

Article

# World Heritage Protection and the Human Right to Development: Reconciling Competing or Complimentary Narratives Using a Human Rights-Based Approach (HRBA)?

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**Abstract:** In the pursuit of the protection of places worthy of World Heritage designation, controls are placed on human activities. Regulations are put in place to curb the extent to which these places of heritage significance might be compromised by inappropriate human uses. For the most part, this conservation exercise takes the form of a regulatory regime that, in reality, imposes localized restrictions on how people interact with the protected site. Such restrictions can come at considerable expense to pre-existing users, and arguably, in some instances, these restrictions may also act to simultaneously restrict “rights”. These rights arise by virtue of a raft of international and regional commitments to human rights that, in essence, aim to preserve human dignity for all. This paper explores the nexus between conservation and development through a “rights” paradigm. Arguably, it is untenable to sustain a situation in which heritage trumps user-rights without due regard for some of the rights articulated within the human rights narrative. Heritage protection must be seen as a question of balance wherein conservation, development and rights are reconciled. It is argued that the adoption of a human rights-based approach (HRBA) to conservation may aid in the reconciliation of these goals.

**Keywords:** heritage protection; human rights; Angkor; world heritage; right to development; human rights based approach (HRBA)

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## 1. Introduction

Protecting properties of “outstanding universal value” that have been placed on the World Heritage List creates a variety of management challenges. One such challenge concerns the way in which

management policies accommodate the needs and/or entitlements of populations living within some World Heritage sites. This paper examines the relationship between World Heritage protection, human rights and development using Angkor Archaeological Park, Cambodia, as the example. Do the discourses surrounding each of these compete for supremacy or can they be harmonized by the adoption of an HRBA to policy making?

### 1.1. World Heritage Obligations

UNESCO's *Convention Concerning the Protection of the World Cultural and Natural Heritage* or, as it is more commonly known, the *World Heritage Convention*, celebrated its fortieth birthday in 2012 [1]. This international treaty is designed to protect the world's natural and cultural heritage through identifying sites of "outstanding universal value" and conferring them with World Heritage status. This designation takes the form of a World Heritage Listing that is bestowed in order to provide support for the preservation and conservation of these iconic properties. Those countries that are signatories to the *Convention* are obliged to conserve and protect World Heritage listed properties located within their national borders. Parties are assisted in a variety of ways to achieve this end with the Convention's "Operational Guidelines for the Implementation of the World Heritage Convention" (known hereafter as the *Operational Guidelines*) providing support for the implementation of the treaty's aims [2].

Within the text of the *Operational Guidelines* lies the obligation of a State party to, at paragraph 15(b) "adopt general policies to give the heritage a function in the life of the community" [2]. The strategic objectives of the World Heritage Committee, who are tasked with treaty secretariat duty, complement this obligation with their policy, reinforcing the need to, *inter alia*, increase capacity-building and enhancing the role of communities in implementing the Convention [2]. However, such concerns are not new, for throughout the past decade, there has been an increased recognition of the need to understand and incorporate "communities" into the application of conservation and preservation efforts by UNESCO. This commitment was reflected in a 2004 publication "Linking Universal and Local Values: Managing a Sustainable Future for World Heritage":

"For an optimal application of the World Heritage Convention and *sustainable economic and social development* of the local communities, it appears imperative that their values and practices—together with traditional management systems—are fully understood, respected, encouraged and accommodated in management and development strategies" [3] (my emphasis).

The argument is clearly articulated; World Heritage preservation is, to some extent, at least, contingent upon viewing conservation as an exercise in sustainable practice that ought to reflect on-the-ground conditions. Practitioners of heritage are increasingly cognizant of this link, and in 2012, a consultative meeting on "World Heritage and Sustainable Development" met to discuss the relationship "between sustainable development, heritage and conservation" [4]. Again, in 2012, under the auspices of the IUCN (International Union for the Conservation of Nature), an independent review was published on "IUCN, World Heritage and Evaluation Processes related to communities and rights" [5]. Each of these publications signals recent thinking. Thus, the ambition is clear, and the call for both World Heritage text and processes to recognize and promote the notion of sustainable conservation is

not refuted. Little argument exists to contradict the concept that best-practice World Heritage management ought to comply with the ideals of sustainability in development. Accordingly, those economic and social considerations required for optimal conservation identified by de Merode *et al.* will inform such practice; meaning, input from those affected by, living or working within a heritage site.

### 1.2. World Heritage and Human Rights

Some commentators have explored the compatibility between the *World Heritage Convention* and international human rights instruments. For example, James [6] asserts that while there is a perception of conflict, particularly by those with a principal interest in human rights, there is, in his view, no conflict between the provisions of the *World Heritage Convention* and an instrument, such as the *Universal Declaration of Human Rights*. He points out that as an instrument of the United Nations (UN) General Assembly, the Declaration is a “superior document” to the Convention (as an instrument of UNESCO, an organ of the UN). Although he finds little by way of conflict in the paperwork, he notes that a breach of rights may occur if “the nominating party was submitting the place with a view to—for example—dispossessing peoples living in and owning land in such an area so that the Government could take over the land ...” [6]. Connolly Carmalt is less equivocal, stating; “... it is, in fact, contrary to human rights law to go about the world implementing universal norms without first making sure that local populations are able to identify for themselves how those needs should be met” [7]. This paper explores this tension between preserving heritage for all humanity, while adhering to principles associated with human rights norms.

There is an emerging and growing literature concerned with exploring linkages between human rights standards and norms and best-practice in world heritage management. The *International Journal of Heritage Studies* published a special issue dedicated to the theme “World Heritage and Human Rights: Preserving our Common Dignity through Rights Based Approaches” [8]. In this publication, heritage academics and professionals outline the numerous ways in which rights are implicated in conservation planning and practice. From abuses of cultural heritage practices through to dislocation or relocation of entire communities in the name of heritage protection, the papers in this special issue make it clear that the human rights/world heritage conservation nexus is complex. In a similar vein, this paper questions the extent to which heritage protection has accommodated a human rights discourse or narrative and, more specifically, whether the human right to development is sufficiently addressed in management practice. In particular, this paper builds on the work of Oveido and Puschkarsky [9] to consider whether the narratives of world heritage and human rights protection can be reconciled through the adoption of a human rights-based approach (HRBA) to management.

### 1.3. The Human Right to Development

The notion of a “human right to development” is well recognized if not, at times, controversial [10]. In 1986, the United Nations General Assembly endorsed the “Declaration on the Right to Development” [11]. This instrument proclaimed that everyone is “entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized” (Article 1). The preamble to the Declaration defines “development” as “a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being

of the entire population and of individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom” [12,13]. The United Nations Office of the High Commissioner for Human Rights outlines that the right to development is now considered to include:

- full sovereignty over natural resources,
- self-determination,
- popular participation in development,
- equality of opportunity, and
- the creation of favourable conditions for the enjoyment of other civil, political, economic, social and cultural rights [14].

From these points, it is apparent that the Right to Development is about more than prioritising economic growth, for there are a number of criteria embodied by the right. Who has the burden of implementing these concepts, or, in other words, who are the duty bearers of this right? The imposition is two-fold—on signatory states to “ensure equal and adequate access to resources” and on the international community “to promote fair ... policies” [14]. To what extent does the international framework of the *World Heritage Convention* and its attendant *Operational Guidelines* embrace the right to development? More particularly, for the purposes of this paper, how are such rights enacted at a site-specific level? Empirical analysis of this in a world heritage setting is limited. Both dimensions of the obligation arise at different scales (geographically and politically).

## 2. A Human Rights-Based Approach (HRBA)

There is an emergent literature on a human rights-based approach to conservation, although both formulation and application remains in its infancy [12]. Protected area management policy informed through an HRBA may be one way of achieving sustainable conservation. While the relationship between conservation and human rights can be fraught, the two objectives are not necessarily mutually exclusive, as an unravelling of their complex interdependencies reveals [12].

An HRBA approach to conservation is, in essence, about the promotion of identify, dignity and inclusion. To achieve these ideals, policies should aim at incorporating mechanisms that act to guide the conduct of conservation programs, such that they may successfully meet such human rights expectations. An HRBA to conservation means taking the well-developed path of collaborative natural resource management and participation to the next level. Beyond participation, it is about entrenching yardsticks based on human rights principles. Such yardsticks take the form of procedural mechanisms or processes, which provide for access to information, transparency in decision-making and enhancing rights to consultation and participation and for access to justice in the event of disputes. These processes lie at the heart some international rights texts, such as the UNECE (United Nations Economic Commission for Europe) *Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters* (the Aarhus Convention) [14] The three pillars of the Aarhus Convention [(1) access to information and (2) justice and (3) public participation] embody key human right procedural principles, which can inform the HRBA. Moreover, for a working example of the toolkit approach of an HRBA in conservation, Franks provides insights

in his assessment of the international humanitarian organisation, CARE International's "Equity and Protected Areas" program in Uganda. Franks describes how a mistake in the mapping of a boundary realignment for a protected area (Bwindi Impenetrable National Park) resulted in the displacement of 120 families; this community feared the state would act with impunity towards them (as they had in the past) and that the outcome would be both confrontational and conflictual. However, Franks says that local NGOs embraced the procedural tools of the HRBA as a way of navigating potential conflict. He recounts a situation in which NGOs use the HRBA toolkit to give communities better access to information regarding relevant laws and policies (to empower them), which, in turn, promotes accountability in local governing procedures [15]. Linkages between human rights and natural resource management and conservation are increasing. We are witnessing, simultaneously, growing demands to preserve valuable biodiversity and habitat, while there is a mounting case that exclusionary practices in conservation ultimately undermine broader objectives [12]. The HRBA is touted as a potential solution to navigating sustainable conservation practice. However, the challenge is to determine how this approach can be implemented and, to this end, to address "the pressing need to translate the surfeit of current theory about rights-based approaches into the practical realities of resource management on the ground, particularly in countries with weak institutions and limited capacity ..." [16]. Cambodia and, in particular, the Angkor World Heritage site, provides such a setting.

Kothari suggests that a pronounced shift has occurred in protected area management over the past decade, marked by three broad characteristics:

- (1). expanding the governance of protected areas to include communities, either as partners in government/NGO-run areas or in their own right, as custodians and managers;
- (2). moving out of the "island" mentality and looking at landscapes and seascapes as a whole, with the attendant need to focus as much on their political, economic and cultural aspects as on their crucial biological values;
- (3). linking protected areas to the goals of addressing poverty and livelihood security and significantly enhancing the generation of conservation-related benefits to local people [17].

Both the first and third observations reflect an attempt to align protected area management with a rights discourse. Is there hope that an HRBA to management may serve dual aims in accommodating local rights, while addressing the conservation agenda and, further, is policy evolving in this direction? In many ways, the recognition of human rights in the context of conservation requires meaningful commitments that are made to both the substantive and procedural entitlements of people working or living in World Heritage designated areas. Arguably, substantive rights are set through a broad human rights narrative articulated through the international and regional instruments [12]. What of addressing the procedural dimensions; how do you simultaneously implement conservation policies while addressing right to development objectives? To understand this requires an analysis of the heritage management framework that applies for individual settings. In this assessment of whether the HRBA to conservation can be accommodated and testing whether the right to development is embraced or compromised in the process, this paper follows Law *et al.*'s approach that assessment of HRBAs takes three forms, namely (1) outputs (2) outcomes and (3) impacts, with an emphasis on the third [18]. While the context of Law *et al.*'s work relates to development and development agencies, the key issues they identify also resonate with sustainable conservation. This paper suggests that if an HRBA

is adopted within the heritage policies at Angkor, the impacts of heritage conservation might be improved in two ways; firstly, to provide better outcomes by way of tailored policies that resonate at a local level for residents of the park and, secondly, to provide the opportunity for improved conservation outcomes if resident concerns are accounted for in the conservation process. In Section 4, one aspect of the current approach to heritage conservation at Angkor (land valuations) is explored and exposes how the current approach fails to meet multiple rights objectives.

### **3. Human Rights in Cambodia**

In Section 4, the case study of Angkor Archaeological Park, Cambodia, is used to highlight how human rights and development can clash in the context of heritage conservation. Before considering the case study, a brief outline of the Cambodian history contextualizes the human rights imperative within this country. Cambodia is a country that has suffered from significant political and civil turmoil. The Khmer Rouge era, a period of governance under the auspices of Democratic Kampuchea from 1975 to 1979, led to the deaths of an estimated 1–2 million people to violence and famine. Under the leadership of Pol Pot and his followers, urban dwellers were displaced and forced to live in communes and work in agricultural activities. All private property entitlements were voided and land registration records were destroyed. The Khmer Rouge regime were ousted from power in 1979, and the Vietnamese-influenced People's Republic of Kampuchea was created. In this era, there were growing food shortages, and collective land sharing continued; it was not until the early 1990s with the Paris Peace Accord of 1991 and a United Nations Transitional Authority entering Cambodia that a more democratic form of governance emerged [19]. Living conditions throughout today's Cambodia are improving; however, the country remains a “developing” one. Today, the population remains largely rural, with only approximately 20% of the population located in urban centres. The life expectancy rate is 63 years, the infant mortality rate remains high, at 57 deaths per 1,000 live births, and the proportion of the population living below the poverty line is estimated at 20% of the total population [20]. The plight of Cambodians creates many concerns for human rights practitioners, and since the early 1990s, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has maintained a presence in the country. The OHCHR works to promote human rights protections through four programmes: (1) the Land and Housing programme, (2) the Rule of Law programme, (3) the Civil Society and Fundamental Freedoms programme and (4) the Prison Reform Support programme [21]. The programme for Land and Housing is attuned to the persisting problems associated with insecurity of tenure, for their mandate is to monitor, promote and implement programmes aimed at realizing the security of tenure (regardless of the type of tenure sought) [22]. The implications of insecurity of tenure that continue to haunt Cambodians throughout the country are also central to the concerns identified by residents within the World Heritage Park at Angkor.

### **4. Case Study: Angkor Archaeological Park, Cambodia**

In order to determine whether conservation management may benefit from the incorporation of human rights norms, using an HRBA, as a framework for assessing the prevailing management approach, we turn to a consideration of how a World Heritage designation can impact human rights.

Using the World Heritage property of Angkor Archaeological Park Cambodia as the study site, the localized impacts of the heritage-inspired regulations emerge.

#### 4.1. Location and Methods

Angkor Archaeological Park is located in Cambodia, a Southeast Asian country bordering Thailand, Vietnam and Lao PDR. The World Heritage site extends over 400 square kilometres and is home to more than 100,000 villagers in over 100 villages [23]. The population, as elsewhere in Cambodia, is predominantly young and is growing rapidly, with approximately 52 percent of the country's population of an estimated 15.2 million people being 24 years or younger [19]. The study site is located within the province of Siem Reap, where the proportion of the population living below the poverty line was 53.7% (the national average sat at 36.1%) [24]. Thus, despite the ever-increasing inflow of tourists visiting Angkor and surroundings, the poverty levels within the province remain high, and a significant percentage of the population continue to rely on agricultural activities for livelihood and food [22].

Aided by an Australian Research Council (ARC) funded "Linkage Project", this research formed part of a project that aimed at integrating research, management and governance best-practice world heritage management in a Southeast Asian setting. Part of the rationale of the project was to integrate community values with respect to policy. To gather community values, household interviews and surveys were conducted by the author in two villages located within the highly protected zone 1 of Angkor Archaeological Park. From early 2007 until late 2009, semi-structured interviews and household questionnaires gathered information from residents living in the shadows of significant Khmer monuments [25]. The villages are located in the Rolous Group of monuments, approximately 12 kilometres to the southeast of Siem Reap and the main monument cluster associated with the temples of Angkor Wat and Angkor Thom. The villages of Thnal Trang and Ovloak were surveyed for this study. In addition to being within core Zone One of the World Heritage site, each village is also located within the Bakong Commune administrative group. Participants ranged in age (from 18 years of age to over 70). All perceptions reported in this paper were from residents living within these villages. In addition, an analysis of the management policies and regulations was also undertaken. This textual analysis established the framework for the prevailing management approach to conservation at this site.

#### 4.2. Angkor's Management Framework

Cambodia accepted the *World Heritage Convention* in 1991. The monuments and temples of Angkor Archaeological Park were placed on the World Heritage List-in-Danger in 1992, and the site was removed from the list-in-danger in 2004 [26]. In line with their commitments to the *Convention*, the national government of Cambodia has enacted laws to conserve and protect the site [27]. A key law was, and remains, the *Royal Decree Establishing Protected Cultural Zones in the Siem Reap/Angkor Region and Guidelines for their Management*, which put in place spatial zoning regulations that differentiated allowable land usage according to defined spatial boundaries; a process done with little collaboration with pre-existing communities [28,29]. For the purposes of this paper, the concern is to examine the rules regulating land use activities. For those living within Zone One, restrictions are placed on a range of activities [30]. These include:

- A prohibition on development, with the exception of development essential for the protection and enhancement of the sites (Article 8.b);
- A prohibition on residential uses (Article 17.b).

Given the size and location of the pre-existing population, with villages often located adjacent to the major monuments [23], these restrictions are pointless. Authorities recognized the meaningless of such rules and amended the initial restrictions to give recognition to the “citizens who have long been dwelling in the Zones”. The amendments allow residents to (1) continue to live in pre-existing houses, (2) renovate or repair dilapidated houses or construct a new house to replace an old one, subject to authorization from the APSARA (Authority for the Protection and Management of Angkor and the Region of Siem Reap) Authority and (3) manage their land by transferring ownership from parents to descendants or by selling to other members of the village “in order to cope with the difficulties of life” [31].

The land use regulations created by the World Heritage designation at Angkor have produced a number of unforeseen problems; and potentially act to impede upon the rights of local inhabitants. One example relates to the inadvertent impact the restrictions have had on land values.

## 5. Results: Resident Perceptions about Land Values

When surveyed, residents estimated that land outside the official World Heritage designation has a market value more than three times the value of land within the World Heritage area. Residents were asked if land “inside” or “outside” the Park boundaries was more expensive to purchase. Of the 56 responses, 52 (92.8%) claimed that land outside the World Heritage site was more expensive than land inside the zones. There were three non-responses, and one respondent said that land was more expensive inside the site. Respondents were then asked to estimate the value of land both inside and outside the Park. Most (25) respondents viewed land within the World Heritage site as worth between \$0–\$50,000 per plot. A majority of respondents were unable to provide a value for land located outside the Park boundary; however, on the basis of those who provided a response, land values peaked between \$76,000–\$150,000.

Calculated on the values provided by the respondents, the average value, per plot, for land inside the Park is described as \$67,717 per plot, while land outside the Park has an average value of \$187,429 per plot. Accordingly, land inside the Park was perceived to be approximately one third of the value of land outside the Park (a devaluation of approximately 36%). There are very few data available on land values as they pertain to land within or outside of the World Heritage site. The distinction about values on the basis of the World Heritage boundaries has not been the subject of any in-depth analysis. However, a 2008 French-led nation-wide study does corroborate the price differential perceived by local people living within the World Heritage Park. In this study, which includes some villages located inside the APSARA zones, they note that land sales had been affected by APSARA “new competency”. This report suggests that land within Zone 1 had decreased 5–6 times since 2004, while land outside the zone had (variably) increased in value [32].

A potential limitation on these data relates to whether residents understood the extent of the World Heritage site [25]. Research on this issue indicated that Zone One Park boundaries were not widely known [28]. Nonetheless, the value of these responses lies in perception. The key here is that there is a clear and overwhelming perception that land inside/outside differs significantly in value.

In addition to the household surveys, semi-structured in-depth interviews were also conducted. Some interviewees were more keenly aware of the regulations and the negative impact they could have on local residents. One described land “inside APSARA zone cheap and outside expensive” and indicated that she was upset about it for they (those owning land either inside or outside) have the same social and cultural traditions.

In another in-depth interview, a senior local administrator indicated that, prior to 2003, when APSARA reasserted control over Zones 1 and 2, people bought and sold their land free of any restrictions or implications. He described land outside the Park as more expensive “because they can do anything they want, build a big building or anything. Also people from outside the commune can buy and sell.” Another local resident gave a snort of derision/resignation when asked about the price differential between land values inside and outside the Park. He said that no one wanted to buy land in Zone 1 anymore. He had lived in the village since 1979, and land had been bought and sold freely—people from Phnom Penh wanted to purchase these lands in the past. However, after the rules were tightened (associated with APSARA having a more active role—dated around 2003), there was no longer any interest in this land.

There are also interview responses that highlight a wealth differential between poorer and wealthier residents within the highly restricted zone. One respondent said that he had been in a position, due to his wealth, to buy a number of parcels of land both inside and outside the protected zone and that these purchases enabled him to divide these lands between his children. He indicated that, for land outside the World Heritage Zone (one), the villagers themselves are responsible for regulating development and that there is limited oversight of development. Moreover, this tends to take place on a case-by-case basis through consultation. This description of out-of-zone development sits in stark contrast to development within villages in the highly protected zone. From this respondent’s viewpoint, there is no doubt that some residents living in the highly restricted Zone 1 are trapped in a cycle of poverty. They are unable to raise capital against an asset (land), which is also declining in value, and many are forced to sell or live in increasing poverty-stricken circumstances.

## 6. Discussion

The perception that land values within the World Heritage site have been suppressed by virtue of the regulations is important. Those who are unable to participate in the wider land market economy are burdened by the regulations; their ability to engage in land-use trading has been curtailed, and on one reading, their right to enjoy economic development is impinged, particularly when their situation is contrasted to perceptions about property values and non-restricted trading for those located outside the World Heritage property. Does this amount to an infringement of a human right to development? The right to economic development is not tantamount to a human right to development; it is one of the elements of the right. For some, any suggestion that price suppression of land values is breaching such a right is simply stretching the human rights narrative too far. However, stories from those affected by the heritage-inspired rules indicate that the situation can become far more complex.

The designation of a World Heritage site may be considered to be a ticket to prosperity with a significant tourism industry having developed in the recent past around World Heritage properties [33,34]. Although it is clear to any visitor to Angkor that some local residents benefit from the tourist industry,

some of the findings in this research confound any expectation of broader benefits. For some people living within very close proximity to the protected monuments of Angkor, their prosperity has been compromised by the World Heritage listing. Land and property values within the highly protected zones have been adversely affected by the listing, which creates financial burdens for residents within the Park. It is clear that there exists a frustration and consternation for residents with the land transaction restrictions. Their inability to raise money through selling has varied ramifications, including the potential that residents adjacent to the Park are caught in a poverty trap or cycle, when those living a little further away from the monuments are not subject to the same selling restrictions.

In light of these findings, could an HRBA be a potential solution to this complex problem? Future management frameworks need to reconsider policies, so as to seek to avoid a potentially marginalizing impact in a systematic manner: “the situation of social, economic and political marginalization of rural communities linked to protected areas, including World Heritage sites, is part of a system based on structural inequities” [9]. Such “structural inequities” need to be recognized and mechanisms put in place, so as to seek to overcome these or, at the very least, to seek to avoid exacerbating them. For residents living amongst the monuments of Angkor, their views and values need to be taken into account in developing appropriate conservation strategies for the site. The HRBA approach could enable these views to surface and be incorporated into future management approaches. There is an emerging literature documenting the value of applying HRBA in conservation situations. Tailoring heritage policies and regulations to take account of the local conditions through the conduit of the HRBA has the potential to enhance, or legitimize, the conservation regime. Arguably, at Angkor, by giving communities greater access to information about the laws and policies that apply to them and by encouraging accountability in decision-making, such steps could count towards improving social and, potentially, conservation outcomes. The HRBA, with its emphasis on key concepts of empowerment, transparency and promoting participation in decision-making, are critical to this end goal.

## **7. Conclusions**

In some cases, the practice of World Heritage conservation may sit uneasily with or act in direct conflict to other equally valuable international conventions. This paper has presented a vignette from the Angkor World Heritage site that demonstrates a conflict between heritage protection and aspects of the right to development. The conflict may take many forms. In this paper, the form of conflict surrounds perceptions (and realities) of suppressed land values for parts of this World Heritage property. For those living within the highly protected Zone 1, the effect of lower land values for these locations has potential livelihood implications. The potential for a type of spatial injustice is evident. Such spatial discrepancies, as indicated in this paper, created by virtue of the World Heritage obligations to protect and conserve the monuments of Angkor, run contrary to a commitment to rights evident in broader human rights obligations. Such conflicts are becoming more widely recognized in the professional literature and are attracting more comprehensive critical reviews by academia. This is a paper that seeks to contribute to that movement. Moreover, I suggest here that an HRBA can avoid or mitigate potential conflicts between conservation and rights and can contribute to more effective and sustainable conservation practice. For an HRBA, integration into heritage policy and

practice may refocus conservation efforts towards outcomes and impacts, which potentially strikes a better balance between heritage conservation and human rights objectives.

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### Conflict of Interest

The author declares no conflict of interest.

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member, a privilege that appears to be only available to countries that have ratified the Convention. Moreover, the national authority for the protection of APSARA, describes the country as having ratified the Convention. Nonetheless, the United Nations Treaty Collection glossary suggests that “the instruments of “acceptance” or “approval” of a treaty have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty. In the practice of certain states acceptance and approval have been used instead of ratification when, at a national level, constitutional law does not require the treaty to be ratified by the head of state.[Arts.2 (1) (b) and 14 (2), Vienna Convention on the Law of Treaties 1969]. Available online: [http://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1\\_en.xml#ratification](http://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml#ratification) (Accessed 6/6/2013). In 1991 Cambodia was under the temporary administration of the United Nations Transitional Authority and the decision to place Angkor on the World Heritage List took place at the World Heritage Committee’s 16th Session in 1992 before the United Nations supervised general elections were held in 1993, see UNESCO, World Heritage List, Angkor “documents”. Available online: <http://whc.unesco.org/en/list/668/documents/> (accessed on 30 April 2013).

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