



**Position Statement on the Updated Policy Document on Climate Action for World Heritage:  
Climate Action Goal 3 – Climate Mitigation**

**March 2023**

**Executive Summary**

1. This Position Statement comments on World Heritage Climate Action Goal 3 – Climate Mitigation in the “Updated Policy Document on Climate Action for World Heritage” (WHC/21/23.GA/INF.11).<sup>1</sup> We appreciate the efforts of the World Heritage Advisory Bodies, state parties, experts, civil society, and other stakeholders in this work.
2. We commend the Updated Policy Document for:
  - a. Recognizing in paragraph 21 that “the most effective approach for the protection, conservation and management of the cultural and natural heritage” is for all state parties to implement “a precautionary approach that pursues pathways limiting the global average temperature increase to 1.5°C with no or limited overshoot,”<sup>2</sup> and in paragraph 94 that pursuing a 1.5°C pathway is a strategy for implementing Goal 3 (Mitigation).<sup>3</sup>
  - b. Recognizing that limiting warming to 1.5°C will require deep emissions reductions in all sectors and a wide portfolio of mitigation options.<sup>4</sup>
  - c. Including the protection of natural properties as carbon sinks in Goal 3 (Mitigation).<sup>5</sup>
3. However, we are concerned that Goal 3 (Mitigation) is limited to property-level mitigation only, not national-level mitigation: “States Parties ... should ... strengthen the capacity of mitigation action for ... properties that encourage the reduction of net greenhouse gas emissions associated with World Heritage properties...”<sup>6</sup> Because of this limitation, the Updated Policy Document fails to implement fully the statements described in paragraph 2 above, as well as state party obligations under the Convention itself.
4. We make the following recommendations:

**State party national-level climate mitigation obligations under the Convention**

- a. The Updated Policy Document recognize, including in Goal 3 (Mitigation), that all state parties have an obligation under the Convention to implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and to undertake their fair share of global emissions reductions necessary to achieve that limit.
- b. Australia’s proposed deletion in paragraph 21 and its amendment to the second bullet-point of paragraph 79 be rejected.

#### Extraterritorial obligations of state parties under article 6(3)

- c. The Updated Policy Document recognize that all state parties have an obligation under article 6(3) of the Convention to refrain from taking deliberate measures that place them on a pathway that is inconsistent with limiting global average temperature increase to 1.5°C with no or limited overshoot.

#### State party climate mitigation reporting requirements

- d. The Updated Policy Document propose that all state parties demonstrate their compliance with these obligations in the various reporting processes under the Convention, such as those discussed in the Updated Policy Document at paragraph 45.

#### Relationship between the Convention and the UNFCCC/Paris Agreement

- e. The Updated Policy Document recognize that climate mitigation obligations under the World Heritage Convention are independent of those under the UNFCCC and Paris Agreement, and that the UNFCCC and Paris Agreement do not preclude other treaty bodies – such as the World Heritage Committee – from addressing national-level climate mitigation obligations where climate change affects matters within the purview of those treaty bodies.

#### Using the List of World Heritage in Danger to address the threat of climate change

- f. The Updated Policy Document recognize explicitly that a property may be inscribed on the List of World Heritage in Danger due to the threat or impact of climate change, even though climate change is beyond the sole control of the concerned state party.
- g. The Updated Policy Document recognize that corrective measures should include that a state party implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and undertake its fair share of global emissions reductions to achieve that limit.
- h. The Updated Policy Document establish that the Committee should consider, at its annual meeting, whether all state parties are meeting their obligations under article 6(3) in relation to properties on the List of World Heritage in Danger that are experiencing the impacts of climate change.
- i. Australia's proposed amendments to paragraphs 32 and 36 of the Updated Policy Document be rejected.

#### The role of the World Heritage Committee in implementing the Updated Policy Document

- j. The Russian Federation's proposed amendment to paragraph 81 of the Updated Policy Document be rejected.

5. This Position Statement demonstrates that these recommendations, and the state party obligations identified in this statement, are fully grounded in the Convention itself and within the remit of the world heritage system.<sup>7</sup>

## **A. The obligations of state parties to address the threat of climate change**

6. The Updated Policy Document recognizes that each country should implement “precautionary approaches that pursue pathways that contribute to limiting global warming to 1.5°C, with no or limited overshoot”<sup>8</sup> and enhance “implementation and enforcement of effective national and local climate policy,”<sup>9</sup> and that this requires “deep emissions reductions in all sectors, a wide portfolio of mitigation options and a significant upscaling of investments in those option.”<sup>10</sup>
7. However, despite these imperatives, Goal 3 (Mitigation) of the Updated Policy Document limits the obligations of state parties to undertaking property-level mitigation only,<sup>11</sup> not the national-level mitigation that the Updated Policy Document recognizes is vital to limit warming to 1.5°C. This limitation to property-level mitigation contradicts the obligations imposed by the Convention itself on state parties to undertake national-level mitigation to protect their own and others’ world heritage properties – obligations which the Updated Policy Document fails to identify.
8. Further, by failing to recognize that state parties have national-level climate mitigation obligations under the Convention that are independent of those under the UNFCCC/Paris Agreement, the Updated Policy Document misconstrues the relationship between the Convention and the UNFCCC/Paris Agreement. The approach of UN human rights treaty bodies – discussed in section C below – is instructive on this matter.
9. The world is currently on track for around 2.8°C of warming by 2100 if all unconditional 2030 NDC pledges are fully implemented,<sup>12</sup> with a 50% chance of the annual average global temperature temporarily reaching 1.5°C above preindustrial levels for at least one of the next five years.<sup>13</sup> As the IPCC has recognized, in the case of an overshoot of a temperature pathway, net negative CO<sub>2</sub> emissions will be required to remove excess CO<sub>2</sub> from the atmosphere.<sup>14</sup> There is a very real risk that world heritage properties will be lost if the world heritage system fails to recognize the national-level climate mitigation obligations under the Convention.

### The general obligations of state parties to protect and conserve world heritage properties

10. Each State Party has a “breadth”<sup>15</sup> of binding obligations that must be performed in good faith.<sup>16</sup> For example:
  - a. Article 4 requires each state party to “do all it can ... to the utmost of its own resources” to protect and conserve its own world heritage properties.
  - b. Article 5(d) requires that, to “ensure that effective and active measures are taken” to protect its own world heritage properties, each state party must “endeavor, in so far as possible, and as appropriate for each country,” to “take the appropriate legal, scientific, technical, administrative and financial measures necessary.”
11. The Operational Guidelines add content to these obligations, requiring state parties to:
  - a. Protect and manage their world heritage properties to ensure that OUV “are sustained or enhanced over time.”<sup>17</sup>

- b. Ensure “adequate long-term legislative [and] regulatory ... protection and management to ensure their safeguarding. ...Legislative and regulatory measures at national and local levels should assure the protection of the property from social, economic and other pressures or changes that might negatively impact the [OUV]....”<sup>18</sup>
- c. Develop a management system to “ensure the effective protection of the ... property for present and future generations.”<sup>19</sup>

12. Importantly:

- a. The Convention *does not place any limits or exclusions on the kinds of threats that a state party must address* in fulfilling its obligations to protect its own world heritage properties.
- b. The Convention contemplates that *threats to world heritage properties may exist at both the property level and beyond – even beyond national borders*. For example, the Preamble notes that world heritage properties “are increasingly threatened with destruction ... by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction.”<sup>20</sup>
- c. The content of a state party’s obligation to protect its world heritage properties must include addressing existing *and* potential threats.<sup>21</sup>

13. In requiring state parties to act “to the utmost of its own resources” and “as appropriate for each country,” the Convention reflects the “fair share” principle. A state party’s fair share – the “appropriate” actions that constitute its “utmost” effort to protect a world heritage property – depends on that state party’s contribution to the threat and its resources and capacity to address the threat.<sup>22</sup>

Applying these obligations to the threat of climate change: the Convention itself requires national-level mitigation

- 14. As the 2007 Climate Policy itself recognizes, articles 4 and 5 of the Convention impose obligations on state parties to “ensure that they are doing all that they can to address the causes and impacts of climate change, in relation to the potential and identified effects of climate change (and other threats)” on their world heritage properties.<sup>23</sup> Further, state parties must take long-term national-level legal and regulatory measures to protect their properties from the pressures of climate change and to sustain or enhance their properties’ OUV, for the benefit of present and future generations.<sup>24</sup>
- 15. State parties would fulfil this obligation by implementing a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and undertaking their fair share of global emissions reductions necessary to achieve that limit, in accordance with paragraphs 21 and 94 of the Updated Policy Document. This is also consistent with:
  - a. The Updated Policy Document at paragraphs 58, 76 and 78 (limiting warming to 1.5°C will require implementation and enforcement of effective national and local climate policy, deep

emissions reductions in all sectors, and a wide portfolio of, and investment in, mitigation options).<sup>25</sup>

- b. The “Report on Predicting and Managing the Impacts of Climate Change on World Heritage”<sup>26</sup> – noted by the Committee in 2006<sup>27</sup> – which states that “States Parties and site managers need to look beyond the individual site level and develop and implement regional and/or transboundary mitigation ... strategies.”<sup>28</sup>
  - c. The 2007 Climate Policy, which provides that state parties need to work with “climate change policy and decision-makers within their own countries as the primary response to the challenges that climate change poses for World Heritage.”<sup>29</sup>
  - d. The 2020 letter from the United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David Boyd, calling on the World Heritage Centre and Advisory Bodies to recommend state parties ensure their actions are aligned with a 1.5°C or below limit, in accordance with the World Heritage Convention.<sup>30</sup>
16. In addition, it is manifestly inadequate to limit Goal 3 (Mitigation) to property-level only – particularly in relation to climate-vulnerable properties. As the “Report on Predicting and Managing the Impacts of Climate Change on World Heritage” recognized, the “benefit of mitigation at World Heritage sites is ... likely to be negligible on a quantitative basis.”<sup>31</sup> This is because most global emissions occur outside World Heritage properties, and even the most stringent property-level mitigation will do very little to reduce global emissions. Further, such a limitation is inconsistent with the acknowledgment in the Updated Policy Document that limiting warming to 1.5°C requires deep emissions reductions.
  17. The actions that a state party must take to implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and to undertake its fair share of global emissions reductions necessary to achieve that limit will necessarily vary depending on the national circumstances of the state party and remain in the discretion of the state party. The Committee, Advisory Bodies, and World Heritage Centre can rely on reputable sources<sup>32</sup> to assess what global emissions pathway would result from a state party’s actions and policies.
  18. Importantly, the mitigation obligations imposed under the Convention exist independently of any commitments made under the Paris Agreement, and nothing in the UNFCCC or the Paris Agreement precludes other treaty bodies from addressing climate mitigation obligations where climate change affects matters within the purview of those treaty bodies. The work of UN human rights treaty bodies in this regard is instructive. See the discussion in section C below.
  19. Although the actions of an individual state party will not solve the climate crisis, this does not absolve state parties of their obligations under the Convention to act in a manner consistent with protecting these properties.

**20. Accordingly, we recommend that:**

- a. **The Updated Policy Document recognize, including in Goal 3 (Mitigation), that all state parties have an obligation under the Convention to implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and to undertake their fair share of global emissions reductions necessary to achieve that limit.**
- b. **The Updated Policy Document propose that all state parties demonstrate their compliance with these obligations in the various reporting processes under the Convention, such as those discussed in the Updated Policy Document at paragraph 45.**
- c. **Australia’s proposed deletion in paragraph 21 and its amendment to the second bullet-point of paragraph 79 be rejected.**
- d. **The Russian Federation’s proposed amendment to paragraph 81 of the Updated Policy Document be rejected.**

**B. Extraterritorial obligations of state parties under article 6(3)**

21. The Updated Policy Document fails to address the extraterritorial obligations of state parties under article 6(3) of the Convention, which requires each state party “not to take any deliberate measures which might damage directly or indirectly” world heritage properties located in the territory of other state parties. This prohibition on causing transboundary harm is consistent with the general international law obligation that a state prevent its territory from being used to harm other states.
22. The obligation imposed by article 6(3) is non-discretionary and unqualified. Article 6(3) does not contain any language that permits discretion as to the manner of performance of the obligations. Importantly, the prohibition on taking “deliberate” measures is *not* limited to measures intended to cause damage. This is because the word “deliberate” qualifies “measures” taken, not “damages” caused.
23. Further, the article applies to measures that “might” damage world heritage. If the intention had been to prohibit only deliberate actions *intended* to cause damage, the word “might” would be unnecessary. This interpretation is supported by the prohibition on measures that might cause indirect damage.
24. In the context of climate change, article 6(3) clearly prohibits any deliberate measures that might cause or contribute to the climate change which is harming world heritage properties. Given the scientific consensus that greenhouse gas emissions fuel climate change, measures that are inconsistent with a pathway limiting warming to 1.5°C are “deliberate measures which might damage” world heritage properties in other states directly or indirectly.

**25. Accordingly, we recommend that the Updated Policy Document:**

- a. **Recognize that all state parties have an obligation under article 6(3) of the Convention to refrain from taking deliberate measures that place them on a pathway that is inconsistent with limiting global average temperature increase to 1.5°C with no or limited overshoot.**
- b. **Propose that all state parties demonstrate their compliance with this obligation in the various reporting processes under the Convention, such as those discussed in the Updated Policy Document at paragraph 45.**

**C. Relationship between the UNFCCC and the World Heritage Convention**

26. The Updated Policy Document contemplates that national mitigation targets are to be interpreted within the framework of the UNFCCC only.<sup>33</sup>
27. However, as demonstrated above, the Convention itself requires national-level mitigation by individual state parties, separate to the responsibilities of state parties under the UNFCCC/Paris Agreement.<sup>34</sup> The UNFCCC and Paris Agreement do not preclude other treaty bodies – such as the World Heritage Committee – from addressing climate mitigation where climate change affects matters within their purview,<sup>35</sup> and obligations under the Convention are independent of those under the UNFCCC/Paris Agreement.<sup>36</sup> There is “no single international regime that stands alone in providing legal and institutional responses to climate change.”<sup>37</sup>
28. Instead, the UNFCCC recognizes in its preamble that states have rights and responsibilities pursuant to international law separate from the UNFCCC “to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States...”<sup>38</sup> As such, the UNFCCC did not intend to supplant the authority of other treaty bodies to address climate mitigation, where climate change affects matters within their purview.<sup>39</sup>
29. United Nations human rights treaty bodies have accepted this approach, recognizing that human rights treaties can create climate mitigation obligations that are separate to the obligations under the UNFCCC or Paris Agreement, even when the treaty they administer does not explicitly address climate change.<sup>40</sup> For example, in 2019, five United Nations treaty bodies stated jointly that, in order to fulfil human rights obligations, states should – among other things – adopt and implement emissions reductions policies which reflect the highest possible ambition, effectively contribute to the phasing out of fossil fuels, combat deforestation, promote renewable energy, and discontinue financial incentives in activities inconsistent with low emissions pathways.<sup>41</sup>
30. Importantly, the work of other treaty bodies in relation to climate mitigation does not duplicate the mandate of the UNFCCC, because the subject matter and outcomes are different.
31. **Accordingly, we recommend that the Updated Policy Document recognize that climate mitigation obligations under the World Heritage Convention are independent of those under the UNFCCC and Paris Agreement, and the UNFCCC and Paris Agreement do not preclude other treaty bodies – such as the World Heritage Committee – from addressing national-level climate mitigation obligations where climate change affects matters within the purview of those treaty bodies.**



#### **D. Using the List of World Heritage in Danger to address the threat of climate change**

32. The Updated Policy Document and the 2007 Policy Document recognize that a property may be inscribed on the List of World Heritage in Danger (“In Danger List”) due to the impacts of climate change.
33. We agree with this position. Article 11(4) permits the inscription on the In Danger List of properties “threatened by serious and specific dangers.” Climate change is such a threat and, as the 2007 Climate Policy recognizes, “[w]here the threat comes from is irrelevant. In these circumstances, a site can be inscribed on the In-Danger List even where the impacts are beyond the control of the State Party concerned.”<sup>42</sup>
34. Corrective measures for properties inscribed on the In Danger List due to the threat or impacts of climate change should be complementary to a state party’s obligations under articles 4, 5, and 6. This should include that the state party implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and undertake its fair share of global emissions reductions necessary to achieve that limit.<sup>43</sup>
35. Further, although corrective measures are directed at the state party of concern, the multilateral nature of the In Danger List provides an opportunity for all state parties and the Committee to review whether each state party is meeting its obligation – pursuant to article 6(3) – to refrain from taking deliberate measures that place them on a pathway that is inconsistent with limiting global average temperature increase to 1.5°C with no or limited overshoot.<sup>44</sup>
36. A state party that has taken all corrective measures within its control to protect a climate-vulnerable world heritage property should be strongly commended for its action. However, such a property should only be removed from the In Danger List when scientific evidence demonstrates that it is no longer in danger.<sup>45</sup>
37. To date, the Committee has refrained from inscribing a property on the In Danger List solely, or even primarily, due to the threat or impacts of climate change, despite many properties likely meeting the listing criteria. This failure to act on scientific evidence that has been clear for decades undermines the credibility of the Committee and its associated institutions and weakens the ability of the system to protect world heritage properties.
38. **Accordingly, we recommend that:**
  - a. **The Updated Policy Document recognize explicitly that a property may be inscribed on the List of World Heritage in Danger due to the threat or impact of climate change, even though climate change is beyond the sole control of the concerned state party.**
  - b. **The Updated Policy Document recognize that corrective measures should include that a state party implement a precautionary approach that pursues pathways limiting global average temperature increase to 1.5°C with no or limited overshoot and undertake its fair share of global emissions reductions to achieve that limit.**

- c. **The Updated Policy Document establish that the Committee should consider, at its annual meeting, whether all state parties are meeting their obligations under article 6(3) in relation to properties on the List of World Heritage in Danger that are experiencing the impacts of climate change.**
- d. **Australia’s proposed amendments to paragraphs 32 and 36 of the Updated Policy Document be rejected.**

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<sup>1</sup> Updated Policy Document on Climate Action for World Heritage (WHC/21/23.GA/INF.11) (“Updated Policy Document”).

<sup>2</sup> *Id.* at [21], adopting the language in “Response by the Secretariat and the Advisory Bodies to the amendments.”

<sup>3</sup> *Id.* at [94].

<sup>4</sup> *Id.* at [58], [78].

<sup>5</sup> *Id.* at [27], [57], [60], [61], Annex III at [8]-[9].

<sup>6</sup> *Id.* at [27].

<sup>7</sup> See also “Letter from the United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,” David Boyd, to UNESCO and the Advisory Bodies (Apr. 28, 2020),

[https://www.ohchr.org/sites/default/files/20200428\\_Letter\\_SR\\_Environment\\_WorldHeritageSites.pdf](https://www.ohchr.org/sites/default/files/20200428_Letter_SR_Environment_WorldHeritageSites.pdf);

Earthjustice, “Climate change and World Heritage: relationship with the UNFCCC, state party obligations, use of the List of World Heritage in Danger, and the role of adaptation” (Jun. 23, 2020),

<https://earthjustice.org/sites/default/files/files/world-heritage-climate-change-unfccc-2020.pdf>.

<sup>8</sup> Updated Policy Document, above n 1, at [94]. See also [21].

<sup>9</sup> *Id.* at [76].

<sup>10</sup> *Id.* at [58]. See also [78].

<sup>11</sup> *Id.* at [27]. See also [57]-[63], [89], Annex III.

<sup>12</sup> United Nations Environment Programme, “Emissions Gap Report 2022” (2022), pp. xxi, 35-36,

[https://www.unep.org/resources/emissions-gap-report-](https://www.unep.org/resources/emissions-gap-report-2022?gclid=CjwKCAjw_MqgBhAGEiwAnYOAek69VdTyofjxL4IKsO6uFZB1BbDv1vus4S6olr1IUa0LaepFEgoWgxoCZ44QAvD_BwE)

[2022?gclid=CjwKCAjw\\_MqgBhAGEiwAnYOAek69VdTyofjxL4IKsO6uFZB1BbDv1vus4S6olr1IUa0LaepFEgoWgxoCZ44QAvD\\_BwE](https://www.unep.org/resources/emissions-gap-report-2022?gclid=CjwKCAjw_MqgBhAGEiwAnYOAek69VdTyofjxL4IKsO6uFZB1BbDv1vus4S6olr1IUa0LaepFEgoWgxoCZ44QAvD_BwE).

<sup>13</sup> World Meteorological Association, “WMO update: 50:50 chance of global temperature temporarily reaching 1.5°C threshold in next five years” (May 9, 2022), <https://public.wmo.int/en/media/press-release/wmo-update-5050-chance-of-global-temperature-temporarily-reaching-15%C2%B0c-threshold>.

<sup>14</sup> IPCC, “Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty” (2018), Cross-Chapter Box 1 (p. 63).

<sup>15</sup> UNESCO, “Policy Document on the impacts of climate change on World Heritage properties” (2007) (“2007 Climate Policy”), p. 4. See also “Operational Guidelines for the Implementation of the World Heritage Convention” (2021) at [15], which outlines the responsibilities of state parties under the Convention.

<sup>16</sup> Vienna Convention on the Law of Treaties (1969), Art. 26.

<sup>17</sup> Operational Guidelines, above n 15, at [96].

<sup>18</sup> *Id.* at [97]-[98].

<sup>19</sup> *Id.* at [109]. See also [108]-[118bis].

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<sup>20</sup> See also article 6(3) of the Convention, which contemplates that threats may arise from actions in the territories of other states. Further, the Operational Guidelines contemplate that national-level measures may be required to protect properties from “social, economic and other pressures or changes.” Operational Guidelines, above n 15, at [98].

<sup>21</sup> This conclusion is supported by the criteria for a property’s inclusion on the List of World Heritage in Danger, which includes threats from both ascertained (“specific and proven imminent danger”) or potential dangers. Operational Guidelines, above n 15, at [179]-[180].

<sup>22</sup> Earthjustice, “Climate change and World Heritage: relationship with the UNFCCC, state party obligations, use of the List of World Heritage in Danger, and the role of adaptation,” above n 7, p. 9.

<sup>23</sup> 2007 Climate Policy, above n 15, p. 7.

<sup>24</sup> See generally, World Heritage Convention, art. 5(d); Operational Guidelines, above n 15, at [96]-[98], [108]-[118].

<sup>25</sup> Updated Policy Document, above n 1, at [58], [76], [78].

<sup>26</sup> World Heritage Reports 22, “Climate change and World Heritage – Report on Predicting and Managing the Impacts of Climate Change on World Heritage” (May 2007).

<sup>27</sup> 30 COM 7.1 at [6].

<sup>28</sup> “Climate change and World Heritage – Report on Predicting and Managing the Impacts of Climate Change on World Heritage,” above n 26, p. 34.

<sup>29</sup> 2007 Climate Policy, above n 15, p. 5.

<sup>30</sup> “Letter from the United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,” above n 7.

<sup>31</sup> “Climate change and World Heritage – Report on Predicting and Managing the Impacts of Climate Change on World Heritage,” above n 26, p. 37.

<sup>32</sup> For example, the United Nations Environment Programme’s Emissions Gap Reports, the environmental performance reviews of the Organisation for Economic Co-Operation and Development, and the publications of non-governmental expert organizations such as Climate Action Tracker, Climate Analytics, and the Climate Change Performance Index.

<sup>33</sup> Updated Policy Document, above n 1, at [21], [27] (response by Secretariat and Advisory Bodies to proposed state party amendments).

<sup>34</sup> See also Earthjustice, “Climate change and World Heritage: relationship with the UNFCCC, state party obligations, use of the List of World Heritage in Danger, and the role of adaptation,” above n 7, pp. 3-7.

<sup>35</sup> Dr. William C.G. Burns, “Belt and Suspenders?: the World Heritage Convention’s Role in Confronting Climate Change” (2009) 17 *Southeastern Environmental L J* 359, 387-388 (“There is no language in the text of the UNFCCC that evinces the intent of the Parties to displace potentially parallel mandates under other regimes to address climate change when this is deemed necessary to effectuate the objectives of those regimes. We must presume that the Parties would have included such language if this was their intent, because States, including many who are Parties to the UNFCCC, have done so in numerous other international environmental regimes where they wished to delineate the relationship of two or more regimes. For example, Article 311 of the United Nations Convention on the Law of the Sea (UNCLOS) provides that UNCLOS prevails between its Parties over the Geneva Conventions on the Law of the Sea. Conversely, Article XIV(4) of the Convention on International Trade in Endangered Species (CITES) provides that its Parties are relieved of their trade obligations for marine species under Appendix II of the Convention if they are also Parties to a marine conservation agreement in force at the time that CITES entered into force. Finally, the Cartagena Protocol on Biosafety to the Convention on Biological Diversity provides that it ‘shall not be interpreted as implying a change in the rights and obligations of a Party under any existing international agreements.’ To the extent that similar language was not included in the UNFCCC, the World Heritage Committee should not [feel] compelled to defer to the climate regime.... Of course, under the Vienna Convention on the Law [of] Treaties[,] drafters of an agreement can also specify that [it is] subordinate to the provisions of another treaty. However, the drafters of the World Heritage Convention did not include such language in the treaty; thus, [there is] no basis to believe that the drafters intended for the agreement to ‘stand down’ when other treaties address similar issues.” (citations omitted.))

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<sup>36</sup> Dr Alessandro Chechi, “The Cultural Dimension of Climate Change: Some Remarks on the Interface Between Cultural Heritage and Climate Change Law” p. 189, in Sabine von Schorlemer and Sylvia Maus (eds), *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity* (Peter Lang AG, 2014) (“[World Heritage Convention] obligations are independent of the obligations under the UNFCCC and the Kyoto Protocol.... [T]he WHC and the UNFCCC are not mutually exclusive [because] ... there is no language in the text of the UNFCCC that evinces the intent of the States Parties to exclude other legal regimes from addressing climate change when this is deemed necessary to effectuate the objectives of those regimes.” (citations omitted)).

<sup>37</sup> Margaret A. Young, “Climate Change Law and Regime Interaction” (2011) *Carbon & Climate L Rev* 147, 150.

<sup>38</sup> UNFCCC, preamble.

<sup>39</sup> See also “Letter from the United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,” above n 7.

<sup>40</sup> See, for example, United Nations Committee on Economic, Social and Cultural Rights, “Climate change and the International Covenant on Economic, Social and Cultural Rights” (Oct. 8, 2018) at [3] (“Quite apart from ... voluntary commitments made under the climate change regime ..., all States have human rights obligations, that should guide them in the design and implementation of measures to address climate change.”), <https://www.ohchr.org/en/statements/2018/10/committee-releases-statement-climate-change-and-covenant?LangID=E&NewsID=23691>; United Nations Office of the High Commissioner of Human Rights, “Five UN human rights treaty bodies issue a joint statement on human rights and climate change” (Sep. 16, 2019), <https://www.ohchr.org/en/statements/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human-rights-and> (“Failure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States’ human rights obligations.”). These treaty bodies are the UN Committees on Economic, Social and Cultural Rights, the Elimination of Discrimination Against Women, the Protection of the Rights of All Migrant Workers and Members of their Families, the Rights of the Child, and the Rights of Persons with Disabilities.

<sup>41</sup> United Nations Office of the High Commissioner of Human Rights, “Five UN human rights treaty bodies issue a joint statement on human rights and climate change,” above n 40, at [2]-[3] under the heading “States’ Human Rights Obligations.”

<sup>42</sup> 2007 Climate Policy, above n 15, at 12.

<sup>43</sup> Imogen Zethoven *et al*, “Managing climate change risks to World Heritage using the In Danger List,” Griffith Climate Action Beacon Policy Discussion Paper, 1/2022, pp. 1-13, at pp. 7-8, [https://www.griffith.edu.au/\\_data/assets/pdf\\_file/0022/1642171/WHCC\\_InDanger\\_CC\\_2022\\_updated.pdf](https://www.griffith.edu.au/_data/assets/pdf_file/0022/1642171/WHCC_InDanger_CC_2022_updated.pdf).

<sup>44</sup> See for example, *id.* at pp. 9-10.

<sup>45</sup> *Id.* at pp. 8-9.