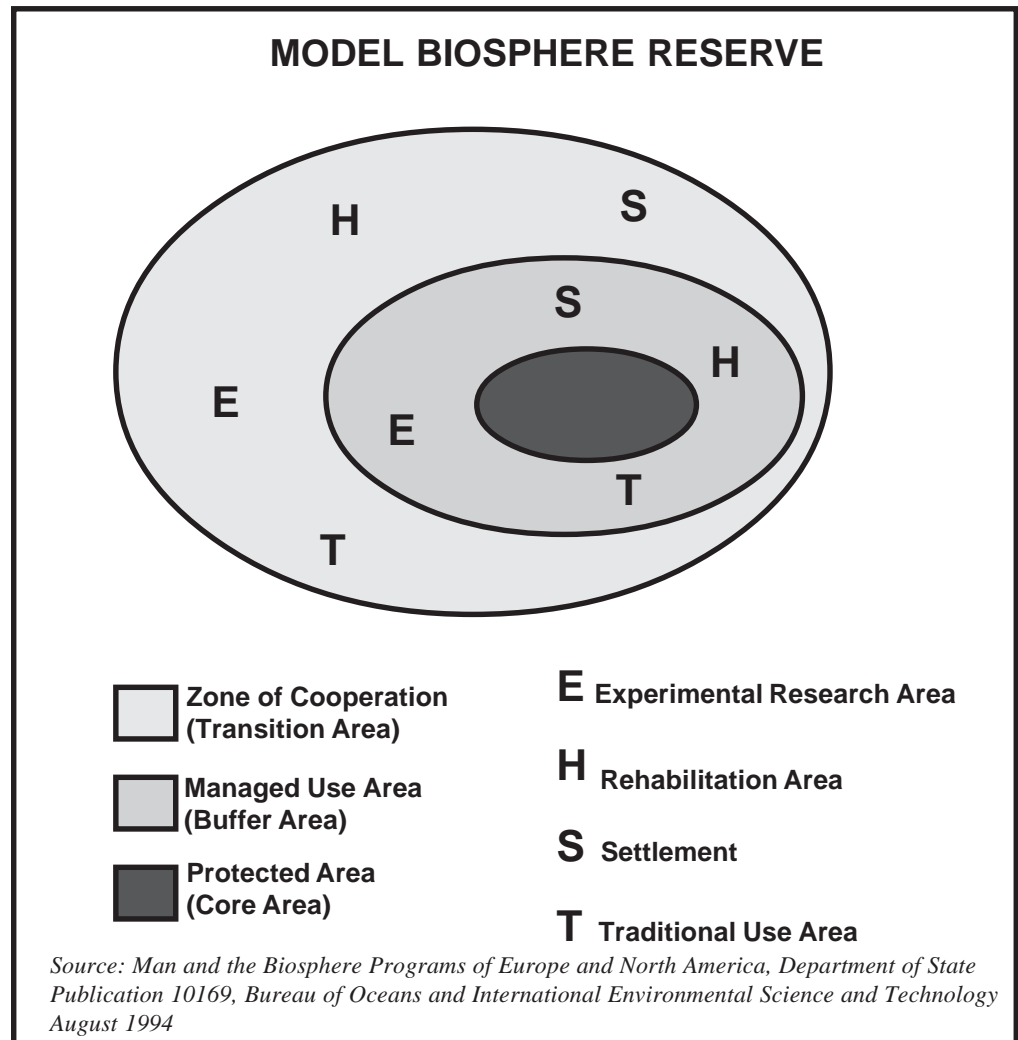
¹¹ Art. 6, Par. 1.

¹² Art. 5, a.

¹³ Objective II.1.

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The vision is infectious. The “Strategic Plan for the U.S. Biosphere Reserve Program,” issued in 1994 as a U.S. State Department publication, faithfully echoes UNESCO guidelines for the program. The publication frequently invokes the ambiguous term “stakeholder,” as in this description of “Zones of Cooperation” ringing the core “protected areas” of the biosphere reserve: “open-ended areas of cooperation, where managing agencies, local governmental agencies, scientists, economic interests, non-governmental organizations, cultural groups, local citizens and other biosphere reserve stakeholders educate one another in the process of linking conservation, economic development, and cultural values.”¹⁴



These “zones of cooperation” include private property. Lands of private owners, lands owned by state or municipal governments, and U.S. government land seem to be thrown into this warm, bubbling stew of cooperating “stakeholders,” where actual owners seem to have no more status than

¹⁴ Biosphere Reserve Directorate, U.S. Man and the Biosphere Program, Strategic Plan for the U.S. Biosphere Reserve Program (released December 1994 as Department of State Publication 10186), p. 4.

advocacy organizations from outside, where “local citizens” have no more status than “cultural groups” from the other side of the country. They will all “educate one another” not only on scientific facts about the area in question, but about each other’s “cultural values.”

There seems no reason, in fact, why the “stakeholders” should not include advocacy organizations from other countries or other continents or even governments of other countries on other continents. The whole point of that amorphous term “stakeholder” is to blur distinctions between owner and spectator and between citizen and outsider. Other countries might claim a “stake” in the preservation of nesting sites for birds which migrate from an American biosphere to sites in those other countries. Or they might claim a “stake” in the preservation of American habitats for species that figure in their own “cultural values” but no longer survive within their own borders. For instance, wolves and bears still figure in German folklore, but have largely disappeared from German forests. Should state or local officials in the United States then seek to protect the “stake” of German wildlife advocates in American land use policies?

There may be a genuine spiritual or metaphysical truth animating this outlook. It may be true in some sense that the grizzly bears of Alaska are of concern to all the world, not just to the citizens of that state. In much the same way, one might say that the Mona Lisa now “belongs” to the whole world and not merely to the government of France, which happens to be its current legal owner. But no one seriously imagines that the works of the Great Masters would be better preserved by blurring or clouding the legal ownership of each painting so that the whole world or a conclave of its governments becomes jointly responsible for deciding what to do with any particular painting. Is it really plausible to suppose that any particular scenic site or natural wonder is better preserved by diffusing or pooling responsibility for its protection?

That is what defenders of the World Heritage convention and of the UNESCO biosphere program contend. It is the central premise of such programs – so much so, that one might fairly describe these programs as institutional monuments to the collectivist and internationalist philosophy which inspires them. Why should the United States government participate in such programs? The Yellowstone affair finally forced government officials to offer some answers. They cannot withstand much scrutiny.

DOES AMERICA NEED HERITAGE SITES?

One argument for American participation in these programs is that it confers a direct benefit on the United States by enhancing the value of our own designated sites. Assistant Secretary Frampton offered a clear version of this argument in his testimony before the House Committee on Resources in September 1996: “U.S. participation in international conservation agreements insures that . . . U.S. sites receive the prestige and recognition

The “Strategic Plan for the U.S. Biosphere Reserve Program,” faithfully echoes UNESCO guidelines for the program.

they deserve – on par with that enjoyed internationally by the Taj Mahal, the Great Wall of China, the Serengeti Plain and the Vatican City.”¹⁵

Frampton reported that during the period 1990-1995, tourist visits to national parks designated as World Heritage sites increased by nearly 10 percent, while tourist visits to national parks in general increased by somewhat less than five percent. Since a “significant part of the increase” derived from international tourism, “World Heritage” status may account for the higher rate of increase at those special sites: “World Heritage designation makes it more likely that foreign visitors, especially those with specialized interests, will learn about and consider visiting those parks.” As an example, Frampton notes that officials at Grand Canyon National Park, where foreign tourists account for roughly 40 percent of the visitors each year, the park administration “reports that foreign visitors respond more readily to the World Heritage designation than to the national park term.”¹⁶

This sounds entirely plausible, if one does not think about it. But the underlying argument is actually quite strange. Nobody needed the U.N.’s endorsement to notice that the Taj Mahal or the Grand Canyon are spectacular sites. Most World Heritage sites are not nearly so well known, of course. But only the most outstanding sites are supposed to be designated under the program. If tourism has increased at these sites more than others, that is doubtless because the sites are indeed outstanding, and not just because some international bureaucracy has recognized them as such. The World Heritage Committee does not, after all, distribute tourist brochures. What attracts tourists to these sites, one presumes, are glossy color pictures or rave reviews from travel writers rather than a listing on some U.N. roster.

The whole point of that amorphous term “stakeholder” is to blur distinctions between owner and spectator and between citizen and outsider.

Secretary Frampton’s argument seems to be that World Heritage designation can serve as a lure for less well-known sites, much as a five star rating does for an out-of-the-way hotel or restaurant. But who gives out such ratings for hotels and restaurants? Anyone planning a vacation has access to a wide range of travel guides. Michelin has one set of ratings, AAA another and so on. Would these ratings have more credibility if standardized by governments? It does not seem likely. Privately published guidebooks must maintain credibility if they are to have any purchasers; if they come to be seen as exaggerated or biased, they don’t sell and eventually won’t be published. That in itself suggests that private ratings will be more credible than a system sustained by tax dollars. But common sense already suggests the same conclusion. When buying government bonds, would investors be more likely to trust a private bond rating service like Moody’s or Standard & Pools, or endorsements from the National Governors Association? Would tourists,

¹⁵ “Statement of George T. Frampton, Jr., Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Before the House Committee on Resources Regarding H.R. 3752, The American Land Sovereignty Act,” September 12, 1996, p. 8

¹⁶ *Ibid.*, p. 9

then, be more likely to trust the World Heritage Committee – acting on behalf of affiliated governments – or a private travel service?

One may have much the same doubts about the reputed benefits of the Biosphere program in inducing cooperation among “stakeholders.” Data and experience can be shared in all sorts of ways in all sorts of forums and formats. We live in the “information age,” the era of the Internet, the fax machine and direct-dial international phone hook-ups. If people want to share information about ecological niches, they do not need the coordinating mechanisms of the Biosphere program to do so. The truth seems to be that exchanges connected with a government program are viewed with suspicion, because the suggestion of coercion down the road (government equals coercion to the common understanding) makes would-be participants worry that data is being collected and disseminated with an eye to some unspecified regulatory agenda.¹⁷ Is anyone surprised when independent survey research reaches different findings than government census takers? When a government program is associated with international sponsorship, it seems to generate even more suspicion because international authorities seem even more removed from local control.

At the House hearings in September, citizens from the Catskill Mountain region of New York State told how they had mobilized to block the designation of their scenic region as a “biosphere reserve,” from fear that the designation would be used in the end to impose unwanted land use controls. So also, witnesses from the Ozark region in Missouri and the area surrounding Carlsbad Caverns in New Mexico reported much fear and resistance in these areas to “biosphere” designation. This is not a way to encourage voluntary cooperation but to provoke suspicion and resistance.

If people want to share information about ecological niches, they do not need the coordinating mechanisms of the biosphere program to do so.

HERITAGE SITES WORLDWIDE

The strongest argument for these programs, however, may have nothing to do with benefits for sites within the United States. If these international programs do not seem to offer very plausible benefits for the protection of sites within the United States, they may still encourage better protection for sites in other countries. American participation may simply be the price we pay to advance that larger effort. Thus Assistant Secretary Frampton warned that any limitation on American participation in these programs would “significantly reduce the recognized leadership and influence in global conservation which our nation has earned in the eyes of the world.”¹⁸

¹⁷ Ike Sugg, “Environmental Snoops Keep Out,” *St. Louis Post-Dispatch*, July 11, 1995.

¹⁸ “Statement of George T. Frampton,” p. 1

Wealthy countries like the United States actually dilute their potential leverage by channeling aid and assistance through international institutions.

Here again the argument seems compelling — until it is examined. An internationally recognized “site” should be a valuable asset to a country, particularly a poor country. It can be a source of tourist revenues; it may be a magnet for scholars, researchers, even for commercial investment to develop particularly unusual “bio-resources.” Developing nations in Africa, Asia or Latin America may be in need of international aid and technical assistance to protect these special sites and international programs may help them to acquire such outside aid and assistance.

The fact, however, is that developing nations have not rushed to participate in these programs. UNESCO itself has lamented that “world heritage” sites are disproportionately in Western Europe and in North America.¹⁹ The reason for this seems to be that less developed countries have been less eager to participate and therefore have nominated fewer sites to the list. Certainly, the World Heritage Committee, with perpetual majorities from less-developed countries, is not prone to indulge a snobbish, Eurocentric view of what constitutes a site of “outstanding universal value.” The pattern is, if anything, more pronounced regarding “natural,” as opposed to “cultural,” sites. Of 102 “natural” sites currently on the World Heritage List, 15 are in the United States. The same pattern appears with sites designated under the Man and the Biosphere Program. The United States now has almost 15 percent of the sites registered under this program (47 out of 324 reserves around the world).²⁰ We are not simply making a token gesture toward a program primarily aimed at poor countries.

Even more revealing is that the United States, with less than five percent of the sites (18 out of 469), now has more than ten percent of the sites listed on the “in danger” list (two of 18, with a third American site under discussion as a possible addition to the list).²¹ Is it really credible that the United States, with all its national wealth and developed infrastructure of environmental controls, is less able to protect its sites than the poor countries of the world? It is far likelier that the United States, precisely because it is so wealthy and secure, is less worried about adverse publicity.

¹⁹ 14. At an “Expert Meeting on the ‘Global Strategy’ and thematic studies for a representative World Heritage List,” held at UNESCO Headquarters in Paris, 20-22 June 1994 (reported in UNESCO document WHC-93/CONF.002/8), the assembled experts expressed concern about a “number of gaps and imbalances . . . already discernible on the World Heritage List,” such as that “Europe was over-represented in relation to the rest of the world; historic towns and religious buildings were over-represented in relation to other types of property; Christianity was over-represented in relation to other religions and beliefs; historical periods were over-represented in relation to prehistory and the 20th century; “elitist” architecture was over-represented in relation to vernacular architecture . . .” Experts resolved that the World Heritage Committee should encourage states party to come up with more “balanced” nominations, reflecting more cultural as well as geographic diversity.

²⁰ The most recent list biosphere sites was published by the U.S. Man and the Biosphere Program in 1991; a more current list is not yet available. UNESCO’s list of World Heritage sites is updated at each annual meeting of the World Heritage Committee.

²¹ Everglades National Park was added to the “in danger” list at the 17th Session of the Committee (Cartagena, Colombia) in November 1993; Redwood National Park was also considered for possible inclusion on the list at the 19th Session of the Committee (Berlin, Germany, December 1995).

The relative reticence of less developed countries about subjecting their sites to these programs should raise questions about their value. If they are so valuable, why don't poor countries flock to them more than others? It may well be that governments in many countries are so corrupt that they do not even care whether valuable national assets are being eroded or despoiled. It may be that corrupt governments actually want to shield their malfeasance or neglect from foreign notice and shun these programs for that reason. It may be that governments are in the grip of grand ideological passions – nationalist, Marxist, Islamicist or whatever they may be – and on that account are fiercely resistant to international inspection.

The "Capture" Problem

The question to focus on is whether programs of this sort are well-calculated to impose any real discipline on such governments. The truth seems to be that they are calculated to soothe but not to control or even to set a clear standard. The programs are not accountable to some impartial, international inspectorate, but to the governments involved, many of which may be exceedingly corrupt or ideologically fevered.

In fact, the international organization that sponsors these programs, UNESCO, has itself been the target of particular condemnation and protest by western governments for its own corruption and bias. (Delegates both to the World Heritage Committee and to the Biosphere Program's International Coordinating Council are elected at meetings sponsored by the General Conference of UNESCO.) In reaction to UNESCO's corruption, the United States officially withdrew from it in 1984 and has refused to pay general dues to the organization since then. Although the U.S. continues to participate in UNESCO's "World Heritage" program and its "Biosphere" program, these specialized programs have not been immune to the abuses which motivated U.S. withdrawal from the rest of UNESCO.

In 1982, for example, the World Heritage Committee insisted on placing the old city of Jerusalem on the list of "endangered sites," at the behest of the Jordanian government. The United States representative at the meeting protested that Israel, which is in effective control of the city, had not asked for this designation, had not even signed the World Heritage Convention and had refused to allow a mission from the World Heritage Committee to verify the charges in the submission by Jordan, whose claim to sovereignty over the old city of Jerusalem is not accepted by the United States, the U.N., nor more

“World heritage” sites are disproportionately in Western Europe and in North America.

Is it really credible that sites under the control of the United States are more endangered than those remaining in the care of the Stalinist government of Vietnam or the impoverished, chaotic government of Ecuador?

than a handful of countries in the world.²² All of this was to no avail. The third world majority in the committee went ahead with a pointless propaganda exercise.

At the December 1995 meeting of the World Heritage committee – the one which placed Yellowstone on the list of endangered sites – Japan raised a question about a site in Vietnam. The committee voted to postpone any action.²³ Ecuador conceded that the Galapagos Islands, under Ecuadorian management, were threatened with a whole series of serious environmental problems. Ecuador asked for international assistance, but specifically asked not to be embarrassed by having the Galapagos placed on the “in danger” list. It wasn’t.²⁴ But Yellowstone Park was.²⁵ Is it really credible that sites under the control of the United States are more endangered than those remaining in the care of the Stalinist government of Vietnam or the impoverished, chaotic government of Ecuador?

²² Article 11, Par. 3 of the World Heritage Convention specifies that, “The inclusion of property in the World Heritage List requires the consent of the State concerned.” Israel, though claiming sovereignty over the site in question and certainly exercising effective control, was judged not to be “concerned.” Among the 21 nations serving on the World Heritage Committee at the time of this vote were Libya, Egypt, Iraq, Jordan, Tunisia, and Pakistan, as well as Senegal, Zaire, Brazil, Cyprus and Bulgaria. Although the situation in the Middle East has changed considerably since 1982, the “Old City of Jerusalem” remains on the list of World Heritage sites “in danger.”

²³ The International Union for the Conservation of Nature (IUCN) presented a report warning that Ha Long Bay in Vietnam, inscribed on the World Heritage List in 1994, was threatened by “a new port to be developed in the Bay which would route large transport ships through the site” and also by “a license for a large floating hotel at the site which would have further impacts on the heavy tourist pressures in the Bay.” The Delegate of Japan reported that Japanese aid agencies were contributing up to \$100 million to help with tourist development of the Ha Long Bay but that “ecological impacts” would have to be “evaluated.” Minutes of the Nineteenth Ordinary Session of the World Heritage Committee (4-9 December), Agenda item VII.23, p. 19.

²⁴ A report prepared for the World Heritage Committee by independent observers from the International Union for the Conservation of Nature (IUCN) warned that unique plant and animal species on the Galapagos Islands were endangered by the introduction of new species of animal predators and by the increasing human population “which has severe impacts, for example, for solid waste disposal.” The IUCN also worried that unique species in the surrounding waters were threatened by illegal commercial fishing operations. The delegate of Ecuador conceded to the Committee that its Galapagos National Park was threatened by “unbalanced tourist activities” as well as by “illegal fishing,” by “population growth” and by “the impact of foreign species introduced to the island.” Ecuador’s delegate also conceded that all of these worrisome trends were aggravated by the “inadequate legal and administrative structure” maintained by the Ecuadorian government for the protection of the Galapagos Park. Delegates from the United States and Germany noted that the Operational Guidelines for the World Heritage Convention allowed sites to be placed on the “in danger” list even when the home state of the site did not request or support such listing. It appears from the minutes that the delegates from Canada, Australia and Japan indicated readiness to consider immediate listing of the Galapagos Islands as a site “in danger.” A compromise resolution, acknowledging concerns but not placing the site on the “in danger” list, was adopted with 5 abstentions. Among the states represented at the meeting apart from these affluent nations (and Ecuador, itself) were Benin, Brazil, China, Cuba, Cyprus, Lebanon, Malta, Mexico, Morocco, Niger, Philippines and Spain. Minutes of the 19th Ordinary Session, World Heritage Committee (Dec. 4-9, 1995, Berlin, Germany) summarize the discussion on the Galapagos matter at pp. 13-16.

²⁵ The listing of Yellowstone seems to fly in the face of the World Heritage Committee’s own “Operational Guidelines for the Implementation of the World Heritage Convention” which stipulate that sites can be placed on the “in danger” list only when “major operations are necessary for the conservation of the property” and “assistance under this Convention has been requested for the property” (III.A.iii, iv) — neither of which conditions applied in this case.

The point to notice is not just that the system is highly politicized. It is that, in its fundamentals, the system is designed to be politicized. It is, after all, a club run by governments. If a government is worried about its performance, it will more readily submit to a group of other state delegates rather than to outsiders who have no particular stake in the reputation of governments. In this respect, the matter is equivalent to international development assistance. Which is likely to provide more reliable assessments, private banks and private investors — or a government-funded international agency like the World Bank?

The Multilateral Problem

The irony is that wealthy countries like the United States actually dilute their potential leverage by channeling aid and assistance through international institutions. That is certainly so in this case. Japan, for example, raised questions about environmental protection in Vietnam because Japan has made sizable aid contributions and investments in Vietnam that may be affected by the environmental policies of the Vietnamese government. If Japan really wants to make its point, it can withhold further assistance. Putting the matter to the arbitration of twenty other governments is less likely to add weight to its concerns than to dilute and sideline them, as they become entangled in the cross-cutting political agendas of all the other governments represented on the World Heritage Committee.

Surely this is obvious in our own country. If the Ford Foundation wishes to influence the policies of a museum, it does not wait for 12 or 20 other philanthropic contributors to agree on a common policy. It stipulates on its own the conditions under which it will give its grant and it reserves the right to cut off further contributions if the conditions of the grant are not satisfied. In fact, when the United States government is focused on achieving some immediate international objective, it follows the same course. It withholds military aid or other forms of foreign aid – unilaterally, immediately and directly – when it wants to cajole a foreign government into changing its policy. The State Department does not insist that it is necessary to act in coordination with all other aid-donors. At least it does not insist on this when it cares about achieving an immediate result.

Of course, such unilateral methods of influence rest on a very hard-headed, old-fashioned view: It's our money and we don't have to give it out to anyone who makes us unhappy. Programs like the World Heritage convention and the Biosphere program operate on a different philosophy: Sites of "outstanding interest . . . need to be preserved as part of the world heritage of mankind as a whole" and "it is essential for this purpose . . . to adopt an effective system of collective protection," as the Preamble to the World Heritage Convention puts it. This view may be edifying, but is it practical? What is everyone's concern often ends up as no one's concern in particular.

If the World Heritage Committee had no authority at all in the matter, why was the Interior Department so ready to bring in a delegation from the Committee for an on-site inspection of Yellowstone?

If we care enough to try to influence environmental policies in other countries, it may make sense, in particular cases, to make American aid or cooperation contingent on the adoption of a particular policy by the particular countries involved. It is not very plausible, after all, that a general assurance of generalized concern about generalized conditions can do much to move anyone in particular.

IS U.S. SOVEREIGNTY THREATENED?

It may be argued that programs of this kind, even if they do little good, still do no great harm. What they do is nurture a kind of alternate reality. It is mostly a fantasy world and as such does not impinge very often or very directly on the real world. But fantasies can evolve into settled delusions and delusions can carry people and governments in very foolish directions.

At the very least, these programs are a threat to the clarity of law. In the Yellowstone affair, when the intervention of the World Heritage Committee provoked a local clamor, the Interior Department was insistent that nothing at all had happened. In his testimony to the House Committee on Resources, Assistant Secretary Frampton was quite insistent that “international agreements, such as the World Heritage Convention” do not at all preempt domestic law “nor do they have the ability to do so . . . The United Nations *does not* [original emphasis] have any authority to affect federal land management decisions within the United States.”²⁶

But if the World Heritage Committee had no authority at all in the matter, why was the Interior Department so ready to bring in a delegation from the Committee for an on-site inspection of Yellowstone? Why were federal officials so accommodating to the Committee’s subsequent designation of Yellowstone as a site “in danger?”

Part of the reason, no doubt, is that federal officials did not anticipate the outcry provoked by international intervention in this case. If the World Heritage Committee’s recommendation to prohibit any mining or development activity within an extended “buffer zone” around Yellowstone had been met with more deference and respect among local citizens, Interior might have made more of the Committee’s authority later on, even as environmental advocacy groups did at the time of the Committee’s decision.

But more is involved here than tactical or rhetorical maneuvers in a particular awkward controversy. The underlying ambiguity is built into the structure of these programs. The World Heritage Convention is a formal treaty, a solemn commitment, and a legal obligation – except it doesn’t

*The Seville
Strategy for the
Biosphere
program, taken
literally, would
impose restrictive
controls on vast
land areas
throughout whole
continents.*

²⁶ Statement of George T. Frampton, p. 3.

apparently commit us to any particular thing nor oblige us in any definite way. If the United States isn't actually bound or committed in any way, how can other governments, with much less regard for the rule of law, be at all bound or committed by the convention?

The Biosphere program, lacking even a treaty behind it, is even more candid about the real meaning of "international standards." The so-called Statutory Framework of the World Network of Biosphere Reserves sets out a set of "criteria for an area to be qualified for designation as a biosphere reserve."²⁷ It then provides for periodic review by the International Coordinating Council to ensure that these "criteria" are duly satisfied for each site, with the threat of excluding any site from the World Network if it is not found to conform to the criteria.²⁸ But the Statutory Framework immediately cautions that such black-balling decisions should only be made after "taking into account the cultural and socio-economic context of the State concerned."²⁹ In other words, there are definite international standards, binding on all participants, except those who find it too awkward to comply.

Such concessions to reality are the price that must be paid to keep up the pretense that there is still a common program with universal "criteria." The criteria do not necessarily reflect established practice. They reflect the agreement of delegates to an international conference. They reflect the agreement of 82 governments that now pledge to honor them. Except when they don't feel inclined to do so.

One result of this semantic shuffling, by which binding commitments are not binding and universal standards are not universal, is to make it easier to indulge wildly ambitious goals. The Seville Strategy for the Biosphere program, for example, contemplates a network to "link biosphere reserves with each other . . . through green corridors."³⁰ Taken literally this would impose restrictive controls on vast land areas throughout whole continents. How many governments are really prepared to implement such a global land-use policy? No matter. It is not, after all, a binding commitment.

Such visionary or escapist approaches echo actual experience with environmental regulation in the United States. Since the early 1970s federal Clean Air Act Amendments have repeatedly imposed impossibly ambitious pollution reduction targets with precise deadlines, only to have Congress repeal the deadline when it cannot be met and replace it with yet another deadline that cannot be met but is farther in the future.³¹ So, too, the

These programs symbolize visions which, if taken seriously, would be quite dangerous.

²⁷ Art. 4.

²⁸ Art. 9.

²⁹ Art. 9, Par. 5.

³⁰ Objective I.2, Par. 4.

³¹ R. Shep Melnick, "Pollution Deadlines and the Coalition for Failure," in Michael S. Greve and Fred L. Smith, Jr., ed., *Environmental Politics: Public Costs Private Rewards*, (New York: Praeger, 1992), pp. 89-104

World Heritage Convention and the Biosphere Network are symbolic of an outlook that imagines we can have a world without borders.

Endangered Species Act sets protective standards which could never be enforced if taken literally. So they are largely ignored for most identifiable species.³² Rather than abandon the vision of total protection, we abandon the ideal of law as a definite, reliable standard.

The parallel is hardly a coincidence. Law is, in modern western countries, particularly concerned with protection for property, where individual owners must have definite, reliable standards to know what they can and cannot do. Environmental visionaries find law particularly irksome because private property offends their notion of a world of total inter-connectedness.³³ In such a world, national boundaries are as irksome as the boundaries of private property. More than that, private property accommodates the different priorities and different purposes of different owners, just as national boundaries preserve the capacity of different governments to pursue different priorities and different policies. A world with such variations is not easily reconciled with an environmental vision which insists that environmental protection simply must have the highest priority. Insisting on the highest priority for environmental concerns requires one to overlook differences in attitudes, priorities, capacities and so on. But all of these differences are facts of life in our world. The most inspired and visionary environmental program must make room for this reality somewhere. It is done by acknowledging on the margin what the main premise of these programs seems to deny – that differences are real and not readily forgotten.

If programs like the World Heritage Convention and the Biosphere Network are symbolic, they are symbols of an outlook that imagines we can have regulation without law, obligation without enforcement, agreement without compromise, protection without possession, and a world without borders. Environmental visionaries are the prime stakeholders in this lovely world. Not many ordinary people could live in a world that actually tried to operate this way, however.

We can dismiss these programs as symbols. But they symbolize visions which, if taken seriously, would be quite dangerous. Perhaps they would be entirely safe if no one paid attention to them. The Yellowstone affair is a reminder that environmental advocates are actually paying attention.

³² See Michael S. Greve, "Reform of the Endangered Species Act," (Claremont, California: Center for Land Use and Environmental Studies, The Claremont Institute, 1992) noting that both Congress and the Interior Secretary regularly declare "ad hoc" exemptions from the seemingly absolutist language of the legislation when enforcement would be too costly — but refuse to alter the absolutist language in the statute books, since it provides leverage to environmental advocates often pursuing unrelated concerns against landowners (pp. 6 - 13).

³³ Ibid.

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**APPENDIX I:
THE WORLD HERITAGE COMMITTEE SITES ON
THE LIST OF WORLD HERITAGE IN DANGER**

(adapted from <http://www.unesco.org/whc/danglist.htm>)

**Contracting State Having
Submitted the Nomination
in Accordance with the
Convention**

Name of Property

Date Listed

Contracting State Having Submitted the Nomination in Accordance with the Convention	Name of Property	Date Listed
Benin	Royale Palaces of Abomey	12/6/85
Bulgaria	Srebarna Nature Reserve	12/14/92
Cambodia	Angkor	12/14/92
Croatia	Old City of Dubrovnick	12/13/91
Croatia	Plitvice Lakes National Park	21/14/92
Ecuador	Sangay National Park	12/14/92
Ethiopia	Simien National Park	12/7/96
Guinea/Cote d'Ivoire	Mount Nimba Nature Reserve	12/14/92
Honduras	Rio Platano Biosphere Reserves	12/7/96
India	Manas Wildlife Sanctuary	12/14/92
Jordan	Old City of Jerusalem and its Walls	12/17/82
Mali	Timbuktu	12/12/90
Niger	Air and Tenere Natural Reserves	12/14/92
Oman	Bahla Fort	12/9/88
Peru	Chan Chan Archaeological Zone	11/28/86
Poland	Wieliczka Salt Mines	12/15/89
Tunisia	Ichkeul National Park	12/7/96
United States	Everglades National Park	12/11/93
United States	Yellowstone	12/9/95
Yugoslavia	Natural and Culturo-Historical Region of Kotor	10/26/79
Zaire	Virunga National Park	12/17/94

APPENDIX II: CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

(adapted from http://www.unesco.org/whc/world_he.htm)

THE GENERAL CONFERENCE of the United Nations Education, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase, and diffuse knowledge by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

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,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITION OF THE CULTURAL AND NATURAL HERITAGE

Article 1

For the purpose of this Convention, the following shall be considered as “cultural heritage”:

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

Article 2

For the purposes of this Convention, the following shall be considered as “natural heritage”:

natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:

- a. to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- b. to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- c. to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- d. to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- e. to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.
2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and presentation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.
3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called “the World Heritage Committee”, is hereby established within the United Nations Education, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Education, Scientific and Cultural Organization after the first election.

3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.

2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "list of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large- scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.

5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.

6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, co- ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists mentioned referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.
2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.
3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.
4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.
5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.
6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.
7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.
8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.
2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.
2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.
3. The resources of the Fund shall consist of:
 - a. compulsory and voluntary contributions made by States Parties to this Convention,
 - b. Contributions, gifts or bequests which may be made by:
 - i. other States;
 - ii. the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;
 - iii. public or private bodies or individuals;
 - c. any interest due on the resources of the Fund;
 - d. funds raised by collections and receipts from events organized for the benefit of the fund; and
 - e. all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.
4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.

2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Fund may take the following forms:

- a. studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;
- b. provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;
- c. training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
- d. supply of equipment which the State concerned does not possess or is not in a position to acquire;
- e. low-interest or interest-free loans which might be repayable on a long-term basis;

f. the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27

1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.

Article 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29

1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.
2. These reports shall be brought to the attention of the World Heritage Committee.
3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 30

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

- a. with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States parties which are not federal States;
- b. with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

