

## **INTRODUCTION**

1. Pursuant to Article 11 Paragraph 4 of the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (“The Convention”) and Section III of the companion *Operational Guidelines for Implementation of the World Heritage Convention* (“The Operational Guidelines”), the Climate Action Network Australia, Friends of the Earth Australia and Greenpeace Australia Pacific (“The Petitioners”) hereby petition the Secretariat & Members of the Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value (“The Committee”) to enter and include World Heritage Site ID number 917 - The Greater Blue Mountains Area<sup>1</sup> – on the List of World Heritage in Danger.
  
2. The Petitioners, pursuant to paragraph 177 (d) of the Operational Guidelines, hereby formally request:
  - a. the assistance of the Committee under the convention;
  - b. the immediate inscription of the Greater Blue Mountains World Heritage Area (“GBMWhA”) on the List of World Heritage in Danger on the basis of serious and specific ascertained and potential dangers arising from the impacts of climate change; and
  - c. the development and adoption of a program for corrective measures.

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<sup>1</sup> Entered in the World Heritage List during the Twenty Fourth Session of the World Heritage Committee in Cairns, 27 November - 2 December 2000 (see *Section X, Part A.1*) Report on the Twenty Fourth Session of the World Heritage Committee WHC-2000/CONF.204/21 Paris, 16 February 2001. <http://whc.unesco.org/archive/repcom00.htm#917>;

3. This Petition is set out in five Sections and 1 Annex as follows:

- **Section 1** - a description of the property;
  
- **Section 2** – sets out the legal framework, listing, immediate action and measures;
  
- **Section 3** addresses:
  - the requirements for the inclusion of a natural property on the List of World Heritage in Danger;
  - the four discretionary supplementary factors which may be borne in mind; and
  - the case for immediate listing;
  
- **Section 4** – proposed corrective measures;
  
- **Annex 1** - UNEP World Conservation Monitoring Centre data.

## **SECTION 1 – DESCRIPTION OF THE PROPERTY**

### **GREATER BLUE MOUNTAINS WORLD HERITAGE AREA - A NATURAL PROPERTY OF OUTSTANDING UNIVERSAL VALUE**

4. The GBMWhA consists of over 1 million ha of sandstone plateaux, escarpments and gorges covered largely by temperate Eucalyptus forests.
5. The site is comprised of eight protected areas, namely:
  - a. Wollemi National Park;
  - b. Blue Mountains National park;
  - c. Yengo National Park;
  - d. Nattai National park;
  - e. Kanangra-Boyd National Park;
  - f. Garden of Stones National Park;
  - g. Jenolan Caves Karst Reserve; and
  - h. Thirlmere Lakes National Park.
6. The GBMWhA is inscribed on the World Heritage List for its representation of the evolutionary adaptation and diversification of the Eucalyptus in post-Gondwana isolation on the Australian Continent. More than 100 eucalypt taxa have now been recorded within the Greater Blue Mountain Area, which is also outstanding for its exceptional expression of the structural and ecological diversity of the Eucalyptus associated with its wide range of habitats.<sup>2</sup>
7. The GBMWhA listing is justified by criteria (ix) and (x) namely:

*“Australia’s eucalypt vegetation is worthy of recognition as of outstanding universal value, because of its adaptability and evolution in post-Gondwana isolation. The site contains a wide and balanced representation of eucalypt habitats from wet and dry sclerophyll, mallee heathlands, as well as localised swamps, wetlands, and grassland. 90 eucalypt taxa (13% of the global total) and representation of all four groups of eucalypts occur. There is also a high*

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<sup>2</sup> United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 46;

*level of endemism with 114 endemic taxa found in the area as well as 120 nationally rare and threatened plant taxa. The site hosts several evolutionary relic species (Wollemia, Microstrobos, Acrophyllum) which have persisted in highly restricted microsites.*<sup>3</sup>

8. Located approximately 100km west of Sydney, New South Wales, South Eastern Australia, the area is described by the Australian Federal Government, Department of Environment as:

*“.....an area of breathtaking views, rugged tablelands, sheer cliffs, deep, inaccessible valleys and swamps teeming with life. The unique plants and animals that live in this outstanding natural place relate an extraordinary story of Australia's antiquity, its diversity of life and its superlative beauty. This is the story of the evolution of Australia's unique eucalypt vegetation and its associated communities, plants and animals..... The property has been described as a natural laboratory for studying the evolution of the eucalypts. The largest area of high diversity of eucalypts on the continent is located in south-east Australia. The Greater Blue Mountains Area includes much of this eucalypt diversity”<sup>4</sup>*

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<sup>3</sup> found at <http://whc.unesco.org/en/list/917/>;

<sup>4</sup> found at <http://www.environment.gov.au/heritage/worldheritage/sites/blue/index.html>;

## **SECTION 2 – LEGAL FRAMEWORK**

### **AUTHORITY FOR PRESENT PETITION:**

9. Pursuant to Article 11(4) of the Convention, the Committee is obliged to:

*“establish, keep up to date and publish, whenever circumstances shall so require, under the title of “List of World Heritage in Danger”, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention... The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large- scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.”*

10. Pursuant to Article 11(5) of the Convention:

*“The Committee shall define the criteria on the basis of a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.”*

11. These criteria and associated provisions are set out in Section IV.B (paragraphs 177- 191) of the Operational Guidelines, originally adopted in 1977. The criteria and provisions relevant to this Petition state:

#### **“IV.B The List of World Heritage in Danger**

##### **Guidelines for the inscription of properties on the List of World Heritage in Danger**

**177.** *In accordance with Article 11, paragraph 4, of the Convention, the Committee may inscribe a property on the List of World Heritage in Danger when the following requirements are met:*

- a) *the property under consideration is on the World Heritage List;*

- b) *the property is threatened by serious and specific danger;*
- c) *major operations are necessary for the conservation of the property;*
- d) *assistance under the Convention has been requested for the property; the Committee is of the view that its assistance in certain cases may most effectively be limited to messages of its concern, including the message sent by inscription of a property on the List of World Heritage in Danger and that such assistance may be requested by any Committee member or the Secretariat.*

*Criteria for the inscription of properties on the List of World Heritage in Danger*

**178.** *A World Heritage property - as defined in Articles 1 and 2 of the Convention - can be inscribed on the List of World Heritage in Danger by the Committee when it finds that the condition of the property corresponds to at least one of the criteria in either of the two cases described below.*

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**180.** *In the case of **natural properties**:*

- a) **ASCERTAINED DANGER** - *The property is faced with specific and proven imminent danger, such as:*
  - i) *A serious decline in the population of the endangered species or the other species of outstanding universal value for which the property was legally established to protect, either by natural factors such as disease or by man-made factors such as poaching.*
  - ii) *Severe deterioration of the natural beauty or scientific value of the property, as by human settlement, construction of reservoirs which flood important parts of the property, industrial and agricultural development including use of pesticides and fertilizers, major public works, mining, pollution, logging, firewood collection, etc.*
  - iii) *Human encroachment on boundaries or in upstream areas which threaten the integrity of the property.*

- b) **POTENTIAL DANGER** - *The property is faced with major threats which could have deleterious effects on its inherent characteristics. Such threats are, for example:*
- i) *a modification of the legal protective status of the area;*
  - ii) *planned resettlement or development projects within the property or so situated that the impacts threaten the property;*
  - iii) *outbreak or threat of armed conflict;*
  - iv) *the management plan or management system is lacking or inadequate, or not fully implemented.*

**181.** *In addition, the factor or factors which are threatening the integrity of the property must be those which are amenable to correction by human action. In the case of cultural properties, both natural factors and man-made factors may be threatening, while in the case of natural properties, most threats will be man-made and only very rarely a natural factor (such as an epidemic disease) will threaten the integrity of the property. In some cases, the factors threatening the integrity of a property may be corrected by administrative or legislative action, such as the cancelling of a major public works project or the improvement of legal status.*

**182.** *The Committee may wish to bear in mind the following supplementary factors when considering the inclusion of a cultural or natural property in the List of World Heritage in Danger:*

- a) *Decisions which affect World Heritage properties are taken by Governments after balancing all factors. The advice of the World Heritage Committee can often be decisive if it can be given before the property becomes threatened.*
- b) *Particularly in the case of ascertained danger, the physical or cultural deteriorations to which a property has been subjected should be judged according to the intensity of its effects and analyzed [sic] case by case.*
- c) *Above all in the case of potential danger to a property, one should consider that:*
  - i) *the threat should be appraised according to the normal evolution of the social and economic framework in which the property is situated;*
  - ii) *it is often impossible to assess certain threats - such as the threat of armed conflict - as to their effect on cultural or natural properties;*

*iii) some threats are not imminent in nature, but can only be anticipated, such as demographic growth.*

*d) Finally, in its appraisal the Committee should take into account any cause of unknown or unexpected origin which endangers a cultural or natural property.*

12. These requirements for listing, and the discretionary supplementary factors, are now addressed in detail in Section 3. The provisions covering the program of corrective measures are dealt with in Section 4.



## **SECTION 3 – THE REQUIREMENTS**

### **THE GREATER BLUE MOUNTAINS WORLD HERITAGE AREA MEETS THE REQUIREMENTS FOR INCLUSION ON THE LIST OF WORLD HERITAGE IN DANGER**

#### **Requirement 1 - The property under consideration is on the World Heritage List**

13. Australia ratified the Convention on 22 August 1974<sup>5</sup> and the Greater Blue Mountains Area was inscribed on the World Heritage List in 2000.<sup>6</sup> The GBMWA met the qualifying factors for a natural heritage site listing under Section I, Article 2 of the Convention, which requires:

*"Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;*

*Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;*

*Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty."<sup>7</sup>*

14. The GBMWA natural site datasheet from the UNEP World Conservation Monitoring Centre is reproduced in Annex 1 to this Petition.

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<sup>5</sup> <http://whc.unesco.org/pg.cfm?cid=246>;

<sup>6</sup> <http://whc.unesco.org/en/list>;

<sup>7</sup> *Convention Concerning the Protection of the World Cultural and Natural Heritage*, Section I, Article 2.  
[http://whc.unesco.org/world\\_he.htm#debut](http://whc.unesco.org/world_he.htm#debut);

**Requirement 2 - The Greater Blue Mountains World Heritage Area is Threatened by Serious and Specific Ascertained and Potential Dangers**

15. The Petitioners request that the GBMWhA be entered and included on the List of World Heritage in Danger on the basis that it also meets the second requirement namely that it is threatened by serious and specific ascertained and potential danger.
16. The required threat – ascertained or potential - of serious and specific danger is specified in article 11(4) of the Convention and paragraph 177 (b) of the Operational Guidelines.
17. For the purposes of establishing Ascertained or Potential Danger, it is necessary pursuant to paragraph 178 of the Operational Guidelines that at least one (1) of the criteria set out in paragraphs 179 or 180 is required to correspond based on whether the subject property is one which is cultural or natural. As the GBMWhA is a "natural property," paragraph 180 is the operative paragraph.

**Ascertained Danger**

18. The GBMWhA is faced with serious and specific proven imminent danger due to the effects of climate change.
19. The United Nations Environment Program considers climate change to be:  
  
*"the biggest threat facing humankind, with extreme weather events, droughts and rises in disease forecast for many parts of the globe over the coming decade."<sup>8</sup>*
20. The Intergovernmental Panel on Climate Change ("IPCC") Fourth Assessment report released in February 2007 confirms that atmospheric concentrations of the major greenhouse gases, carbon dioxide, methane and nitrous oxide have all

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<sup>8</sup> UNEP, News Release 2002/20: "Global Warming Triggers Glacial Lakes Flood Threat- Himalayan Lakes at High Risk of Bursting their Banks with Devastating Consequences for People and Property." Geneva, 16 April 2002;

increased significantly since pre-industrial times because of human activities. For example, carbon dioxide concentrations have risen by just over one third, namely from 280 parts per million (ppm) circa 1750, to 379 ppm circa 2005<sup>9</sup>. The current concentration is far higher than the natural range of 180-300 ppm over at least the last 650,000 years, as determined from ice core samples<sup>10</sup>.

21. The Stern Report<sup>11</sup> at Part 3, page 168, The Economics of Stabilisation, sets out that the stabilisation targets ought be somewhere in the vicinity of 450 to 550 ppm co2e. Where a stabilisation occurs at around 550 ppm there is a 63 – 99% chance of average temperature increase of 2 degrees C and a maximum of 41% chance of an average temperature increase of 5 degrees C<sup>12</sup>. It is highly likely that the Earth will experience an increase of average surface temperature of at least 2 degrees C.
22. Some of the expected global impacts of global warming during the 21<sup>st</sup> century include:
  - Increase in extent of drought affected areas<sup>13</sup>;
  - Water supplies stored in glaciers and snow cover are projected to decline reducing water availability in regions supplied by meltwater from major mountain ranges, where more than one-sixth of the world population currently lives<sup>14</sup>;
  - Approximately 20 – 30% of plant and animal species assessed so far are likely to be at increased risk of extinction if increases in global average temperature exceed 1.5 – 2.5 degrees C and significant extinctions around the globe where global average temperature increase exceeds 4 degrees C<sup>15</sup>;
  - Major changes in ecosystem structure and function, species' ecological interaction, and species' geographical ranges, with predominantly negative

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<sup>9</sup> Source: Intergovernmental Panel on Climate Change (IPCC), 2007: Climate Change 2007: The Physical Science Basis;

<sup>10</sup> UK Draft Climate Change Bill Consultation Document, at 2.3 Background: Science of Climate Change, March 2007;

<sup>11</sup> Report Commissioned by the Government of the United Kingdom in 2006 to consider the economic effects Climate Change, released November 2006;

<sup>12</sup> Stern Report Part 3, The Economics of Stabilisation, page 195;

<sup>13</sup> IPCC WGII Contribution to the Intergovernmental Panel on Climate Change Fourth Assessment Report Climate Change 2007: Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers, April 2007;

<sup>14</sup> Ibid;

<sup>15</sup> Ibid;

consequences for biodiversity and ecosystem goods and services (eg water and food supply) where global average temperature increase exceeds 1.5 – 2.5 degrees<sup>16</sup>;

- Negative impacts on marine shell formation organisms (eg corals) and their dependant species due to progressive acidification of oceans with expected widespread coral mortality expected to occur where global average temperature increase exceeds 2.5 degrees C<sup>17</sup>;
- the potential for food production is expected to increase with increases in local average temperature over a range of 1 – 3 degrees C, but above this it is projected to decrease<sup>18</sup> with an expected global downturn in productivity expected with an increase in global average temperature of approximately 2 degrees C<sup>19</sup>;
- many millions of people, mainly in the large mega deltas of Asia and Africa and small islands are projected to be flooded every year due to sea level rises by the 2080's<sup>20</sup>; and
- the health status of millions of people are projected to be effected through increases in malnutrition with implications for child growth and development, increased deaths due to heat waves, floods, storms, fires and drought, increase burden of diarrhoeal disease, increased cardio-respiratory diseases and altered spacial distribution of some infectious disease vectors<sup>21</sup>;

23. The IPCC have identified more specific effects on the expected future impacts on Australia which include:

- intensified water security problems in southern and eastern Australia by 2030<sup>22</sup>;
- increased loss of biodiversity expected by 2020 in some ecologically rich sites including:

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<sup>16</sup> Ibid;

<sup>17</sup> Ibid;

<sup>18</sup> Ibid;

<sup>19</sup> Ibid;

<sup>20</sup> per Martin Parry, Co Chair IPCC; Press Conference, 6 April 2007, Brussels;

<sup>21</sup> IPCC WGII Contribution to the Intergovernmental Panel on Climate Change Fourth Assessment Report Climate Change 2007: Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers, April 2007;

<sup>22</sup> Ibid;

- the Great Barrier Reef;
  - the Queensland Wet Tropics;
  - the Kakadu Wetlands;
  - South West Australia;
  - Sub Antarctic Islands; and
  - The Alpine Areas of Australia and New Zealand<sup>23</sup>.
- ongoing coastal development and population growth in Cairns and Southeast Queensland are projected to be at risk from sea-level rise and increased severity and frequency of storms and coastal flooding<sup>24</sup>; and
  - decline in agriculture and forestry in southern and eastern Australia by 2030<sup>25</sup>;

24. In this context it must be noted that:

*“if anything the IPCC understates<sup>26</sup>”.*

25. Adaptation to the effects of climate change must occur immediately or it is expected to cost many billions of dollars and a heavy toll in human suffering within the next few decades including as many as 50 million refugees by the year 2010<sup>27</sup> and at least 1 billion people will be forced from their homes between now and 2050 as the effects of climate change deepen an already burgeoning migration crisis<sup>28</sup>.
26. Recent variations in average mean maximum temperature in the GBMWHHA between the months of November 2006 and March 2007 when compared with the mean maximum temperature average measured over the period from 1907 to 2007<sup>29</sup> shows as follows:

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<sup>23</sup> Ibid;

<sup>24</sup> Ibid;

<sup>25</sup> Ibid;

<sup>26</sup> per Martin Parry, Co Chair IPCC; Press Conference, 6 April 2007, Brussels;

<sup>27</sup> <http://www.ft.com/cms/s/97519660-e409-11db-bf06-000b5df10621.html>

<sup>28</sup> <http://www.christianaid.org.uk/news/media/pressrel/070514p.htm>;

<sup>29</sup> [http://www.bom.gov.au/climate/averages/tables/cw\\_063039.shtml](http://www.bom.gov.au/climate/averages/tables/cw_063039.shtml)

- November 2006 + 2.2 degrees Celsius<sup>30</sup>;
- December 2006 - .6 degrees Celsius<sup>31</sup>;
- January 2007 + 2.6 degrees Celsius<sup>32</sup>;
- February 2007 + .4 degrees Celsius<sup>33</sup>; and
- March 2007 + 1.5 degrees Celsius<sup>34</sup>.
- April 2007 + 1.2 degrees Celsius<sup>35</sup>;
- May 2007 + 3.6 degrees Celsius<sup>36</sup>;

27. Australia has seen a 0.7 degree C average increase in temperature between 1910 and 1999 with most of that increase occurring since 1950<sup>37</sup>. Climate Model projections of the Australian Commonwealth Scientific and Industrial Research Organization (“CSIRO”) indicate an increase of average annual temperature ranging from .4 degrees to 2.0 degrees C by 2030 and as much as 1 to 6 degrees C by 2070<sup>38</sup>. This change in climate regime raises a special concern for forests, where the impacts of increased temperatures could lead to an increased risk of more frequent, intense, and destructive wildfires<sup>39</sup>.

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<sup>30</sup> <http://www.bom.gov.au/climate/dwo/200611/html/IDCJDW2068.200611.shtml>;

<sup>31</sup> <http://www.bom.gov.au/climate/dwo/200612/html/IDCJDW2068.200612.shtml>;

<sup>32</sup> <http://www.bom.gov.au/climate/dwo/200701/html/IDCJDW2068.200701.shtml>;

<sup>33</sup> <http://www.bom.gov.au/climate/dwo/200702/html/IDCJDW2068.200702.shtml>;

<sup>34</sup> <http://www.bom.gov.au/climate/dwo/200703/html/IDCJDW2068.200703.shtml>;

<sup>35</sup> <http://www.bom.gov.au/climate/dwo/200704/html/IDCJDW2068.200704.shtml>;

<sup>36</sup> <http://www.bom.gov.au/climate/dwo/200705/html/IDCJDW2068.200705.shtml>;

<sup>37</sup> N. Plummer, Z. Lin and S. Torak, 1995, Trends in the Diurnal Temperature Range over Australia Since 1951, *Atmospheric Research*, 37 pp 79 – 86; S.J. Torok and N. Nicholls, 1996, A Historical Annual Temperature Data Set for Australia. *Australian Meteorological Magazine*, 45, pp. 251 – 260;

<sup>38</sup> M. Howden, 2003, Climate Trends and Climate Change Scenarios, in *Climate Change Impacts on Biodiversity in Australia* (ed), (M. Howden, L. Hughes, M. Dunlop, I. Zethoven, D. Hilbert and C. Chilcott), pp 8 – 13. Canberra, Commonwealth of Australia, <http://www.deh.gov.au/biodiversity/publications/greenhouse/pubs/climate-change.pdf>;

<sup>39</sup> United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 46;

## **Climate Change Is Placing the GBMWA in Serious and Imminent Danger Due to an Increased Risk of Wildfire**

28. Bushfires have been part of Australia's environment for millions of years. Our natural ecosystems have evolved with fire, and our landscapes and their biological diversity have been shaped by both historical and recent patterns of fire<sup>40</sup>. South-eastern Australia has highest risk in spring, summer and autumn. This region has the reputation of being one of the three most fire prone areas in the world, along with southern California and southern France<sup>41</sup>.
29. In the GBMWA between 2 and 40 wildfires have been recorded per year, with an average of around 14 wildfires per year<sup>42</sup>. The potential effects of climate change on wildfire regimes in this area should be carefully assessed<sup>43</sup>.
30. An increase in fire-weather risk is likely at most sites in South-East Australia in 2020 and 2050, including the average number of days when the Forest Fire Danger Index ("FFDI") rating is very high or extreme. The combined frequencies of days with very high and extreme FFDI ratings are likely to increase 4-25% by 2020 and 15-70% by 2050<sup>44</sup>.
31. The Eucalyptus forests of the GBMWA are amongst the most fire-dependant forest ecosystems in the world<sup>45</sup>. Many species of Eucalyptus, banksias and other native flora have become so adapted to fire that they only release their seeds after burning has taken place, the ash compensating for the often nutrient-poor soils<sup>46</sup>. There is usually a high rate of re-growth of Eucalyptus and banksias within the first three years following a major fire. However, a second hot fire, during that stage in the regeneration process, can lead to severe stress and a

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<sup>40</sup> CARY 2002;

<sup>41</sup> Climate change impacts on fire-weather in south-east Australia K. Hennessy, C. Lucas\* N. Nicholls\* J. Bathols, R. Suppiah and J. Ricketts CSIRO Marine and Atmospheric Research, Bushfire CRC and Australian Bureau of Meteorology December 2005;

<sup>42</sup> Blue Mountains Bushfire management Committee Bushfire Risk Management Plan;

<sup>43</sup> United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 47;

<sup>44</sup> Ibid 41;

<sup>45</sup> Ibid 43;

<sup>46</sup> Ibid;

- loss of species diversity by killing plants before they have matured sufficiently to produce seeds resulting in a significant decline in the diversity of the major Eucalyptus species and other flora of the region<sup>47</sup>, a change which would have serious consequences for the World Heritage values and ecosystem integrity of the area.<sup>48</sup>
32. On the basis of the above, the Petitioners assert that the GBMWHA faces both specific and proven imminent danger and hence pursuant to paragraph 180 of the operational guidelines for the purposes of satisfying Art 11(4) of the Convention and paragraph 177 of the Operational Guidelines that danger is clearly “Ascertained”.
33. The GBMWHA will, as a result of the ascertained danger from climate change face a serious decline in the population of species of outstanding universal value for which the property was established to protect.

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<sup>47</sup> J. Merson, 2004, Climate Change and Ecological Stress: The Impact of Increased Forest Fire Frequency and Intensity on Australian Protected and World Heritage Areas, in proceeding of the 3<sup>rd</sup> IUCN World Conservation Congress, Geneva, Switzerland;

<sup>48</sup> R.A. Bradstock and B.J. Kenny, 2003, An Application of Plant Functional Types to Fire Management in a Conservation Reserve in South Eastern Australia, *Journal of Vegetation Science*, 14, pp. 345 – 354;



## **Climate Change Is Placing Flora and Fauna of GBMWA in Serious and Imminent Danger.**

34. Increasing temperatures threaten flora and fauna of the very limited wetter, higher altitude parts of the area, by forcing species to move up the mountains in response to rising temperatures and by reducing availability of water. One of the attributes of the GBMWA relevant to its listing under natural criteria is the variability of the vegetation in response to decreasing temperature across an altitude range from 100m to 1,400m<sup>49</sup>.
35. For example, the upland swamps of the GBMWA contain some unique species that are adapted to seasonally waterlogged soils. These species are at risk of displacement by species tolerant to drier soils. Upland swamps also provide habitat for the endangered skink *Elamprus hamiltonii* and the Giant Dragonfly. Their ability to retain and slowly release water also contributes to the survival of the threatened plants such as *Microstrobis fitzgeraldii* and *Epacris hamiltonii*, which have adapted to permanently moist habitats. Swamps that are currently at the lower end of the suitable rainfall spectrum would be most vulnerable to contradiction due to changes in rainfall and / or evaporation associated with climate change<sup>50</sup>.
36. For the reasons stated in paragraphs 18 – 35 herein, the GBMWA will suffer severe deterioration of its natural beauty and scientific value in the population of the species of outstanding universal value for which the property was established to protect and hence ought be inscribed on the World Heritage in danger list.

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<sup>49</sup> Ibid;

<sup>50</sup> Ibid;

## **Potential Danger**

37. The GBMWhA will be faced with major threats, which could have deleterious effects on its inherent characteristics in the event that the Committee fails to include the GBMWhA on the in-danger list.

## **Current Management Plans for the GBMWhA are Lacking and Inadequate**

38. The current Blue Mountains Bushfire Management Committee Bushfire Risk Management Plan (“the Bushfire Risk Management Plan”) contains extensive reference to climate however it contains no reference to climate change and the potential effects of climate change on the risk management of the area in the context of bushfire. The Petitioners assert that on this basis the Bushfire Risk Management Plan is clearly lacking and inadequate.
39. The Blue Mountains National Park Plan of Management prepared by the New South Wales Department of National Parks and Wildlife in accordance with the Convention by the Minister for Environment on 1 May 2001<sup>51</sup> (“the Plan of Management”) also contains no reference to climate change and the potential effects of climate change on the GBMWhA. The Petitioners assert that on this basis the Plan of Management is clearly lacking and inadequate.
40. In addition to the abovementioned Plans of Management, the other properties which make up the entirety of the GBMWhA have either an adopted or advanced draft Plan of Management in place.
  - a. Adopted plans of management are being implemented for Nattai National Park, Kanangra National Park, Jenolan Caves Karst Conservation Reserve, Thirlmere Lakes National Park and Wollemi National Park.

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<sup>51</sup> Blue Mountains National Park Plan of Management at page 2;

- b. Draft plans have been prepared and exhibited for Yengo National Park and Gardens of Stone National Park and are awaiting ministerial adoption.<sup>52</sup>
41. The issue of climate change and potential impact of climate change on the GBMWhA inherent characteristics is not considered in any of the following Strategy and Management Plans and hence, the following Management Plans are also lacking or inadequate:
- a. Nattai National Park Draft Fire Management Strategy which includes Thirlmere Lakes National Park;
  - b. Nattai National Park Plan of Management;
  - c. Kanangra-Boyd National Park Plan of Management;
  - d. Jenolan Karst Conservation Reserve Draft Plan of Management;
  - e. Thirlmere Lakes National Park and Nattai Reserves System Fire Management Strategy;
  - f. Thirlmere Lakes National Park New Plan of Management;
  - g. Wollemi National Park Fire Management Strategy;
  - h. Wollemi National Park Plan of Management;
  - i. Yengo National Park - Big Yango Precinct - Draft Plan of Management
  - j. Yengo National Park Fire Management Strategy; and
  - k. Gardens of Stone National Park Draft Plan of Management.
42. In August 2005, the Australian Government, Department of Environment and Heritage released a Draft Strategic Plan in relation to the GBMWhA which was on public exhibition from 1 September to 14 October 2005 (“the Draft Strategic Plan”). Notwithstanding that the Draft Strategic Plan has not been finalized or formally adopted, it does not adequately address the issue of climate change and in that regard, states:

*“Threats such as the impacts of human induced climate change which are beyond the influence of management agencies, are considered to be also beyond the scope of this document.”*

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<sup>52</sup> Greater Blue Mountains World Heritage Area – Australia, Dr John Merson – Impact of climate change on World Heritage Sites, Expert meeting at UNESCO HQ March 16-17, 2006 at page 3;

43. The Petitioners assert that the Draft Strategic Management Plan is clearly lacking or inadequate.
  
44. Based on the matters raised herein, the GBMWAH faces a major threat of deleterious effects on its inherent characteristics on the basis that:
  - a. The property has not been inscribed on the World Heritage In danger list and such inscription would be a requisite modification of the legal protective status of the area; and
  
  - b. Each and every Management Plan for the areas which make up the GBMWAH is lacking and inadequate and in this regard the Petitioners assert that the criteria in paragraph 180(b)(iv) of the Operational Guidelines is made out.

**Requirement 3 - Major operations are necessary for the conservation of the property**

45. Major operations are necessary to ensure compliance with the duty of Australia to ensure the protection, conservation, presentation and transmission to future generations of the natural heritage of the GBMWA.
46. In the medium to longer term, environmental changes resulting from global climate change have the potential for significant impacts on the integrity of the GBMWA. The integrity of the GBMWA also depends on ensuring that appropriate long term legislative and regulatory and institutional arrangements [operations] are in place<sup>53</sup>.
47. These operations fall into three categories:
  - a. Management of the increased risk of wildfire;
  - b. Management of species invasion, shrinkage and dislocation; and
  - c. Reduction of the risks of climate change.

**Management of the Increased Risk of Wildfire**

48. The Eucalyptus forests of the GBMWA are amongst the most fire dependant forest ecosystems in the world. The blue haze of the region, from which it derives its name, is caused by the highly flammable eucalyptus oil being released into the atmosphere in response to heat. Many species of Eucalyptus, banksias and other native flora and fauna have become so adapted to fire that they only release their seeds after burning has taken place, the ash compensating for the often nutrient-poor soils<sup>54</sup>.

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<sup>53</sup> Australian Government, Department of Environment and Heritage Draft Strategic Plan, August 2005;

<sup>54</sup> United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 47;

49. There is usually a high rate of re-growth of Eucalyptus and banksias within the first three years following a major fire. However, a second hot fire, during that stage in the regeneration process, can lead to severe stress and a loss of species diversity by killing plants before they have matured sufficiently to produce seeds. Consequently, if the interval of intense bush fires moved from long cycles of ten to twenty years to below six years there would be a significant decline in the diversity if the major Eucalyptus species and other flora in the region,<sup>55</sup> a change which would have serious consequences for the World Heritage values and ecosystems integrity of the area<sup>56</sup>.
50. The factors threatening the GBMWha are amendable to correction by human action through administrative legislative action and the improvement of the legal status of the property.
51. As the GBMWha borders Sydney's rapidly expanding suburban boundaries, there is a real risk of conflicting policy priorities between the protection of urban property and that of biodiversity conservation<sup>57</sup>.
52. The United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage released in April 2007 states at page 47:

*“Several strategies are being developed to protect the Greater Blue Mountains World Heritage Area from the adverse impact of wildfire in the context of a changing climate. The first is to implement more informed policies through increased research into fire behavior and its ecological impacts, especially following the very destructive fires of 2002 that led to the establishment of a Bushfire Cooperative Research Centre in December 2003 (footnote 27). The second concerns the use of controlled or mosaic burning to limit the risk of intense and ecologically destructive fires, appropriately designed to take into account the specific ecosystems involved.”*

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<sup>55</sup> J. Merson, 2004, Climate Change and Ecological Stress: The Impact of Increased Forest Fire Frequency and Intensity on Australian Protected and World Heritage Areas, in proceeding of the 3<sup>rd</sup> IUCN World Conservation Congress, Geneva, Switzerland per United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 47;

<sup>56</sup> R.A. Bradstock and B.J. Kenny, 2003, An Application of Plant Functional Types to Fire Management in a Conservation Reserve in South Eastern Australia, Journal of Vegetation Science, 14, pp. 345 – 354 per United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 47;

<sup>57</sup> United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 47;

53. The Petitioners point out that footnote 27 to the United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 47 is not included in the document nor is there any reference to support the assertion that a strategy is being developed concerning the use of controlled or mosaic burning to limit the risk of intense and ecologically destructive fires.

54. The precise nature of the operations that are necessary to conserve the property must be determined on a case by case basis, in consultation with the Australian Federal Government, the New South Wales State Government and local communities, and incorporated within the program for corrective measures. Such operations should include:

a. A comprehensive review of the Bushfire Risk Management Plan and each and every other Bushfire Risk management plan relevant to the GBMWA to take into consideration:

- (1) Bushfire Risk Management;
- (2) Fire behaviour and its ecological impacts; and
- (3) The use of controlled or mosaic burning to limit the risk of intense and ecologically destructive fires.

in the context of Global Climate Change and the potential and ascertained dangers Global Climate Change poses to the GBMWA;

b. A comprehensive review of the Blue Mountains National Park Plan of Management and every other Management Plan relevant to the GBMWA to take into consideration Global Climate Change and the potential and ascertained dangers Global Climate Change poses to the GBMWA; and

c. Immediate steps to finalise the Australian Government, Department of Environment and Heritage Draft Strategic Plan released in August 2005

taking into consideration human induced climate change and how the factors threatening the GBMWA are amendable to correction by human action through administrative legislative action and the improvement of the legal status of the property.

### **Management of Species Invasion, Shrinkage and Dislocation.**

55. Australia has seen a 0.7 degree C average increase in temperature between 1910 and 1999 with most of that increase occurring since 1950<sup>58</sup>. Climate Model projections of the Australian Commonwealth Scientific and Industrial Research Organization (“CSIRO”) indicate an increase of average annual temperature ranging from .4 degrees to 2.0 degrees C by 2030 and as much as 1 to 6 degrees C by 2070<sup>59</sup>.
56. In the context of the GBMWA, increasing temperatures may threaten flora and fauna of the very limited wetter, higher altitude parts of the area, by forcing species to move up the mountains in response to rising temperatures and by reducing availability of water. One of the attributes of the GBMWA relevant to its listing under natural criteria is the variability of the vegetation in response to decreasing temperature across an altitude range from 100m to 1,400m<sup>60</sup>.
57. For example, as previously stated, the upland swamps of the GBMWA contain some unique species that are adapted to seasonally waterlogged soils. These species are at risk of displacement by species tolerant to drier soils. Upland swamps also provide habitat for the endangered skink *Elamprus hamiltonii* and the Giant Dragonfly. Their ability to retain and slowly release water also contributes to the survival of the threatened plants such as *Microstrobis fitzgeraldii* and *Epacris hamiltonii*, which have adapted to permanently moist habitats. Swamps that are currently at the lower end of the suitable rainfall

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<sup>58</sup> N. Plummer, Z. Lin and S. Torak, 1995, Trends in the Diurnal Temperature Range over Australia Since 1951, Atmospheric Research, 37 pp 79 – 86; S.J. Torok and N. Nicholls, 1996, A Historical Annual Temperature Data Set for Australia. Australian Meteorological Magazine, 45, pp. 251 – 260;

<sup>59</sup> United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage, April 2007 at p. 46;

<sup>60</sup> Ibid;



spectrum would be most vulnerable to contradiction due to changes in rainfall and / or evaporation associated with climate change<sup>61</sup>.

58. The factors threatening the GBMWhA are amendable to correction by human action through administrative legislative action and the improvement of the legal status of the property.

59. The United Nations Educational, Scientific and Cultural Organization Case Studies on Climate Change and World Heritage released in April 2007 states at page 47:

*“Several research projects regarding the impacts of climate change on the Greater Blue Mountains World Heritage Area are being conducted under the auspices of the Australian Greenhouse Office, the new South Wales Department of Environment and Conservation and the Blue Mountains World Heritage Institute. The topics under study include impacts on biodiversity and ecosystem functions (terrestrial and aquatic), synergistic affects on other threats such as invasive species, and risks posed by bushfires to people and properties.”*

60. The Petitioners point out that there are no references quoted to support the assertion that any such research is being undertaken. However, incomplete research projects funded by the NSW Department of Environment and Conservation include:

- a. Effects of Climate Change on Risks posed by Bushfire to Biodiversity, ecosystems processes and People (DEC Ross Bradstock)<sup>62</sup>;
- b. Biodiversity Impacts Study: Key Ecological Processes and Biodiversity / Threatened Species Risk Assessment (DEC – Dr Tony Auld)<sup>63</sup>;
- c. Extension of regional Conservation Planning Tools to Address Potential Climate Change Impacts on Biodiversity (DEC – Dr Simon Ferrier)<sup>64</sup>;

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<sup>61</sup> Ibid;

<sup>62</sup> Greater Blue Mountains World Heritage Area – Australia, Dr John Merson – Impact of climate change on World Heritage Sites, Expert meeting at UNESCO HQ March 16-17, 2006 at page 3;

<sup>63</sup> Ibid;

<sup>64</sup> Ibid;

- d. Assessing the Impacts of Climate Change on Invasive Species (DEC/DPI – Dr Paul Downey DEC)<sup>65</sup>; and
  - e. Climate Change Impacts on Aquatic Ecosystems (DEC – Tim Pritchard)<sup>66</sup>.
61. The precise nature of the operations must be determined on a case by case basis, in consultation with the Australian Federal Government, the New South Wales State Government and local communities, and incorporated within the program for corrective measures. Such operations should include:
- a. A comprehensive review of the Blue Mountains National Park Plan of Management and each and every other Plan of Management within the GBMWhA to take into consideration the effects of Global Climate Change and the potential and ascertained dangers Global Climate Change poses to the GBMWhA in the context of Species Invasion, Shrinkage and Dislocation; and
  - b. Immediate steps to finalise each of the incomplete research initiatives referred to above and the Australian Government, Department of Environment and Heritage Draft Strategic Plan released in August 2005 taking into consideration human induced climate change and how the factors threatening the GBMWhA are amendable to correction by human action through administrative legislative action and the improvement of the legal status of the property.

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<sup>65</sup> Ibid;

<sup>66</sup> Ibid;

## Reducing the Risks of Climate Change

62. It is clear that, in addition to the aforementioned, major operations are needed to reduce the amount of climate change that will occur and consequently cause damage to the property.
63. Inherent in the nature of climate change is the need for these operations – namely, the reduction in the emissions of greenhouse gases – to be undertaken by those who contribute most to this global problem.
64. Article 4 of 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.”*  
(emphasis added)
65. The principle of Intergenerational Equity is implicit within Article 4 and it is of very high importance in the context of potential damage to the GBM WHA due to the ascertained and potential dangers posed by human induced climate change.
66. The international community, under the United Nations Framework Convention on Climate Change (“UNFCCC”) and the Kyoto Protocol (“KP”), has decided so far, that obligations to reduce greenhouse gas emissions should lie with developed countries. It is important to note that Australia is one of two (2) developed Nations (the other being the US) which has not ratified the Kyoto Protocol.
67. There is scientific consensus that we must avoid global warming of more than 2°C above pre-industrial levels, since the impacts past this point become severe and irreversible.

68. Recent science has found global emissions must fall by at least 55 per cent of 1990 levels by 2050 in order to stabilise CO<sub>2</sub>e concentrations at 400ppm and minimise the risk of exceeding 2°C to 8 - 57 per cent.<sup>67</sup>
69. In accordance with the principles of the UN Framework Convention on Climate Change, developed countries must aim for higher (than the global average) targets, since they have contributed to 76 per cent of emissions to date and have much higher per capita emissions.<sup>68</sup>
70. Using this principle, developed countries like Australia need to reduce their domestic emissions by at least 30 per cent of 1990 levels by 2020, and 80–90 per cent below 1990 levels by 2050.<sup>69</sup>

### **Australia is the Worlds Largest Exporter of Coal and hence is a Significant Contributor to Global Climate Change**

71. Burning Fossil Fuels, such as coal, is responsible for the majority of the carbon dioxide emissions produced by humans<sup>70</sup>. Put another way; burning coal is one of the main causes of climate change.
72. Australia is the world's largest coal exporter and black coal ("Anthracite") is Australia's largest export worth around \$24.5 billion in 2005 / 06<sup>71</sup>. The Australian Coal Association states that:

*"coal underpins the international competitiveness of the entire Australian economy"<sup>72</sup>.*

<sup>67</sup> Meinshausen M. (2006) 'What does a 2°C target mean for greenhouse gas concentrations? A brief analysis based on multi-gas emission pathways and several climate sensitivity uncertainty estimates' Published in 'Avoiding Dangerous Climate Change' UK Department of Environment, Food and Rural Affairs page 270 accessed at <http://www.defra.gov.uk/environment/climatechange/research/dangerous-cc/index.htm> May 2007

<sup>68</sup> World Resources Institute (2005) 'Navigating the Numbers' accessed at [http://pdf.wri.org/navigating\\_numbers\\_chapter6.pdf](http://pdf.wri.org/navigating_numbers_chapter6.pdf) March 2007

<sup>69</sup> den Elzen M.G.J, Meinshausen M. (2006) 'Multi-gas Emission Pathways for Meeting the EU 2°C Climate Target' Published in 'Avoiding Dangerous Climate Change' UK Department of Environment, Food and Rural Affairs page 306 accessed at <http://www.defra.gov.uk/environment/climatechange/research/dangerous-cc/index.htm> May 2007

<sup>70</sup> Joint science academies' statement: Global response to climate change located via link <http://www.greenpeace.org/international/campaigns/climate-change/science>;

<sup>71</sup> <http://www.australiancoal.com.au/overview.htm#industryoverview>;

<sup>72</sup> Ibid;

73. In 2005 / 2006 Australia exported approximately 233 million tonnes (Mt) of coal<sup>73</sup>, (30% of the worlds total) to 35 countries across the globe including Japan, the Republic of Korea, Taiwan, India, China, the United Kingdom, France, Spain, Brazil and Mexico<sup>74</sup>.
74. For every 1 tonne of carbon combusted, approximately 3.7 tonnes of CO<sub>2</sub> is created<sup>75</sup> therefore, the end use burning of 233Mt of coal per annum will generate approximately 870Mt of carbon dioxide entering the atmosphere as a result of coal which is extracted in one year in Australia and sold by companies operating in Australia. Put in context, this is approximately 300Mt more carbon dioxide than Australia released during 2004<sup>76</sup>.
75. It is expected that by 2009 / 2010, Australia will be exporting upwards of 370Mt of coal<sup>77</sup> which will, when burnt, emit in excess of 1,369MT of additional CO<sub>2</sub> into the atmosphere.
76. Newcastle, in the Hunter Valley, is the largest coal export port in the World<sup>78</sup>. For this reason it is necessary to seriously consider the current and future status of this “hub” of coal extraction and export.
77. Despite the warnings about the probable global effects of climate change, the coal extraction and export industry of the Hunter Valley in New South Wales is currently undergoing a massive expansion, which will increase the Australian export capacity and extraction of coal significantly. The current levels of annual coal exported from the Hunter Valley as at 2006 have reached a record high of 80Mt<sup>79</sup>.
78. Recent planning approvals in this regard include:

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<sup>73</sup> ABARE, Australian Commodities, Energy in Australia 2005;

<sup>74</sup> <http://www.australiancoal.com.au/exports.htm>;

<sup>75</sup> <http://www.bp.com/sectiongenericarticle.do?categoryId=9008658&contentId=7016688>;

<sup>76</sup> based on figures on the website for the Australian Department of Environment and Heritage Australian Greenhouse Office which sets out that Australia released 564,727.76 Gg(1,000 Tonnes) of Carbon Dioxide equivalent emissions, Kyoto accounting in 2004 see

[http://www.ageis.greenhouse.gov.au/GGIDMUserFunc/QueryModel/Ext\\_QueryModelResults.asp#resultStartMarker](http://www.ageis.greenhouse.gov.au/GGIDMUserFunc/QueryModel/Ext_QueryModelResults.asp#resultStartMarker);

<sup>77</sup> ABARE, Australian Commodities, Energy in Australia 2005;

<sup>78</sup> Expanding the Hunter Valley coal industry – guaranteeing runaway climate change, Anvil Hill Alliance 28 March 2007;

<sup>79</sup> [http://www.newportcorp.com.au/page\\_default.aspx?pageID=105](http://www.newportcorp.com.au/page_default.aspx?pageID=105);

- a. the Newcastle Coal Infrastructure Group's (NCIG) new coal export terminal and the expansion of the existing Kooragang Coal Terminal which will increase the capacity of Australian coal exports by up to 109Mt per annum within the next decade<sup>80</sup>;
- b. the Abel Underground Coal Mine proposed by Donaldson Coal Pty Ltd extracting up to 4.5Mt per annum<sup>81</sup>; and
- c. The Anvil Hill open cut coal mine proposed by Centennial Hunter Pty Limited with an expected extraction rate of 10.5Mt per annum for an expected life of 21 years<sup>82</sup>.

79. Further to the increase in capacity to export coal, there are numerous applications by the energy sector to increase and expand mining operations in the Hunter Valley including:

1. the proposed Glennies Creek Open Cut Coal Mine Project proposed by Glennies Creek Coal Management Pty Ltd with an expected production rate of up to 250,000 tonnes per annum with an operational life of 6 years<sup>83</sup>;
2. the proposed Mt Arthur Coal Underground project proposed by the BHP Billiton owned Hunter Valley Energy Coal Pty Ltd with an estimated production of approximately 8Mt per annum with an operations life of 21 years<sup>84</sup>;
3. the proposed Mt Arthur Coal South Pit Extension Project proposed by the BHP Billiton owned Hunter Valley Energy Coal Pty Ltd with an estimated

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<sup>80</sup> Ibid;

<sup>81</sup> Director Generals requirements under S 75F of the Environmental Planning and Assessment Act 1979 issued 6 January 2006;

<sup>82</sup> Anvil Hill Project Environmental Assessment, Umwelt Environmental Consultants August 2006;

<sup>83</sup> Project Description report – Glennies Creek Open Cut Coal Mine, RW Corkery & Co Pty Ltd, February 2006;

<sup>84</sup> Mt Arthur Coal Underground Project Preliminary Environmental Assessment, Umwelt Environmental Consultants, February 2006;

production of approximately 3Mt per annum with an expected life of 21 years<sup>85</sup>;

4. the proposed Drayton Coal Mine Extension Project proposed by Anglo Coal (Drayton Management) Pty Limited, a division of Anglo American plc with an estimated additional production on the current mine of 2.5Mt per annum over an expected life of 10 years<sup>86</sup>;
5. the proposed Liddell Colliery modification to Development Consent proposal by Liddell Coal Operations Pty Ltd to expand current operations to increase annual production rate by 3.5Mt per annum with an expected life of 15 years<sup>87</sup>; and
6. the proposed Mannering Continuation of Mining Project proposed by Centennial Coal Company Limited with expected extraction rates of 1.1Mt per annum for an expected period of 10 years<sup>88</sup>; and

### **Significantly Higher Subsidies to Fossil Fuels than to Renewable Energy**

80. A Further issue which needs to be borne in mind is the level at which the Fossil fuel industry is subsidized in Australia.

*“Fossil fuel subsidies can be defined as any government action, concerning primarily the energy sector, that lowers the cost of fossil fuel production, raises the price received by fossil fuel producers or lowers the price paid by fossil fuel consumers.”<sup>89</sup>*

81. Currently in Australia, total energy and transport subsidies (fossil fuel subsidies) are between \$9.3 billion and \$10.1 billion. Of these, \$9.0 billion to \$9.8 billion support fossil fuel production and consumption, while only \$317 million to \$334 million support renewable energy or energy efficient. Support for renewable

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<sup>85</sup> Mt Arthur Coal Underground Project Preliminary Environmental Assessment – Mt Arthur Coal South Pit Extension Project, Umwelt Environmental Consultants, March 2006;

<sup>86</sup> Anglo Coal (Drayton Management) Pty Ltd Background Document, Drayton Mine Extension EA, June 2006;

<sup>87</sup> Liddell Colliery Modification to Development Consent, Environmental Assessment, Umwelt Environmental Consultants, December 2006;

<sup>88</sup> Mannering Colliery Continuation of Mining Environmental Assessment Project Description, Hansen Consulting, October 2006;

<sup>89</sup> Subsidies That Encourage Fossil Fuel Use in Australia Working Paper, Institute for Sustainable Development, 2003;

energy and energy efficiency is about 3.1 to 3.6 per cent of the total level of identified subsidies.<sup>90</sup>

82. Emissions from energy and transport are high because of the use of fossil fuels – coal, oil and natural gas – to provide most of Australia’s energy needs. One obvious response is to shift away from fossil fuels and towards renewable energy sources that do not generate greenhouse gas emissions, such as wind power, bioenergy and solar power. However, at present, the cost of many renewable energy technologies is significantly higher than the cost of energy derived from fossil fuel. The higher cost of renewable energy technologies acts as a major barrier to their widespread introduction in Australia.<sup>91</sup>
83. At present, governments in Australia provide substantial financial support for the production and use of fossil fuels, through direct payments, favourable tax treatment and other actions. These subsidies keep the cost of fossil fuel energy artificially low and make it harder for renewable energy to compete. They distort energy markets, encourage greater use of fossil fuels, create higher levels of greenhouse gas emissions and improve the profitability of energy companies that produce or use fossil fuels.<sup>92</sup>

### **Australia’s Inadequate Legal Framework in the Context of Climate Change**

84. The Australian Commonwealth Government has ratified the *United Nations Framework Convention on Climate Change 1982* (“UNFCCC”) and therefore has power pursuant to s 51(xxix) of the Commonwealth Constitution, the external affairs power, to make legislation to fulfill Australia’s obligations under an international Convention.<sup>93</sup> Australia has signed but has not yet ratified the Protocol to the UNFCCC (“the Kyoto Protocol”) and is therefore not yet subject to

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<sup>90</sup> Institute for Sustainable Futures report entitled *Energy and Transport Subsidies in Australia 2007 Update* for Greenpeace Australia Pacific;

<sup>91</sup> *ibid*;

<sup>92</sup> *ibid*;

<sup>93</sup> *R v Burgess*; *Koowarta v Bjelke-Peterson* (1982) 153 CLR 168; *Commonwealth v Tasmania* (1983) 158 CLR 1; *Richardson v Forestry Commission* (1988) 164 CLR 261; *Queensland v Commonwealth* (1989) 167 CLR 232;



the Protocols legally binding targets for reduction of greenhouse gas emissions<sup>94</sup>.

85. The Australian Government has not effectively passed legislation to compel a reduction of greenhouse gas emissions but rather has developed largely voluntary policies and programs relating to climate change, which are managed by the Australian Government Greenhouse Office, a division of the Department of Environment and Water Resources including:

- voluntary agreements between corporate organizations and the government requiring reporting and abatement measures as part of the Greenhouse Challenge Program<sup>95</sup>;
- The Greenhouse Gas Abatement Program provides support for investment in private sector activities and technologies through projects that focus on energy efficiency, travel demand management, alternative fuels, coal mine gas technologies and fuel conversion<sup>96</sup>;
- The Mandatory Renewable Energy Target (MRET) legislation creates a legal liability on wholesale purchasers of electricity to proportionately contribute towards the generation of an additional 9,500 gigawatt hours (GWh) of renewable energy per year by 2010. The cost of the scheme is passed on to electricity customers in tariffs or retailers in purchasing requirements.
- Close working relationships between Federal and Local Government for the purpose of assisting local communities to reduce their greenhouse gas emissions. Cities for Climate Protection Australia is an international trade-marked program of the International Council for Local Environmental

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<sup>94</sup> Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention, and the case for in-danger listing, Report to the UNESCO World Heritage Centre, United Kingdom Government and the United Nations Foundation "World Heritage and Climate Change" expert meeting 16 – 17 March 2006 prepared by Ilona Millar and Tom Holden of the Environmental Defenders Office on behalf of the Environmental Defenders Office, the Climate Action Network Australia and Greenpeace Australia Pacific;

<sup>95</sup> The Greenhouse Challenge Plus found at <http://www.greenhouse.gov.au/challenge/index.html>;

<sup>96</sup> Greenhouse Gas Abatement Program found at <http://www.greenhouse.gov.au/ggap/>;

Initiatives (ICLEI) delivered in collaboration with the Australian Greenhouse Office.<sup>97</sup>;

- Support for science research activities in partnership with leading science agencies, in particular the CSIRO through the Australian Climate Change Science Program which aims to improve our understanding of the causes, nature, timing and consequences of climate change so that industry, community and government decisions can be better informed.<sup>98</sup>; and
- The policy **not to ratify** the Kyoto Protocol which states:

*“ The Government has decided not to ratify the Kyoto Protocol because, while it has some positive elements, it does not provide a comprehensive or environmentally effective long-term response to climate change. There is no clear pathway for action by developing countries, and the United States has indicated that it will not ratify. Without commitments by all major emitters, the Protocol will deliver only about a 1% reduction in global greenhouse gas emissions”<sup>99</sup>*

86. Under the current set of policies, the Australian Government predicts that Australia’s emissions will increase 27% above 1990 levels by 2020.<sup>100</sup> With no further action, Australia’s emissions will increase further to around 80% above 1990 levels by 2050.<sup>101</sup>

87. The inadequacies of the current legislative framework in relation to climate change current projections for Australia’s greenhouse gas emissions to continue increasing, are clearly in conflict with the introduction of any reasonable set of measures or operations to protect the GBMWA.

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<sup>97</sup> Cities for Climate Protection program found at <http://www.greenhouse.gov.au/local/ccp/index.html>;

<sup>98</sup> Australian Climate Change Science Program found at <http://www.greenhouse.gov.au/science/accsp/index.html>;

<sup>99</sup> <http://www.greenhouse.gov.au/international/kyoto/index.html>;

<sup>100</sup> 2006 Tracking to the Kyoto Target: Australia’s Greenhouse Emissions Trends, 1990 to 2008–2012 and 2020

<sup>101</sup> The Allen Consulting Group (2006), Deep Cuts in Greenhouse Gas Emissions. Economic, Social and Environmental Impacts for Australia, Report to the Business Roundtable on Climate Change, Melbourne.

**The Australian Federal Environment Protection Legislation - *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (“EPBC Act”)**

88. The EPBC Act protects all of Australia’s World Heritage Areas. The objects of the EPBC Act are stated in s 3 to include:

**“3. Objects of Act**

*(1) The objects of this Act are:*

- (a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance; and*
- (b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources; and*
- (c) to promote the conservation of biodiversity; and ...*

*(2) In order to achieve its objects, the Act:*

- (a) recognises an appropriate role for the Commonwealth in relation to the environment by focusing Commonwealth involvement on matters of national environmental significance and on Commonwealth actions and Commonwealth areas; and ...*  
.....
- (d) adopts an efficient and timely Commonwealth environmental assessment and approval process that will ensure activities that are likely to have significant impacts on the environment are properly assessed; and*
- (e) enhances Australia’s capacity to ensure the conservation of its biodiversity by including provisions to:*
  - (i) protect native species (and in particular prevent the extinction, and promote the recovery, of threatened species) and ensure the conservation of migratory species; and ...*
- (f) includes provisions to enhance the protection, conservation and presentation of world heritage properties ...”*

89. The main protection of World Heritage properties provided by the EPBC Act is the system of “controlled actions” (i.e. actions that require approval under the Act) in Parts 3 and 7-9. Sections 12-15A in Part 3 of the EPBC Act prohibit a

person taking an action that has, will have or is likely to have a significant impact upon the world heritage values of World Heritage properties such as the GBMWA unless the action is referred to the Commonwealth Environment Minister and approved under Parts 7-9 or is otherwise exempt from the Act.

90. A wide approach must be taken when assessing the scope of impacts of actions under the EPBC Act.<sup>102</sup> All likely impacts must be considered, including direct and indirect impacts<sup>103</sup>. Impacts of an action may include the impacts of acts done by persons other than the proponent of the proposed action (i.e. third party impacts) and activities that are not proposed as part of the action<sup>104</sup>. Impacts of an action include each consequence that is reasonably within the contemplation of the proponent, whether those consequences are within the control of the proponent or not<sup>105</sup>. The width of the enquiry in each case will depend on the facts and on what may be inferred from the description of the “action” which the Minister is required to consider<sup>106</sup>. An obvious example of this approach is that, in considering the impacts of a coal mine, the greenhouse gas emissions and impact on climate change of the burning of the coal in a power station must be considered<sup>107</sup> and a failure to take into account the cumulative impacts of coal burning in contributing to climate change violates the ESD principles of intergenerational equity and the precautionary principle<sup>108</sup>.
91. On or around January 2007 it was submitted to the Federal Minister of Environment and Heritage (“The Minister”) by individuals and community groups in the Hunter Valley in NSW<sup>109</sup> that the then proposed development of the Anvil Hill open cut coal mine was a controlled Action within the meaning of the EPBC Act.

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<sup>102</sup> See *Minister for the Environment and Heritage v Queensland Conservation Council Inc* [2004] FCAFC 190;

<sup>103</sup> Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention, and the case for in-danger listing, Report to the UNESCO World Heritage Centre, United Kingdom Government and the United Nations Foundation “World Heritage and Climate Change” expert meeting 16 – 17 March 2006 prepared by Ilona Millar and Tom Holden of the Environmental Defenders Office on behalf of the Environmental Defenders Office, the Climate Action Network Australia and Greenpeace Australia Pacific;

<sup>104</sup> *Ibid*;

<sup>105</sup> *Ibid*;

<sup>106</sup> *Ibid*;

<sup>107</sup> *Australian Conservation Foundation v Minister for Planning (Vic)* [2004] VCAT 2029;

<sup>108</sup> *Gray v The Minister for Planning and Ors* [2006] NSWLEC 720;

<sup>109</sup> including the Anvil Hill Project Watch Association, the Coast and Wetlands Society Incorporated and the World Wildlife Federation;

92. On 19 February 2007 The Minister decided that the proposed action was not likely to have a significant impact on any of the matters protected by the EPBC Act and is therefore not a controlled action<sup>110</sup>.
93. The Australian Federal Government Statement of Reasons for Decision on Not Controlled Action under the Environment Protection and Biodiversity Conservation Act 1999 (“Reasons for Decision”) states at page 4 paragraph 27:
27. *“I considered whether the proposed action is likely to have indirect impacts on matters protection by Part 3 of the EPBC Act as a result of any possible contribution to greenhouse gas emissions. I found that the greenhouse effect is causing changes to global atmospheric conditions and weather patterns, which might result in impacts on matters protection by Part 3, such as the ecological characteristics of the Hunter Estuary Wetlands Ramsar Site.*
28. *I found that the proposed action will extract a maximum of 10.5 million tonnes per annum of run of mine coal (eg before washing). I found that this will result in approximately 7.98 million tonnes of product coal per year. Assuming that all product coal from the project is consumed by end users, the combustion of product coal from the project will have a full fuel cycle maximum annual average greenhouse gas emissions of 12,414,387 tonnes of CO2 equivalent per annum. I found that this amount is equivalent to approximately 0.04% of the current global greenhouse gas emissions. I also found that such emissions are a small proportion of the total possible emissions from all other sources.*
29. *I found that mining and use of coal is an important contributor to greenhouse gas emissions currently produced by Australia, but is only amongst many such contributors (others include industry; motor vehicle use; burning of other fossil fuels such as oil and natural gas; decomposition; clearing and burning of vegetation; and waste disposal). I found that the Australian contribution to current annual greenhouse gas emissions, though relatively large on a per capita basis, is only one amongst many contributions that are made by all other industrialized countries. I found that the amount and concentration of greenhouse gases in the atmosphere, and any resultant adverse impacts on matters protected by Part 3 of the EPBC Act, are the consequence of human activities on a global scale over a long period of time.*
30. *I found that any contribution to the amount and concentration of greenhouse gases in the atmosphere as a consequence of the proposed action would be small relative to both the amount and*

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<sup>110</sup> Australian Federal Government Statement of Reasons for Decision on Not Controlled Action under the Environment Protection and Biodiversity Conservation Act 1999;

*concentration of greenhouse gases currently in the atmosphere, and the additional amount of greenhouse gases that would make their way into the atmosphere from other sources during the period of the proposed action and any resulting increase in the concentration of greenhouse gases in the atmosphere during and after that period.*

31. *I found that the following possible impacts of greenhouse gas induced climate change could occur: warming of the ocean; coral bleaching (associated with warming of the ocean); ecological shift (change in the ecological character of an area due to climate change); sea level rise (including changes to erosive patterns, flooding, increased storm penetration, etc); and changing storm frequency – particularly inflow of nutrients (from land) and change to marine circulation systems (particularly impacting coral and fish dispersal).*
32. *I found that, while it is clear that, at a global level, there is a relationship between the amount of carbon dioxide in the atmosphere and warming of the atmosphere, the climate system is complex and the processes linking specific additional greenhouse gas emissions to potential impacts on matters protected by Part 3 of the EPBC Act are uncertain and conjectural. In light of this, and in light of the relatively small contribution of the proposed action to the amount and concentration of greenhouse gases in the atmosphere, I found that a possible link between the additional greenhouse gases arising from the proposed action and a measurable or identifiable increase in global atmospheric temperature or other greenhouse gas impacts is not likely to be identifiable.”*

94. The Minister has not measured the impact of the proposal on matters protected by Part 3 of the EPBC Act and the Reasons merely assert that it is not likely to be possible to measure the impact of the proposal on matters protected by Part 3 of the EPBC Act (including World Heritage Areas).
95. In this context, it would appear that, at no level of planning within the current Australian legal framework, is there any obligation, on any party, to take into consideration, the effects of human induced climate change on World Heritage in the context of projects and their associated releases and contributions to the current level of greenhouse gases in the atmosphere. This position cannot be considered, on any view, as being consistent with Australia’s obligations under the Convention.

## Limitations of the EPBC Act

96. There are a number of exemptions under the EPBC Act that severely limit that Act's ability to regulate greenhouse gas emissions<sup>111</sup>.
97. Ss 43A and 43B exempt from requiring approval under the EPBC Act actions that had received all necessary environmental authorisations and were existing lawful uses at 16 July 2000. These provisions effectively limit the operation of the Act to new developments or the expansion of existing developments, thereby preventing the Act to regulate greenhouse gas emissions from existing development.<sup>112</sup> The greenhouse gas emissions of most existing power stations in Australia are therefore exempt from the Act under these provisions<sup>113</sup>.
98. The Act also fails to regulate small activities, such as individual traffic movements, that collectively have major, cumulative environmental impacts.<sup>114</sup>
99. Further, under ss 12 and 15A of the EPBC Act, final approval is still open to a political discretion that cannot be challenged on the scientific merits of the approval in the courts<sup>115</sup>.
100. Section 137 of the EPBC Act states that, in deciding whether or not to approve the taking of the action, the Commonwealth Environment Minister must not act inconsistently with Australia's obligations under the World Heritage Convention, the Australian World Heritage Management Principles or a management plan prepared for the property under sections 316 or 321 of the EPBC Act. However,

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<sup>111</sup> Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention, and the case for in-danger listing, Report to the UNESCO World Heritage Centre, United Kingdom Government and the United Nations Foundation "World Heritage and Climate Change" expert meeting 16 – 17 March 2006 prepared by Ilona Millar and Tom Holden of the Environmental Defenders Office on behalf of the Environmental Defenders Office, the Climate Action Network Australia and Greenpeace Australia Pacific;

<sup>112</sup> Ibid;

<sup>113</sup> Ibid;

<sup>114</sup> See the criticisms of McIntosh A, "Why the EPBC Act's referral, assessment and approval process is failing to achieve its environmental objectives" (2004) 21 EPLJ 288.

<sup>115</sup> Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention, and the case for in-danger listing, Report to the UNESCO World Heritage Centre, United Kingdom Government and the United Nations Foundation "World Heritage and Climate Change" expert meeting 16 – 17 March 2006 prepared by Ilona Millar and Tom Holden of the Environmental Defenders Office on behalf of the Environmental Defenders Office, the Climate Action Network Australia and Greenpeace Australia Pacific;

as the Minister must also consider economic and social matters<sup>116</sup> and a decision to approve a proposed action is only subject to judicial review under the *Administrative Decisions (Judicial Review) Act 1977* (Cth). In practice there is a wide political discretion open to the Minister to approve a development. A decision to approve a project, such as the Stuart Shale Oil Project, with highly damaging greenhouse gas emissions would be very difficult to challenge effectively<sup>117</sup>.

### **Section 322 of the EPBC Act – Commonwealth and Non Commonwealth Areas**

101. For the purposes of managing World Heritage properties, the EPBC Act distinguishes between Commonwealth and non-Commonwealth areas.<sup>118</sup>

102. Section 316 of the EPBC Act States:

*“316 Making plans*

*Minister must make plan*

*(1) The Minister must make a written plan for managing a property that is included in the World Heritage List and is entirely within one or more Commonwealth areas. The Minister must do so as soon as practicable after the property:*

*(a) is included in the World Heritage List; or*

*(b) becomes entirely within one or more Commonwealth areas.”*

103. All land within the GBMWhA is public land, vested in the State of New South Wales (NSW)<sup>119</sup> therefore the GBMWhA is not wholly within a Commonwealth area. Consequently, the Minister is not required to prepare a management plan for the GBMWhA in accordance with s 316 of the EPBC Act.

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<sup>116</sup> Section 136(1)(b) of the EPBC Act;

<sup>117</sup> Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention, and the case for in-danger listing, Report to the UNESCO World Heritage Centre, United Kingdom Government and the United Nations Foundation “World Heritage and Climate Change” expert meeting 16 – 17 March 2006 prepared by Iona Millar and Tom Holden of the Environmental Defenders Office on behalf of the Environmental Defenders Office, the Climate Action Network Australia and Greenpeace Australia Pacific;

<sup>118</sup> Section 525 of the EPBC Act;

<sup>119</sup> The Greater Blue Mountains Area World Heritage Nomination p227. [www.deh.gov.au/heritage/world-heritage/](http://www.deh.gov.au/heritage/world-heritage/) consulted on 29th October, 2006;



104. Section 321(1) of the EPBC Act states that:

*“The Commonwealth must use its best endeavors to ensure a plan for managing the property in a way that is not inconsistent with Australia’s obligations under the World Heritage Convention or the World Heritage management principles is prepared and implemented in cooperation with the State or Territory.”*

105. The Commonwealth’s responsibilities for managing declared World Heritage properties, such as the GBMWA, that are not wholly within a Commonwealth area are set out in section 322 of the EPBC Act, which provides:

***“322 Commonwealth responsibilities***

*(1) This section applies in relation to a property that is a declared World Heritage property.*

*(2) The Commonwealth and each Commonwealth agency must take all reasonable steps to ensure it exercises its powers and performs its functions in relation to the property in a way that is not inconsistent with:*

*(a) the World Heritage Convention; and*

*(b) the Australian World Heritage management principles; and*

*(c) if the property is on the World Heritage List and a plan for managing the property has been prepared as described in section 321—that plan.”*

106. The wording of the legislation refers to “The Commonwealth” (i.e. the Executive Government) and not the Parliament of the Commonwealth. This is a significant limitation as it excludes democratic law making and constrains legislative changes<sup>120</sup>.

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<sup>120</sup> Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention, and the case for in-danger listing, Report to the UNESCO World Heritage Centre, United Kingdom Government and the United Nations Foundation “World Heritage and Climate Change” expert meeting 16 – 17 March 2006 prepared by Ilona Millar and Tom Holden of the Environmental Defenders Office on behalf of the Environmental Defenders Office, the Climate Action Network Australia and Greenpeace Australia Pacific;

**Requirement 4 - Petitioners Hereby Request Assistance for the Greater Blue Mountains World Heritage Area**

107. Petitioners submit that as a result of climate change, the GBMWA is threatened by serious and specific ascertained and potential danger, major operations are necessary for the conservation of the property and hence meets the first 3 criteria required under the Convention and the Operational Guidelines.

108. Paragraph 15 of the Operations Guidelines States:

15. *“While fully respecting the sovereignty of the States on whose territory the cultural and natural heritage is situated, States Parties to the Convention recognize the collective interest of the international community to cooperate in the protection of this heritage. States Parties to the World Heritage Convention, have the responsibility to<sup>121</sup>:*
- a) *ensure the identification, nomination, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage found within their territory, and give help in these tasks to other States Parties that request it<sup>122</sup>*
  - b) *adopt general policies to give the heritage a function in the life of the community,<sup>123</sup>*
  - c) *integrate heritage protection into comprehensive planning programs;*
  - d) *establish services for the protection, conservation and presentation of the heritage;*
  - e) *develop scientific and technical studies to identify actions that would counteract the dangers that threaten the heritage;*
  - f) *take appropriate legal, scientific, technical, administrative and financial measures to protect the heritage;*

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<sup>121</sup> Article 6(1) of the World Heritage Convention;

<sup>122</sup> Article 4 and 6(2) of the World Heritage Convention;

<sup>123</sup> Article 5 of the World Heritage Convention;

- g) *foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the heritage and encourage scientific research in these fields;*
- h) *not take any deliberate measures that directly or indirectly damage their heritage or that of another State Party to the Convention<sup>124</sup>;*
- i) *submit to the World Heritage Committee an inventory of properties suitable for inscription on the World Heritage List (referred to as a Tentative List)<sup>125</sup>;*
- j) *make regular contributions to the World Heritage Fund, the amount of which is determined by the General Assembly of States Parties to the Convention<sup>126</sup>;*
- k) *consider and encourage the establishment of national, public and private foundations or associations to facilitate donations for the protection of World Heritage<sup>127</sup>;*
- l) *give assistance to international fund-raising campaigns organized for the World Heritage Fund<sup>128</sup>;*
- m) *use educational and information programs to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention, and to keep the public informed of the dangers threatening this heritage<sup>129</sup>;*
- n) *provide information to the World Heritage Committee on the implementation of the World Heritage Convention and state of conservation of properties<sup>130</sup>;*

109. It is important to note that the World Heritage Committee and the Convention recognize the role of non-governmental organizations and others in the

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<sup>124</sup> Article 6(3) of the World Heritage Convention;

<sup>125</sup> Article 11(1) of the World Heritage Convention;

<sup>126</sup> Article 16(1) of the World Heritage Convention;

<sup>127</sup> Article 17 of the World Heritage Convention;

<sup>128</sup> Article 18 of the World Heritage Convention;

<sup>129</sup> Article 27 of the World Heritage Convention;

<sup>130</sup> Article 29 of the World Heritage Convention. Resolution adopted at the 11<sup>th</sup> General Assembly of States;

protection<sup>131</sup>, conservation<sup>132</sup> and implementation of projects<sup>133</sup> and the right of private individuals, non-governmental organizations, or other groups drawing the Committee's attention to existing threats to World Heritage Sites.<sup>134</sup>

110. The procedure for the inscription of properties on the List of World Heritage in Danger is set out at paragraphs 183 – 192 of the Operational Guidelines which state:

*Procedure for the inscription of properties on the List of World Heritage in Danger.*

- 183.** *When considering the inscription of a property on the List of World Heritage in Danger, the Committee shall develop, and adopt, as far as possible, in consultation with the State Party concerned, a program for corrective measures.*
- 185.** *In order to develop the program of corrective measures referred to in the previous paragraph, the Committee shall request the Secretariat to ascertain, as far as possible in cooperation with the State Party concerned, the present condition of the property, the dangers to the property and the feasibility of undertaking corrective measures. The Committee may further decide to send a mission of qualified observers from the relevant Advisory Bodies or other organizations to visit the property, evaluate the nature and extent of the threats and propose the measures to be taken.*
- 186.** *The information received, together with the comments as appropriate of the State Party and the relevant Advisory Bodies or other organizations, will be brought to the attention of the Committee by the Secretariat.*
- 187.** *The Committee shall examine the information available and take a decision concerning the inscription of the property on the List of World Heritage in Danger. Any such decision shall be taken by a majority of two-thirds of the Committee members present and voting. The Committee will then define the program of corrective action to be taken. This program will be proposed to the State Party concerned for immediate implementation.*

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<sup>131</sup> paragraph 12 of the Operational Guidelines;

<sup>132</sup> paragraph 40 of the Operational Guidelines;

<sup>133</sup> paragraph 38 of the Operational Guidelines;

<sup>134</sup> See <http://whc.unesco.org/pg.cfm?cid=158&l=en> - "How to Help?":

"The States Parties to the Convention should inform the Committee as soon as possible about threats to their sights. **On the other hand, private individuals, non-governmental organizations, or other groups may also draw the Committee's attention to existing threats.** (emphasis added) If the alert is justified and the problem serious enough, the Committee may consider including the site on the list of World Heritage in Danger."

- 188.** *The State Party concerned shall be informed of the Committee's decision and public notice of the decision shall immediately be issued by the Committee, in accordance with Article 11.4 of the Convention.*
- 189.** *The Secretariat publishes the updated List of World Heritage in Danger in printed form and is also available at the following Web address: <http://whc.unesco.org/en/danger>*
- 190.** *The Committee shall allocate a specific, significant portion of the World Heritage Fund to financing of possible assistance to World Heritage properties inscribed on the List of World Heritage in Danger.*

*Regular review of the state of conservation of properties on the List of World Heritage in Danger*

- 191.** *The Committee shall review annually the state of conservation of properties on the List of World Heritage in Danger. This review shall include such monitoring procedures and expert missions as might be determined necessary by the Committee.*
- 192.** *On the basis of these regular reviews, the Committee shall decide, in consultation with the State Party concerned, whether:*
- a) *additional measures are required to conserve the property;*
  - b) *to delete the property from the List of World Heritage in Danger if the property is no longer under threat;*
  - c) *to consider the deletion of the property from both the List of World Heritage in Danger and the World Heritage List if the property has deteriorated to the extent that it has lost those characteristics which determined its inscription on the World Heritage List, in accordance with the procedure set out in paragraphs 192-198.*

**Particulars of Assistance Requested**

111. Petitioners hereby formally request assistance of the World Heritage Committee.
112. In particular the Petitioners request that the World Heritage Committee:
- a. Develop, and adopt, as far as possible, in consultation with the State Party concerned, a program for corrective measures consistent with and

reflective of the proposed program of corrective measures referred to as set out below.

- b. Request the Secretariat to ascertain, as far as possible in cooperation with the State Party concerned, the present condition of the property, the dangers to the property and the feasibility of undertaking the corrective measures;
- c. Send a mission of qualified observers from the relevant Advisory Bodies or other organizations to visit the property, evaluate the nature and extent of the threats and propose the measures to be taken;
- d. Take a decision concerning the inscription of the property on the List of World Heritage in Danger;
- e. Allocate a specific, significant portion of the World Heritage Fund to financing of possible assistance to the GBMWhA; and
- f. Review annually the state of conservation of property for the purposes of further additional matters set out in paragraph 192 of the Operational Guidelines.

## **Discretionary Supplementary Factors**

### **Pre-threat advice from the Committee can be decisive**

113. The Operational Guidelines note that decisions which affect World Heritage properties are taken by Governments after balancing all factors, and that the advice of the Committee can often be decisive if it can be given before the property becomes threatened<sup>135</sup>.
114. Unfortunately, in this case, the GBMWH is already threatened with serious and specific ascertained and potential danger and so the timing of the Committee's advice is perhaps not capable of increasing the chances of its acceptance by Governments.
115. However, placing the GBMWH on the list of World Heritage in Danger will be influential in the need to minimize or avoid the dangers faced by the GBMWH in the context of climate change.

### **Judging intensity of effects on case-by-case basis**

116. The second discretionary supplementary factor applies particularly in the case of ascertained danger, in which cases the physical (or cultural) deterioration to which a property has been subjected should be judged according to the intensity of its effects and analyzed case by case<sup>136</sup>.

### **Factors in appraising threats, especially for potential dangers**

117. The Operational Guidelines suggest appraising threats according to the normal evolution of the social and economic framework, note the impossibility of assessing certain threats, such as armed conflict, and state that some threats are

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<sup>135</sup> paragraph 182(a) of the Operational Guidelines;

<sup>136</sup> paragraph 182(b) of the Operational Guidelines;

not imminent in nature but can only be anticipated<sup>137</sup>. The Petitioners submit that none of these factors play any role in this case.

118. The threats to the GBMWhA from climate change are imminent in nature.

**Cause of unknown or unexpected origin**

119. The final supplementary factor suggests taking into account any cause of unknown or unexpected origin which endangers the property<sup>138</sup>.

120. The Petitioners submit that the cause of the dangers to GBMWhA relevant to this petition, namely climate change are both known and expected.

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<sup>137</sup> paragraph 182(c) of the operational guidelines;  
<sup>138</sup> paragraph 182(d) of the operational guidelines;



## **SECTION 4 – CORRECTIVE MEASURES**

### **PROGRAM OF CORRECTIVE MEASURES FOR THE GREATER BLUE MOUNTAINS WORLD HERITAGE AREA – THE IMPORTANCE OF GREENHOUSE GAS REDUCTION**

121. Climate Change is one of the most significant global challenges facing the global community today. The actions that need to be taken to safeguard heritage are threefold:
- a. Preventive actions: monitoring, reporting and mitigation<sup>139</sup> of Climate Change effects through environmentally sound choices and decisions at a range of levels: individual, community, institutional and corporate;
  - b. Corrective actions: adaptation to the reality of Climate Change through global and regional strategies and local management plans; and
  - c. Sharing knowledge: including best practices, research, communication, public and political support, education and training, capacity building<sup>140</sup>.
122. We submit that the World Heritage Committee must address both the impacts and the causes of the threats to the GBMWA as a result of climate change in the context of the matters raised herein.
123. It is widely accepted that Climate Change is a serious matter which affects the entire global community and the environment on which that community is dependant. Climate Change is already causing deterioration to World Heritage Sites and it seems likely that all State parties to the Convention will be affected by climate change. Any program of corrective measures must call upon those State parties who are directly responsible for the historic, current and projected

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<sup>139</sup> The IPCC defines mitigation as “an anthropogenic intervention to reduce the sources or enhance the sinks of greenhouse gases”.

<sup>140</sup> <http://www.google.com/search?hl=en&client=safari&rls=en&q=Strategy+to+Assist+States+Parties+to+Implement+Appropriate+Management+Responses&btnG=Search>

future emissions to take all necessary and reasonable steps to reduce greenhouse gas emissions.

## **State Parties Responsibilities under the Convention in the Context of Climate Change**

124. As stated in the Preamble to the Convention:

*“Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,*

*Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,*

*Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,*

*Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,*

*Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto,*

*Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods” (*

125. Article 4 of 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.”*

126. The GBMWA belongs only primarily to the State of Australia and it is the duty of the international community as a whole to ensure protection of the GBMWA.

127. 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.”*

128. 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.”*

129. The inclusion of greenhouse gas reduction measures in the program of corrective measures raises interaction between the Convention with the UN Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol (KP).

130. 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.

131. The KP, noting that it has not been ratified by Australia, imposes quantified greenhouse gas emissions reduction targets on parties listed in Annex I of that Protocol for the period 2008-2012.

132. Without taking into consideration the greenhouse gas emissions resulting from coal exported from Australia, on a per capita basis, Australia’s emissions are

twice the average for high-income countries<sup>141</sup> and 22 times the global average<sup>142</sup>.

133. We submit that:

- a. it is the duty of the World Heritage Committee to uphold the Convention in the context of potential and ascertained dangers to World Heritage Sites as a result of past, present and future greenhouse gas emissions; and
- b. it is the duty of the World Heritage Committee to ensure the reduction of greenhouse gas emissions is included in the program of corrective measures in addition to any obligations on States under the UNFCCC or the KP;

### **The World Heritage Committee Should Consider This Petition**

134. We draw the Committee's attention to the Petitions provided in relation to the dangers faced by other World Heritage Areas in the context of climate change, namely:

- a. Climate Change and the Great Barrier Reef World Heritage Area, The failure of Australia to meet its obligations under the World Heritage Convention and the case for danger-listing Report to the UNESCO World Heritage Centre, United Kingdom and Government and United Nations Foundation "World Heritage and Climate Change' Expert Meeting 16 – 17 March 2006;
- b. The Petition to the World Heritage Committee requesting inclusion of Sagarmatha National Park in the List of World Heritage In Danger as a result of Climate Change and for Protective Measures and Actions

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<sup>141</sup> Hal Turton, Greenhouse Gas Emissions in Industrialised Countries: Where Does Australia Stand?, The Australia Institute, Canberra 2004, p 4;

<sup>142</sup> United Nations Framework Convention on Climate Change, National greenhouse gas inventory data for the period 1990 – 2003 and The World Bank World Development Report 2005;

- c. The Petition to the World Heritage Committee requesting Inclusion of Belize Barrier Reef System in the list of World Heritage in Danger as a Result of Climate Change and for Protective Measures and Action. November 2004;
- d. The Petition to the World Heritage Committee requesting inclusion of the Huascarán National Park in the List of World Heritage In Danger as a result of Climate Change, November 2004; and
- e. The Petition to the World Heritage Committee requesting inclusion of the Waterton-Glacier World Heritage Site in the List of World Heritage In Danger as a result of Climate Change, February 2006.

135. The Petitioners draw the Committee's attention to the UNESCO World Heritage Committee Thirtieth Session in Vilnius, Lithuania from 8 – 16 July 2006 where it states at document WHC-06/30.COM/7.1 that the Committee:

*“Takes note of the four petitions seeking to have Sagarmatha National Park (Nepal), Huascarán National Park (Peru), the Great Barrier Reef (Australia) and the Belize Barrier Reef Reserve System (Belize) included on the List of World Heritage in Danger;*

*Appreciates the genuine concerns raised by the various organizations and individuals supporting these petitions relating to threats to natural World Heritage properties that are or may be the result of Climate Change;*

*Further notes that the impacts of Climate Change are affecting many and are likely to affect many more World Heritage properties, both natural and cultural in the years to come;*

*Encourages all States Parties to seriously consider the potential impacts of Climate Change within their management planning, in particular with monitoring, and risk preparedness strategies, and to take early action in response to these potential impacts;*

## The Unique Circumstances of Climate Change Ought Not be Reason to Not Inscribe World Heritage Areas on the In Danger List

136. At paragraph 50 of document WHC-06/30.COM/7.1 it is stated:

50. *“In the specific context of the World Heritage Convention, Climate Change raises many concerns that are of critical nature for the future implementation of the Convention. Natural World Heritage sites are inscribed on the World Heritage List if they meet one or more of the criteria of outstanding universal value and also meet the conditions of integrity. At present, if a site is threatened by serious and specific danger –both ascertained and/or potential danger– it can be listed in the List of World Heritage in Danger (paragraph 180, Operational Guidelines). The Convention also notes that if a property loses the characteristics which warranted its inscription on the World Heritage List it can be deleted from the list (paragraph 176(e), Operational Guidelines). Furthermore the State Parties of the Convention have the duty of ensuring the protection, conservation and transmission to future generations (emphasis added) of the properties located on its territory (article 4). Therefore, within the context of the Convention’s legal framework, Climate Change poses a number of critical questions:*

- a. *Should a site be inscribed on the World Heritage List while knowing that its potential OUV may disappear due to Climate Change impacts?*
- b. *Should a site be inscribed on the List of World Heritage in Danger or deleted from the World Heritage List due to the influence of impacts that are beyond the control of the concerned State Party?*
- c. *Could a particular State Party, making use of article 6(3) of the Convention blame another State Party for their responsibility on Climate Change?*
- d. *Should the Convention – and its associated Operational Guidelines seriously consider the fact that for some natural properties it will be impossible to maintain the “original” OUV values for which it was originally inscribed on the World Heritage List, even if effective adaptation and mitigation strategies are applied; therefore requiring an “evolving” assessment of OUV values?*
- e. *Given the long term nature of Climate Change impacts should the consideration of OUV be deliberately considered in a longer time frame context?*

51. *The questions posed above are pertinent as there is little doubt that Climate Change **will impact on the natural values and integrity of World Heritage sites**, thus affecting their outstanding universal value*

*and, potentially, their listing as a natural World Heritage property. If a site was inscribed for its glaciers, and the glaciers melt, is it “no glaciers – no World Heritage site”? A similar problem may arise from Climate Change-related degradation of coastal ecosystems due to sea level rise. Natural disasters triggered by extreme weather events may cause severe and irreversible impact on geological, geomorphologic and physiogeographic heritage (criterion viii). Most importantly, physical and biological changes affect ongoing ecological and biological processes and natural habitats through species range shifts and extinctions, changes in community composition and configuration and changes in ecosystem functioning (criteria ix and x). Potentially, the World Heritage List as we know it today could be changed drastically.”*

137. In answer to the matters raised above, the Petitioners assert that:

- a. In circumstances where the potential Outstanding Universal Values (“OUV”) of World Heritage Area may disappear due to climate change, such sites should not be prevented from being listed on the World Heritage List unless and until it is certain that the OUV will in actual fact disappear as a consequence of climate change;
- b. The protection of the GBMWHHA falls as a duty to the international community and in the context of climate change it must be accepted that impacts are currently and will continue to be influenced by matters beyond the control of individual State parties. Such a matter ought not act as a bar to or prevent a World Heritage Area such as the GBMWHHA which is threatened by serious and specific ascertained and/or potential danger from being inscribed on the World Heritage in danger list; in fact the global nature of climate change affirms the important role which the Committee must undertake in these circumstances;
- c. The petitioners assert that in circumstances were a State party refuses to accept responsibility for greenhouse gas emissions and continues to act in disregard of the impacts of those emissions, and in circumstances were those emissions endanger or cause damage to World Heritage Areas, the irresponsible party ought be held responsible for the danger or damage caused, especially as alternatives to high emitting activities are available

and affordable. All State parties must be under a duty to be undertaking all possible, available and affordable mitigatory actions.

- d. The petitioners support an evolving assessment of OUV's for WHA's; and
- e. A danger posed to a World Heritage Areas which may give rise to the destruction of the attributes of that area ought not be a reason not to inscribe a WHA on the World Heritage in-danger List. Article 11(4) of the Convention indicates a clear intention that the in danger list be protective in its operation with a clear purpose of preventing destruction and disappearance of WHA's.

138. We draw the Committees attention to the report of UNESCO entitled Case Studies on Climate Change and World Heritage dated April 2007 states at page 15:

*“that it is timely to develop and implement appropriate management responses to protect World Heritage in the face of climate change. The solutions to global warming are the subject of continuing debate. Some of these measures, beyond the scope of the World Heritage Convention, are discussed under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC). But although climate change is a global challenge, there are many adaptation and preventive measures that can be taken at the local scale, i.e. at the level of the World Heritage sites.”*

- 139. The most appropriate and immediate first response to protect World Heritage in the face of climate change is to inscribe those World Heritage Areas including the GBMWH which are threatened with serious and specific ascertained and/or potential danger on the in danger list without further delay.**

140. The following suggested Responses and Actions set out below will significantly reduce Australia's greenhouse gas emissions and hence ensure that that State adheres to its duties and obligations under the Convention.



## **Measures and Actions to be taken by the State Party - Australia**

141. The obligations under the World Heritage Convention and under the UNFCCC are on States and each State holds its obligations. Such Obligations are not divisible.

142. Achievable measures and actions, discussed in further detail below relate to:

- a. Australia's obligations as a Global Citizen and responsible regional leadership;
- b. Actions within Australia concerning deep cuts in emissions;
- c. Clean energy and energy efficiency;
- d. Transition from Fossil Fuels;
- e. Transport Initiatives;
- f. Land use change and forestry initiatives;
- g. Australia's legal and regulatory framework;
- h. Review and reformulation of Management Plans and Wildfire Risk Management Plans for the GBMWA;
- i. Greater levels of Monitoring and Reporting Climate Change impacts on the GBMWA
- j. World Heritage Community Engagement in Mitigation;
- k. Research Collaboration, Cooperation, and Sharing Best Practices and knowledge; and

- I. International Funding from the larger Greenhouse Gas Emitting Countries Required

**A. Australia's obligations as a Global Citizen and responsible regional leadership**

143. The Australian climate is already changing. Temperatures have risen and there is less rain in southern Australia. If greenhouse pollution is not dramatically cut, these negative impacts will get worse. Scientists warn that to avoid dangerous climate change, global warming must be kept below 2 degrees C. This means cutting Australia's greenhouse pollution by at least 80 – 90% [below 1990 levels] by 2050<sup>143</sup>.

144. Such measures should include:

- a. Ratification of the Kyoto protocol immediately and work to ensure that the USA rejoins the Kyoto process<sup>144</sup>;
- b. Upon ratification of the Kyoto Protocol, participate fully in the ongoing negotiations for the post-2012 regime (second commitment period of the Kyoto Protocol), ensuring that developed countries take targets in line with the science, and working towards developing countries taking further obligations under Kyoto<sup>145</sup>;
- c. Work with the international community through the Kyoto Protocol and the UNFCCC to create financial and other mechanisms and incentives, to overcome the structural barriers to technology transfer<sup>146</sup>;
- d. The introduction of an Oil Export Reduction Program and encouragement an Oil Depletion Protocol which ensures the reduction of State's oil

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<sup>143</sup> Australian Conservation Foundation ("ACF"), National Agenda for a Sustainable Australia, 2007;

<sup>144</sup> Turning Down the Heat – A Climate Action Agenda for Australia, June 2007;

<sup>145</sup> Ibid;

<sup>146</sup> Ibid;

exports each year by the rate at which the worlds oil resources are being depleted<sup>147</sup>;

- e. Contribution to the global effort to reduce emissions from deforestation in developing countries<sup>148</sup>;
- f. legislation to impose an import ban on timber and wood products and review of consumption of raw materials which may contribute to forest depletion and degradation in developing countries<sup>149</sup>;
- g. review foreign policy and development assistance program to address challenges posed by climate change including those related to forests<sup>150</sup>;
- h. focus on forest management through its good governance program and its 'whole-of-government' approach in forested fragile countries in view of the role forests plays in climate change and governance failure<sup>151</sup>;
- i. urge the creation of an international fund under the UNFCCC to finance avoided deforestation activities and pledge significant funding contributions<sup>152</sup>;
- j. support a levy on all the Protocol mechanisms for the Adaptation Fund and that a fraction of the funds raised is hypothecated for tropical deforestation emissions reductions<sup>153</sup>;
- k. expand its technical support to developing countries on monitoring emissions from deforestation and forest degradation<sup>154</sup>;

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<sup>147</sup> See Richard Hineberg and Colin Campbell, *The Oil Depletion Protocol: A Plan to Avert Oil Wars, Terrorism and Economic Collapse*. New Society Publishers 2006, pp 159, 161. See the Protocol itself at <http://www.oildepletionprotocol.org/theprotocol>;

<sup>148</sup> *Turning Down the Heat*, op cit 142;

<sup>149</sup> *Ibid*;

<sup>150</sup> *Ibid*;

<sup>151</sup> *Ibid*;

<sup>152</sup> *Ibid*;

<sup>153</sup> *Ibid*;

<sup>154</sup> *Ibid*;

- l. support genuine efforts of developing country to protect their forests, heeding lessons learnt from decades of reforms in this sector, to reduce greenhouse gas emissions<sup>155</sup>;
- m. Dedicate the majority of Australia's energy sector spending within its aid program (bilateral and multilateral) to renewable energy, demand management and energy efficiency projects – and that the amount spent in this area increases in subsequent years<sup>156</sup>;
- n. Integrate climate change considerations into all relevant parts of Australia's aid program planning and evaluation<sup>157</sup>;
- o. Undertake an audit of all programs that directly or indirectly encourage greenhouse pollution increases and that raise vulnerability to climate change impacts throughout the region<sup>158</sup>;
- p. Increase aid funding in line with most other developed nations to 0.5% of GNI by 2010, and 0.7% by 2015<sup>159</sup>; and
- q. Over and above the 0.7% of GNI, Australia should contribute to the voluntary adaptation funds under the UNFCCC, the Least Developed Countries fund and the Special Climate Change Fund. Australia should also consider other regional funds or partnerships to increase funding for adaptation programs within the Asia Pacific region<sup>160</sup>.

## **B. Actions within Australia concerning deep cuts in emissions**

145. Australians are amongst the highest per capita greenhouse polluters in the world, primarily due to our reliance on coal to generate electricity. Australia's per person

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<sup>155</sup> *Ibid*;  
<sup>156</sup> *Ibid*;  
<sup>157</sup> *Ibid*;  
<sup>158</sup> *Ibid*;  
<sup>159</sup> *Ibid*;  
<sup>160</sup> *Ibid*;

emissions are over 25 tonnes of co2e, this is more than 4 times the world average<sup>161</sup>.

146. A Program for corrective measures and actions should include measures which go far beyond the small-scale voluntary programs and community education currently in place and it is necessary that there be a cost imposed on greenhouse pollution. Such measures and actions should include:

a. Legislate a national emission reduction target of at least 30% below 1990 levels by 2020, with a long term target of at least 80% below 1990 levels by 2050<sup>162</sup>;

b. If an emissions trading scheme is to be the method of placing a price on carbon it must:

(1) be introduced into legislation as soon as possible, and commence by 2010<sup>163</sup>;

(2) include mandatory targets in line with national targets of at least 30% below 1990 levels by 2020 and at least 80% by 2050<sup>164</sup>;

(3) be national in its scope, apply to a wide number of industry sectors and be a cap-and-trade scheme, not baseline and credit, and therefore exclude offsets<sup>165</sup>;

(4) deliver verifiable net emissions reductions<sup>166</sup>; and

(5) have a penalty rate that ensures it is cheaper to reduce emissions than to pay the penalty<sup>167</sup>.

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<sup>161</sup> Ibid;  
<sup>162</sup> Ibid;  
<sup>163</sup> Ibid;  
<sup>164</sup> Ibid;  
<sup>165</sup> Ibid;  
<sup>166</sup> Ibid;  
<sup>167</sup> Ibid;

- c. Emissions not covered by the emissions trading scheme must be covered by a carbon levy<sup>168</sup>; and
- d. The levy must be set high enough to ensure emission reductions occur in line with the national emission reduction target, and the levy must be increased on an annual or near annual basis<sup>169</sup>.

### **C. Clean Energy and Energy efficiency**

147. Australia's current target for an additional 9,500 GWH of national electricity demand be from renewable sources by 2010 has already been met and is very low by global standards<sup>170</sup>.
148. Most of Australia's present inefficient use of energy and its high greenhouse gas emissions are the result of the use of outmoded technology. To reduce greenhouse gas emissions, it is crucial that funds currently put into inefficient and greenhouse-emission intensive technology be redirected towards energy efficient and renewable-energy technology<sup>171</sup>.
149. The Stern Review says, 'promoting the development and deployment of new technologies' is one of the three main steps needed in tackling climate change and also argues that 'it is necessary to go beyond policies to establish carbon markets and encourage technological research, development and diffusion'<sup>172</sup>.
150. Energy efficiency improvements could achieve reductions in energy consumption of between 20% to 34% in different sectors of the economy<sup>173</sup>.
151. A Program for corrective measures and actions should include measures which encourage and create such economic incentives to move from high to low CO<sub>2</sub>e energy sources and such measures and actions should include:

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<sup>168</sup> Ibid;

<sup>169</sup> Ibid;

<sup>170</sup> Milne et al op cit 141, 0 17;

<sup>171</sup> Milne, Buckman and Bird, Re-Energising Australia, March 2007 at 15;

<sup>172</sup> Nicholas Stern, The Economics of Climate Change (The Stern Review), report to HM Treasury, London 2006;

<sup>173</sup> Productivity Commission, The Private Cost Effectiveness of Improving Energy Efficiency, Report no. 36, Canberra, 2005, p xxvi – xxvii;

- a. A legislated target for 25 per cent of Australian electricity to come from renewable energy by 2020 which stipulates that 72,500 GWh electricity is to come from renewable energy in 2020, assuming that electricity consumption is no more than 290,000 Gwh;<sup>174</sup>;
- b. Extension of the current MRET by 39,500 GWh to 49,000 GWh in 2020, assuming state targets remain. Current renewable generation is 18,300 GWh and existing state and national targets (VRET, NRET, the SA 20 per cent, and the current MRET) are expected to deliver an additional 14,700 GWh in 2020. If all the current targets are amalgamated into one mechanism, this would require an additional 54,200 GWh by 2020<sup>175</sup>;
- c. The target should be reviewed in 2010 and 2015 to ensure it will still meet the 25 per cent requirement, with the proviso that it can only be revised upwards<sup>176</sup>;
- d. Annual targets should be set from 2008 with the additional renewable energy increasing by a linear amount each year<sup>177</sup>;
- e. Compliance certificates should not be accepted from facilities commissioned prior to the scheme, and should include a sunset clause to ensure continuing development of new renewable energy generation<sup>178</sup>;
- f. Implement a greenhouse weighted Mandatory Renewable Fuel Target of 5% by 2015<sup>179</sup>;
- g. Implement a moratorium on importation of biofuels and their sources including palm oil, sugarcane, and Genetically Modified crop varieties<sup>180</sup>;

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<sup>174</sup> Turning Down the Heat, op cit 142;

<sup>175</sup> *Ibid*;

<sup>176</sup> *Ibid*;

<sup>177</sup> *Ibid*;

<sup>178</sup> *Ibid*;

<sup>179</sup> *Ibid*;

<sup>180</sup> *Ibid*;

- h. Develop minimum criteria for sustainable biofuel production through an independent board and in strict consultation with environmental and social justice groups<sup>181</sup>;
- i. Further research the potential greenhouse savings and sustainability of potential biofuels sources for Australian conditions<sup>182</sup>;
- j. Ensure that bioenergy plantations comprise diverse non-genetically modified native species and are subject to strict sustainability guidelines developed by all relevant stakeholders and environmental groups<sup>183</sup>;
- k. Remove bioenergy fueled by wood taken from native vegetation (especially forests) as an eligible renewable energy source under MRET because it is neither greenhouse neutral nor sustainable<sup>184</sup>;
- l. Establish a National Energy Efficiency Target of zero energy growth by 2010 and 1.5% annual reductions to 2020<sup>185</sup>;
- m. Improve the Building Code of Australia to adopt international best practice mandatory efficiency standards for all new commercial and residential buildings<sup>186</sup>;
- n. Introduce a national retrofit program for Australian homes, which includes innovative financing arrangements for home owners, incentives for investment property owners to invest in energy efficiency, and mandatory public disclosure of energy performance rating of existing commercial and residential buildings at the point of lease and point of sale<sup>187</sup>;

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<sup>181</sup> *Ibid*;  
<sup>182</sup> *Ibid*;  
<sup>183</sup> *Ibid*;  
<sup>184</sup> *Ibid*;  
<sup>185</sup> *Ibid*;  
<sup>186</sup> *Ibid*;  
<sup>187</sup> *Ibid*;



- o. Minimum energy performance standards (MEPS) need to be significantly extended and strengthened, with least efficient appliances banned from sale and a 1 watt stand-by standard for all new appliances<sup>188</sup>;
- p. Mandate low greenhouse emission hot water systems (solar, heat pump or 5 star gas) for all new homes<sup>189</sup>.
- q. Provide rebates that close the price gap between electric and low greenhouse emissions systems for all replacement systems<sup>190</sup>;
- r. The Energy Efficiency Opportunities Act should be amended to require all companies that consume more than 7,000 GJs per year to audit their energy use and implement all energy saving options with less than 10 years pay back<sup>191</sup>;
- s. The National Electricity Market should be reformed to ensure the implementation of demand management as a first choice for networks and retailers ahead of options for increased consumption and infrastructure<sup>192</sup>;
- t. Smart meters with in-home displays and the capacity for remote communications should be rolled out across Australia with appropriate tariffs that allow the full range of pricing options<sup>193</sup>;
- u. A national Energy Savings Fund of at least \$500 million/year should be established to deliver a robust energy savings service provider industry<sup>194</sup>;
- v. Reform the National Electricity Law to include: *"The Market Environmental Objective is to contribute to achieving ecologically*

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<sup>188</sup> Ibid;  
<sup>189</sup> Ibid;  
<sup>190</sup> Ibid;  
<sup>191</sup> Ibid;  
<sup>192</sup> Ibid;  
<sup>193</sup> Ibid;  
<sup>194</sup> Ibid;

*sustainable development and is to have regard to the effect on the environment of the generation, transmission, distribution, supply and use of electricity and related activities including achieving a permanent reduction in the total global emissions of greenhouse gases*<sup>195</sup>;

- w. Urgent amendment of National Electricity Market (“NEM”) regulation so network expansion costs can only be passed on to consumers if companies demonstrate that demand management or energy efficiency are not an alternative<sup>196</sup>; and
- x. An independent judicial inquiry into the NEM to determine what changes are required to ensure the NEM facilitates, rather than obstructs, COAG emission reduction goals<sup>197</sup>.

#### **D. Transition from Fossil Fuels**

152. Australia is one of the most coal-dependent countries in the world. About 78% of our electricity comes from coal-fired power stations<sup>198</sup>. Production of electricity from coal-fired power stations is the single greatest source of greenhouse emissions in Australia. The electricity sector contributes 33% of Australia’s greenhouse pollution, with 97% of this coming from 24 coal-fired power stations<sup>199</sup>. These power stations emit approximately 190 million tonnes of CO2 annually.

153. A program of corrective measures and actions should include initiatives to facilitate greater use of renewable sources of energy and should include the following measures:

- a. Legislate to ensure that there are no more coal fired power stations approved;

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<sup>195</sup> *Ibid*;

<sup>196</sup> *Ibid*;

<sup>197</sup> *Ibid*;

<sup>198</sup> WWF Australia press release, Hazelwood tops international list of dirty power stations, July 2005 <http://www.wwf.org.au/news/n223/>.

<sup>199</sup> WWF Australia press release and report, Research shows coal fired power is Australia’s top greenhouse polluter, April 2003 <http://www.wwf.org.au/news/n23>. and Australian Greenhouse Office, stationary energy sector greenhouse gas emissions projections 2006, Table 1.1, <http://www.greenhouse.gov.au/projections/pubs/stationaryenergy2006.pdf>;

- b. Implement mechanisms for moving away from greenhouse polluting technologies<sup>200</sup>;
- c. Greater scrutiny and regulation of coal exports<sup>201</sup>;
- d. A climate levy on coal exports of at least \$2/tonne, to fund transition for coal workers, energy efficiency and renewable and low emission energy technologies<sup>202</sup>;
- e. Legislate a stringent greenhouse gas trigger in the Environmental Protection and Biodiversity Conservation Act (EPBC Act)<sup>203</sup>;
- f. An independent inquiry into energy and transport subsidies that support fossil fuels with a specific focus on how these subsidies can be removed or used to support renewable energy<sup>204</sup>; and
- g. Establish a timetable for the direct and indirect subsidies for fossil fuels to be transitioned to renewable energy, renewable fuels, energy efficiency and demand side management<sup>205</sup>.

## **E. Transport Initiatives**

154. Transport, the main user of Australia's oil, is responsible for 15% of the nation's net greenhouse gas emissions. Car travel in Australia has increased nine fold between 1947 and 1995<sup>206</sup>, while average fuel efficiency has scarcely improved over the past 30 years<sup>207</sup>. It is necessary that a program of corrective measures includes specific actions concerning transport and fuel efficiency such as:

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<sup>200</sup> Turning Down the Heat, op cit 142;

<sup>201</sup> Ibid;

<sup>202</sup> Ibid;

<sup>203</sup> Ibid;

<sup>204</sup> Ibid;

<sup>205</sup> Ibid;

<sup>206</sup> Patrick Moriarty, Transport and the Environment, Australian Conservation Foundation, 2000, p 4;

<sup>207</sup> Ibid at p 13;

- a. Develop national urban planning and land use guidelines to encourage design of cities to reduce the need for transport, prioritise active transport and improve the viability of public transport<sup>208</sup>;
- b. Provide funding support for alternatives to transport, such as video-conferencing<sup>209</sup>;
- c. Invest in active transport options and the improved use of community transport assets at the local level<sup>210</sup>;
- d. Work with state governments to create a legislated plan for the development of a world-class public transport system within all capital cities, incorporating clear and enshrined targets to reduce private vehicle kilometres travelled (VKT) and increase public transport usage<sup>211</sup>;
- e. Firm targets for increased public transport accessibility, frequency and quality<sup>212</sup>;
- f. Investment in heavy rail as the skeleton of the network<sup>213</sup>;
- g. Investment in bus services and light rail to provide a finer network<sup>214</sup>;
- h. Development of incentives to encourage people to use public transport, for example, offering tax deductions or higher rebates for those who purchase six or twelve-monthly travel passes<sup>215</sup>; and
- i. Use regulation and incentives to encourage the adoption of cleaner vehicles, such as hybrid and fuel cell cars.

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<sup>208</sup> Turning Down the Heat, op cit 142;

<sup>209</sup> *Ibid*;

<sup>210</sup> *Ibid*;

<sup>211</sup> *Ibid*;

<sup>212</sup> *Ibid*;

<sup>213</sup> *Ibid*;

<sup>214</sup> *Ibid*;

<sup>215</sup> *Ibid*;

## F. Land use change and forestry initiatives

155. It is estimated that emissions from deforestation represent more than 18% of total global emissions.<sup>216</sup> Around 10% of Australian greenhouse gas emissions are the result of deforestation – a total of 53 million tonnes of carbon dioxide equivalent<sup>217</sup>.

*“Action to prevent further deforestation would be relatively cheap compared with other types of mitigation, if the right policies and institutional structures are put in place”<sup>218</sup>.*

156. Measures and actions should include:

- a. Prohibit logging of old growth forests and phase out logging of high conservation value native forests in order to help reach necessary reductions in greenhouse pollution<sup>219</sup>;
- b. Introduce and enforce clear, defined legislation banning broad-scale clearing of previously uncleared bushland across all states<sup>220</sup>;
- c. Use Federal influence via programs such as the National Action Plan for Salinity and Water Quality and the Natural Heritage Trust to ensure controls on broad-scale clearing are implemented in all jurisdictions<sup>221</sup>; and
- d. Ensure that carbon sinks are not relied upon to offset emissions from burning fossil fuels. Carbon sinks should only be established as part of an ecologically based restoration programme to replace vegetation where

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<sup>216</sup> Stern;

<sup>217</sup> Milne et al, op cit 141 at p 23;

<sup>218</sup> Stern;

<sup>219</sup> Turning Down the Heat, op cit 142;

<sup>220</sup> Ibid;

<sup>221</sup> Ibid;

it has been lost from logging and clearing. Native vegetation must not be cleared in order to establish sinks<sup>222</sup>.

## **G. Australia's Legal and Regulatory Framework**

157. In order for Australia to effectively tackle climate change the following legislative reforms will be required:

- a. Provide for a Greenhouse Gas trigger requiring referral and approval by the federal government for new proposals which emit over 500,000 tonnes of greenhouse gases or equivalent per year<sup>223</sup>;
- b. List 'climate change' as a "key threatening process" (as in NSW)<sup>224</sup>;
- c. Release a Threat Abatement Plan<sup>225</sup>;
- d. Include as conditions of consent to developments concerning Matters of National Environmental Significance (MNES), that such developments achieve carbon neutrality<sup>226</sup>;
- e. Include 'Land Clearing' as a MNES based on ecological criteria such as size, quality, etc<sup>227</sup>;
- f. Amend the National Environment Protection Council Act 1994 to incorporate GHG reporting into the existing National Pollutant Inventory with strict monitoring and penalties for failing to report or for misinformation<sup>228</sup>;
- g. Establish legislation that enshrines greenhouse pollution targets of at least 30% below 1990 levels by 2020 and at least 80% below 1990 levels

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<sup>222</sup> *ibid*;

<sup>223</sup> *ibid*;

<sup>224</sup> *ibid*;

<sup>225</sup> *ibid*;

<sup>226</sup> *ibid*;

<sup>227</sup> *ibid*;

<sup>228</sup> *ibid*;

by 2050 (Section 2.1). Such legislation has recently been drafted in the UK.<sup>229</sup>;

- h. Amend the Customs Act 1901 to reinstate coal export permits and commodities controls (Section 2.6.1)<sup>230</sup>;
- i. Amend the Energy Efficiency Opportunities Act 2006 (Cth) so as to
  - (1) extend the obligation to assess and report on the identification of energy efficiency opportunities to the Commonwealth and Commonwealth agencies<sup>231</sup>;
  - (2) Increase coverage of the scheme by reducing the threshold from 0.5 petajoules to 7000 gigajoules<sup>232</sup>;
  - (3) include a clear provision requiring implementation of identified energy efficiency opportunities<sup>233</sup>;
  - (4) Require all actions with a 10 year payback period to be implemented<sup>234</sup>.
- j. Amend federal corporations and insurance laws to require major companies and financial services providers to report to the public and to investors on the climate change impacts of their activities (as part of triple bottom line reporting) and to provide full disclosure of climate-related risks<sup>235</sup>;
- k. Amend section 181(1) of the Corporations Act 2001 (Cth) to make clear that the best interests of the company include the long-term interests of the company. The legislation should require directors and organisational

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<sup>229</sup> *ibid*;  
<sup>230</sup> *ibid*;  
<sup>231</sup> *ibid*;  
<sup>232</sup> *ibid*;  
<sup>233</sup> *ibid*;  
<sup>234</sup> *ibid*;  
<sup>235</sup> *ibid*;

decision makers to consider the long-term climate change impacts that the company may have upon the environment<sup>236</sup>;

- I. Amend the Corporations Act 2001 (Cth) to require Product Disclosure Statements to include climate related risks. This will inform investors who will be less likely to invest in environmentally deleterious activities due to the financial risks posed<sup>237</sup>;
- m. Consistent with Australia’s obligations under the UNFCCC to “identify and periodically review its policies and practices which encourage activities that lead to greater levels of anthropogenic emissions” the majority of the fossil fuel subsidies, tax breaks and perverse incentives should be removed. This would include, amongst other things, a repeal of Fringe Benefits Tax company car concessions (worth \$1 billion), aviation fuel subsidies (\$800 million), diesel fuel rebates, automotive industry support and state energy supply concessions<sup>238</sup>;
- n. The Renewable Energy (Electricity) Act 2000 (Cth) should be amended to require electricity suppliers to provide information to consumers about the price, source and environmental characteristics of their electricity. This will allow consumers to choose the most ‘climate friendly’ suppliers and assist in demand side management<sup>239</sup>;
- o. Legislate to ensure that environmental management plans for Commonwealth departments and agencies contain legally-binding greenhouse emissions targets<sup>240</sup>;
- p. Legislate to make the voluntary Australian Building Greenhouse Rating scheme for office buildings compulsory. Complying buildings can achieve a GHG saving of 57,000 tonnes of CO2 per year<sup>241</sup>;

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<sup>236</sup> *ibid*;  
<sup>237</sup> *ibid*;  
<sup>238</sup> *ibid*;  
<sup>239</sup> *ibid*;  
<sup>240</sup> *ibid*;  
<sup>241</sup> *ibid*;



- q. As an alternative or adjunct to a 25% mandatory renewable energy target, legislate to require electricity utilities to let independent producers of renewable power 'feed' their electricity into the grid against a guaranteed payment of a certain fee. This has been done in Germany, Denmark and Spain<sup>242</sup>; and
- r. Legislation should be introduced along the lines of the Environmental Trust Act 1998 (NSW) to require that any revenue generated by carbon taxes or auctioning of emissions permits must be channelled to emission reduction projects and programs that address climate change impacts<sup>243</sup>.

#### **H. Review and reformulation of Management Plans and Wildfire Risk Management Plans for the GBMWA**

158. As stated at paragraphs 36 to 42 above, each and every Management Plan and Fire Risk Management Plan which relates to the GBMWA is lacking and inadequate and any program for corrective measures and actions should address this problem as a matter of priority.

159. Such measures and actions should include:

- a. Ensuring the integration of Climate Change issues into all new, draft and revised GBMWA management plans including vulnerability analysis, risk assessment, risk preparedness, adaptive design and management planning<sup>244</sup>;
- b. Development of a National plan in conjunction with UNESCO / WHS and the IPCC taking into account local conditions and impacts and involving state land management agencies, indigenous stakeholders, the land

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<sup>242</sup> Ibid;

<sup>243</sup> Ibid;

<sup>244</sup> Strategy to assist States Parties to implement appropriate management responses" described in Document *WHC-06/30.COM/7.1*

owners bordering protected areas and the research community (scientific, ecological and economic)<sup>245</sup> ; and

- c. Development of tailored programs (including guidance, capacity building and financial assistance or assistance for developing project proposals) for specific sites. The implementation of pilot projects at selected World Heritage sites is a key step in the development of successful and appropriate management responses.<sup>246</sup>

## **I. Increased Levels of Monitoring and Reporting Impacts of Climate Change on the GBMWA**

160. Such measures should include:

- a. Inclusion of Climate Change impacts within the GBMWA as part of periodic reporting and other international monitoring processes;
- b. drawing upon the work of the Indicator Group of the IPCC to develop indicators for the GBMWA and Climate Change;
- c. Encourage site managers of the GBMWA to monitor relevant climate parameters and to report on adaptation strategies including fire mitigation and risk management strategies such as the Macarthur Forest Fire Index and the computer simulation model, FIRESCAPE-SWTAS; an
- d. Reduce non-climatic stress factors on the site to enhance its resilience to Climate Change impacts.

## **J. World Heritage Community Engagement in Mitigation**

161. In addition to mitigation strategies under the UNFCCC and in light of the importance of World Heritage, the World Heritage community should actively

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<sup>245</sup> Greater Blue Mountains World Heritage Area – Australia, Dr John Merson – Impact of climate change on World Heritage Sites, Expert meeting at UNESCO HQ March 16-17, 2006 at page 11;

<sup>246</sup> Strategy to assist States Parties to implement appropriate management responses" described in Document *WHC-06/30.COM/7.1*

participate in international efforts to mitigate climate change. Such participation should not only include listing those sites which stand to be threatened by climate change in the in danger list but also include the adoption of programs of corrective measure such as:

- a. The direct sharing and provision of information as between the IPCC and the WHC on the impacts of climate change on WHA's such as the GBMWA in order to assist the tailoring or mitigation strategies; and
- b. The establishment of international working groups set up to identify successful mitigation strategies and support their application at an international level.<sup>247</sup>

#### **K. Research, Collaboration, cooperation, and Sharing Best Practices and Knowledge**

162. Through international cooperation with other Conventions, instruments and institutions and through building on existing international initiatives, effective measures and actions should be adopted which will assist in the protection of the GBMWA such as:

- a. Engagement with the Biodiversity Liaison Group on climate change and its effects on the GBMWA;
- b. Provide information to Conferences of Parties and Subsidiary bodies on Scientific and technical advice in effects of climate change on the GBMWA;
- c. Explore financing options from the Global Environment Facility for the implementation of site based pilot projects;
- d. Through communication, education, training, capacity building, raising awareness, and sharing good practices, information, and knowledge to

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<sup>247</sup> Greater Blue Mountains World Heritage Area – Australia, Dr John Merson – Impact of climate change on World Heritage Sites, Expert meeting at UNESCO HQ March 16-17, 2006 at page 11;

develop strategies taking advantage of the World Heritage global network to inform the public and policy makers about the impacts of Climate Change on the GBMWhA and build public and political support for actions to address the situation;

- e. Provide information to decision-makers, stakeholders, local communities, users of the site, site managers, and other heritage specialists about the impacts of Climate Change on the GBMWhA, management responses, possible assistance, existing networks, specific training, courses, and long distance learning opportunities.
- f. Encourage and train GBMWhA site managers to feed back their expertise to the global level, such as by developing a case study to be shared with site managers of other World Heritage Areas under threat, especially those in developing countries;
- g. Establish cooperation with the IPCC to assess the impacts of Climate Change on the GBMWhA and seek to mention issues related to World Heritage in future Climate Change assessment reports; and
- h. Collect and document information on the impacts of past and current Climate Change on the GBMWhA.

#### **L. International Funding from the larger Greenhouse Gas Emitting Countries Required**

163. Petitioners are well aware that all of the above requested corrective measures will not materialise without significant resources. As discussed above, **the Petitioners submit that States with significant historical or relatively high per capita greenhouse gas emissions should provide financial support for the direct and indirect consequences of emission actions on the GBMWhA.**

164. Petitioners believe this is the fairest way under the UNESCO auspices to raise sufficient resources necessary to conduct a meaningful program of corrective

actions, and have great faith that the World Heritage Committee can find an appropriate method for generating the necessary resources<sup>248</sup>.

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<sup>248</sup> Petition to list Sagarmartha National park on the List of World Heritage in Danger.

## **CONCLUSIONS:**

165. The GBMWhA is a natural property inscribed on the World Heritage List for its representation of the evolutionary adaptation and diversification of the Eucalyptus in post-Gondwana isolation on the Australian Continent.
166. The World Heritage Committee is obliged to establish, keep up to date and publish, whenever circumstances shall so require, under the title of “List of World Heritage in Danger”, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under the Convention.
167. The GBMWhA faces serious specific proven imminent danger due to the impacts of climate change and hence pursuant to paragraph 180 of the operational guidelines for the purposes of satisfying Art 11(4) of the Convention and paragraph 177 of the Operational Guidelines that danger is clearly “Ascertained”.
168. The GBMWhA is faced with serious specific potential major threats, which could have deleterious effects on its inherent characteristics. Such threats arise because the management plans and management system for the property is lacking or inadequate, or not fully implemented.
169. Major operations concerning the management of an increased risk of wildfire and species invasion, shrinkage and dislocation; and the necessary reduction of the risks of climate change are required to ensure compliance with the duty of Australia to ensure the protection, conservation, presentation and transmission to future generations of the natural heritage of the GBMWhA.
170. The World Heritage Committee and the Convention recognize the role of non-governmental organizations and others in the protection, conservation implementation of projects and the right of private individuals, non-governmental organizations, or other groups drawing the Committee's attention to existing threats to World Heritage Sites.

171. Petitioners hereby request assistance of the World Heritage Committee, in particular the Petitioners request that the World Heritage Committee:
- a. Develop, and adopt, as far as possible, in consultation with the State Party concerned, a program for corrective measures consistent with and reflective of the proposed program of corrective measures referred to herein.
  - b. Request the Secretariat to ascertain, as far as possible in cooperation with the State Party concerned, the present condition of the property, the dangers to the property and the feasibility of undertaking the corrective measures;
  - c. Send a mission of qualified observers from the relevant Advisory Bodies or other organizations to visit the property, evaluate the nature and extent of the threats and propose the measures to be taken;
  - d. Take a decision concerning the inscription of the property on the List of World Heritage in Danger;
  - e. Allocate a specific, significant portion of the World Heritage Fund to financing of possible assistance to the GBMWH; and
  - f. Annually review of the state of conservation of the GBMWH for the purposes of further additional matters.