

## **Background to the Petition to List Waterton-Glacier as World Heritage in Danger due to Climate Change**

On February 16, 2006, the International Environmental Law Project (IELP), a legal clinic at Lewis & Clark Law School, petitioned the World Heritage Committee to list Waterton-Glacier World Heritage Site as World Heritage in Danger due to climate change on behalf of [11] conservation groups from Canada and the United States.

The World Heritage Committee is an international committee established under the 1972 UNESCO World Heritage Convention to determine whether cultural and natural landmarks are of universal and outstanding value—that is, it determines which sites are “World Heritage.” As a result, the World Heritage Convention is the international legal instrument protecting the most outstanding, priceless and irreplaceable parts of the planet. It was adopted over 30 years ago because these sites were, even then, “increasingly threatened with destruction.” The text of the Convention can be found at: <http://whc.unesco.org/pg.cfm?cid=182>

The Convention also grants the Committee the responsibility to list sites as “in Danger” if they are threatened. There seems to be little question that Waterton-Glacier is “in Danger” due to climate change. In particular, climate change is causing the glaciers in Glacier National Park to disappear. Glacier National Park once boasted approximately 150 glaciers, but only 27 remain, and these remaining glaciers are rapidly melting. This in turn is affecting the hydrology throughout Waterton-Glacier International Peace Park, as well as the distribution of the park’s unique plants and animals. That is, the characteristics for which the park was listed as World Heritage are being degraded by climate change. Petitioners document these impacts in detail in the petition.

An important aspect of the listing of a site as “in Danger” is the Convention’s requirement to develop a plan of corrective actions to mitigate threats to the world heritage site. This of course would be immensely valuable in relation to the United States, which is the largest emitter of greenhouse gases and which refuses to take legally binding measures to reduce its greenhouse gas emissions.

The petition joins four others that will be discussed by a group of experts on climate change and world heritage at a meeting in Paris on March 16-17, 2006. On November 17, 2004, petitioners from around the world submitted petitions to list the following World Heritage sites as “in Danger” due to climate change: the Belize Barrier Reef, Huarascán National Park (Peru), and Sagarmatha National Park (Nepal). A report concerning the threats to Australia’s Great Barrier Reef due to climate change is also being treated by the World Heritage Committee as a petition to list the Great Barrier Reef as “in Danger.” These petitions are part of a global strategy to address climate change initiated by the Climate Justice Project. See <http://www.climatelaw.org/>. The actual petitions can be found at: <http://www.climatelaw.org/media/UNESCO.petitions.release>.

Based on these four earlier petitions, in July 2005 in Durban, South Africa, the World Heritage Committee established an expert group on World Heritage and climate change is meeting in

Paris in March at the request of the World Heritage Committee to discuss the impacts of climate change on world heritage sites. The meeting will specifically:

- (1) Review the nature and scale of the risks posed to World Heritage properties arising specifically from climate change by reviewing case studies from World Heritage properties and sites on national tentative Lists in the different regions; analyse climate change impacts for different types of properties; cultural and natural; and identification priorities resulting from the analysis;
- (2) jointly develop a strategy to assist States Parties to implement appropriate management responses.

The Committee will examine the recommendations and conclusions of the expert group at its 2006 meeting in Vilnius, Lithuania, from 8-16 July 2006. See UNESCO, Decisions of the 29th Session of the World Heritage Committee, WHC-05/29.COM/22, **Decision 29 COM 7B.a** (Sept. 9, 2005) available at: <http://whc.unesco.org/archive/2005/whc05-29com-22e.pdf>.

The petition to list Waterton-Glacier International Peace Park as World Heritage in Danger is designed to assist the expert group's discussion by showing the impacts of climate change on a specific park. The petition also is designed to compel the United States and Canada to adopt measure to comply with the Kyoto Protocol.

Indeed, petitioners chose to file their petition with the World Heritage Committee on February 16—the one-year anniversary of the entry into force of the **Kyoto Protocol**. The Kyoto Protocol requires developed countries to reduce their emissions of carbon dioxide, methane, and four other greenhouse gases by 5.2% from 1990 levels by 2012. The United States, by far the largest emitter of greenhouse, contributes about 25% of global greenhouse gas emissions. Although it agreed to reduce its emissions of greenhouse gases by 7% in the Kyoto Protocol, the United States has not ratified the Kyoto Protocol and it is therefore not bound by its requirements. While the rest of the developed world (other than Australia) has committed to reducing its greenhouse gas emissions through ratification of the Kyoto Protocol, the U.S. Department of Energy recently reported that U.S. emissions increased by 15.8% from 1990 to 2004.

U.S. government weather forecasters reported on February 7, 2006 that January temperatures in the United States were the warmest on record, beating the average for the month by 8.5 degrees Fahrenheit. In January 2006, NASA scientists confirmed that 2005 was the hottest year ever recorded worldwide.

Petitioners are: The Center for Biological Diversity, Humane Society of the United States/Humane Society International, Defenders of Wildlife-Canada, ForestEthics, Yukon to Yellowstone Conservation Initiative.

### **About the Other Petitions**

excerpted from <http://www.climatelaw.org/media/UNESCO.petitions.release>

The **Belize Barrier Reef** was described by Charles Darwin in 1842 as “the most remarkable reef in the West Indies,” but the increase in sea temperatures and atmospheric concentrations of carbon dioxide have already damaged the Reef and will damage it further. The seven sites comprising the World Heritage Site Reef illustrate the evolutionary history of reef development. It is a natural tropical aquarium rich in coral, with sharks, dolphins and tropical fish, and a significant habitat for threatened species, including marine turtles, manatees and the American marine crocodile. The petitioner is the Belize Institute of Environmental Law and Policy.

**Huarascán National Park** is located in the Cordillera Blanca in the Peruvian Andes, the world's highest tropical mountain range, with Mount Huascáran rising to 6,768 m above sea-level. It is the home of the spectacled bear and the Andean condor. More than 20% of the glacial coverage has been lost in the Peruvian Andes since 1968, and melting glaciers form lakes which could burst if action is not taken. The lead petitioner is Foro Ecológico del Peru.

**Sagarmatha National Park** is dominated by Mount Everest/Sagarmatha, the highest peak in the world (8,848 m), as well as hosting several rare species, such as the snow leopard and the lesser panda, and being home to the Sherpas, with their unique culture. Himalayan glaciers have been in retreat for decades and a resulting hazard is the formation of many glacial lakes at risk from outburst flood. One study has identified 13 of these lakes in the Park. The lead petitioner is Forum for the Protection of Public Interest (Pro Public), part of Friends of the Earth International. Co-petitioners include record-holding Everest climbers Pemba Dorjee Sherpa and Temba Tsheri Sherpa, as well as Sir David Attenborough, Sir Chris Bonington, Reinhold Messner and Stephen Venables.

Concerning the **Great Barrier Reef**, a report entitled “Global Climate Change and the Great Barrier Reef: Australia’s Obligations under the World Heritage Convention” (September 2004), was prepared by the Sydney Centre for International and Global Law at the University of Sydney and was commissioned by Greenpeace Australia Pacific and Climate Action Network Australia (CANAN) through their legal representatives, the Environmental Defender’s Office (NSW) Ltd. The report, which was submitted to the World Heritage Committee, concluded that legal obligations on countries under the World Heritage Convention requires cuts to be made in greenhouse gas emissions. This was the first time that a legal link had been made between the World Heritage Convention, the UN Framework Convention on Climate Change and the Kyoto Protocol. A copy of the report is available at:  
[http://www.law.usyd.edu.au/scigl/SCIGLFinalReport21\\_09\\_04.pdf](http://www.law.usyd.edu.au/scigl/SCIGLFinalReport21_09_04.pdf)