



# BOFAXE

## The Great Barrier Reef and the List of World Heritage in Danger (PART 1)

As the most extensive coral reef ecosystem of the world, the Great Barrier Reef was inscribed on UNESCO's World Heritage List in 1981. The effects of climate change, global warming, coastal developments, and degrading water quality all pose a threat to the Great Barrier Reef, which has undergone seven bleaching events since 1998 (see [2022 joint mission report by the WHC and ICUN](#) and, for most recent news, [here](#)). Mass bleaching events result from the stress corals experience when being too long in warm waters (see [here](#)). Despite these ongoing threats, the Reef was not inscribed on UNESCO's List of World Heritage in Danger at last year's 45th session of the World Heritage Committee, a list specifically designed for heritage that faces threats or danger. The Committee, made up of twenty-one national representatives, decided to postpone and re-evaluate the property at its ongoing 46th session. The re-evaluation includes the possibility of an inscription on the List of World Heritage in Danger. However, draft decision 46 COM 7B.62, published on 24 June as part of a report on the state of conservation of properties inscribed on the World Heritage List in preparation of the session, does not recommend inscription of the Reef. This blog post will shed light on the World Heritage Convention's listing mechanism, specifically the difficulties accompanied by the often negative perception of the List of World Heritage in Danger. It will look into the World Heritage Committee's decisions to postpone the issue of inscribing the Reef and underline the importance of inscriptions on the List.

### Heritage Listing at the International Level

The listing of heritage at the international level is one form of protecting cultural and natural heritage. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) establishes the 'World Heritage List', which operates on the notion of outstanding universal value (OUV) of cultural and natural heritage. States often avidly seek inscription on the World Heritage List, as it serves as a tool to globally showcase cultural and natural heritage and can thereby increase tourism (see [here](#)) and carry economic benefits (see, e.g., [here](#), p. 352). The objective of the List of World Heritage in Danger is to alert the international community and mobilise support to respond to urgent conservation needs of a specific property inscribed on the World Heritage List (as highlighted in [Decision 43 COM 7B.7](#) and [here](#)). It further allows financial support from the World Heritage Fund ([2023 Operational Guidelines \(WHC.23/01\), para. 189](#)). Article 11 (4) of the World Heritage Convention specifies that the World Heritage Committee shall "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 scope of the list is limited to properties "threatened by serious and specific dangers". Article 11 (4) further specifies that major operations to conserve the property are necessary and that a request for assistance under the Convention has been made. The Convention's [2023 Operational Guidelines \(WHC.23/01\)](#) distinguish between two cases: (1) specific and imminent danger and (2) those that can have deleterious effects on its characteristics (see paras. 179-180).

Whilst Article 11 (4) of the World Heritage Convention does not specifically identify climate change in its list of threats, it does refer to dangers associated with the effects of climate change, including changes in water level. The 2023 Operational Guidelines, updated regularly, highlight "threatening impacts of climatic, geological or other environmental factors" as criteria for inscription on the List of World Heritage in Danger (see paras. 179 (b) (vi) and 180 (b) (v)). In response to the only growing effects of climate change on heritage sites, UNESCO's General Assembly of States Parties adopted the updated [Policy Document on Climate Action for World Heritage](#) in November 2023, which includes guidance on inter alia "climate adaptation, mitigation, resilience building, innovation and research" (para. 16).

### Naming and Shaming?

Uncertainty has surrounded the question whether the respective state must consent to an inscription on the List of World Heritage in Danger (see, for example, [here](#) and [here](#); with regard to the preparatory work of the Convention: [here](#) and for the debate within the WHC framework: [here](#)). The 1991 [decision](#) to inscribe Dubrovnik on the List of World Heritage in Danger, amid the armed conflict, and the subsequent revisions in the wording of the 1994 Operational Guidelines have been interpreted as an indication that state consent is not required (see [here](#) and [here](#)). Moreover, as Article 11 (4) of the Convention states that the World Heritage Committee "may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger", it has been argued that the Committee has discretionary power to inscribe a property on the List of World Heritage in Danger when a situation is of 'urgent need', regardless of a prior request for assistance by the state party (see [Buzzini & Condorelli](#), p. 186).

These developments allowed for "a broader implementation" of the List of World Heritage in Danger and have given the international community a stronger voice in the protection of national heritage (see [here](#) and [here](#)). However, the inclusion of sites on the List of World Heritage in Danger without the state's consent (or the threat thereof) have, in part, resulted in negative reactions and resistance by the state parties, such as in the well-known case of Kakadu National Park (also see [here](#) and [here](#)) and in the perception of the List as a form of "naming and shaming" (see, for example, [here](#), [here](#), and [here](#)). Interestingly, a study on the use of the List of World Heritage in Danger by [Hølleland, Hamman and Phelps](#) has shown that although listings on the grounds of armed conflict and civil unrest tend to remain on the List of World Heritage in Danger longer (p. 46), listings on these grounds are "most commonly" initiated by the respective state party (p. 44). Conversely, in the case of development projects in or around World Heritage sites, state parties are far less likely to initiate the request (p. 49).



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## The Great Barrier Reef and the List of World Heritage in Danger (PART 2)

Although UNESCO's World Heritage Centre states that inscription on the List of World Heritage in Danger should not be considered as a sanction, the varying perceptions of the List of World Heritage in Danger can be seen in discussions of the World Heritage Committee (see, for example, here), including those that wish to avoid such an inscription because it is seen "as a dishonour" (see here). Titled 'New Visions for the List of World Heritage in Danger', the World Heritage Centre commissioned an independent study on the image, benefits, and potential improvements of the List of World Heritage in Danger. In addition to addressing the public image of the List, including its name and the perception of the list serving as a tool for public reprimand, the study also highlights important issues in the implementation of the World Heritage Convention, such as the necessity to systematically ensure the involvement and perspectives of local communities on the management of heritage. The report's recommendations appear to strive for a public image change of the List, including limiting the use of its "negatively-charged name" (p. 37). By commissioning an independent study, the World Heritage Centre has taken a necessary first step in addressing the public image of the List's stakeholders. It will be of interest to see its implementation and further steps taken to counter the perception of the List as a tool for public reprimand. Previous research has shown that "only a fraction" of seriously endangered sites are inscribed on the List and has uncovered geopolitical inequities in the implementation of the List.

### Time for an Inscription?

A potential inscription of the Reef has been looming over the site on several occasions (see, for example, here, here, and here). Past decisions of the Committee not to inscribe a site on the List of World Heritage in Danger, contrary to the recommendation of experts and amid strong resistance by the state party, resulted in accusations of politicisation of decision-making processes (see here). However, the Committee's use of reactive monitoring to collect more information on the state of a specific site and reporting on the progress achieved can also be used as strategic compliance tool (see here).

The World Heritage Committee's decision at its 45th session noted with "utmost" and "serious" concern the mass coral bleaching events and the "slow progress in achieving the water quality targets". The Committee's reference to an examination at the following session, "including the possible inscription on the List of World Heritage in Danger" shows that the Committee's decision was not so much one not to inscribe, but to delay its decision on the Reef. Moreover, it requested the state party to continue the implementation of the recommendations stemming from the reactive monitoring mission. In accordance with decision 45COM 7B.13 and ahead of the 46th session of the World Heritage Committee at the end of July, Australia submitted its 'State of Conservation report' to the UNESCO World Heritage Centre on 1 February. The report provides updates on its commitments to the Great Barrier Reef World Heritage Area, specifically addressing its commitments to improving water quality, sustainable fishing and mitigating the impacts of climate change. Overall, the report claims to be on track with its commitments (also see here).

The draft decision and the report on the state of conservation of the Great Barrier Reef, published on 24 June and prepared by the World Heritage Centre and the International Union for Conservation of Nature (IUCN), does not recommend the Reef's inscription on the List of World Heritage in Danger. The report welcomes and commends the progress achieved by Australia. In a similar fashion to the preceding year, the draft decision requests the state to submit a progress report by 1 February 2025 for examination at the 47th session and an updated state of conservation report by 1 February 2026. The report further notes that the inscription on the List of World Heritage in Danger could be re-examined at the 48th session.

However, the report also recommends that Australia should be urged to set more ambitious targets, both regarding the Water Quality Improvement Plan and emission reductions. The most recent and ongoing bleaching events, which have been described as the "most severe coral bleaching on record", are noted with utmost concern in the report and draft decision (pp. 61-62).

Notwithstanding the outcome of ongoing the 46th session of the World Heritage Committee and the state party's efforts, the question if the Reef continues to be in danger may still be answered in the affirmative. Consequently, a decision not to place the Reef on the List would by no means signify that it is not in danger. Interestingly, the report acknowledges with clarity that the Reef "remains under serious threat" and highlights that "urgent and sustained action is of utmost priority in order to improve the resilience of the property in a rapidly changing climate" (p. 62). In accordance with the 2023 Operational Guidelines, properties are intended to be on the List of World Heritage in Danger until they are "no longer under threat" (para. 191 (b); also see here).

On a larger scale, the continuing evaluation of the Reef relates to the debate on the impact of climate change on the properties' OUV and the resulting consequences for listings on both the World Heritage List and the List of World Heritage in Danger as well as the "evolving assessment" of the OUV (see Policy Document on Climate Action for World Heritage, para. 36; also see WHC/23/24.GA/8 and here). It will be of interest to see how climate action for world heritage sites is further operationalised in world heritage processes and guidelines at the level of the World Heritage Committee and at the national level following the adoption of the Policy Document (see Resolution 24 GA 8).