

**Submission on behalf of the Australian Climate Justice Program, the Climate Action  
Network Australia and Friends of the Earth Australia**

**To the Ad Hoc Working Group on Further Commitments for Annex 1 Parties Under  
the Kyoto Protocol**

**State Parties Responsibilities under the World Heritage Convention in the Context of  
Climate Change - Absolute Minimum Temperature Rise Necessary for Compliance  
with the World Heritage Convention**

**September 2008**

*"We can talk endlessly, but with limited results, about how climate change is severely threatening biological diversity worldwide. However, if we point out that a World Heritage site is under extreme pressure from climate change and may be irreversibly damaged, causing loss in biodiversity at the same time, our message and call to action may be heard more clearly.....the World Heritage Convention can contribute a voice that may break through the din when others cannot."*

**Executive Secretary  
Convention on Biological Diversity  
April 2008**

1. Article 4 of the World Heritage Convention ("the Convention") states:

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

2. The duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of World Heritage belongs primarily to the State in which the World Heritage site exists, however the duty itself continues to be one by which the entire international community Parties to the

World Heritage Convention are bound. In this context, the Australian Climate Justice Program (“ACJP”), the Climate Action Network Australia (“CANA”) and Friends of the Earth Australia (“FOEA”) assert that this duty gives rise to a fundamental justification for urgent action to be taken by Annex 1 Parties to affect the deepest cuts possible in their emissions, to a level which will ensure the protection, conservation, presentation and transmission to future generations of the World Heritage Areas threatened by climate change.

3. Article 6.1 of the Convention states:

*“Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.”*

4. Article 6.3 of the Convention states:

*“Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.”*

5. The continued release of greenhouse gasses is a deliberate measure being undertaken to different extents in different States, which is causing direct damage and harm to World Heritage.

6. This raises important matters concerning the interaction between the World Heritage Convention, the UNFCCC, the Kyoto Protocol, Ad Hoc Working Groups under the UNFCCC, UNESCO, UNEP and the IPCC. It is critical to the survival of many World Heritage properties, that these UN branches work closely with one another.

7. The UNFCCC has as its ultimate objective, the stabilization of atmospheric greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system.
8. The Kyoto Protocol imposes quantified greenhouse gas emissions reduction targets on parties listed in Annex I of that Protocol for the period 2008-2012. There are currently no binding emissions reductions targets for any States beyond 2012.
9. The Bali Action Plan recognize that deep cuts in global emissions will be required to achieve the ultimate objective of the UNFCCC and emphasizes the urgency to address climate change as indicated in the Fourth Assessment Report of the IPCC<sup>1</sup>.
10. The Ad Hoc Working Group on Further Commitments for Annex 1 Parties under the Kyoto Protocol at its Resumed Fourth Session in Bali 2007, decided on a timetable in the lead up to adoption of further commitments of Annex 1 Parties post 2012.
11. The AWG-KP resumes and concludes it's sixth session in December 2008<sup>2</sup> where the AWG-KP will initiate consideration of the scale of emissions reductions to be achieved by Annex 1 Parties in aggregate.
12. The ACJP, CANA and FOEA are of the view that the protection of World Heritage must be a highly significant factor in the decision making process of the AWG-KP and emissions reductions must be consistent with State international legal obligations under the World Heritage Convention - to protect, conserve and transmit World Heritage to future generations.

---

<sup>1</sup> Decision -/CP.13 - Bali Action Plan;

<sup>2</sup> Conclusions adopted by the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol at it's resumed fourth session held in Bali, 3 - 11 December 2007, Review of work programme, methods or work and schedule of future sessions at paragraph 7;

13. There are currently at least 125 cultural and natural World Heritage sites threatened by climate change<sup>3</sup>. 79 of these sites were listed as Natural or Mixed heritage along the following distribution in terms of biomes<sup>4</sup>:

16 coastal marine sites (among which 7 coral reefs);  
14 glacier sites and 7 mountainous sites;  
28 terrestrial biodiversity sites; and  
14 mixed biomes and other type of sites.

14. The climate change impacts identified by the international community for natural World Heritage properties are<sup>5</sup>:

Glacial retreat and glacier melting (19 sites);  
Sea level rise (18 sites);  
Loss of biodiversity (17 sites);  
Species migration and tree-line shift (12 sites, 6 for tree-line shift);  
Rainfall pattern changes and occurrence of droughts (11 sites);  
Frequency of wildfires (9 sites);  
Coral bleaching (6 sites);  
Coastal erosion (4 sites);  
Sea water temperature and salinity change (1 site); and  
Hurricane, storms, cyclones (1 site).

15. The climate threats for cultural world heritage identified are<sup>6</sup>:

Hurricane, storms, lightening (11 sites);  
Sea level rise (9 sites);  
Erosion (both wind and water driven) (8 sites);  
Flooding (7 sites);  
Rainfall increase (4 sites);  
Drought (3 sites); and  
Desertification (2 sites).

---

<sup>3</sup> The Impacts of Climate Change on World Heritage Properties, Issues related to the state of conservation of properties inscribed on the World Heritage List , WHC-06/30.COM/7.1, p. 32

<sup>4</sup> Ibid

<sup>5</sup> Ibid;

<sup>6</sup> Ibid;

Rise in temperature (1 site)

16. Climate change is already and will continue to adversely effect the conservation of natural and cultural World Heritage properties and the ecological systems that sustain life<sup>7</sup>.
17. The obligations under the World Heritage Convention and under the UNFCCC are consistent with one another. The obligations are on States and such obligations are not divisible. States must reduce greenhouse gas emissions to protect World Heritage and guarantee the transmission of World Heritage to future generations.
18. The ACJP, CANA and FOEA submit that:
  - a. it is the responsibility of the international community to ensure that the reduction of greenhouse gas emissions and targets decided on under the UNFCCC and AWG-KP must take the obligations under the World Heritage Convention into consideration as a matter of high priority and seriousness; and
  - b. the World Heritage Convention must be upheld in the context of potential and ascertained dangers to World Heritage Sites as a result of past, present and future greenhouse gas emissions.

---

<sup>7</sup> Policy document on the impacts of climate change on world heritage, UNESCO 2008, document WHC-07/16.GA/10;