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# Tourism at UNESCO World Heritage Sites: Protecting Global Treasures and the Travelers Who Seek Them

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# TOURISM AT UNESCO WORLD HERITAGE SITES: PROTECTING GLOBAL TREASURES AND THE TRAVELERS WHO SEEK THEM

*JoAnn Vrabel\**

*The UNESCO World Heritage Program is a unique collaboration of experts, policy-makers, preservationists, historians, and decision-makers. In November 2012, the Program celebrated the fortieth anniversary of the ratification of its inaugural document, the Convention Concerning the Protection of the World Cultural and Natural Heritage. What began as an appreciation for cultural and natural heritage is now a network of 1,007 properties of immense universal value. In the past forty years, the Program has adapted to address many challenges, including war, climate change, limited funding, and religious demonstration. Today, there is a new challenge: how to protect the visitors who, in reliance on the status and international prestige of the World Heritage Program, travel thousands of miles to experience World Heritage Sites. In order to solidify the future of the World Heritage Program, the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage should revise its requirements for inscription and continued status as a World Heritage Site to include visitor safety regulations. Additionally, the World Heritage Program should partner with international tourism agencies in order to proactively address baseline protection and management practices at the Sites. This anniversary is a reminder of the World Heritage Program's ongoing commitment to preserving and presenting cultural and natural sites, and should serve as an opportunity to further its efforts in achieving its goals for this generation and many to come.*

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*“A man of ordinary talent will always be ordinary, whether he travels or not; but a man of superior talent (which I cannot deny myself to be without being impious) will go to pieces if he remains forever in the same place . . . .”*

*– Wolfgang Amadeus Mozart*

I. INTRODUCTION

The United Nations Educational, Scientific, and Cultural Organization (“UNESCO”) has formally recognized the need to conserve and protect cultural and natural heritage properties around the world,<sup>1</sup> but it has yet to substantively address the topic of tourist protection. When the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage (the “Committee”), which exists within UNESCO, recognizes a site’s “outstanding universal value” to “mankind as a whole”<sup>2</sup> and decides to inscribe the property to the World Heritage List, an influx of

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1. *See* Convention for the Protection of the World Cultural and Natural Heritage, Nov. 16, 1972, 1037 U.N.T.S. 151, 153 [hereinafter World Heritage Convention] (“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 . . .”).

2. *Id.*

tourists<sup>3</sup> is the natural consequence.<sup>4</sup> Recently, the World Heritage Program, which is administered by the Committee and other bodies, has focused on sustainable tourism.<sup>5</sup> Tourism, however, if unregulated, can have damaging effects on the environment,<sup>6</sup> host societies,<sup>7</sup> and

3. See, e.g., Katie Hunt, *Tourism Boom Threatens China's Heritage Sites*, CNN, <http://www.cnn.com/2012/08/14/world/asia/china-heritage-tourism/index.html> (last updated Aug. 14, 2012). China has used the status of its forty-three World Heritage Sites as “an economic vehicle to develop backward regions.” This has led to an “incredible boom in Chinese tourism” at previously abandoned cultural sites. For example, the small town of Lijiang, known for its matriarchal Dongba culture, now receives 11 million visitors annually. Regardless of the striking effect this has had on the town’s people and culture, officials aim for an increase in the number of visitors to 16 million by 2015. *Id.*
4. See Elizabeth Betsy Keough, *Heritage in Peril: A Critique of UNESCO's World Heritage Program*, 10 WASH. U. GLOBAL STUD. L. REV. 593, 608 (2011) (“The international reputation that UNESCO and the World Heritage program offer brings incredible numbers of tourists to even the most remote places on earth.”); see also Steven Erlanger, *What Does UNESCO Recognition Mean, Exactly?*, N.Y. TIMES, Jan. 8, 2012, at 4; but cf. Oliver Bennett, *UNESCO Adds a Record 61 New Sites to its World Heritage Roll; Countries Love These Listings but Often Ignore the Responsibilities Involved*, INDEPENDENT, Dec. 10, 2000, at 2 (“It is difficult to quantify any increase in tourism, as Unesco has done no research on exactly how effective a listing can be . . . . The idea is to protect and conserve the site, not to add to its commercialization . . . . [But] a listing tends to put the sites on the map.”).
5. See, e.g., Abby L. Barfelz, Note, *The Little Island that Could: How Reforming Cultural Preservation Policies Can Save Easter Island and the World's Heritage*, 20 MICH. ST. INT'L L. REV. 149, 157 (2011) (“UNESCO officials believe that by balancing the need for heritage preservation with that of community development the program will be able to successfully reduce the negative impact of tourism.”); see also Simon Osborne, *Is UNESCO Damaging the World's Treasures?*, INDEPENDENT (Apr. 29, 2009), <http://www.independent.co.uk/travel/news-and-advice/is-unesco-damaging-the-worlds-treasures-1675637.html>; José-Roberto Pérez-Salom, *Sustainable Tourism: Emerging Global and Regional Regulation*, 13 GEO. INT'L ENVTL. L. REV. 801, 812 (2001). Sustainable tourism “meets the needs of present tourists and host regions while protecting and enhancing opportunities for the future. It is envisaged as leading to management of all resources in such a way that economic, social and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity and life support systems.” *Id.*
6. See Pérez-Salom, *supra* note 5, at 805 (describing the impact of tourism on the environment in terms of increased waste and pollution).
7. See Christine Gudaitis, Essay, *Tourism in Developing Countries – Panacea or Poison?*, 9 U. MIAMI INT'L & COMP. L. REV. 265, 267–68 (2001) (“The primary difficulty in reconciling the difference between tourism as a way to preserve the culture of developing nations and tourism which results in a ‘cultural sell-out’ is that, in order to bring tourism to impoverished economic sectors, one introduces into these

the physical property at World Heritage Sites (“World Heritage Sites” or “Sites”).<sup>8</sup>

Further, when critiquing the UNESCO World Heritage Program, critics maintain that “the moribund organization is teetering on its once sound foundations as its principles and priorities crumble under the weight of bureaucracy and outside influence.”<sup>9</sup> These critics further assert that, “[t]he World Heritage emblem has come to represent a grandiose marketing tool—fodder for ‘things to see before you die’ coffee table books.”<sup>10</sup>

Unfortunately, critics do not acknowledge the many benefits that the tourism industry has bestowed on World Heritage Sites and State Parties (“State Parties”) to the Convention Concerning the Protection of the World Cultural and Natural Heritage (the “Convention”). UNESCO and the State Parties each receive different benefits from the tourism industry. UNESCO fulfills its purpose, as set forth in the Convention’s preamble, to “maintain, increase, and diffuse knowledge.”<sup>11</sup> When tourists from all walks of life travel to World Heritage Sites, they leave with a heightened appreciation and awareness of the benefits of culture, history, and heritage. State Parties also benefit from the increase of tourism revenue, the availability of external financial assistance, and the opportunity to preserve their heritage and attract experts.<sup>12</sup>

Given the prominent role that tourism plays in achieving the Convention’s goals, this Note posits that both the Committee and State Parties have a duty to protect the tourism industry and tourists. Several factors adversely affect the tourism industry at World Heritage Sites, including criminal activity, scamming, and unstable or hazardous conditions. In some cases, the non-regulation of

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developing nations the values and ideas of tourists, not just their currency.”).

8. *See id.* at 274 (citing to Bali’s unrestricted increase in tourism leading to, among other things, trash in the waters and streets); Stéphane Durand, *Angkor: A Decade of Tourist Development After a Decade of Heritage Rescue?*, 54 MUSEUM INT’L 131, 132 (2002) (noting the damaging effects of unregulated tourism, including increased traffic and commercialism through ubiquitous hotels).
9. Osborne, *supra* note 5.
10. *Id.*
11. World Heritage Convention, *supra* note 1, pmbl.
12. *See Frequently Asked Questions*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/faq> (last visited Dec. 30, 2014) (describing the benefits of being inscribed on the List); *see also* HAMBRY CONSULTING, SOCIAL, ECONOMIC AND ENVIRONMENTAL BENEFITS OF WORLD HERITAGE SITES, BIOSPHERE RESERVES, AND GEOPARKS, SCOTTISH NATURAL HERITAGE COMMISSIONED REPORT No. 248 (ROAME No. F06NC05), at ii (2007).

criminal activity and deficient security measures at World Heritage Sites have had fatal consequences and have consequently led to domestic and international scrutiny.<sup>13</sup> Due to increasing levels of international travel, the Committee and State Parties must immediately address the issue of safeguarding visitors who flock to World Heritage Sites.

One important way the Committee can proactively address tourist safety is by amending the Operational Guidelines for the Implementation of the World Heritage Convention (the “Guidelines”) to more effectively facilitate the security of tourists at World Heritage Sites. The Guidelines explain (but do not define) that “presentation” is one of the Convention’s key objectives.”<sup>14</sup> The presentation of the World Heritage Sites, in turn, is greatly impacted by the safety measures in place at the Sites. The Guidelines currently in place refer solely to the protection, maintenance, management, and monitoring of *the property*.<sup>15</sup> Although the Convention broadly requires the establishment of “an effective system of collective protection,” the aim of the Convention has always been narrowly tailored to protect the “cultural and natural heritage” of the Sites.<sup>16</sup> However, tourism protection and general safety of persons receive little to no attention.<sup>17</sup> Indeed, the Guidelines do not even mention tourism except in the annex.<sup>18</sup> By providing for baseline tourist protection, the World Heritage Program will fill the current void in the Guidelines.

The lack of Committee involvement and interest in tourist safety measures suggests that it is the State Parties’ responsibility to ensure that World Heritage Sites are safe.<sup>19</sup> To a certain degree, state and

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13. See Trever Reznick, *Tourist Safety Questioned in Vietnam’s Famed Halong Bay*, UNESCO HERITAGE SITES BLOG (Oct. 7, 2012), <http://unescoheritagesites.blogspot.com/2012/10/tourist-safety-questioned-in-Vietnams.html>.
  14. World Heritage Comm., *Operational Guidelines for the Implementation of the World Heritage Convention*, ¶ 7, WHC.12/01 (July 2012) [hereinafter *Operational Guidelines*].
  15. See *id.* ¶¶ 96, 109.
  16. World Heritage Convention, *supra* note 1, pmbl.
  17. See *Operational Guidelines*, *supra* note 14, Annex 5, ¶ 4.b(i) (recommending that State Parties seeking inscription of a property to the World Heritage List mention development pressures that might affect the Site property only, including “poorly managed tourism,” on the nomination application).
  18. See *id.* Annex 5 ¶¶ 4.b(i), 5.d, 8.c, Annex 7 ¶ II.5. The Guidelines mention tourism with regards to the negative impact that it might have on the property itself. See *id.* Annex 7 ¶ II.5.
  19. See Bennett, *supra* note 4. Although the Party States and the specific Sites “have to observe certain obligations,” the enforcement and

tourism authorities have accepted this responsibility. For example, in Vietnam, the state took action and banned tour boats from visiting floating houses and villages in Ha Long Bay after the authorities identified a racket to scam and threaten tourists.<sup>20</sup> But what if the state fails to take action, due to insufficient funds or a lack of interest?

The World Heritage Emblem signifies that a Site is not just important to the State Party, but rather that the international community has a ‘collective interest’ in preserving the Site.<sup>21</sup> The World Heritage Program should thus collaborate with State Parties to ensure that tourists at the Sites receive adequate protection from criminal activity and scams. If the Committee revises the Guidelines to provide for baseline security measures for tourist and not just the property itself, the individual State Parties could then introduce domestic legislation to specifically address the implementation of safety measures at their respective Sites.<sup>22</sup> Moreover, such a change in the Guidelines would galvanize states to take action and incorporate tourist safety into their current Site protection schemes.

This Note analyzes the deficient tourism protection measures in place at World Heritage Sites. Section II examines the purpose of the Convention, the current Guidelines, and the periodic reporting requirements. This section also addresses current tourism protection issues in two countries hosting World Heritage Sites, Vietnam and Cambodia. These case studies were chosen because they are located in the same region, have recently experienced an increase in tourism, and have responded to the influx in two very different ways. Section III explains why the World Heritage Program should be committed to solving these issues. Section IV explains three possible solutions to the tourism protection problem at World Heritage Sites. First, UNESCO

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implementation of these obligations is another issue and “there have been occasions when a blind eye has been turned.” *Id.*

20. See Oliver Smith, *Hawkers Banned in Ha Long Bay*, TELEGRAPH (Sept. 26, 2012), <http://www.telegraph.co.uk/travel/travelnews/9568316/Hawkers-banned-in-Ha-Long-Bay.html>; see also Reznick, *supra* note 13.
21. See *Operational Guidelines*, *supra* note 14, ¶ 258 (stating that the Emblem “symbolizes the interdependence of cultural and natural properties”); World Heritage Convention, *supra* note 1, art. 6(1) (“Whilst fully respecting the sovereignty of the States . . . the State 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.”).
22. See, e.g., *Operational Guidelines*, *supra* note 14, ¶ 98 (requiring national and local legislation or regulatory measures to “assure the survival of the property and its protection against development and change that might negatively impact the Outstanding Universal Value, or the integrity and/or authenticity of the property”).

should partner with the United Nations World Tourism Organization (the “UNWTO”) to brainstorm and implement protection services at World Heritage Sites. Second, the Committee should amend the Guidelines to provide for the baseline protection of tourists. Third, State Parties should report to the Committee regarding current and future security measures. In closing, Section V submits that these solutions are cost effective, and that the long-term benefits of tourism in the World Heritage arena will greater promote and fulfill the purpose of the Convention.

## II. BACKGROUND

In 1972, UNESCO sought to distinguish cultural and natural heritage properties of global importance by adopting the Convention.<sup>23</sup> The Convention encompassed “the identification, protection, conservation, presentation and transmission to future generations of cultural and natural heritage of outstanding universal value.”<sup>24</sup> It has since been ratified by 191 state parties.<sup>25</sup>

The Convention set forth the standard and procedure for inscribing properties to the World Heritage List.<sup>26</sup> There are currently 1,007 inscribed properties on the World Heritage List, including 779 cultural,<sup>27</sup> 197 natural,<sup>28</sup> and 31 mixed sites.<sup>29</sup> Although some of these

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23. See World Heritage Convention, *supra* note 1, pmbl.

24. *How the World Heritage Convention Contributes to Sustainable Development*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/activities/708/> (last visited Dec. 30, 2014) (celebrating the fortieth anniversary of the Convention and the fundamental role it has played in sustainable development around the world).

25. See *States Parties: Ratification Status*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/statesparties> (last updated Aug. 15, 2014) (providing a list of the State Parties that have ratified the Convention).

26. See World Heritage Convention, *supra* note 1, art. 11.

27. *Id.* art. 1. The Convention defines “cultural heritage” as: “monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological 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.” *Id.*

28. *Id.* art. 2. The Convention defines “natural heritage” as: “natural features consisting of physical and biological formations or groups of

properties attracted international visitors before their inscription, many have experienced an increase in tourism since gaining status as World Heritage Sites.<sup>30</sup> In fact, tourism continues to grow at the Sites, and trends in the tourism industry show that there could be as many as 1.6 billion international tourists annually by 2020.<sup>31</sup>

A. *The Structure of the World Heritage Program*

The responsibilities set forth in the Convention are delegated to four administering bodies: the Committee, the General Assembly, the Secretariat, and the Advisory Bodies. These entities provide support for one another and for the 191 state parties to the Convention. Although each body is assigned different tasks, together they form the World Heritage Program, through which they collectively manage and implement the Convention, preserve and maintain the Sites, and administer the financial assistance program.<sup>32</sup>

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- 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.” *Id.*
29. See *World Heritage List*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/list> (last visited Dec. 30, 2014) (providing a complete and descriptive list of the cultural, natural, and mixed heritage sites by State Party).
30. See, e.g., Seth Kugel, *Preservation: Sure, It’s a Good Thing, But*, N.Y. TIMES 3 (Jan. 15, 2006), [http://www.nytimes.com/2006/01/15/travel/15journeys.html?ref=worldheritagesites&\\_r=2&](http://www.nytimes.com/2006/01/15/travel/15journeys.html?ref=worldheritagesites&_r=2&) (“Countries found out that while they didn’t get money from Unesco, they did get recognition, and recognition results in tourism . . . It’s not a secret that this is one of the primary benefits of World Heritage listing.”). The World Heritage Site of Calakmul in Campeche, Mexico is a great example of this influx in tourism. In 2001, the Site had 8,962 visitors over an eleven-month period. After its inscription on the World Heritage List in 2002, Campeche gained international recognition in tourism guides such as Lonely Planet and by 2005, 15,643 visitors had travelled to the Site over the same eleven-month period. *Id.*
31. *Tourism 2020 Vision*, UNWTO, <http://www.unwto.org/facts/eng/vision.htm> (last visited Dec. 30, 2014) (“The total tourist arrivals by region shows that by 2020 the top three receiving regions will be Europe (717 million tourists), East Asia and the Pacific (397 million) and the Americas (282 million), followed by Africa, the Middle East and South Asia.”).
32. See *Operational Guidelines*, *supra* note 14, ¶¶ 1–3. At the center of the financial assistance program is the World Heritage Fund, a trust fund consisting of “compulsory and voluntary contributions made by States Parties to the *Convention*, and any other resources authorized by the Fund’s regulations.” *Id.* ¶ 223.

The Committee consists of representatives from twenty-one State Parties, each elected by the General Assembly for a term of four or six years.<sup>33</sup> The Committee implements the Convention, inscribes properties to the World Heritage List, manages the allocation of the World Heritage Fund, monitors the conservation and managerial efforts at the Sites, and places properties on the List of World Heritage in Danger.<sup>34</sup> To fulfill these responsibilities, the Committee meets at least once a year in ordinary session, and it is available for extraordinary sessions at the behest of at least two-thirds of the State Parties.<sup>35</sup>

In order to implement the Convention and fulfill its many responsibilities, the Committee adopted the Guidelines, which it has further developed over the years.<sup>36</sup> While the Convention establishes the basic responsibilities of the World Heritage Program, the Guidelines set forth the actual procedure and criteria for:

- a) the inscription of properties on the World Heritage List and the List of World Heritage in Danger;
- b) the protection and conservation of World Heritage properties;
- c) the granting of International Assistance under the World Heritage Fund; and
- d) the mobilization of national and international support in favor of the Convention.<sup>37</sup>

At the request of the State Parties, the Secretariat (also known as the UNESCO World Heritage Centre),<sup>38</sup> and the Advisory Bodies, the

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33. See *The World Heritage Committee*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/committee/> (last visited Dec. 30, 2014) (providing a list of the current Committee member states and explaining that Committee members have generally volunteered to decrease their term to four years in order to give other States an opportunity to sit on the Committee).

34. See *Operational Guidelines*, *supra* note 14, ¶ 24; see also *The World Heritage Committee*, *supra* note 33.

35. World Heritage Comm., *Rules of Procedure*, Rule 2, WHC.2-2011/5 (June 2011).

36. See *The Operational Guidelines for the Implementation of the World Heritage Convention*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/guidelines/> (last visited Dec. 30, 2014); World Heritage Comm., *Operational Guidelines for the Implementation of the World Heritage Committee*, 1 n.1, CC-77/CONF.001/8 (Oct. 20, 1977). The Committee originally adopted the Guidelines during its first session in June 1977. The original Guidelines were eleven pages long, whereas the current Guidelines total 165 pages, including annexes, a bibliography and tables. *Id.*

37. *Operational Guidelines*, *supra* note 14, ¶ 1.

Committee periodically revises the Guidelines “to reflect new concepts, knowledge, or experiences.”<sup>39</sup> Because the Guidelines are continually amended to address new challenges, the Committee often requests that the World Heritage Centre, in consultation with the Advisory Bodies, use its expertise to propose new language, or to elaborate on existing language, for the Guidelines.<sup>40</sup> For example, at the thirty-sixth ordinary session in July 2012, the Committee requested that the World Heritage Centre and the Advisory Bodies propose revisions to “confirm the degree to which management systems and legal frameworks need to be in place before inscription.”<sup>41</sup>

In addition to prescribing the specific procedures to be followed, the Guidelines provide valuable insight regarding the interpretation and implementation of the Convention—they are not only a reference for the World Heritage Program and the State Parties, but also for site managers, stakeholders,<sup>42</sup> and partners in the protection of World Heritage Sites.<sup>43</sup> Each section of the Guidelines contains several practicable recommendations and rules on how to actualize the Convention’s goals and requirements. First, the Guidelines address how the State Parties can involve stakeholders.<sup>44</sup> Second, the Guidelines define cultural and natural heritage, and they outline the Committee’s strategic objective for a well-balanced and representative

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38. *Operational Guidelines*, *supra* note 14, ¶ 3(c); *see also* *World Heritage Centre*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/world-heritage-centre> (last visited Dec. 30, 2014).

39. *The Operational Guidelines for the Implementation of the World Heritage Convention*, *supra* note 36. The Guidelines are usually revised and published once or twice a year, in English and French. However, there is no requirement for how often the Guidelines must be revised. The latest set of Guidelines was published in July 2013. *Id.*

40. *See, e.g.*, World Heritage Comm., *Revision of the Operational Guidelines*, at 236, Dec. 36 COM 13.1, WHC-12/36.COM/19 (July 2012), *compiled in* DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 36TH SESSION.

41. *Id.*

42. *See* Econ. & Soc. Comm’n for Asia & the Pacific, *Cultural Tourism Sites Management: A Training Manual for Trainers in the Greater Mekong Sub-Region*, at 3-10, U.N. Doc. ST/ESCAP/2515 (2008) [hereinafter ESCAP]. Stakeholders may include: “Owner(s); Users (e.g. worshippers in a temple who may not be community members); Local communities (note: community members may not be direct users of a heritage resource); Related government departments; Interest groups (e.g. heritage professionals or conservation activists); and Funding agencies.” *Id.*

43. *See Operational Guidelines*, *supra* note 14, ¶ 3.

44. *See id.* ¶¶ 12–14.

World Heritage List.<sup>45</sup> Next, the criteria and process for inscription on the World Heritage List are carefully laid out, including the nomination, conservation, and procedural requirements.<sup>46</sup> Fourth, the Guidelines clarify monitoring requirements and address the consequences of failed monitoring and protection programs, namely inscription on the List of World Heritage in Danger and potential deletion from the World Heritage List.<sup>47</sup> Fifth, the Guidelines detail the reporting requirements that State Parties must follow as part of their continuing responsibilities under the Convention to submit reports to the Committee.<sup>48</sup> Sixth, the Guidelines address the World Heritage Fund and international assistance principles. Much like many other intergovernmental organizations, the World Heritage Program requires funding to maintain its conservation and management efforts.<sup>49</sup> Finally, the Guidelines comment on use of the World Heritage Emblem.<sup>50</sup> By delineating the various responsibilities of each actor and describing how they work in concert to achieve the Convention's aims, the Guidelines epitomize the intergovernmental and organizational cooperation between interested parties to the Convention.

In addition to the State Parties, the Committee relies on the assistance and support of the General Assembly, the Secretariat, and the Advisory Bodies. The General Assembly is made up of the State Parties that have ratified the Convention.<sup>51</sup> At UNESCO General Conferences, the General Assembly regulates State Party contributions to the World Heritage Fund and elects members to the Committee.<sup>52</sup> The Secretariat implements Committee decisions, facilitates communication between the stakeholders of the Convention, and organizes General Assembly and Committee

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45. *See id.* ¶¶ 54–61.

46. *See id.* ¶¶ 77–168.

47. *See id.* ¶¶ 169–98.

48. *See id.* ¶¶ 199–210.

49. *See id.* ¶ 241.

50. *See id.* ¶¶ 275–78; *see also World Heritage Emblem*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/emblem/> (last visited Dec. 30, 2014). The emblem was specifically designed to symbolize the “interdependence of the world’s natural and cultural diversity.” The World Heritage Program strictly regulates its use for marketing, funding, and association purposes. *Id.*

51. *See The General Assembly of State Parties to the World Heritage Convention*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/ga> (last visited Dec. 30, 2014).

52. *See Operational Guidelines*, *supra* note 14, ¶ 18; Sam Litton, Note, *The World Heritage “In Danger” Listing as a Taking*, 44 N.Y.U. J. INT’L L. & POL. 219, 224 (2012).

meetings.<sup>53</sup> Since the World Heritage Centre was created in 1992, cooperation amongst the various bodies of the World Heritage Program has considerably increased.<sup>54</sup>

Further, three non-governmental or intergovernmental organizations serve as the Advisory Bodies to the Committee: The International Centre for the Study of the Preservation of Cultural Property (ICCROM),<sup>55</sup> The International Council on Monuments and Sites (ICOMOS),<sup>56</sup> and The International Union for the Conservation of Nature (IUCN).<sup>57</sup> As experts in the field of cultural and natural heritage, the Advisory Bodies play a special role in the inscription process as advisors to the Committee.<sup>58</sup> ICCROM, IUCN, and ICOMOS address issues of preventative conservation and restoration at World Heritage Sites. The Advisory Bodies monitor conservation efforts, provide training to site managers, and review financial requests from State Parties.<sup>59</sup> They are active both on-site and at the World Heritage Centre. The Committee relies on the opinions of

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53. See *Operational Guidelines*, *supra* note 14, ¶ 28; World Heritage Convention, *supra* note 1, art. 14(2).
54. See JUKKA JOKILEHTO, ICCROM AND THE CONSERVATION OF CULTURAL HERITAGE: A HISTORY OF THE ORGANIZATION'S FIRST 50 YEARS, 1959-2009, at 107 (ICCROM Conservation Studies No. 11, 2011), available at [http://www.iccrom.org/pdf/ICCROM\\_ICCS11\\_History\\_en.pdf](http://www.iccrom.org/pdf/ICCROM_ICCS11_History_en.pdf).
55. See Litton, *supra* note 52, at 227 (“[ICCROM] is tasked with ‘being the priority partner in training for cultural heritage, monitoring the state of conservation of World Heritage cultural properties, reviewing requests for International Assistance submitted by States Parties, and providing input and support for capacity-building activities.’”); see also *Advisory Bodies*, UNESCO WORLD HERITAGE CTR. <http://whc.unesco.org/en/advisorybodies> (last visited Dec. 30, 2014) (describing ICCROM’s contribution to the World Heritage Program as “expert advice on how to conserve listed properties, as well as training in restoration techniques”).
56. See Litton, *supra* note 52, at 227 (“ICOMOS is in charge of the ‘evaluation of properties nominated for inscription on the World Heritage List, monitoring the state of conservation of World Heritage cultural properties, reviewing requests for International Assistance submitted by States Parties, and providing input and support for capacity-building activities.’”); see also *Advisory Bodies*, *supra* note 55.
57. See Litton, *supra* note 52, at 227 (“[IUCN] . . . ‘evaluates’ properties nominated for inscription on the World Heritage List, [monitors] the state of conservation of World Heritage natural properties, [reviews] requests for International Assistance submitted by State Parties, and [provides] input and support for capacity-building activities.’”); see also *Advisory Bodies*, *supra* note 55.
58. See *Advisory Bodies*, *supra* note 55.
59. See Litton, *supra* note 52, at 227; see also *Advisory Bodies*, *supra* note 55.

Advisory Bodies' experts with regards to inscription, requests for international assistance, and capacity-building activities.<sup>60</sup>

### B. Case Studies

Vietnam and Cambodia are both State Parties to the Convention.<sup>61</sup> Together there are ten Sites on the World Heritage List within these two State Parties, including the beautiful islands along Ha Long Bay and the temples of Angkor Wat.<sup>62</sup> Vietnam and Cambodia were chosen as case studies for this Note because of their geographic proximity, their similar economic and development status, and their distinctive management approaches at their respective World Heritage Sites.

#### 1. Vietnam

As of 2014, Vietnam hosts eight Sites, including five Sites designated for their cultural value, two for natural value, and one that contains elements of both.<sup>63</sup> Taking advantage of this connection with UNESCO, Vietnam hosted Culture and Development Week in March 2012.<sup>64</sup> The conference, which took place in the capital city of Hanoi, highlighted various aspects of UNESCO-funded projects, including the hot-button topic of sustainable tourism at cultural sites.<sup>65</sup> At the conference, the Representative of UNESCO to Vietnam, Katherine Muller Marin, also stated that Vietnam has an interest in

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60. See Litton, *supra* note 52, at 227; see also *Advisory Bodies*, *supra* note 55.

61. See *Viet Nam*, WORLD HERITAGE CENTRE, <http://whc.unesco.org/en/statesparties/vn> (last visited Dec. 30, 2014) (acknowledging Vietnam's acceptance of the Convention on October 19, 1987); see *Cambodia*, WORLD HERITAGE CTR., <http://whc.unesco.org/en/statesparties/kh> (last visited Dec. 30, 2014) (acknowledging Cambodia's acceptance of the Convention on November 28, 1991).

62. See *Cambodia*, *supra* note 61. In Cambodia, the cultural properties of Angkor and the Temple of Preah Vihear are inscribed on the World Heritage List. There are also nine properties submitted on the tentative list, although these properties have remained stagnant since 1992. *Id.* See *Viet Nam*, *supra* note 61. Vietnam has five cultural Sites, including the Central Sector of the Imperial Citadel of Thang Long in Hanoi, the Citadel of the Ho Dynasty, the Complex of Huế Monuments, Hoi An Ancient Town, and My Son Sanctuary, as well as two natural properties, including Ha Long Bay and Phong Nha-Ke Bang National Park, and a mixed property of Trang An Landscape Complex. Vietnam also has six properties submitted on the Tentative List. *Id.*

63. See *Viet Nam*, *supra* note 61.

64. See *UNESCO Week Highlights Culture's Role in Development*, VIETNAMESE EMBASSY, AUSTRALIA (May 3, 2012), <http://www.Vietnamembassy.org.au/News/News%20on%20Vietnam.htm>.

65. See *id.*

culture as “a vehicle for development.”<sup>66</sup> Initiatives to preserve culture provide opportunities for joint endeavors with the private sector and other stakeholders, thereby boosting economic growth and furthering sustainable development. Thus, as a developing country, Vietnam has a multi-faceted interest in preserving the cultural sites that draw in tourists. Although Vietnam has had success with preservation efforts and tourism development, the rapid influx of tourists has created some safety issues, especially in areas with high-traffic tourism.<sup>67</sup>

*i. Ha Long Bay Boating Incidents*

Recently, the international community has scrutinized Vietnam for events occurring at Ha Long Bay.<sup>68</sup> Ha Long Bay is a Site known for its “outstanding scenic beauty” and “great biological interest.”<sup>69</sup> The Site hosts up to 10,000 international tourists each day, making it one of Vietnam’s most visited tourist attractions.<sup>70</sup> Visitors usually experience the Bay aboard junk boats or cruise boats, through day and overnight trips.<sup>71</sup> Unfortunately, in the past ten years there have been at least four serious accidents aboard these vessels, caused by

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66. *UNESCO Mounts Culture Week*, VIETNAM NET BRIDGE (Mar. 7, 2012), <http://english.vietnamnet.vn/en/arts-entertainment/19647/unesco-mounts-culture-week.html>.
67. *See* World Heritage Comm., *Ha Long Bay (Vietnam) (N 672bis)*, at 64–65, Dec. 35 COM 7B.20, WHC-11/35.COM/20 (July 7, 2011), *compiled in* DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 35TH SESSION [hereinafter Dec. 35]. In its decision, the Committee requested that Vietnam reevaluate its management of Ha Long Bay and “inform the management of the multiple pressures affecting the property’s Outstanding Universal Value, including tourism, urban and industrial development, fishing and aquaculture among others.” The Committee also recommended that Vietnam consider “options for better management of visitors whilst enhancing visitor’s quality experience, including options to disperse visitors throughout the property in order to reduce visitor pressure, and to improve signage and presentation of the property’s Outstanding Universal Value at key visitor locations.” The Commission was concerned about the development near World Heritage Sites. *Id.*
68. *See* Tran Van Minh, *Tourist Safety in Vietnam’s Famed Bay Questioned*, AP: THE BIG STORY (Oct. 6, 2012, 2:06 AM), <http://bigstory.ap.org/article/tourist-safety-Vietnams-famed-bay-questioned>.
69. *Ha Long Bay*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/list/672> (last visited Dec. 30, 2014).
70. Van Minh, *supra* note 68.
71. *See, e.g.*, Don Morgan, *How to Pick a Good Ha Long Bay Cruise*, TRAVEL FISH (Oct. 28, 2006), <http://www.travelfish.org/feature/77> (describing the UNESCO experience at Ha Long Bay, including the day and overnight tours).

capsizing, fires, and collisions with other boats.<sup>72</sup> Despite mounting tourism at Ha Long Bay, the tourism administration has been unable to keep up with management, maintenance, and regulation of the Site.<sup>73</sup>

Whether the Vietnam National Administration of Tourism (VNAT) has the capability to regulate and ensure the safety of tourists at Ha Long Bay is a critical issue. In February of 2011, twelve international tourists died on an over-night trip to the Bay after their boat sank in the middle of the night.<sup>74</sup> Just a few months later, in May 2011, a larger boat sank, holding twenty-eight French nationals, a Vietnamese tour guide, and twelve sailors.<sup>75</sup> This incident prompted the VNAT to take action. That month, the VNAT directed local agencies to ensure that the tourism boats at the World Heritage Site were better monitored and surveyed.<sup>76</sup> The VNAT also required the provinces to submit a report on surveys and additional measures taken to ensure the safety of tourists visiting Ha Long Bay.<sup>77</sup> Overall, the VNAT has updated its safety procedures which now apply 150 different cruise operators and approximately 400 cruise vessels.<sup>78</sup> However, even though the VNAT may have updated the safety procedures, the implementation and regulation of those procedures require cooperation between a number of parties, including local agencies and the boat operations themselves.<sup>79</sup> This is easier said than done, especially since the different parties were quick to point fingers

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72. See Van Minh, *supra* note 68; see also *Captain Charged over Vietnam Tour Boat Sinking*, TELEGRAPH, (Feb. 21, 2011) <http://www.telegraph.co.uk/news/worldnews/asia/Vietnam/8337545/Captain-charged-over-Vietnam-tour-boat-sinking.html>.

73. See H.C., *Vietnam's Tourism Industry: Unsafe at Any Budget*, ECONOMIST (Feb. 28, 2011, 11:51 AM), [http://www.economist.com/blogs/banyan/2011/02/Vietnams\\_tourism\\_industry](http://www.economist.com/blogs/banyan/2011/02/Vietnams_tourism_industry) (indicating that accidents occur due to lax security standards and the prevalent use of cheap boats and inexperienced operators).

74. See Reznick, *supra* note 13.

75. See *id.*

76. See *Floating Restaurant Tragedy Prompts Safety Sweeps*, TALK VIETNAM (Oct. 25, 2012), <http://talkVietnam.com/2012/10/floating-restaurant-tragedy-prompts-safety-sweeps/>.

77. See *id.*

78. Barry Atkinson, *Ha Long Bay Travel Tips & News Update 2012*, at 1 (2012), <http://www.life-resorts.com/upload/news/HLB%20Travel%20Tips%20&%20News%20Update.pdf>.

79. See *Floating Restaurant Tragedy Prompts Safety Sweeps*, *supra* note 76; H.C., *supra* note 73.

in order to avoid liability and preclude any future responsibility for ensuring the safety of tourists.<sup>80</sup>

These measures were minimally successful and on October 3, 2012, another boating incident occurred in Ha Long Bay.<sup>81</sup> After two tour boats collided, five tourists drowned when they were trapped under the hull of their capsized boat.<sup>82</sup> Although authorities reported that they would charge the boat's captain, a witness reported that "the government should be responsible for this."<sup>83</sup> This is a fine example of the shifting liability concerns that occur when tourists' lives are at stake. Who is responsible for providing baseline protection for tourists visiting the Sites? Who should warn tourists of the possible hazards of visiting a particular Site?

In response to these growing safety concerns in Ha Long Bay, many countries have posted warnings on government websites to caution tourists who are traveling there. For example, the Foreign and Commonwealth Office of the United Kingdom, which provides advice and warnings to its citizen-travelers via online travel summaries, reported that "[t]he Vietnamese Government are in the process of investigating what happened and are reviewing safety standards on board all boats in Ha Long Bay. Safety regulations and standards are not at the same level as the United Kingdom and vary greatly from company to company and province to province."<sup>84</sup> Similarly, the U.S. Department of State also warned visitors to Vietnam of the ineffective safety standards in place at Ha Long Bay.<sup>85</sup> On its website, the U.S. State Department commented on a boating incident that killed twelve people, including two U.S. citizens.<sup>86</sup> In conclusion, it recommended that tourists limit themselves to larger, more reliable boating companies when traveling to the Bay.<sup>87</sup> Even though foreign state departments have informed tourists of these

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80. See H.C., *supra* note 73.

81. See Van Minh, *supra* note 68.

82. See *id.*

83. See *id.*

84. *Ho chi Minh Vs. Hanoi*, FLYERTALK (May 28, 2011, 2:43 PM), <http://www.flyertalk.com/forum/asia/1181064-ho-chi-minh-vs-hanoi-2.html> (citing to a former U.K. Foreign & Commonwealth Office warning regarding tourist safety at Ha Long Bay).

85. *Vietnam: Safety and Security*, TRAVEL.STATE.GOV, <http://travel.state.gov/content/passports/english/country/vietnam.html> (last updated June 6, 2014) [hereinafter TRAVEL.STATE.GOV].

86. See *id.*

87. See *id.*

dangers, the VNAT has not commenced work on the safety issues currently affecting tourism at Ha Long Bay.<sup>88</sup>

*ii. Criminal Activity at UNESCO Sites in Vietnam*

The increase in petty criminal activity is another issue that seriously threatens Sites in developing countries and countries with high-volume tourism.<sup>89</sup> Despite being generally safe for travelers, tourists to World Heritage Sites in Vietnam are increasingly the victims of scams and other minor crimes.<sup>90</sup> The U.K. Foreign and Commonwealth Office warns travelers to Vietnam that “[p]etty crime occurs among crowds and in the main tourist shopping areas. . . . Violent attacks against tourists have been reported in towns, as well as popular tourist areas.”<sup>91</sup> Petty criminal activity targeted predominantly at tourists has impacted tourism reviews and the return rate of visitors.<sup>92</sup> As one travel agency described it, Ha Long Bay continues to be a “snake pit of dishonest wheelers and dealers.”<sup>93</sup>

The tourism industry in Vietnam has acknowledged that “worsening conditions, including increased crime, traffic accidents,

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88. See *World Heritage in Vietnam: Ha Long Bay*, VIETNAM NAT'L TOURISM ADMIN., <http://www.Vietnamtourism.com/disan/en/index.php?catid=4> (last visited Dec. 30, 2014).

89. See Ronald W. Glensor & Kenneth J. Peak, *Crimes Against Tourists*, CTR. FOR PROBLEM-ORIENTED POLICING (2004), [http://www.popcenter.org/problems/crimes\\_against\\_tourists](http://www.popcenter.org/problems/crimes_against_tourists). ‘Petty crime’ or ‘crimes against tourists’ often refers to: “prostitution; pickpocketing; confidence schemes (fraud); fencing of stolen property; organized crime and gang activities; offenses relating to casino gambling; crimes involving the elderly; burglary of holiday homes; robberies at bars and other businesses; terrorism against tourists; and mass-transit crimes.” *Id.*

90. See *Vietnam: Safety and Security*, GOV.UK, <https://www.gov.uk/foreign-travel-advice/vietnam/safety-and-security> (last visited Dec. 30, 2014) [hereinafter FOREIGN & COMMONWEALTH OFFICE]; TRAVEL.STATE.GOV, *supra* note 85.

91. See FOREIGN & COMMONWEALTH OFFICE, *supra* note 90; see TRAVEL.STATE.GOV, *supra* note 85 (warning international travelers that “[p]ick-pocketing and other petty crimes occur regularly”).

92. See *Vietnam to Crack Down on Crime Against Tourists*, THANH NIEN NEWS (May 23, 2012), <http://www.thanhniennews.com/index/pages/20120523-Vietnam-tourism-authorities-plan-large-scale-protection-of-tourists.aspx> (“Unhappy tourists have complained about taxi scams, street vendors in the UNESCO heritage town Hoi An who do not take no for an answer and fail to return change, and beggars.”).

93. See *Vietnam for Beginners: The Country in a Nutshell*, TRAVEL FISH, <http://www.travelfish.org/beginners/Vietnam> (last visited Dec. 30, 2014).

drowning and pollution” negatively impacted tourism in 2012.<sup>94</sup> The tourism authorities have sought to address this issue in Ha Long Bay by creating a “tourism inspection force.”<sup>95</sup> In an attempt to “maintain the [B]ay’s World Heritage status,” authorities have banned tour operators from stopping at the floating houses and villages in the bay.<sup>96</sup> This ban was put in place after scammers threatened to tie up a tourist boat unless one of the visitors paid approximately 500 U.S. dollars for a fish.<sup>97</sup> A captain aboard another tour boat was attacked when he tried to keep vendors from boarding the boat and bothering the tourists.<sup>98</sup> This decision received criticism from some travelers, who felt that stopping at the floating houses was a part of the cultural experience at Ha Long Bay.<sup>99</sup> Despite these drawbacks, an alternative approach to addressing the scamming problem at the Site has not been proposed.

The VNAT has also run into trouble with scamming operations in the UNESCO heritage town of Hoi An.<sup>100</sup> The authorities decided to step in after several foreign bloggers aired grievances online about their bad experiences in Vietnam.<sup>101</sup> The VNAT requested that tour operators report scamming and minor criminal activity affecting tourism so that “it can come up with measures to stop them.”<sup>102</sup> At best, this is an indirect response to a pressing issue. Because the international community has a vested interest in the preservation of

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94. *Vietnam’s Outlook for Tourism in 2012*, VIETNAM TRAVEL PLACE (Jan. 3, 2012), <http://Vietnamtravelplace.com/Vietnam-travel-place/Vietnams-outlook-for-tourism-in-2012-slow-but-positive.html>.

95. Smith, *supra* note 20.

96. *Id.*

97. *Id.*

98. *Id.*

99. See John Reilly, *Floating Villages Should Remain on Ha Long Bay Tourist Agenda*, VIETNAM NEWS (Oct. 5, 2012), <http://Vietnamnews.vn/Opinion/Your-Say/230998/floating-villages-should-remain-on-ha-long-bay-tourist-agenda.html> (noting the opinion of one Vietnamese national that “[t]here must be a way to allow visits while at the same time, protecting tourists”).

100. See *Vietnam to Crack Down on Crime Against Tourists*, *supra* note 92; see also HOI AN CTR. FOR MONUMENTS MGMTS. & PRESERVATION, IMPACT: THE EFFECTS OF TOURISM ON CULTURE AND THE ENVIRONMENT IN ASIA AND THE PACIFIC: CULTURAL TOURISM AND HERITAGE MANAGEMENT IN THE WORLD HERITAGE SITE OF THE ANCIENT TOWN OF HOI AN, VIETNAM 61 (2008) (reporting that, although “crime rates are low, there have been cases of scams in which tourists have been duped by ‘middlemen’”).

101. *Vietnam to Crack Down on Crime Against Tourists*, *supra* note 92.

102. *Id.*

all World Heritage Sites, it necessarily has an interest in their safety. As the VNAT and other domestic means have been deficient in this area, these recurring safety issues must be addressed by the international community. In particular, the international community must assist in creating measures that the VNAT and similar entities can follow to facilitate implementation.

This case study in Vietnam provides insight into the issues of baseline protection for tourists at World Heritage Sites. It highlights that such protection is needed to both address the growing number of tourists and also to stem any decline in tourism from lack of safety. Developing tourism in any area poses a number of questions to national tourism administrations, as well as government, local, and cultural groups.<sup>103</sup> However, particularly at World Heritage Sites, these questions should also be posed to the World Heritage Program. The World Heritage Program has resources that, through collaboration with the State Parties, could prove beneficial to the overall security at the Sites, especially in the absence of effective domestic measures.

Thus far, although the World Heritage Program has provided comprehensive instructions for State Parties regarding the conservation and protection of the physical Site, there is a complete lack of guidance in the area of tourism safety. Vietnam's situation reflects this deficiency perfectly. UNESCO's description of Ha Long Bay only scratches the surface of the management and safety issues currently affecting the World Heritage Site.<sup>104</sup> Instead of acknowledging the recent boating incidents, the description merely states that visitor management is *steadily improving* to address "[i]ncreasing visitor numbers and associated impacts."<sup>105</sup> The Vietnam case study thus also demonstrates the inefficacy of State Parties to address safety issues, as well as the need for greater collaborative effort.

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103. See ARTHUR PEDERSEN, *MANAGING TOURISM AT WORLD HERITAGE SITES: A PRACTICAL MANUAL FOR WORLD HERITAGE SITE MANAGERS* 5, 22 (2002) (identifying the national agencies and private contractors responsible for promoting tourism attractions).

104. *Ha Long Bay*, supra note 69. The World Heritage List describes the management and protection at Ha Long Bay, including "regulations on operation of tourist boats, mud dredging, land filling, fishermen and floating house management" as "well regulated, carefully observed and effectively managed." The description fails to mention tourism safety and, instead, focuses solely on future management of the property due to increasing visitor numbers. *Id.*

105. See *id.*

## 2. Cambodia

Cambodia is the home of the World Heritage Site of Angkor.<sup>106</sup> The preservation of Angkor is an example of carefully planned restorative and cooperative action. Unlike in Vietnam, the administration in Cambodia has addressed sustainable tourism and tourism safety together.<sup>107</sup> Instead of concentrating on the negative impact that growing numbers of visitors have on the physical property of the World Heritage Site, the site managers at Angkor have studied visitor behavior, experiences, and patterns, in order to prioritize the Site's management needs.<sup>108</sup> After Angkor was inscribed on the List of World Heritage in Danger in 1992, Cambodia sought the advice and cooperation of the Committee and ICOMOS, one of the Advisory Bodies.<sup>109</sup> The Site was finally removed from the List in 2004, but only after the Cambodian government made significant changes, including the establishment of buffer zones, monitoring and coordination efforts, the national protection agency, and protective legislation.<sup>110</sup> Although Cambodia has undertaken great efforts to preserve and maintain the World Heritage Site of Angkor, crime is still a prevalent issue at the Site. In fact, the U.S. Department of State specifically warns visitors to take security precautions in the city where Angkor is located.<sup>111</sup>

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106. See *Angkor*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/list/668> (last visited Dec. 30, 2014). The World Heritage Site of Angkor includes an archeological park, the Temple of Angkor Wat, and the Bayon Temple. *Id.*

107. See *id.* There are a number of laws, regulations, and security measures in place at Angkor, including the Royal Decree on the Zoning of the Region of Siem Reap, the Law on the Protection of the Natural and Cultural Heritage, the Royal Decree on the Creation of the APSARA National Authority (for the Protection of the Site and the Management of the Angkor Region), the Department of Land-use and Habitat Management in the Angkor Park, the International Coordinating Committee for the Safeguarding and Development of the Historic Site of Angkor, the Public Investigation Unit, and the Angkor Management Plan and Community Development Participation Project. *Id.*

108. See ESCAP, *supra* note 42, at 5-10. The report goes on to explain how Angkor has addressed the wave of mass tourism resulting from its Hollywood debut in the film *Lara Croft Tomb Raider*. *Id.*

109. *Id.* at 6-6.

110. See *id.*

111. *Cambodia: Safety and Security*, TRAVEL.STATE.GOV, <http://travel.state.gov/content/passports/english/country/cambodia.html> (last visited Dec. 30, 2014). The Department of State advises travellers of Cambodia's high crime rate and the threat of terrorist actions. *Id.*

With the assistance of the World Heritage Program, Cambodia introduced a number of regulations, legal instruments, and management plans at Angkor.<sup>112</sup> Specifically, the Site has tourism services in place that focus on the visitor experience.<sup>113</sup> Although this development came about as a result of Angkor's inscription on the List of World Heritage in Danger,<sup>114</sup> the Committee should consider this an example of State Parties' commitment, when appropriately guided by the World Heritage Program, to the successful preservation and presentation of their World Heritage Sites.

These contrasting case studies in Vietnam and Cambodia demonstrate the need and the result of greater collaboration between State Parties and the World Heritage Program, respectively. State Parties should not be left alone to manage and maintain World Heritage Sites.<sup>115</sup> The World Heritage Program must work collectively to present the Sites for current visitors and for future generations.

### III. UNESCO'S COMMITMENT TO PRESENTATION

In November 2012, the UNESCO community celebrated the Convention's fortieth anniversary. The World Heritage Program ceremonially launched Kyoto Vision, a people oriented conservation and sustainable tourism movement.<sup>116</sup> The target of this new movement calls on 'the international community' to involve local communities, especially youth within those communities, in the conservation efforts at current and nominated World Heritage Sites.<sup>117</sup> The World Heritage Program also reiterated the importance of international cooperation and partnerships.<sup>118</sup>

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112. *See Angkor, supra* note 106.

113. *See ESCAP, supra* note 42, at 1-29, 1-31, 5-17.

114. *See Angkor, supra* note 106.

115. *See Kugel, supra* note 30. UNESCO official Alessandro Balsamo told Kugel that the World Heritage Program "means to preserve a specific site for the next generation, to give the concerned state party the means, through international cooperation, to conserve the sites." *Id.* Unfortunately, on the ground, "the primary problem facing the World Heritage Center is that its oversight mechanisms are nearly all carrot, and hardly any stick. The monitoring process largely is done by local governments, which report every six years." *Id.*

116. *See World Heritage Convention's 40th Anniversary Celebration Concludes and Launches Kyoto Vision*, UNESCO WORLD HERITAGE CTR. (Nov. 8, 2012), <http://whc.unesco.org/en/news/953/>.

117. *See id.*

118. *See id.* The final panel of the conference celebrated the World Heritage Program's interactions with both the public and private sectors. This cooperation increases awareness, often raises funding, and incentivizes ground-level improvements at the Sites. *Id.*

The institution or improvement of security measures at World Heritage Sites was not discussed at the fortieth anniversary celebrations. However, the baseline protection recommended in this Note implicates the overall themes of the conference in Kyoto: cooperation, responsibility, and an ongoing commitment to the preservation and presentation of World Heritage Sites. In particular, the baseline tourist protections aligns with the Kyoto Vision goals in the following ways. First, protecting tourists fulfills the Convention's commitment to ensure the presentation of the World Heritage Sites. Second, if the World Heritage Program compels site management to provide baseline protection for tourists, the World Heritage Sites will maintain the status they have achieved as inscribed Sites. In turn, tourists rely on the World Heritage Emblem and the international cooperation that it symbolizes.

A. *Achievement of the Convention's Goals*

The preamble of the Convention recognizes UNESCO's purpose and function to "maintain, increase, and diffuse knowledge."<sup>119</sup> Tourism facilitates the 'diffusion of knowledge' and creates revenue for the host country, thereby engendering motivation for conservation efforts and providing a source of funding for such efforts that will benefit future generations—there is thus a direct link between protecting tourism and safeguarding the Convention's goals.<sup>120</sup> Cooperation between local communities, conservationists, tourism operators, policy-makers, property owners, site management, and national leaders regarding tourism management is thus necessary to fulfill the Convention's purpose and enable long-term preservation of the World Heritage Sites.<sup>121</sup>

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119. World Heritage Convention, *supra* 1, pmbl; see UNESCO CONST. art. I, § 2(C).

120. See ESCAP, *supra* note 42, at 1-26 ("Domestic and international tourism continues to be among the foremost vehicles for cultural exchange, providing a personal experience, not only of that which has survived from the past, but of the contemporary life and society of others. It is increasingly appreciated as a positive force for natural and cultural conservation. Tourism can capture the economic characteristics of the heritage and harness these for conservation by generating funding, educating the community and influencing policy. It is an essential part of many national and regional economies and can be an important factor in development, when managed successfully.").

121. See *id.* This report, from the Economic and Social Commission for Asia and the Pacific (ESCAP), reviews the International Cultural Tourism Charter, authored by ICOMOS in 1999, and introduces implementation techniques for cultural tourism sites. *Id.* at 1-25. ESCAP recognizes that cultural tourism includes "experience of all types of cultural experiences and is not limited to heritage sites alone." *Id.* at 1-33.

In addition, providing baseline protection is necessary to keep tourists from being deterred in their travels.<sup>122</sup> As previously stated, tourism leads to intellectual and revenue gains, which in turn serve the purpose of the Convention.<sup>123</sup> The economic value of tourism should, on its own, incentivize the various stakeholders at World Heritage Sites, especially the State Parties, to invest in protection efforts in areas that attract tourists.<sup>124</sup>

Following the increase in tourism at World Heritage Sites in recent years, the World Heritage Program has become an ideal forum for airing tourism-related grievances.<sup>125</sup> Because “tourism management has not been woven into the inscription process,” the Committee has largely overlooked its responsibility to ensure that good management programs are in place at the Sites.<sup>126</sup> Although the Convention does not address tourism per se, tourism is a necessary and reasonable result of inscription.<sup>127</sup> The Committee should recognize the many advantages of tourism and seek to implement guidelines that explicitly protect tourists from criminal activity and other hazards.

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122. See, e.g., *Vietnam to Crack Down on Crime Against Tourists*, *supra* note 92.

123. ESCAP, *supra* note 42, at 1-11. Cultural tourism “can create employment and generate additional income for local businesses. . . . [and] help conservation of cultural heritage by providing increased revenue and by helping with the revival of crafts.” *Id.*

124. See generally WORLD TRAVEL & TOURISM COUNCIL, TRAVEL AND TOURISM: ECONOMIC IMPACT OF 2012, at 3 (2012) (“The total contribution of Travel & Tourism to GDP (including wider effects . . .) was USD 6,346.1 bn in 2011 (9.1% of GDP) and is expected to grow by 2.8% to USD 6,526.9 bn (9.2% of GDP) in 2012. It is forecast to rise by 4.3% pa to USD 9,939.5 bn by 2022 (9.8% of GDP).”).

125. See, e.g., Hunt, *supra* note 3 (“Now a UNESCO world heritage site, these days the Kaiping watchtowers, or diaolou as they are known locally, face a threat of a different nature—the incredible boom in Chinese tourism.”); see *The Heritage Debate: Living Treasure: UNESCO is Better at Naming Enemies than Finding Friends*, ECONOMIST (July 14, 2012), <http://www.economist.com/node/21558560>; see also Jonathan B. Tourtellot, *Part Threat, Part Hope: The Challenge of Tourism*, WORLD HERITAGE 8, 10 (2010) (“A minister of tourism might look at such a scene and smile: business is good. Preservationists might look at the scene and fret: can the site withstand all this traffic? Many residents simply avoid the area, while other more entrepreneurial types rush in to capitalize on the crowds with wares in hand or scams on mind. And many affluent and educated visitors take one look and hasten elsewhere. Too touristy!”).

126. See Tourtellot, *supra* note 125, at 10.

127. See Erlanger, *supra* note 4, at 4 (“World Heritage is big business, bringing hordes of tourists to poor countries that can use the jobs and the cash.”); Keough, *supra* note 4, at 608.

The Convention submits that it is the State Parties' duty "[t]o ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory."<sup>128</sup> The baseline protection of tourists at World Heritage Sites must be considered an element of the *presentation* and management of World Heritage Sites, thereby establishing tourism protection as an important duty of the State Parties and international community. Neither the Convention nor the Guidelines define the word "presentation," even though the term is used numerous times throughout both.<sup>129</sup> However, the Guidelines specifically direct State Parties to pay particular attention "to measures concerning visitor management and development in the region,"<sup>130</sup> which would affect how a Site presents itself. Providing for visitor management necessarily includes providing baseline protection for tourists.<sup>131</sup> The level of baseline protection necessary should depend on the World Heritage Site. Site-specific management training is necessary to reach a balance between protecting visitors and ensuring the cultural and physical integrity of the World Heritage Site.<sup>132</sup> Instead of retrospectively criticizing a State Party for faulty management at its Sites, the World Heritage Program should require and help implement case-specific management techniques. These visitor management and baseline protection measures ultimately help uphold the Convention's purpose.

*B. Reliance on the World Heritage Emblem*

UNESCO has created a brand name: "World Heritage." This brand, as well as the Emblem, "evokes a variety of positive

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128. World Heritage Convention, *supra* note 1, art. 5; *see also Operational Guidelines*, *supra* note 14, ¶ 5 (noting that the Convention was originally adopted "[t]o ensure, as far as possible, the proper identification, protection, conservation and presentation of the world's heritage").

129. *See, e.g., Operational Guidelines*, *supra* note 14, ¶ 7 ("The *Convention* aims at the identification, protection, conservation, presentation and transmission to future generations of cultural and natural heritage of Outstanding Universal Value.").

130. *Id.* Annex 7 ¶ I.3(iv) (requiring updates on "legal and administrative measures" concerning the "identification, protection, conservation, presentation and rehabilitation of cultural and natural heritage").

131. *See* Dec. 35, *supra* note 67, at 65 (encouraging Vietnam to reevaluate site management of Ha Long Bay with the visitor numbers in mind).

132. *See* ESCAP, *supra* note 42, at 1-30 ("Planning for tourism activities should provide appropriate facilities for the comfort, safety and well-being of the visitor, that enhance the enjoyment of the visit but do not adversely impact on the significant features or ecological characteristics.").

associations including trust, confidence, security, strength and status.”<sup>133</sup> Thus, tourists reasonably rely on the fact that the Site will be well maintained and secure. Furthermore, tourists expect a certain experience when they visit a World Heritage Site, due to the status that the World Heritage Program has achieved. The World Heritage Emblem signifies that a Site is not just important to the State Party.<sup>134</sup> The Emblem and inscription on the World Heritage List suggest that the international community has a collective interest in preserving the Site.<sup>135</sup> The World Heritage Program has already put programs in place to address conservation, sustainable tourism, and monitoring; the next step in ensuring that the Emblem retains its status and fulfills the aims of the Convention should be to address the World Heritage experience, which includes providing for the protection of those who reasonably rely on the brand and Emblem of the UNESCO World Heritage Program.

#### IV. PROPOSED SOLUTIONS FOR IMPROVING THE CURRENT STATE OF VISITOR MANAGEMENT AND PROTECTION MEASURES

The Committee has a number of valuable tools at its disposal to provide for the baseline protection of tourists at World Heritage Sites. First, the Committee should coordinate efforts with the UNWTO. The Convention states, “[t]he Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention.”<sup>136</sup>

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133. LISA MARIE KING, INVESTIGATING THE ROLE OF THE WORLD HERITAGE BRAND IN ATTRACTING VISITORS TO PROTECTED AREAS IN QUEENSLAND, AUSTRALIA 36 (2011).

134. See *Operational Guidelines*, *supra* note 14, ¶ 258 (“[The Emblem] is associated with public knowledge about the *Convention* and is the imprimatur of the *Convention*’s credibility and prestige. Above all, it is a representation of the universal values for which the *Convention* stands.”).

135. See PEDERSEN, *supra* note 103, at 17 (2002) (“The World Heritage emblem symbolises the interdependence of the world’s natural and cultural diversity.”). The Convention “recognize[s] the collective interest of the international community to cooperate in the protection of this heritage.” *Operational Guidelines*, *supra* note 14, ¶ 15; see also World Heritage Convention, *supra* 1, pmbl. (concerning the participation of the international community).

136. World Heritage Convention, *supra* note 1, art. 13(7) (“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

The mission of the UNWTO complements the Convention in that it promotes cooperation with multiple stakeholders.<sup>137</sup> The UNWTO has already formed advantageous partnerships with a number of U.N. agencies and programs, including UNESCO, in order to address tourism development and training.<sup>138</sup> The World Heritage Program would benefit greatly from working with the UNWTO to address security and visitor management at the Sites.

The Committee should, additionally or alternatively, amend the Guidelines to greater reflect the need for solid protection plans at the World Heritage Sites. The World Heritage Program often defers to the Guidelines for advice and support regarding implementation of the Convention and preservation of World Heritage Sites.<sup>139</sup> By amending the Guidelines to expressly include tourist protection measures, State Parties would be obligated to address security issues before nominating Sites, after inscription, and over time.

A third solution would be for the Committee to require regions<sup>140</sup> to periodically report on the status of tourism protection and management. This would include data about the current and future safety measures in place at World Heritage Sites. While each Site is unique, these periodic reports would inform and incentivize authorities to join forces to address regional issues. In conclusion, the Committee has several options through which it can more effectively address tourist safety, each of which will be discussed in the following sections.

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Natural Resources (IUCN), as well as on public and private bodies and individuals.”).

137. *ICR Programme*, UNWTO, <http://icr.unwto.org/en/content/icr-programme> (last visited Dec. 30, 2014) (stating UNWTO’s mission “to establish and enhance sustainable and mutually beneficial partnerships, as well as to maintain strong and long-lasting relationships with selected members from across broad stakeholder groups participating in tourism”).

138. *Delivering as One UN*, UNWTO, <http://icr.unwto.org/en/content/delivering-one-un> (last visited Dec. 30, 2014) (“[O]n the initiative of UNWTO, nine UN agencies and programmes—ILO, ITC, UNCTAD, UNDP, UNEP, UNESCO, UNIDO, WTO—have come together to coordinate tourism work.”).

139. *See Operational Guidelines*, *supra* note 14, ¶ 1.

140. *See Periodic Reporting*, WORLD HERITAGE PROGRAM, <http://whc.unesco.org/en/periodicreporting/> (last visited Dec. 30, 2014). For periodic reporting purposes, the six regions are the Arab States, Africa, Asia and the Pacific, Latin America and the Caribbean, and Europe and North America. Periodic reporting is cyclical; each region is required to submit a report every six years. *See id.*

A. *Partnership with United Nations World Tourism Organization*

The World Heritage Program should nourish a longstanding relationship with the UNWTO in order to address security issues at World Heritage Sites. The UNWTO works to promote “responsible, sustainable and universally accessible tourism” through management training and risk assessment.<sup>141</sup> The UNWTO and the World Heritage Program share common ideals, but their motivations for monitoring tourism are different. To the World Heritage Program, tourism is a result of its goal to preserve cultural and natural heritage.<sup>142</sup> When visitors experience World Heritage Sites, the Convention’s goal to present Sites of *outstanding value* to humanity and to *diffuse knowledge* is fulfilled.<sup>143</sup> On the other hand, the UNWTO views tourism not as a natural result, but rather as “a key driver for socio-economic progress.”<sup>144</sup> This Note submits that the UNWTO’s emphasis on maximizing the benefits of tourism and decreasing, to the extent possible, the negative impact that growing tourist numbers have will come of great value to the World Heritage Program. Increasing collaboration between tourism experts and conservation or preservation experts will lead to sustainable and advantageous management practices.

The UNWTO and the World Heritage Program further complement each other in terms of governance and target audience. While the Convention targets State Parties in their efforts to preserve and maintain the Sites,<sup>145</sup> the UNWTO focuses on the resulting tourism industry and administration on a national, regional, and local level.<sup>146</sup>

The Committee looks to the Advisory Bodies to ensure that State Parties are implementing effective monitoring and management practices at World Heritage Sites.<sup>147</sup> The IUCN, ICOMOS, and

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141. *Who We Are*, UNWTO, <http://www2.unwto.org/en/content/who-we-are-0> (last visited Dec. 30, 2014) (“UNWTO generates market knowledge, promotes competitive and sustainable tourism policies and instruments, fosters tourism education and training, and works to make tourism an effective tool for development through technical assistance projects in over 100 countries around the world.”).

142. See Kugel, *supra* note 30.

143. World Heritage Convention, *supra* note 1, pmbl.

144. *Why Tourism?*, UNWTO, <http://www2.unwto.org/en/content/why-tourism> (last visited Dec. 30, 2014) (linking tourism and development and analyzing the effect of tourism on the direct global GDP).

145. See World Heritage Convention, *supra* note 1, art. 4.

146. *UNWTO Strategy*, UNWTO THEMIS FOUND., <http://themis.unwto.org/en/node/23132> (last visited Dec. 30, 2014).

147. See World Heritage Convention, *supra* note 1, art. 8(3); see *Advisory Bodies*, *supra* note 55.

ICCROM work with the State Parties, offering expert advice in conservation, preservation, and evaluation of heritage.<sup>148</sup> Throughout their collaboration, these Advisory Bodies report back to the Committee regarding progress at the Sites and the status of funding requests.<sup>149</sup> In 2008, the World Heritage Centre reported that IUCN, ICOMOS, and ICCROM were developing collective and sustainable tourism management approaches.<sup>150</sup> Although the World Heritage Program has since addressed the effects of tourism on the Sites,<sup>151</sup> there is a serious dearth of information available regarding tourism protection and safety procedures.

Partnering with the UNWTO would effectively fill this void and help illuminate safety, maintenance, and management procedures at the Sites. Whereas the Advisory Bodies to the World Heritage Program are experts in the preservation and conservation of heritage sites,<sup>152</sup> the UNWTO is an expert in tourism management.<sup>153</sup> The UNWTO focuses on six areas of tourism infrastructure: competitiveness, sustainability, poverty reduction, capacity building, partnerships and mainstreaming.<sup>154</sup> In conclusion, the Committee should consider reaching out to the UNWTO for training and resources regarding on-site security and management.

This Note posits that tourism protection at World Heritage Sites has been ignored due to limited available funding.<sup>155</sup> Creating, adapting, and prioritizing visitor safety is an expensive endeavor, regardless of whether the UNWTO intervenes. The Committee controls the World Heritage Fund and allocates assistance, prioritizing emergency assistance, conservation and management assistance, and preparatory assistance foremost.<sup>156</sup> Funding requests for tourism training, research, and programs should fall in the second two categories.

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148. *See Advisory Bodies*, *supra* note 55.

149. *See id.*

150. UNESCO WORLD HERITAGE CTR., WORLD HERITAGE INFORMATION KIT 22 (2008) (addressing the World Heritage Centre's "ambitious initiative to profoundly explore and bring direction to many tourism issues" as well as its partnership with the UNEP-World Tourism Organization, UNESCO Tour Operators' and the World Heritage Alliance Initiative).

151. *See, e.g.*, PEDERSEN, *supra* note 103, at 30.

152. *See Advisory Bodies*, *supra* note 55.

153. *See Who We Are*, UNWTO, <http://www2.unwto.org/content/who-we-are-0> (last visited Dec. 30, 2014).

154. *What We Do*, UNWTO, <http://www2.unwto.org/content/what-we-do> (last visited Dec. 30, 2014).

155. *See World Heritage FAQs*, GEORGE WRIGHT SOC'Y, <http://www.georgewright.org/whfaqs> (last visited Dec. 30, 2014).

156. *See Operational Guidelines*, *supra* note 14, ¶ 235.

Although the World Heritage Program is forward thinking in terms of sustainable tourism and preservation, using World Heritage funds to implement visitor security measures may be criticized as wasting money that should be allocated to the continuing preservation and conservation of properties. This is not a valid argument because the funds designated to visitor security will incidentally benefit the Sites.<sup>157</sup> Nevertheless, State Parties should not request international assistance until they have endeavored to obtain the appropriate funding from national sources.<sup>158</sup> Additionally, international assistance is given to those Sites on the List of World Heritage in Danger first.<sup>159</sup> The expense of implementing these solutions should not deter the World Heritage Program from taking action. The benefits of tourism can only be fully appreciated if management and protection measures are sustainable in the long-term. The solutions set forth in this Note require lasting commitment and corroboration on an international level.

*B. Revision of the Operational Guidelines*

In order to address the current state of tourism at World Heritage Sites, the Committee should revise the Guidelines to expressly provide for tourism safety-related issues. The Guidelines did not mention “tourism” at all until February 1997.<sup>160</sup> Although the existing Guidelines address “tourism,” the Committee should revise the Guidelines to address the security and protection of tourists at the World Heritage Sites. Three sections of the Guidelines could be revised to oblige State Parties to report on legal or regulatory measures addressing tourist safety: protection, management, and monitoring.

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157. See *Who We Are*, *supra* note 153 (noting the many benefits that tourism bestows upon developing countries); *Why Tourism?*, *supra* note 144.

158. See *Operational Guidelines*, *supra* note 14, ¶ 233; *World Heritage FAQs*, *supra* note 155; see also *International Assistance*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/intassistance/action=help#submit> (last visited Dec. 30, 2014) (providing information regarding the procedure, purpose, and categories of International Assistance Requests).

159. See *Operational Guidelines*, *supra* note 14, ¶ 189 (“The Committee shall allocate a specific, significant portion of the World Heritage Fund to financing of possible assistance to World Heritage properties inscribed on the List of World Heritage in Danger.”).

160. See World Heritage Comm., *Operational Guidelines for the Implementation of the World Heritage Convention*, ¶ 64, WHC-97/2 (Feb. 1997). State Parties were encouraged to provide information regarding their ‘tourism development plan’ and information related to ‘visitor/tourism pressures’ for nominated Sites. *Id.*

Currently, the Guidelines require inscribed World Heritage Sites to provide proof of protection, management, and monitoring plans in the form of legislation, regulations, or traditional measures.<sup>161</sup> They provide several recommendations regarding Site protection. First, the protection measures in place must ensure the property's protection.<sup>162</sup> Second, the Guidelines expect State Parties to have some form of a management plan in place at nominated sites and to attach it to their nomination.<sup>163</sup> The Guidelines go so far as to provide a list of the common elements for an effective management system.<sup>164</sup> Third, after inscription to the World Heritage List, the World Heritage Program presumes that Sites will regularly monitor the conservation of the property.<sup>165</sup> In summary, the Guidelines address the obligation to protect, manage, and monitor the World Heritage Sites, but fail to mention even baseline security measures for the tourists that visit them.

The Committee should revise the Guidelines to explicitly account for tourism as an important component of the World Heritage Program. Although certain regulatory measures are required by State Parties before and after inscription, those measures refer solely to the protection, management, and monitoring of the physical Site.<sup>166</sup> These three responsibilities should be expanded upon to include the protection of tourists visiting the property. In paragraph 98 of the

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161. *See Operational Guidelines, supra* note 14, ¶ 98.

162. *See id.* (referring to Article 4 and Article 6(2) of the Convention). These measures “should assure the survival of the property and its protection against development and change that might negatively impact the Outstanding Universal Value, or the integrity and/or authenticity of the property.” *Id.*

163. *See id.* ¶ 97. This may require the State Party or local agency to enact “adequate long-term legislative, regulatory, institutional and/or traditional protection and management.” *Id.*

164. *Id.* ¶ 111 (“In recognizing the diversity mentioned above, common elements of an effective management system could include: a) a thorough shared understanding of the property by all stakeholders; b) a cycle of planning, implementation, monitoring, evaluation and feedback; c) the monitoring and assessment of the impacts of trends, changes, and of proposed interventions; d) the involvement of partners and stakeholders; e) the allocation of necessary resources; f) capacity-building; and g) an accountable, transparent description of how the management system functions.”).

165. *See* World Heritage Convention, *supra* note 1, art. 5.

166. *See Operational Guidelines, supra* note 14. The Guidelines refer to the State Party's responsibility to provide for: the protection and management of the property, ¶ 96; a “Buffer Zone” to protect the property, ¶ 104; and the monitoring of conservation of the property, ¶ 132(6).

current Guidelines, the Committee should edit the current requirement to say:

Legislative and regulatory measures at national and local levels should assure the survival of the property and its protection against development and change that might negatively impact the Outstanding Universal Value, or the integrity and/or authenticity of the property. [[Measures should also be taken to assure dangerous or otherwise unsafe features on the property or in the surrounding area do not negatively impact the experience of visitors.]] States Parties should also assure the full and effective implementation of such measures.<sup>167</sup>

Although this revision is broad, the Guidelines, as a whole, paint with broad strokes. This should incentivize the State Parties to individualize the measures taken at their respective Sites. As a result of this amendment to the Guidelines, the State Parties could then introduce domestic legislation to specifically address the implementation of protective measures.<sup>168</sup> In terms of management at the World Heritage Sites, the Committee should include the monitoring and assessment of tourism safety patterns, criminal activity near and on the property, and other dangers that affect a visitor's experience as one of the "common elements of an effective management system."<sup>169</sup> Threats to the security of visitors at World Heritage Sites vary in form and severity. At the very minimum, the Committee should revise the Guidelines to encourage State Parties to address the protection of tourists proactively, through legislation, regulation, and training.

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167. *Operational Guidelines*, *supra* note 14, ¶ 98. The text inside the "[[]]" indicates the author's proposed revisions to the current text of paragraph 98. Although the revision is broad, the author submits that the Guidelines, as a whole, are broadly written in order to incentivize the State Parties to individualize the measures taken at their respective Sites.

168. See BIRGITTA RINGBECK, *MANAGEMENT PLANS FOR WORLD HERITAGE SITES: A PRACTICAL GUIDE* 64 (2008) ("In conformity with their jurisdictional and legislative requirements, each State should formulate, develop and apply as far as possible a policy whose principal aim should be to co-ordinate and make use of all scientific, technical, cultural and other resources available to secure the effective protection, conservation and presentation of the cultural and natural heritage.").

169. See *Operational Guidelines*, *supra* note 14, ¶ 111; RINGBECK, *supra* note 168, at 25 ("The management plan should make mention of key laws and statutory provisions that regulate protection and preservation of World Heritage Sites.").

C. *Modification of Periodic Reporting Requirements*

The Convention requires that State Parties periodically report to the Committee regarding the status of legislative and administrative provisions, training, educational and cultural experiences, conservation efforts, and adherence to the Convention.<sup>170</sup> Periodic reports are submitted according to region at a rotation of every six years.<sup>171</sup> The World Heritage Program has various participants, ranging from the Committee to the local community at World Heritage Sites. Although managing and monitoring is primarily the duty of the State Parties, the periodic reports facilitate exchange amongst regional State Parties, the Advisory Bodies, and the Committee.<sup>172</sup> The periodic reports are a major resource for international, regional, and national agencies and administrations.<sup>173</sup>

The current Guidelines request that State Parties include two sections on their periodic reports: regulatory action, including legislative and administrative provisions, and conservation of the World Heritage properties.<sup>174</sup> The Committee should revise the format to include a third section on *visitor awareness and action*. This section would include a summary of the tourism protection system in place at the World Heritage Sites. Additionally, the reports would provide accurate data regarding criminal activity on and surrounding the property; the implementation of security measures; participation of stakeholders, including site managers, NGOs, and other interested parties; and the State Party's efforts to domestically fund security measures. In sum, the periodic reporting requirements provide an opportunity for State Parties within a region to collaborate and disperse knowledge about tourism resources at World Heritage Sites.

If, after reviewing a region's periodic report, the Committee decides that the dangerous activity at a Site is so severe that policy

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170. See World Heritage Convention, *supra* note 1, art. 29(1); see also *Operational Guidelines*, *supra* note 14, ¶¶ 199–201. (“Periodic Reporting serves four main purposes: a) to provide an assessment of the application of the World Heritage Convention by the State Party; b) to provide an assessment as to whether the Outstanding Universal Value of the properties inscribed on the World Heritage List is being maintained over time; c) to provide up-dated information about the World Heritage properties to record the changing circumstances and state of conservation of the properties; d) to provide a mechanism for regional co-operation and exchange of information and experiences between States Parties concerning the implementation”); see *id.* at annex. 7 (providing information regarding the format of periodic reports).

171. *Periodic Reporting*, *supra* note 140.

172. See *id.*

173. See *id.*; *Operational Guidelines*, *supra* note 14, ¶ 201(d).

174. See *Operational Guidelines*, *supra* note 14, ¶ 206.

implementation and baseline security measures would be or are currently insufficient, the Committee should consider placing the Site on the List of World Heritage in Danger.<sup>175</sup> This will incentivize the State Party to redefine the security measures in place in order to avoid deletion as an inscribed Site on the World Heritage List.<sup>176</sup> In addition, this sends a clear message to the global community that tourism protection is a top priority.<sup>177</sup>

## V. CONCLUSION

The World Heritage Convention contemplates the preservation and maintenance of Sites of “outstanding universal value.”<sup>178</sup> The Convention’s stakeholders work together in order to achieve this goal and address emerging issues. This international cooperation has, quite literally, saved some cultural and natural heritage sites from destruction.<sup>179</sup> A natural consequence of the World Heritage Program is the constant influx of tourists,<sup>180</sup> which has proven to be both a blessing and a plague on the Sites.<sup>181</sup>

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175. See *World Heritage in Danger*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/158> (last visited Dec. 30, 2014) (“The List of World Heritage in Danger is designed to inform the international community of conditions which threaten the very characteristics for which a property was inscribed on the World Heritage List, and to encourage corrective action.”).

176. See *id.* The Committee has discretion to place Sites on the Danger List and to delete them from the World Heritage List, if necessary. *Id.* The Convention provides that Sites “in danger” are “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.” World Heritage Convention, *supra* note 1, art. 11(4).

177. See *World Heritage in Danger*, *supra* note 175 (assigning the Site to the World Heritage in Danger List “also alerts the international community to these situations in the hope that it can join efforts to save these endangered sites”).

178. World Heritage Convention, *supra* note 1, pmbl.

179. See, e.g., *Success Stories*, UNESCO WORLD HERITAGE CTR., <http://whc.unesco.org/en/107/> (last visited Dec. 30, 2014) (providing examples of cooperation on both local and international levels).

180. See Kugel, *supra* note 30.

181. See Tracy McVeigh, *Tourist Hordes Told to Stay Away from World Heritage Sites by the Locals: From Easter Island to Venice, Communities Are Up in Arms at the Environmental Damage Being Caused by Tourism*, OBSERVER, Sept. 5, 2009, at 36 (critiquing the

A glass half empty perspective would criticize the growing tourism market for damaging the Sites' natural heritage, for harming the local environment, and for negatively impacting the local culture.<sup>182</sup> If this were true and no benefits were reaped by the international community and independent nations hosting World Heritage Sites, then doing away with tourism altogether would be an appealing option. The benefits of tourism, however, can outweigh the industry's negative impact as long as effective training, management, and protection measures are in place.<sup>183</sup> A glass half full perspective recognizes the overwhelming benefits of the tourism industry at the Sites. Tourism instigates economic development, job creation, and the ongoing preservation of the national and global treasures.<sup>184</sup> In addition, tourism allows a nation to share its cultural and natural wealth with the whole world. Increased tourism inevitably results in the spread of knowledge and appreciation for the future preservation of world treasures. The Committee should recognize the ability of tourism to fulfill the Convention's purpose to preserve and present heritage. As a result, tourism at World Heritage Sites should not only be encouraged, it should be protected. There is currently a lack of baseline protection for tourists at the Sites. Because of this, tourists have been targeted in scams and other low-level criminal activity,<sup>185</sup> which naturally compromises the integrity of the Sites and frustrates the Convention's goals.

The World Heritage Program has adapted to new challenges ever since the Convention went into effect forty years ago. In celebrating the fortieth anniversary of the Convention, the Committee should accept the increasing numbers of visitors at World Heritage Sites as a reality and force for the future. Consequently, the Committee should address current and future safety issues. Vietnam's Ha Long Bay and

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impact of tourism and reviewing countries' proposals for addressing mass tourism at World Heritage Sites, noting that "[t]ourism can be seen as either a source of funds to save such sights or the curse that erases them").

182. See Osborne, *supra* note 5.

183. John Fien, Margaret Calder & Clayton White, *Teaching and Learning for a Sustainable Future: Sustainable Tourism*, UNESCO (2010), [http://www.unesco.org/education/tlsf/mods/theme\\_c/mod16.html](http://www.unesco.org/education/tlsf/mods/theme_c/mod16.html) (reflecting on sustainable tourism's ability to "provide people with an exciting and educational holiday that is also of benefit to the people of the host country").

184. See *Tourism Costs and Benefits*, BARCELONA FIELD STUDIES CTR. (Feb. 26, 2012), <http://geographyfieldwork.com/TourismProsCons.htm> (describing the social, environmental, and economic costs and benefits of tourism to host communities).

185. See, e.g., *Vietnam to Crack Down on Crime Against Tourists*, *supra* note 92.

Cambodia's Angkor provide examples of the current issues threatening tourists protections: deficient safety regulations; a disconnect between the local community, tour operators, and site management providers; and targeted criminal activity, such as scamming and street crime. These two case studies also show the varying degrees of severity and impact that tourist endangerment has had on the status of the World Heritage Sites.

The Committee should seek the expert advice and counsel of the UNWTO, which can provide training modules, security system infrastructure, and a new viewpoint on the benefits of tourism, both at the state and local levels. The Committee should additionally amend the Guidelines and the periodic reporting requirements in order to address the need for baseline security at World Heritage Sites. In order to preserve the reputation and future wellbeing of the Sites, it is important to address criminal activity and tourism safety measures on an international scale. Although State Parties retain sovereign power over their properties, international assistance and collaboration will greatly improve the State Party's ability to draw in tourists and to preserve the Sites for future generations. Revising the Guidelines and the periodic reporting requirements, as well as seeking international collaboration with the UNWTO in order to encourage and require baseline protection through regulation, will have far-reaching benefits and meaningful impact on both an international and domestic scale.