

The Curious Tale of Preah Vihear:

The Process and Value of World Heritage Nomination

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As I write, the 35th session of the World Heritage Committee (WHC), held at UNESCO Headquarters in Paris between 19–29 June 2011, has just drawn to a close. Major problems surrounding the World Heritage Site of Preah Vihear¹ once again came to the fore, leading to Thailand, a newly elected member of the World Heritage Committee, to walk out of the meeting. Following this, the Thai Minister of Natural Resources and Environment, Suwit Khunkitti, announced his country's intention to withdraw from the 1972 World Heritage Convention.²

Why such heated issues over this World Heritage Site? It has a long history, and one that illuminates issues for the World Heritage advisory body, ICOMOS, the very nature of World Heritage nomination processes, the conduct (and politicization) of the World Heritage Committee, and indeed the very value of World Heritage Sites.

The site of Preah Vihear lies in a long-disputed border zone between Cambodia and Thailand. Situated on a plateau above the plain of Cambodia, the temple, dedicated to Shiva, includes a series of sanctuaries linked by a system of pavements and staircases that date back to the first half of the eleventh century CE, although elements of the complex date to the ninth century when a hermitage was founded. The quality of architecture at the site, the excellence of the carved stone ornamentation, and the way the complex is adapted to the natural environment, certainly make the site outstanding. The problem is that the landscape around the site lies in disputed national borders.

The landscape became a highly politicized issue in the 2000s when Cambodia put the site forward for World Heritage inscription. UNESCO initially deferred debate of the nomination at its 2007 World Heritage Committee meeting, but the Committee inscribed Preah Vihear at its meeting on 8 July 2008 in Quebec:³ this was not a simple decision.

The ICOMOS evaluation report submitted to that meeting⁴ raised substantial issues regarding the nomination.

First, the report (finalized on 25 June 2008, just days before the 2008 WHC meeting) indicated that Thailand supported the Cambodian nomination.⁵

May 22, 2008, the State Party of Cambodia and the State Party of Thailand submitted a common statement:

1. The Kingdom of Thailand supports the inclusion at the 32nd Session of the World Heritage Committee (Quebec, Canada, July 2008), of the Temple of Preah Vihear on the World Heritage List proposed by the Kingdom of Cambodia, whose perimeter is shown as No.1 on the map prepared by the Cambodian authorities and annexed to this file. The map includes an area buffer, captioned No.2, east and south of the temple;
2. In a spirit of goodwill and conciliation, the Kingdom of Cambodia accepts that the Temple of Preah Vihear, at this stage, is nominated to the World Heritage List without a buffer zone to the north and east of the temple;
[. . .]
4. Pending the conclusions of the Joint Commission for the delimitation of zones (Joint Commission for Land Boundary — JBC) on the northern and western areas surrounding the temple of Preah Vihear [...] the management plan of these areas will be developed in concert between the Thai and Cambodian authorities, in accordance with international conservation standards in order to preserve the outstanding universal value of the property. This management plan will be included in the final management plan of the Temple and its surroundings, to be submitted to the World Heritage Centre by 1 February 2010 for consideration by the World Heritage Committee at its 34th session in 2010;⁶

OK — so they are all on board: except they were not. By the time of the meeting, Thailand had withdrawn its support. Opposition groups obtained a judicial ruling on 29 June 2008 blocking government support for the nomination process:⁷ the suggestion was that the Cambodian nomination reinforced Cambodian claims to the ownership of the disputed land next to the temple.

Significantly, in the context of the World Heritage nomination process, there had already been a number of problems raised by the ICOMOS evaluation of the nomination, tabled at the WHC meeting, which raised issues regarding the nomination of the site: [section 7] In the original nomination the promontory on which the temple is located was included in the core area. Now the core area has been revised and is smaller, including only the main

monument. ICOMOS considers that the values of Preah Vihear are not limited to the monument in isolation: it extends to the wider frame. The nomination covers a small part of this picture, although this small part is the core of this entity.

ICOMOS considers that the decision to reduce the area to the temple and its surroundings has had a significant impact on the attributes that reflect the outstanding universal value of the property.

[. . .]

ICOMOS notes that although a map was provided revising the core zone, this map is at a reduced scale and it is necessary to supplement it with a detailed map. No detailed map has been submitted for the boundaries of the buffer zone, or for the areas to the north and west, which will be subject of agreements on the joint management between Cambodia and Thailand (only general areas were discussed).

The nominated area is now significantly smaller than in the original application and the application must be revised to reflect changes to the boundaries.⁸

These are all significant issues and it might have been prudent for the WHC to consider deferring the decision on inscription until the issues were resolved. More directly, the ICOMOS report stated:

[section 7] ICOMOS wishes to recognize and draw to the attention of the Committee that the map provided, in which buffer zones and areas of joint management are not delineated, may cause some embarrassment with regard to conservation and effective long-term protection.

[...] ICOMOS considers that this [nomination] would, in the absence of an appropriate map and demarcation of certain areas, limit the recognition of all the cultural values of the property. On this basis, ICOMOS does not wish to recommend it officially to the Committee.⁹

This clearly raised the issue that the boundary and buffer zones were problematic, and that these both compromised the Outstanding Universal Value (OUV) of the site and were likely to present long-term problems; a warning that should have been recognized by the Committee.

Nevertheless, the site was inscribed.¹⁰

But why did the World Heritage Committee endorse the listing of Preah Vihear at the 2008 meeting? Why be rushed into a decision when there were clearly significant reservations regarding the

integrity of the property and its future? Why not heed the WHC's own advisory body? Some feel that the WHC did well not to bow to political pressures,¹¹ and perhaps it was a perception of not wanting to give in to such pressures that pushed it through. But the reservations in the ICOMOS report should have been more clearly taken into consideration — and they provided a good context in which to continue active discussions, not to be pushed into designation first and problem solving later.

The situation since inscription has become even more complex and politicized. And it has not been without significant human consequences: by April 2011 'at least 12 soldiers on both sides have been killed and 50,000 villagers forced to flee'.¹² There have also been suggestions that the dispute has been used to fuel political issues within Thailand, leading up to the current general election.¹³

So why did the Thais walk out of the 35th session of the World Heritage Committee this June and threaten to withdraw from the World Heritage Convention? The problem arose because the Thai delegation felt it was unacceptable to consider Cambodia's Preah Vihear management plan at the meeting. Once again their main issue was whether a management plan, and specifically any map, would put Thailand at risk of losing 'territory'. (There was also a mildly interesting wrangle on terminology, between 'restoration' and 'repair' in the Cambodian document and Thailand's desire to use the terms 'protection' and 'conservation',¹⁴ — sadly, this was not driven by a deep critique of authenticity or visual interpretation, but a worry that it might be construed as tacit recognition of damage to the site during the conflict.)

UNESCO stated that 'Contrary to widely circulated media reports, the World Heritage Committee did not discuss the Management Plan of the Temple of Preah Vihear nor did it request for any reports to be submitted on its state of conservation. Moreover, it needs to be clarified that UNESCO's World Heritage Centre never pushed for a discussion of the Management Plan by the Committee'.¹⁵ This confusion perhaps, in part, stems back to the original decision by the WHC to request additional information at the time of inscription in 2008. At that time they had requested:

14. Requests the State Party of Cambodia, in collaboration with UNESCO, to convene an international coordinating committee for the safeguarding and development of the property no later than February 2009, inviting the participation of the Government of Thailand and not more

- than seven other appropriate international partners, to examine general policy matters relating to the safeguarding of the Outstanding Universal Value of the property in conformity with international conservation standards;
15. Requests the State Party of Cambodia to submit to the World Heritage Centre, by 1 February 2009, the following documents:
 - a) a provisional map providing additional details of the inscribed property and a map delineating the buffer zone identified in the RGPP;
 - b) updated Nomination dossier to reflect the changes made to the perimeter of the property
 - c) confirmation that the management zone for the property will include the inscribed property and buffer zone identified in the RGPP;
 - d) progress report on the preparation of the Management Plan;
 16. Further requests the State Party of Cambodia to submit to the World Heritage Centre by February 2010, for submission to the World Heritage Committee at its 34th session in 2010 a full Management Plan for the inscribed property, including a finalized map.¹⁶

Furthermore, at the 2010 WHC meeting, the Committee stated that 'Having received Document WHC-10/[34.COM/7B.Add.3](#) [...] Decides to consider the documents submitted by the State Party at its 35th session in 2011'.¹⁷ It is hard on the UNESCO website to establish what Report WHC-10/[34.COM/7B.Add.3](#) contains as it is not accessible. A Cambodian media site states that the 'Report contains the evaluation of the Management Plan and the report on the state of conservation of the Temple of Preah Vihear. Both of these reports were submitted to the World Heritage Centre by Cambodia in January 2010'.¹⁸ Given this background, it is at least understandable why the Thai's considered that issues of management and conservation were going to be debated.

But the initial statement by the Thai Minister of Natural Resources and Environment, later supported by the then Prime Minister, regarding withdrawing from the World Heritage Convention, was clearly hasty and not well argued. A *Bangkok Post* editorial stated the issues well: 'The government's decision to walk away from the World Heritage Convention is troubling on several levels. [...] the reason given by Prime Minister Abhisit Vejjajiva to quit the WHC seems more of a technical problem than an outright threat to the nation. Indeed, Mr Abhisit's initial attempt to explain why Thailand is pulling all support from the convention is

confusing and unconvincing'.¹⁹

Inevitably, the decision did provoke some rhetoric in the Thai press as to the value of World Heritage Sites. An article in *The Nation*, for example, stated:

Academics yesterday called on the government to delist the country's five UNESCO World Heritage Sites, saying the designation was just a meaningless tourism and travel symbol. 'It's a shame for Thailand if the government continues to use the World Heritage sign in front of the sites after its withdrawal from the World Heritage Convention', said Adul Wichiencharoen, a former member of the National World Heritage Committee. The World Heritage Committee's process of considering the registration of a World Heritage Site is without academic principle, he said. 'The decision to designate a site as world heritage is based on benefits generated from tourism. We did not get any benefit from the designation of World Heritage Site', he said. [...] The World Heritage Committee only allocates budgets for educational training and capacity building. Some funds are made available to maintain designated sites such as the Historic City of Ayutthaya after damage from flooding, said Nisakorn Kositrat, secretary-general of the Office of Natural Resources and Environmental Policy and Planning. 'We were supported with only US\$30,000 [฿936,000] to restore the Historic City of Ayutthaya after it was submerged in flood waters', she said.²⁰

This recycles the usual complaints against World Heritage designation: the lack of direct funding, the dominance of tourism agendas, etc., etc. But that, as always, misses the point. The value of World Heritage is that it raises the profile of debates on conservation, protection, and sustainability. It can provide a platform for debating problematic issues. It can attract funds, be they from the international community or by mobilizing national resources and attention. And what is so wrong if it attracts support to develop capacity — training and education — surely that is a major goal: sustainable local institutions, managing archaeological sites within a local context.

What is sad about this case is that it has raised the debate about World Heritage status and even conservation, but not productively and not without considerable damage and suffering.

The UNESCO Director-General, Irina Bokova, rightly 'emphasized that heritage should serve not for conflict but as a tool for dialogue and reconciliation [... and that] the World Heritage

Convention of 1972 is not only the foremost international instrument for the preservation and protection of the world's cultural and natural properties which have Outstanding Universal Value, but also widely recognized as an important and indispensable tool to develop and encourage international cooperation and dialogue'.²¹

Unfortunately, the inscribing of the site in 2008 was a mistake — not just with hindsight, it was clear at the time. The potential of the landscape of Preah Vihear to be a World Heritage Site is not disputed and was clearly recognized in the ICOMOS evaluation report. The WHC decision was to inscribe a reduced area and then try to fix the problems; a better path forward would have been to fix the problems as part of an effective conservation planning exercise, which would have subsequently led to nomination.

Subsequent debates at the WHC, and the problems at this year's meeting, have been created by the conditions set at that first, ill-considered, nomination meeting. The requests for management planning, mapping, clearer boundaries and buffers, periodic reporting, state of conservation reports, etc. — all the normal trappings of World Heritage Site procedures — were set in train by the inscription process. These have simply added to the tensions and created contexts for political manoeuvring, particularly within Thailand. If the decision had been to defer inscription until a tenable boundary and management plan could have been established, much of the political ammunition would have been removed from the debate.

As Anchalee Kongrut, writing in the *Bangkok Post*, states: Personally, I'll never understand how UNESCO'S WHC accepted Cambodia's request to enlist the site right from the start. For me, it is senseless for the WHC to process the heritage site enlisting when Cambodian troops have been stationed at Preah Vihear temple since 2008 and shelling between soldiers of both countries has been ongoing since that year? Instead, WHC should consider putting memberships of Thailand and Cambodia on red-list for damaging an ancient site, politicising and shaming the philosophy of conservation at its core. The WHC itself should consider its role when the enlisting leads to problems of national sovereignty. For me, conservation must foster peace and lead to betterment, not the other way around.²²

We will see in the coming weeks what a new Thai government brings to the debate. It is with sadness that we note that Mr Sun Fuxi, Vice Director-General of the Xi'an Municipal

Administration of Cultural Heritage, Director of the Xi'an Institute for Cultural Heritage Conservation and Archaeology, and Professor at Northwest University of China, died on 28 March 2011. He was instrumental in many important initiatives in China, not least his role in ensuring the successful 15th ICOMOS General Assembly in Xi'an, and setting up the ICOMOS International Conservation Centre in Xi'an, of which he was the first Executive Deputy Director. He will be sadly missed.

Notes

- 1 UNESCO World Heritage Centre, <<http://whc.unesco.org/en/list/1224>> [accessed 1 July 2011].
- 2 'Thailand threatens to quit World Heritage group', *Bangkok Post*, 25 June 2011, available at <<http://www.bangkokpost.com/news/local/243874/thailand-threatens-to-quit-world-heritage-group>> [accessed 1 July 2011].
- 3 Decision — 32COM 8B.102 — Examination of Nominations — Sacred Site of the Temple of Preah Vihear (CAMBODIA), available at <<http://whc.unesco.org/en/decisions/1548>> [accessed 1 July 2011].
- 4 ICOMOS evaluation report WHC-08/32.COM/INF.8B1.Add.2, available at <<http://whc.unesco.org/en/list/1224/documents>> [accessed 1 July 2011].
- 5 The ICOMOS evaluation report (see note 4) is only available in French. All translation in this article is by the author, who accepts full responsibility for any inaccuracies conveyed. Where translations are offered, however, the original French is provided in the endnotes.
- 6 1. Le Royaume de Thaïlande soutient l'inscription, à la 32e session du Comité du patrimoine mondial Québec, Canada, juillet 2008), du temple de Preah Vihear sur la Liste du patrimoine mondial proposée par le Royaume du Cambodge, dont le périmètre est légendé N. 1 sur la carte préparée par les autorités cambodgiennes et annexée au présent dossier. La carte comprend une zone tampon, légendée N.2, à l'est et au sud du temple.
2. Dans un esprit de bonne volonté et de conciliation, le Royaume du Cambodge accepte que le temple de Preah Vihear soit, à ce stade, proposé pour inscription sur la Liste du patrimoine mondial sans zone tampon au nord et à l'est du temple. [. .]
4. Dans l'attente des conclusions des travaux de la Commission conjointe pour la délimitation des zones (Joint Commission for Land Boundary — JBC) concernant le nord et l'ouest des zones entourant le temple de Preah Vihear, qui sont légendées N. 3 sur la carte mentionnée au paragraphe 1
ci-dessus, le plan de gestion de ces zones sera préparé de manière concertée entre les autorités cambodgiennes et thaïlandaises, conformément aux normes de conservation internationales dans le but de conserver la valeur universelle exceptionnelle du bien. Ce plan de gestion sera inclus dans le plan de gestion définitif du temple et de son environnement pour être soumis au Centre du patrimoine mondial avant le 1er février 2010 pour examen par le Comité du patrimoine mondial à sa 34e session en 2010.
- 7 Associated Press, 'Plans to safeguard temple are blocked in

court', *Observer*, Sunday 29 June 2008, p. 38 of the Main section, available at <<http://www.guardian.co.uk/world/2008/jun/29/1>> [accessed 3 July 2011].

8 Dans la proposition d'inscription d'origine, le promontoire sur lequel le temple est implanté était inclus dans la zone principale. La zone principale révisée est plus petite et ne comprend que le monument principal linéaire. L'ICOMOS considère que les valeurs de Preah Vihear ne sont pas limitées au monument pris isolément: elles s'étendent à son cadre. La proposition d'inscription porte sur une petite partie de ce tableau d'ensemble, mais cette petite partie constitue le noyau de cette entité.

L'ICOMOS considère que la décision de réduire la zone principale au temple et à son environnement immédiat a eut un impact important sur la manière dont les délimitations englobent les attributs reflétant une valeur universelle exceptionnelle et, par conséquent, sur la valeur universelle exceptionnelle du bien.

[. . .]

L'ICOMOS note que bien qu'une carte ait été fournie pour la zone principale révisée, cette carte est à échelle réduite et il est nécessaire de la compléter par une carte détaillée. Aucune carte détaillée n'a été transmise pour les délimitations de la zone tampon, ni pour les zones au nord et à l'ouest, qui feront l'objet d'accords relatifs à la gestion conjointe du Cambodge et de la Thaïlande (seules des zones générales ont été évoquées).

La zone proposée pour inscription est désormais sensiblement plus petite que dans le dossier d'inscription d'origine et le dossier d'inscription doit être révisé pour refléter les modifications apportées aux délimitations.

9 'L'ICOMOS considère que ceci se ferait en l'absence d'une carte appropriée et de la délimitation de certaines zones et limiterait la reconnaissance de toutes les valeurs culturelles du bien. Sur cette base, l'ICOMOS ne souhaite pas recommander cela officiellement au Comité.'

10 Decision — 32COM 8B.102. Examination of Nominations — Sacred Site of the Temple of Preah Vihear (CAMBODIA), available at <<http://whc.unesco.org/en/list/1224/documents>> [accessed 1 July 2011].

11 Tom Fawthrop, 'The row over Preah Vihear has simmered for hundreds of years', *Guardian*, Tuesday 15 July 2008, available at <<http://www.guardian.co.uk/commentisfree/2008/jul/15/cambodia.thailand>> [accessed 3 July 2011].

12 'Thailand and Cambodia border clashes escalate', *Guardian*, published on www.guardian.co.uk on Tuesday 26 April 2011, <<http://www.guardian.co.uk/world/2011/apr/26/thailand-cambodia-border-clashesescalate?>> [accessed 3 July 2011]. A version appeared in the *Guardian* on Wednesday 27 April 2011.

- 13 See n. 7; and Tania Branigan, 'Thai leader accused of using Cambodia temple row for election gain' *Guardian*, Friday 1 July 2011, available at <<http://www.guardian.co.uk/world/2011/jul/01/thai-leadercambodia-temple>> [accessed 1 July 2011]. As I write (3 July), the Puea Thai Party has just won a major victory in the Thai general elections.
- 14 'Thailand threatens to quit World Heritage group', *Bangkok Post*, 25 June 2011, available at <<http://www.bangkokpost.com/news/local/243874/thailandthreatens-to-quit-world-heritage-group>> [accessed 3 July 2011].
- 15 'UNESCO Director-General regrets the announcement of Thailand's intention to denounce the 1972 World Heritage Convention', *UNESCO News*, Sunday, 26 June 2011, available at <<http://whc.unesco.org/en/news/772>> [accessed 1 July 2011].
- 16 Decision — 32COM 8B.102 — Examination of Nominations — Sacred Site of the Temple of Preah Vihear (CAMBODIA), available at <<http://whc.unesco.org/en/decisions/1548>> [accessed 1 July 2011].
- 17 UNESCO Decision — 34COM 7B.66 — Temple of Preah Vihear (Cambodia) (C 1224rev), available at <<http://whc.unesco.org/en/decisions/4174>> [accessed 3 July 2011].
- 18 'Summary of the Results of the 34th Session of the World Heritage Committee', *KI-Media*, Monday 2 August 2010. Source: Cambodia Council of Ministers. Available at <<http://ki-media.blogspot.com/2010/08/summary-of-results-of-34th-session-of.html>> [accessed 3 July 2011].
- 19 Editorial, 'Abhisit takes the low road', *Bangkok Post*, 28 June 2011, available at <<http://www.bangkokpost.com/opinion/opinion/244308/abhisittakes-the-low-road>> [accessed 3 July 2011].
- 20 Janjira Pongrai 'Govt urged to delist World Heritage site', *The Nation*, 28 June 2011. available at <<http://www.nationmultimedia.com/2011/06/28/national/Govt-urged-to-delist-World-Heritage-site30158840.html>> [accessed 1 July 2011].
- 21 See n. 15.
- 22 Anchalee Kongrut, 'Doing the World Heritage tango', *Bangkok Post*, 1 July 2011, available at <<http://www.bangkokpost.com/feature/environment/244875/doing-the-world-heritage-tango>> [accessed 4 July 2011].