World Heritage Tentative Lists – Purpose and Background

Sharon Sullivan

Introduction

A tentative list of World Heritage Places is a list submitted by a member nation of the World Heritage Convention, which constitutes its preliminary analysis of the places within its jurisdiction which it considers to be eligible for world heritage listing and which it intends to bring forward as nominations in the future (i.e., the next five to ten years). Tentative lists have no standing under the Convention and can be withdrawn, augmented or revised at any time. At present a country is required to present a tentative list of cultural properties prior to, or at the same time as, bringing forward a cultural property nomination. In the natural area tentative lists are encouraged but are not mandatory.

What is the purpose of tentative lists? Firstly they are intended to provide assess the ors of individual nominations with context and background about the nature and extent of cultural or natural heritage in the region, and to assist in necessary comparative studies. Secondly they are intended to provide the World Heritage Committee with an overview of proposed World Heritage Places to enable it to analyse the range of themes being considered, the regional representation of these themes, and to detect global patterns and deficiencies. One of the issues here is regional balance. Cultural places listed far outnumber natural places and within the cultural environment various types of sites, countries and regions are respectively highly represented (Gothic cathedrals and historic towns of Europe for instance) or under represented (eg, associative cultural landscapes and whole regions such as Africa and the Pacific). Not surprisingly many of the listed places have not been the subject of even regional, let alone global comparison, and there have been few cross-cultural studies. A recent example of this problem occurred at a World Heritage Meeting at which it was seriously claimed by European experts that that a nominated the garden in Italy dating from the 14th century was “the oldest planned garden design in the world”. So the tentative lists are intended as a tool for a range of purposes and perhaps an aide-memoire in the case of some of our Eurocentric colleagues.

In fact, the tentative lists have not been used effectively for the purposes for which they were intended. In the first place, many tentative lists are poorly researched or are simply cobbled together to meet the nomination requirements. For instance Australia, in preparing to bring forward the Opera House Nomination, has provided a tentative list consisting of three places: the Convict Serial Nomination, the Blue Mountains Nomination and the Opera House Nomination. Additionally, only recently has the World Heritage Committee begun to take seriously the idea of a global strategy which seeks to ensure a more geographically and culturally even spread of places brought forward for nomination. Increasingly however, because of this change in outlook, tentative lists and underpinning thematic and regional studies will become more important.
Making Tentative Lists

Apart from the expedient cobbling together of tentative lists to allow a particular nomination to go forward, there is a range of ways in which countries have approached this task. Most common perhaps has been the process of selecting obvious “icons” which are immediately recognisable at least at a national level, which would come first to the mind of the nation’s citizens, and which symbolise well-known natural or cultural values. In Australia, such a list, judging by recent competitions conducted by the Australian Heritage Commission would include the Great Barrier Reef, Uluru, the Sydney Harbour Bridge and Opera House, Kakadu, and possibly Port Arthur and Fraser Island. Most countries add a second group of places: those which are acknowledged as having value by professionals such as scientists and historians. This group of sites, in Australia might include Lake Mungo in western New South Wales, the most important fossil sites, the Victorian Goldfields and Macquarie Island. As yet, few countries have proceeded to a formal and rigorous analysis of their heritage to find places of universal value, based on a thematic and regional approach. Australia has the foundation for such an approach, based on the work of Joan Domicelj et al (1992) which provided the Australian Government with a well-developed thematic approach to identifying World Heritage places in Australia. This approach has helped with the development of some nominations, eg, the as-yet-to-be-forwarded Convict Serial Site Nomination and the Opera House Nomination, and also the consideration of the Eucalyptus theme in the Blue Mountains Nomination, but it has not been possible to produce a real tentative list for Australia despite the existence of the methodology. The reasons are discussed below.

The United Kingdom has recently used a thematic approach, coupled with extensive consultation, to produce a very credible looking tentative list which should be of considerable use in the World Heritage Listing reform process. The United Kingdom has seventeen places listed on the World Heritage List. It began working on its tentative list by reviewing these sites, to discover which themes were represented and which were neglected. This revealed that natural sites were few compared with cultural sites, and that among these, World Heritage cultural sites of more recent origin in British history, especially industrial heritage sites, were under-represented. An initial determination therefore was to concentrate on these categories in preparing a tentative list. The United Kingdom decided on a “realistic” and relatively modest tentative list of twenty-five new places — and this is indeed modest compared with some other European countries. It decided that the list would be set in the European context, ie, it would take into account places already listed in other European countries which represented particular themes, as well as places already well represented in the United Kingdom. Hence an early decision was that no further prehistoric sites from the second, third or fourth millennia BC would be proposed for listing, nor would sites representing the Roman Empire, Gothic architecture or medieval fortifications. Using a thematic approach and a regional analysis priority was given to places which represented Christian origins, transfer of learning and culture, planned landscapes and gardens.
the Industrial Revolution, and British influence on the rest of the world, and which
crossed the threshold as having universal human value. In short the resulting list,
and the publication which explains it, is a good example of an intelligently
developed realistic tentative list which meets the World Heritage Committee's
intentions and needs, and will assist in the achievement of a more representative
World Heritage List.

Australia and Tentative Lists

So why, in contrast, has Australia, which has developed similar tools for
determining World Heritage Places in Australia, so far failed to perform?
Ironically one important reason is because of the obligation which the World
Heritage Convention places on the Commonwealth Government through firstly the
World Heritage Properties Act and now as amended the Environmental Protection
and Biodiversity Conservation Act. Federation did not give the Australian
Government many powers in relation to land use and management which has been
seen as the business of the States. This has meant that the Commonwealth
Government has, in recent times, had to look elsewhere in its efforts to prevent
development which it considers to be damaging to the environment. One such
constitutional power is the external affairs power which, in a nutshell, enables the
Commonwealth Government to act when it has obligations to do so resulting from
being a signatory to relevant international treaties or conventions. The Australian
Government is a signatory to the World Heritage Convention, and has therefore
been able to act to protect places which have World Heritage values when
considered necessary.

The mechanism used for this in domestic law is the World Heritage Properties
Conservation Act. Famous early cases of the use of this act to protect important
places of environmental value are the protection of the Franklin area in Tasmania
from inundation and the protection of the Wet Tropics area in Queensland from
logging, after the listing of these places on the World Heritage List. In effect, these
places were nominated for World Heritage in order for the Government to be able
to protect them. Though there is no doubt that they do have World Heritage value,
they were listed as emergency measure rather than as a result of a thematic study.
The World Heritage Properties Act does not only provide for Commonwealth
intervention if a World Heritage property is in danger, it places an obligation on the
Minister for the Environment to take action if he/she considers that a place with
World Heritage values are threatened. This is a strong Act and one of only two
pieces of domestic legislation in the world aimed at protecting World Heritage
within a particular jurisdiction (South Africa has recently passed such an Act).

This history and these powers has had an effect on Australia's development of a
tentative list. Firstly Commonwealth, and by implication international, interference
in State and individual rights is still associated with World Heritage in many
people's minds. This has made some states and individuals very wary of World
Heritage listing or of the suggestion of it implied by the creation of a tentative list.
Secondly, because of the nature of the World Heritage Properties Conservation Act and its successor, the Commonwealth Government has been very reluctant to produce a tentative list, because there is good argument that the official creation and recognition of such list would oblige the Commonwealth to intervene in some circumstances. A good example of this would be the recent controversy about the building of the visually intrusive apartment block dubbed “the toaster” on the approach to the Opera House. Putting the Opera House on a tentative list might, it could be argued, expose the Commonwealth Government to dealing with the problem of the apartment block and perhaps to $900m compensation as a result. For this reason proposals to nominate the Opera House for listing are presently the subject of detailed and very long drawn out negotiations between the Commonwealth and New South Wales.

Another reason why devising a tentative list is difficult in Australia is that any such list should have a very strong representation of Aboriginal places. Undoubtedly places which relate to Indigenous culture and history in Australia have the strongest case among Australian sites to possess elements of universal value. But there is much “unfinished business” in Australia between the indigenous community and the later comers. Issues of native title, land rights and reconciliation and the non-existence of a treaty mean that many of the most significant indigenous places which could qualify for World Heritage are contested sites with respect to their ownership and management. In the circumstances the creation of a credible tentative list is difficult, and probably inappropriate. So while Australia’s contribution to the ongoing development of the World Heritage Convention has been important in many respects, especially in the fields of joint Aboriginal/European control, community involvement, and management planning development, it has failed to produce a credible tentative list and has, in consequence, to the frustration of many, taken a somewhat unsystematic and scatter-gun approach to World Heritage nomination and listing.

There are however, hopeful signs that this is changing. The attitude of State and local communities to World Heritage listing is much more positive than it once was. The development of effective conservation regimes for both the natural and cultural heritage at State level and growing cooperation between the Commonwealth and the States in some areas means that there is not now the same degree of need for the Commonwealth to use its external powers to intervene. Furthermore there is growing recognition by State and local communities of the value of World Heritage listing an increasing enthusiasm for such listing. Recent attempts to bring forward nominations such as the Opera House, the Blue Mountains and the Convict Serial Sites have enthusiastic support at State and local government level, and substantial public approval as well. It is indeed remarkable to see the Premier of Tasmania enthusiastically backing the claims of Port Arthur for World Heritage Listing and this represents an important change in the perceptions of Tasmanians. The growing recognition of the link between tourist appeal and World Heritage status is an important part of this change. The listing of places such as the Wet Tropics was bitterly opposed on the grounds that it would
cause economic hardship and unemployment. The opposite was proved to be the case. The Wet Tropics is now a major Queensland tourist attraction worth a great deal more than the one-off profit from the logging of old growth rainforest. Another important reason for the change is the strengthening of domestic powers and policies to protect the environment which do not rely on World Heritage Listing. The signing of the Biodiversity Convention has given the Commonwealth Government new powers to protect natural heritage places. The development of national cultural heritage legislation which will create a list of places of national importance is also very significant for two reasons. Firstly there will be less necessity to protect places by declaring them to have World Heritage value; secondly the creation of a rigorous thematically based National List will provide a basis for the development of a real World Heritage tentative list for Australia.

It is to be hoped that in the near future the political climate around this issue will be calm enough to allow the development of a credible and useful tentative list of Australian World Heritage Places. However, the issue of indigenous sites is still one which needs urgent consideration. There are encouraging moves towards reconciliation on the part of the general public and all political jurisdictions with the exception of the Commonwealth Government. Regional agreements, and better working relationships between industry and Aboriginal groups, for example the mining industry, are also providing opportunities for effective indigenous ownership and heritage protection, at least at regional level. However a lot of work still needs to be done in this area before the Australian public could reasonably expect the indigenous community to endorse a tentative list which included a proper representation of indigenous places.

References