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THE AUSTRALIAN CLIMATE CRISIS

How Australia is Fueling the Destruction of the Great Barrier Reef and Other Climate-Vulnerable Australian World Heritage Properties



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SUMMARY

Across Australia, the intensifying impacts of climate change are causing the deterioration of World Heritage properties and their Outstanding Universal Value (“OUV”).* Australia’s actions are fueling this decline.

Australia’s most iconic World Heritage property – the Great Barrier Reef – is under such serious threat from the impacts of climate change, and essential components of its ecosystem are in such poor health, that it meets the criteria for inscription on the List of the World Heritage in Danger. In 2019, the Great Barrier Reef Marine Park Authority (“GBRMPA”) concluded that the outlook for the Great Barrier Reef World Heritage Area’s ecosystem is “very poor.” GBRMPA also found that the overall integrity of the Reef is worse than in 2014, and the four “natural heritage values” of the Reef (which correspond to the criteria for assessment of OUV for which the Reef was inscribed on the World Heritage List¹) have deteriorated since 2014. GBRMPA also determined that key species and habitats that contribute to the Reef’s OUV are in “very poor” or “poor” condition, including corals, coral reef habitats, marine turtles, and dugongs.

The most serious threat to the Reef’s OUV is the impacts of climate change – particularly sea temperature rise. For example, in 2016 and 2017 around half of the Reef’s shallow-water corals died in unprecedented consecutive bleaching events caused by elevated sea temperatures attributed to climate change. Coral reef scientists are predicting another bleaching event in coming months, with sea surface temperatures in February 2020 the hottest ever recorded on the Reef and new bleaching already being observed in many areas of the Reef. As temperatures continue to increase, harm to the Reef will intensify. *To protect the Reef’s OUV, warming must be limited to well below 1.5°C above preindustrial levels.* Even 1.5°C of warming will result in further significant deterioration of the Reef, and at the current rate of warming – which puts the planet on track for over 3°C of warming by 2100 – the Reef as we know it today will cease to exist. For these reasons, accelerated and significant action to reduce greenhouse gas emissions and place the world on a pathway that keeps warming well below 1.5°C is essential to protecting the OUV of the Great Barrier Reef.

The impacts of climate change are also threatening the OUV of other Australian World Heritage properties. In late 2019 and early 2020, wildfires burned an astonishing 80% of the Greater Blue Mountains World Heritage Area and 54% of the Gondwana Rainforests of Australia World Heritage Area, parts of which have historically been too wet to burn.² Climate scientists have concluded that the hot and dry conditions that fueled the firestorms were exacerbated by climate change, and that extreme fire weather in Australia will continue to become more frequent and severe as the climate continues to change.³



The World Heritage-listed Blue Mountains National Park.
Getty Images / Andrew Merry

* “Outstanding Universal Value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole.” *Operational Guidelines for the Implementation of the World Heritage Convention* (Jul. 2019), para. 49.

Although no single country can solve the climate crisis, this does not absolve state parties of their obligations under the World Heritage Convention to address the threat of climate change to the OUV of properties within their territory. The Convention requires state parties to “do all [they] can ... to the utmost of [their] own resources” to protect and conserve World Heritage properties, and to ensure that the OUV of properties in their territories is “sustained or enhanced over time.” To protect the Great Barrier Reef and sustain and enhance its OUV, warming must be limited to well below 1.5°C. Accordingly, these obligations require Australia to do all it can to the utmost of its resources to proactively align its actions – including its domestic emissions and exports of fossil fuels that emit greenhouse gases – with limiting warming to well below 1.5°C, and to achieve its fair share of global emissions reductions.

These obligations under the World Heritage Convention exist independently of commitments made by nations under the Paris Agreement, and nothing in the Paris Agreement prevents governments from taking action beyond what they have committed and pledged under that agreement. As described in the letter attached as **Appendix 1** to this submission, other United Nations treaty bodies whose mandates are affected by climate change have reached similar conclusions and are recommending climate-related actions by individual states that are independent of those states’ Paris commitments where such actions are necessary to fulfil state obligations under other treaties.

Despite being a well-resourced country with high capacity to align its actions with a well-below-1.5°C pathway, Australia is not doing all it can to the utmost of its resources to protect the Great Barrier Reef and to sustain and enhance its OUV, and its 2019 report under the Convention misrepresents the adequacy of its action to address climate change. The following facts demonstrate that Australia is violating its obligations under the World Heritage Convention and fueling the deterioration of the Reef’s OUV – and the OUV of its other climate-vulnerable World Heritage properties – by failing to align its actions with a well-below-1.5°C pathway or undertake its fair share of global emissions reductions:

- **Australia’s greenhouse gas emissions, excluding land use, land-use change and forestry emissions, rose every year from 2014 to 2018, with no significant decline projected to 2030, and Australia is not on track to meet its 2020 or 2030 emissions reductions targets under the United Nations Framework Convention on Climate Change;**
- **Australia’s proposed reliance on carryover credits to meet its 2020 and 2030 emissions reductions targets undermines global action on climate change because it substantially cuts Australia’s total reductions and is contrary to the Paris Agreement’s goal of increasingly ambitious reductions;**
- **Australia’s 2030 target does not represent its fair share of global emissions reductions;**
- **Australia is the one of the world’s two largest exporters of coal and the world’s largest exporter of liquefied natural gas, and plans to continue expanding these exports;**
- **Under current policies, Australia’s per-capita emissions will remain among the highest globally to at least 2030, and Australia’s state party report misrepresents the adequacy of its action to address this; and**
- **Australia’s economy remains carbon-intensive and the government actively promotes the use of fossil fuels.**

Furthermore, Australia’s *Reef 2050 Long-Term Sustainability Plan* – the government’s framework for managing the Reef until 2050 – fails to address the threat of climate change beyond a reliance on inadequate government climate policy, and is silent on the impact of emissions from Australian fossil fuel exports.

In these circumstances, to ensure that Australia fulfils its obligations under the World Heritage Convention to protect the Great Barrier Reef and sustain and enhance its OUV, we request that the World Heritage Committee, at its 44th session in 2020:

- 1. Express its deep concern about the very poor and deteriorating outlook for the Great Barrier Reef World Heritage Area and the immediate and long-term threat that climate change poses to the health and survival of the Great Barrier Reef ecosystem;**
- 2. Note that scientific evidence demonstrates that the average global temperature increase must be limited to well below 1.5°C above pre-industrial levels to protect the Outstanding Universal Value of the Great Barrier Reef;**
- 3. Call on Australia to align its actions with a well-below-1.5°C pathway, including by taking steps to decarbonize the economy, promote renewable energy sources, and phase out domestic reliance on fossil fuels and production and export of fossil fuels;**
- 4. Call on Australia to undertake the most ambitious implementation of the Paris Agreement to limit warming to 1.5°C above pre-industrial levels by intensifying its efforts to meet its 2030 emissions reduction target, and to strengthen its 2030 emissions reduction target so that it represents Australia's fair share of global emissions reductions to align with a well-below-1.5°C pathway;**
- 5. Require Australia to revise the *Reef 2050 Long-Term Sustainability Plan* to include:**
 - a. A commitment to align its actions with a well-below-1.5°C pathway, including by taking steps to decarbonize the economy, promote renewable energy sources, and phase out domestic reliance on fossil fuels and production and export of fossil fuels;**
 - b. A commitment to undertake the most ambitious implementation of the Paris Agreement to limit warming to 1.5°C above pre-industrial levels by intensifying its efforts to meet its 2030 emissions reduction target, and to strengthen its 2030 emissions reduction target so that it represents Australia's fair share of global emissions reductions to align with a well-below-1.5°C pathway;**
 - c. Details of national policies and investments with implementation timelines to deliver the above actions; and**
 - d. Identification of the specific impacts of climate change on the Great Barrier Reef and the actions that Australia will take to address each of these impacts;**
- 6. Request Australia to implement the new commitments in the *Reef 2050 Long-Term Sustainability Plan* through legislation;**
- 7. Request Australia to invite a monitoring mission as soon as possible to review Australia's response to the climate crisis that is threatening the Outstanding Universal Value of the Great Barrier Reef;**
- 8. Inscribe the Great Barrier Reef World Heritage Area on the List of World Heritage in Danger; and**
- 9. Urge all state parties to align themselves with a well-below-1.5°C pathway to assist in protecting the Outstanding Universal Value of the Great Barrier Reef.**

1. THE OUTSTANDING UNIVERSAL VALUE OF THE GREAT BARRIER REEF IS DETERIORATING AND GLOBAL WARMING MUST BE LIMITED TO WELL BELOW 1.5°C TO PROTECT IT

In 2019, the Great Barrier Reef Marine Park Authority⁴ (“GBRMPA”) assessed the health of the Reef and concluded that the long-term outlook for the Reef ecosystem is “very poor.”⁵ This reflected a significant deterioration in the Reef’s health since just five years before, when GBRMPA had found the outlook to be “poor.”⁶ The overall integrity of the Reef, as well as its four “natural heritage values” (which correspond to criteria for assessment of Outstanding Universal Value (“OUV”) for which the Reef was inscribed on the World Heritage List⁷), are in worse condition than in 2014.⁸ Professor Terry Hughes, Director of the ARC Centre of Excellence for Coral Reef Studies and coauthor of a review of Australia’s 2019 state party report, has noted that all but one of 63 measures of the Reef’s OUV have deteriorated since 2014.⁹ Twenty-seven of those measures are now in “poor” or “very poor” condition, including key species and habitats such as corals and coral reef habitats (“very poor”) and seagrass meadows, marine turtles, seabirds, and dugongs (“poor”); only six are in “very good” condition.¹⁰ Because of the current state of the Reef, without “urgent and effective additional management intervention, the [natural heritage] values are likely to deteriorate rapidly with the loss of most values in the longer term.”¹¹ In light of these facts, the Great Barrier Reef meets the criteria for inscription on the List of World Heritage in Danger.¹²

As the Australian government itself recognizes, the most serious threat to the OUV of the Great Barrier Reef is the impacts of climate change – particularly rising ocean temperatures, ocean acidification, and extreme weather events.¹³ These impacts “are happening now,”¹⁴ reducing the Reef’s resilience and causing “dramatic system-wide declines in its condition.”¹⁵ For example, the death of around half of the Reef’s shallow-water corals during 2016 and 2017 was due to unprecedented consecutive bleaching events caused by elevated ocean temperatures attributed to climate change.¹⁶ Sea surface temperatures in February 2020 were the hottest ever recorded on the Reef, and GBRMPA has noted that new widespread bleaching was recently observed on inshore and mid-shelf far northern reefs and inshore fringing reefs, as well as on some parts of the central and southern inshore reefs.¹⁷ Coral reef scientists are predicting a bleaching event in the coming months more widespread than in 2016 or 2017.¹⁸

As temperatures continue to increase in the coming years and decades, the impacts of climate change on the Reef’s OUV will intensify and expand.¹⁹ As GBRMPA acknowledged, the “current rate of global warming will not allow the maintenance of a healthy Reef for future generations”²⁰ with “[w]orld heritage elements significantly deteriorated” at 1.5°C of warming, and “lost” at over 1.5°C of warming.²¹ This is consistent with the findings of the Intergovernmental Panel on Climate Change that average coral cover on reefs across the globe will further decline by 70-90% at 1.5°C of warming and by over 99% with 2°C of warming.²²



Decomposing soft coral falling off the Great Barrier Reef, May 2016.
XL Catlin Seaview Survey / Richard Vevers

However, the outlook for the Great Barrier Reef's OUV can be improved with urgent action to curb greenhouse gas emissions.²³ As GBRMPA has stated, the "window of opportunity to influence the Reef's long-term future is now."²⁴ To have any chance of protecting the Reef's OUV and that of other World Heritage-listed coral reefs, warming must be limited to well below 1.5°C above preindustrial levels, although even that level of warming will result in further significant harm to coral reefs.²⁵ Because the planet is currently on track for over 3°C of warming by 2100,²⁶ accelerated and significant action to reduce greenhouse gas emissions and place the world on a well-below-1.5°C pathway is essential to protecting the OUV of the Great Barrier Reef.²⁷

2. AUSTRALIA MUST ALIGN ITS ACTIONS WITH A WELL-BELOW-1.5°C PATHWAY TO PROTECT THE OUTSTANDING UNIVERSAL VALUE OF THE GREAT BARRIER REEF, INDEPENDENT OF ITS COMMITMENTS UNDER THE PARIS AGREEMENT

In 2017 and 2018, the World Heritage Committee emphasized the "importance of States Parties undertaking the most ambitious implementation of the Paris Agreement ... by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and by pursuing efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change."²⁸

This is a step in the right direction. But in the face of the intensifying threats of climate change to the OUV of the Great Barrier Reef, ambitiously implementing the Paris Agreement is not enough to provide the protections to the Reef that would satisfy Australia's obligations under the World Heritage Convention. The World Heritage Convention requires state parties to "do all [they] can ... to the utmost of [their] own resources" to protect and conserve World Heritage properties,²⁹ and ensure that the OUV of properties in their territories is "sustained or enhanced over time,"³⁰ including by addressing existing and potential threats, whatever their source.³¹ As described in Section 1 above, *to protect the Great Barrier Reef and sustain and enhance its OUV, warming must be limited to well below 1.5°C*. Accordingly, to fulfil the requirements of the World Heritage Convention to protect the Reef's OUV, Australia must do all it can to the utmost of its resources to proactively align its actions – including its domestic emissions and exports of fossil fuels that emit greenhouse gases – with a well-below-1.5°C pathway, and to achieve its fair share of global emissions reductions.

This obligation to protect OUV under the World Heritage Convention exists independently of commitments made under the Paris Agreement to hold the temperature increase to well below 2°C and "pursu[e] efforts" to limit warming to 1.5°C; if meeting a nation's commitments under the Paris Agreement does not constitute doing all it can do to the utmost of its resources to protect and conserve the OUV of its World Heritage properties, the World Heritage Convention requires it to do more, and nothing in the Paris Agreement prevents parties from taking action beyond what that agreement requires. As described in the letter attached as **Appendix 1** to this submission, other United Nations treaty bodies whose mandates are affected by climate change have reached similar conclusions. Those bodies are similarly recommending climate-related actions by individual states that are independent of those states' Paris commitments where such actions are necessary to fulfil state obligations under other treaties.

This is the case for Australia's obligation under the World Heritage Convention to protect the OUV of the Great Barrier Reef. As described below, Australia is not doing all it can to the utmost of its resources to protect the Reef's OUV by proactively aligning its actions – including its domestic emissions and its exports of fossil fuels that emit greenhouse gases – with limiting warming to well below 1.5°C, nor is it on track to meet its Paris commitments or achieve its fair share of global emissions reductions.³²

It is true that no single country can solve the climate crisis. But this is not an excuse for a state party with a climate-vulnerable World Heritage property within its territory to fail to do all it can to address the threat of climate change by aligning its actions with a well-below-1.5°C pathway and achieving its fair share of global emissions reductions. It is disingenuous and dangerous for Australia to state, as it did in its 2019 state party report under the Convention, that “climate change ... can *only* be addressed ... under the Paris Agreement,”³³ and to suggest that it does not have direct control over its contributions to climate change.³⁴ State parties to the World Heritage Convention have direct control over their greenhouse gas emissions and the alignment of their actions with a well-below-1.5°C pathway.

3. AUSTRALIA IS FAILING TO DO ALL IT CAN TO THE UTMOST OF ITS RESOURCES TO PROTECT THE OUTSTANDING UNIVERSAL VALUE OF THE GREAT BARRIER REEF BECAUSE IT IS ACTIVELY CONTRIBUTING TO THE CLIMATE CRISIS AND FAILING TO ALIGN ITS ACTIONS WITH A WELL-BELOW-1.5°C PATHWAY

Despite being a well-resourced country with high capacity to align its actions with a well-below-1.5°C pathway, Australia is not doing all it can to the utmost of its resources to protect the Great Barrier Reef and sustain and enhance its OUV. Instead, Australia is fueling the deterioration of the Reef’s OUV, and the OUV of its other climate-vulnerable World Heritage properties, by failing to align its actions with a well-below-1.5°C pathway or to undertake its fair share of global emissions reductions. In this way, it is violating its obligations under the World Heritage Convention to protect the Reef’s OUV. Australia’s actions also contradict important statements in its 2019 state party report under the Convention about its climate action.³⁵ As Christiana Figueres, former executive secretary of the United Nations Framework Convention on Climate Change (“UNFCCC”) said recently, “I am deeply pained by the attitude of the current Australian Government ... that this government is still denying climate change and denying the fact that there is a lot that Australia can and should be doing.”³⁶

3.1 Australia’s greenhouse gas emissions, excluding land use, land-use change and forestry emissions, rose every year from 2014 to 2018, with no significant decline projected to 2030, and Australia is not on track to meet its 2020 or 2030 emissions reductions targets under the United Nations Framework Convention on Climate Change.

Australia’s statement in the 2019 state party report that it is taking “strong action”³⁷ to address the threat of climate change under the UNFCCC is not true (and, as noted in Sections 1 and 2 above, even if it were true, this would be insufficient to protect the Reef’s OUV). Instead, despite being a wealthy country with substantial capacity to align its actions with a well-below-1.5°C pathway, Australia’s greenhouse gas emissions, excluding land use, land-use change and forestry (“LULUCF”), rose every year from 2014 to 2018, with 2019 emissions (excluding LULUCF) only 1.17% lower than 2018 emissions (excluding LULUCF).³⁸ The government projects emissions in 2030 to be only 4% lower than in 2019.³⁹ As at 2019, emissions from oil and gas had risen by 621% since 2005, and emissions from road transport, industry, and mining had risen by 122%, 60%, and 41% respectively since 2005.⁴⁰

In addition, the Australian government’s own data projects emissions in 2020 to be only 0.3% less than in 2000,⁴¹ falling far short of its target of 5% below 2000 levels set under the Cancun Agreements.⁴² In 2019, the UN Environment Programme (“UNEP”) singled out Australia’s lack of progress in reducing emissions, noting that Australia “will not achieve its 2020 pledge” unless it “[carries] forward [its] overachievement from the Kyoto period”⁴³ – an accounting process that

creates an artificially inflated picture of actual emissions reductions (see Section 3.2 below for further discussion).

Similarly, the government's data indicates that it will not meet its 2030 target under the Paris Agreement: emissions in 2030 are projected to be only 16% below 2005 levels, far short of Australia's target of 26-28% below 2005 levels.⁴⁴ Again, Australia proposes to rely on carryover credits to meet its lower 2030 target, and even using this controversial accounting method it will not be able to meet its higher 2030 target.⁴⁵

Many independent expert institutions have confirmed Australia's insufficient progress in meeting its emissions reductions targets and its lack of adequate policies to enable it to meet its targets. In 2019, both UNEP and the Organisation for Economic Co-Operation and Development ("OECD") said Australia needs to intensify its efforts if it is to meet its 2030 target.⁴⁶ UNEP noted that Australia has "no major policy tool to encourage emissions reductions from the electricity sector" and that Australian government estimates indicate that the additional money Australia provided to its "Climate Solutions Fund" in 2019 will only result in 100 MtCO₂e of emissions reductions by 2030⁴⁷ – which is well below the 395-462 MtCO₂e of reductions that the government says is required to meet its Paris target.⁴⁸ In late 2019, the United Nations Committee on the Rights of the Child said that Australia "has made insufficient progress on the goals and targets set out in the Paris Agreement" and urged Australia to "promptly take measures to reduce its emissions of greenhouse gases by establishing targets and deadlines to phase out the domestic use and export of coal and to accelerate the transition to renewable energy."⁴⁹ Even the International Monetary Fund ("IMF") has stated that Australia is unlikely to meet its 2030 target, even if there were a carbon tax of \$75 per ton of CO₂ (the amount the IMF estimates is required globally by 2030 to limit warming to 2°C).⁵⁰

Non-governmental expert organizations have reached similar conclusions. For example, the 2020 Climate Change Performance Index ("CCPI"), an independent monitoring tool for tracking the climate performance of 57 countries and the EU published annually since 2005 by Germanwatch, the NewClimate Institute and Climate Action Network, rated Australia's climate policies last out of the 57 countries and the EU that are together responsible for more than 90% of global GHG emissions, giving Australia a score of zero – which no other country received.⁵¹ The CCPI noted that the Australian government has "continued to worsen performance at both national and international levels."⁵² Both Climate Analytics and Climate Action Tracker ("CAT") conclude that Australia is not on track to meet its 2030 target.⁵³ According to CAT, "While the federal government continues to repeatedly state that Australia is on track to meet its 2030 target 'in a canter', [CAT] is not aware of any scientific basis, published by any analyst or government agency, that would support this."⁵⁴ CAT – together with scientists and other experts – has also criticized Australia's "Climate Solutions Package" as failing to identify how Australia will meet its 2030 target and inadequate to reduce emissions across the energy sector.⁵⁵



Mount Piper coal power station in Portland, NSW, Australia.
Getty Images / mikulas1

3.2 Australia's proposed reliance on carryover credits to meet its 2020 and 2030 emissions reductions targets undermines global action on climate change because it substantially cuts Australia's total reductions and is contrary to the Paris Agreement's goal of increasingly ambitious reductions.

As noted above, Australia proposes to carry over credits from the Kyoto Protocol to meet its 2020 emissions reduction target under the Cancun Agreements and 2030 target under the Paris Agreement. Australia is the only country that is explicitly proposing to use this emissions-accounting practice,⁵⁶ which represents a failure to do its utmost to align its actions with a well-below-1.5°C pathway.

Using carryover credits allows Australia to avoid overall emissions reductions. As Climate Analytics notes, Australia's "claim of overachievement ... does not represent any real emissions reductions but is technical only, resulting from anomalies under Kyoto accounting rules and deliberate accounting choices Australia made."⁵⁷ For example, Australia set unambitious targets under the Kyoto Protocol (8% *above* 1990 emissions for the first Kyoto commitment period of 2008-2012, and 0.5% below 1990 levels for the second Kyoto commitment period of 2013-2020), and used its historically high emissions in 1990 (resulting from large-scale deforestation) as the base against which emissions reductions were assessed.⁵⁸ It would be "perverse, to say the least, to reward Australia in 2030 for large scale deforestation that took place forty years earlier in 1990."⁵⁹ As Professor Will Steffen from the Australian National University has said, "fake emissions reductions aren't emissions reductions at all."⁶⁰

Australia's stance on carryover credits has been widely criticized as undermining global action on climate change and as contrary to the Paris Agreement's goal of increasingly ambitious emissions reductions.⁶¹ Laurence Tubiana, a key architect of the Paris Agreement, criticized Australia's intention to use carryover credits: "*If you want this carryover it is just cheating. Australia was willing in a way to destroy the whole system, because that is the way to destroy the whole Paris Agreement.*"⁶² Christina Figueres has also criticized Australia's stance, saying, "Kyoto 'carryover' can't be used to make up the gap [between Australia's projected emissions and its 2030 target]. The Paris Agreement doesn't allow it. To suggest otherwise is at best an attempt to paper over Australia's lagging efforts; and at worst, a legally baseless ploy that encourages cheating and holds back development of the next phase of carbon markets."⁶³ In March 2020, nine leading Australian law professors wrote to the Australian prime minister concluding that the use of carryover credits from the Kyoto Protocol is "legally baseless" under international law.⁶⁴ In July 2019, Pacific Island leaders requested that Australia not carryover any credits,⁶⁵ and at the December 2019 UNFCCC Conference of the Parties, about 100 countries pushed for a ban on the use of carryover credits, with 32 countries signing principles to this effect.⁶⁶ Australia worked to block the ban.⁶⁷ The Alliance of Small Island States was "appalled and dismayed" by the failure to agree on the ban.⁶⁸

3.3 Australia's 2030 target does not represent its fair share of global emissions reductions.

Even if Australia were to meet its 2030 target, scientists and other experts – including members of an independent advisory body to the Australian government – have criticized that target as insufficient and failing to represent Australia's fair share of responsibility for limiting temperature rise to 2°C, let alone the well-below-1.5°C limit required to protect the OUV of the Great Barrier Reef.⁶⁹ In 2015, Australia's Climate Change Authority (an independent advisory body to the government) recommended that Australia's emission reduction target for 2030 be 45-65% below 2005 levels, with the 65% reduction representing Australia's fair share to limiting warming to no more than 1.5°C.⁷⁰ Similarly, both Climate Action Tracker and Paris Equity Check, which rate countries' targets against multiple effort-sharing approaches,⁷¹ conclude that Australia's 2030 target does not represent its fair share of global emissions reductions to limit warming to 2°C, let alone 1.5°C or below.⁷² Indeed, Climate Action Tracker concludes that if all governments were to propose targets at a similar level of effort to Australia relative to their national circumstances, this would lead to warming of up to 3°C.⁷³

3.4 Australia is one of the world's two largest exporters of coal and the world's largest exporter of liquefied natural gas, and plans to continue expanding these exports.

Australia is one of the world's two largest exporters of coal,⁷⁴ and recently became the world's largest exporter of liquefied natural gas (LNG).⁷⁵ In fact, Australia exports 1.1 billion metric tons of CO₂e each year; only Russia and Saudi Arabia export more CO₂e.⁷⁶ When Australia's domestic and exported fossil fuel emissions are combined, Australia is responsible for 5% of the world's fossil fuel emissions – with only 0.3% of the world's population.⁷⁷ These emissions contribute substantially to climate change and the further deterioration of the Reef's OUV.

Furthermore, Australia is determined to expand its fossil fuel production and export by opening massive new coal and gas basins across the country: for example, in February 2020, the federal Minister for Resources, Water, and Northern Australia, Keith Pitt, called for Australia to increase its coal and gas exports.⁷⁸ The Australian federal and Queensland state governments are committed to opening the as-yet-undeveloped Galilee Basin – one of the world's largest untapped coal reserves⁷⁹ – to at least six coal mines, and possibly more.⁸⁰ At full operational capacity, the average annual emissions attributable to just one of these mines – the Carmichael Coal Mine and Rail Project – would be greater than the average annual emissions of a number of countries – including Sri Lanka, Malaysia, and Austria.⁸¹ The Australian government also supports the expansion of gas production and exports.⁸²

Australia's support for expanded fossil fuel exports is entirely inconsistent with a well-below-1.5°C pathway and contrary to clear evidence that fossil fuels must remain unburned to avert the most serious consequences of climate change.⁸³ Australia's proposed new fossil fuel sources would contribute emissions for decades to come, intensifying the future threats to the Reef's OUV. For example, Professor Ove Hoegh-Guldberg, a coordinating lead author of multiple chapters in the IPCC's Special Report on Global Warming of 1.5°C, has stated that the emissions attributable to the Carmichael Coal Mine and Rail Project would represent a "very significant contribution to the impacts being felt on the Great Barrier Reef."⁸⁴ Climate Analytics concluded in 2019 that "if current government and industry projections for Australia's fossil fuel exports are realised, Australia could be responsible (including both domestic and exported emissions) for about 13% (between 11.9% - 17.4%) of Paris Agreement compatible global CO₂ emissions in 2030."⁸⁵ Notably, the United Nations Committee on the Rights of the Child has urged Australia to "promptly take measures to ... establish[] targets and deadlines to phase out the ... export of coal,"⁸⁶ the United Nations Committee on the Elimination of Discrimination Against Women urged Australia to "reduce greenhouse gas emissions, notably those resulting from coal ... exports,"⁸⁷ and Pacific Island leaders have called for Australia to end the new mining of coal and phase out existing coal mining.⁸⁸

3.5 Under current policies, Australia's per-capita emissions will remain among the highest globally to at least 2030, and Australia's state party report misrepresents the adequacy of its action to address this.

Australia's per-capita domestic emissions are among the world's highest and more than double the average for G20 member countries⁸⁹ (the 19 countries and the European Union that together represent 80% of the world's economic output⁹⁰). In July 2018, the United Nations Committee on the Elimination of Discrimination Against Women expressed concern that, with only 0.3% of the world's population, Australia emits "1.4[%] of global emissions, without accounting for the emissions embedded in exports."⁹¹ Christiana Figueres has noted that, "[w]ith exports included, Australians have the biggest per capita carbon footprint in the world."⁹²

Unfortunately, Australia is not acting to change this: UNEP projects that, under current policies, Australia will be the second-highest per-capita emitter in the G20 by 2030, behind Saudi Arabia.⁹³ As such, Australia is not doing all it can, to the utmost of its resources, to reduce its contributions to climate change.

In addition, Australia's claim in the 2019 state party report that its 2030 target represents a halving of per-capita emissions⁹⁴ misrepresents the adequacy of reductions because this claim relies on the historically high emissions in 1990 resulting from large-scale deforestation (see discussion in Section 3.2 above), as well as rapid population growth that has depressed per-capita emissions without reducing overall emissions.⁹⁵ In any event, as Dr. Hugh Saddler, Honorary Associate Professor at Australian National University specializing in energy and environmental policy, has said, "The atmosphere doesn't care how many people are contributing to emissions; it's the total quantity of emissions that matter."⁹⁶



Coal mine located near Broke, NSW, Australia.
Getty Images / mikulas1

3.6 Australia's economy remains carbon-intensive and the government actively promotes the use of fossil fuels.

Despite being a well-resourced country with capacity to plan for a transition to a decarbonized economy, the Australian economy is carbon intensive and the government is actively promoting the use of fossil fuels. As the OECD said in 2019, Australia has "one of the most resource- and carbon-intensive OECD economies,"⁹⁷ generating about 80% of its domestic energy from fossil fuels,⁹⁸ with no coherent policy to decarbonize the economy.⁹⁹ The government is instead committed to extending the life of aging coal plants¹⁰⁰ and, in early February 2020, announced it was spending AUD\$4 million of taxpayer money to undertake a feasibility study into a new coal plant.¹⁰¹ This is contrary to the IPCC's findings that coal use in electricity generation must fall by 80% below 2010 levels by 2030 with coal plants phased out by mid-century,¹⁰² Climate Analytics' findings that coal plants must be phased out in OECD countries (of which Australia is one) by 2031 to ensure compatibility with a 1.5°C pathway,¹⁰³ the actions of many other countries, including France, Spain, Britain, and Germany, all of whom have pledged to phase out coal power,¹⁰⁴ and the call by UN Secretary-General António Guterres that no new coal plants be built after 2020.¹⁰⁵

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For the reasons above, Australia is not doing all it can to the utmost of its resources to address its direct contributions to climate change, because it is failing to align its actions with the well-below-1.5°C pathway necessary to protect the Great Barrier Reef World Heritage Area and sustain and enhance its OUV, or to undertake its fair share of global emissions reductions. Notably, Australia's *Reef 2050 Long-Term Sustainability Plan* – the framework for managing the Reef until 2050 – makes no recommendation or commitment to address the threat of climate change beyond a reliance on inadequate government climate policy, and is silent on the impact of emissions from Australian fossil fuel exports.¹⁰⁶ This is despite the plan being updated in July 2018 following the devastating mass coral bleachings in 2016 and 2017, and the Reef 2050 Plan Independent Expert Panel's recommendation in May 2017 that the plan include climate change mitigation action.¹⁰⁷

4. CONCLUSION AND RECOMMENDATIONS

Australia is violating its obligations under the World Heritage Convention and fueling the deterioration of the Reef's OUV, and the OUV of its other climate-vulnerable World Heritage properties, by failing to align its actions with a well-below-1.5°C pathway or undertake its fair share of global emissions reductions. We request that the World Heritage Committee, at its 44th session in 2020:

1. **Express its deep concern about the very poor and deteriorating outlook for the Great Barrier Reef World Heritage Area and the immediate and long-term threat that climate change poses to the health and survival of the Great Barrier Reef ecosystem;**
2. **Note that scientific evidence demonstrates that the average global temperature increase must be limited to well below 1.5°C above pre-industrial levels to protect the Outstanding Universal Value of the Great Barrier Reef;**
3. **Call on Australia to align its actions with a well-below-1.5°C pathway, including by taking steps to decarbonize the economy, promote renewable energy sources, and phase out domestic reliance on fossil fuels and production and export of fossil fuels;**
4. **Call on Australia to undertake the most ambitious implementation of the Paris Agreement to limit warming to 1.5°C above pre-industrial levels by intensifying its efforts to meet its 2030 emissions reduction target, and to strengthen its 2030 emissions reduction target so that it represents Australia's fair share of global emissions reductions to align with a well-below-1.5°C pathway;**
5. **Require Australia to revise the *Reef 2050 Long-Term Sustainability Plan* to include:**
 - a. **A commitment to align its actions with a well-below-1.5°C pathway, including by taking steps to decarbonize the economy, promote renewable energy sources, and phase out domestic reliance on fossil fuels and production and export of fossil fuels;**
 - b. **A commitment to undertake the most ambitious implementation of the Paris Agreement to limit warming to 1.5°C above pre-industrial levels by intensifying its efforts to meet its 2030 emissions reduction target, and to strengthen its 2030 emissions reduction target so that it represents Australia's fair share of global emissions reductions to align with a well-below-1.5°C pathway;**
 - c. **Details of national policies and investments with implementation timelines to deliver the above actions; and**
 - d. **Identification of the specific impacts of climate change on the Great Barrier Reef and the actions that Australia will take to address each of these impacts;**
6. **Request Australia to implement the new commitments in the *Reef 2050 Long-Term Sustainability Plan* through legislation;**
7. **Request Australia to invite a monitoring mission as soon as possible to review Australia's response to the climate crisis that is threatening the Outstanding Universal Value of the Great Barrier Reef;**
8. **Inscribe the Great Barrier Reef World Heritage Area on the List of World Heritage in Danger; and**
9. **Urge all state parties to align themselves with a well-below-1.5°C pathway to assist in protecting the Outstanding Universal Value of the Great Barrier Reef.**

¹ The Great Barrier Reef Marine Park Authority (“GBRMPA”) summarizes these “natural heritage values” as natural beauty and natural phenomena, major stages of the Earth’s evolutionary history, ecological and biological processes, and habitats for conservation of biodiversity. GBRMPA, *Great Barrier Reef Outlook Report 2019* (2019) (“*2019 Outlook Report*”), p. 103,

<http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/3474/10/Outlook-Report-2019-FINAL.pdf>.

² NSW Government Department of Planning, Industry and Environment, *Understanding the impact of the 2019-20 fires*, <https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/fire/park-recovery-and-rehabilitation/recovering-from-2019-20-fires/understanding-the-impact-of-the-2019-20-fires>;

L. Cox and N. Evershed, *The Guardian*, ‘It’s heart-wrenching’: 80% of Blue Mountains and 50% of Gondwana rainforests burn in bushfires (Jan. 16, 2020),

<https://www.theguardian.com/environment/2020/jan/17/its-heart-wrenching-80-of-blue-mountains-and-50-of-gondwana-rainforests-burn-in-bushfires>;

A. Morton, *The Guardian*, *UNESCO expresses concern over bushfire damage to Australia’s Gondwana rainforests* (Nov. 28, 2019),

<https://www.theguardian.com/australia-news/2019/nov/28/unesco-expresses-concern-over-bushfire-damage-to-australias-gondwana-era-rainforests>.

³ G. J. van Oldenborgh *et al*, *Attribution of the Australian bushfire risk to anthropogenic climate change* (published by World Weather Attribution) (Mar. 2020),

https://www.worldweatherattribution.org/wp-content/uploads/WWA-attribution_bushfires-March2020.pdf.

See also Climate Council, ‘This is not normal’: climate change and escalating bushfire risk (Nov. 12, 2019),

<https://www.climatecouncil.org.au/wp-content/uploads/2019/11/CC-nov-Bushfire-briefing-paper.pdf>;

CarbonBrief, *Media reaction: Australia’s bushfires and climate change* (Jan. 7, 2020),

<https://www.carbonbrief.org/media-reaction-australias-bushfires-and-climate-change>.

⁴ GBRMPA is a body established under federal statute to manage the Great Barrier Reef Marine Park, which is substantially the same area as the World Heritage Area. See GBRMPA, *Our story*,

<http://www.gbrmpa.gov.au/about-us/about-us>.

⁵ *2019 Outlook Report*, above n. 1, p. 270.

⁶ GBRMPA, *Great Barrier Reef Outlook Report 2014* (2014), p. 274,

http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/2855/1/GBR%20Outlook%20Report%202014_Web280714.pdf.

⁷ GBRMPA summarizes these “natural heritage values” as natural beauty and natural phenomena, major stages of the Earth’s evolutionary history, ecological and biological processes, and habitats for conservation of biodiversity. *2019 Outlook Report*, above n. 1, p. 103.

⁸ *Id.* See also Commonwealth of Australia, *State Party report on the state of conservation of the Great Barrier Reef World Heritage Area (Australia)* (2019) (“*2019 State Party Report*”), pp. 13-14,

<https://www.environment.gov.au/system/files/resources/bfcd4506-2d94-4dc4-9eab-2cc97b931fac/files/gbr-state-party-report-2019.pdf>.

⁹ D. Tarte and T. Hughes, *Review of state party report on the state of conservation of the Great Barrier Reef World Heritage Area (Australia)* (Feb. 2020) (under the heading “Section 4.1.1 Pillar 1: The world heritage criteria (p.13)”),

https://www.academia.edu/42011220/REVIEW_OF_STATE_PARTY_REPORT_ON_THE_STATE_OF_CONSERVATION_OF_THE_GREAT_BARRIER_REEF_WORLD_HERITAGE_AREA_AUSTRALIA.

¹⁰ *Id.* See also *2019 Outlook Report*, above n. 1, pp. 23-24, 30-32, 36-38, 40-44.

¹¹ *2019 Outlook Report*, above n. 1, p. 270.

¹² See, for example, Earthjustice and Environmental Justice Australia, *Protecting the Great Barrier Reef – A legal assessment of the World Heritage Committee’s May 2015 draft decision concerning the potential inscription of the Great Barrier Reef on the List of World Heritage in Danger* (Jun. 2015),

<https://earthjustice.org/sites/default/files/files/Protecting-the-Great-Barrier-Reef.PDF>.

¹³ *2019 State Party Report*, above n. 8, p. 12 (“Climate change (especially sea temperature rise and temperature extremes) remains the most serious and pervasive threat to the Reef...”). See also pp. 3, 7, 13; *2019 Outlook Report*, above n. 1, p. v (“Climate change is escalating and is the most significant threat to the [Great Barrier Reef’s] long-term outlook.”). See also pp. 161-167, 263-266, 270-271.

¹⁴ *2019 Outlook Report*, above n. 1, p. 271.

¹⁵ GBRMPA, *Reef 2050 Plan – Net Benefit Policy* (Jul. 2018), p. 3, <http://elibrary.gbrmpa.gov.au/jspui/bitstream/11017/3388/9/Reef-2050-net-benefit-policy.pdf>. See also *2019 Outlook Report*, above n. 1, p. 263 (“Reef resilience is being severely compromised by global warming, which has resulted in mass mortality of adult coral and subsequent 89 per cent decline in coral recruitment.”). See also pp. 242, 271.

¹⁶ Commonwealth of Australia, *Reef 2050 Long-Term Sustainability Plan* (Jul. 2018), pp. 1, 10, <http://www.environment.gov.au/system/files/resources/35e55187-b76e-4aaf-a2fa-376a65c89810/files/reef-2050-long-term-sustainability-plan-2018.pdf>.

¹⁷ GBRMPA, *Weekly Reef health update* (Mar. 5, 2020 and Feb. 27, 2020), <http://www.gbrmpa.gov.au/the-reef/reef-health>; P. Hannam, Sydney Morning Herald, *Record February heat pushes Reef corals closer to big bleaching event* (Mar. 5, 2020), <https://www.smh.com.au/environment/climate-change/record-february-heat-pushes-reef-corals-closer-to-big-bleaching-event-20200305-p547bc.html> and *Concerns rise for Great Barrier Reef health as corals start to bleach* (Feb. 20, 2020), <https://www.smh.com.au/environment/climate-change/concerns-rise-for-great-barrier-reef-health-as-corals-start-to-bleach-20200220-p542lx.html>; B. Deacon and J. Davis, ABC News, *Great Barrier Reef coral bleaching event linked to ‘anthropogenic climate change’* (Mar. 5, 2020), <https://www.abc.net.au/news/2020-03-06/great-barrier-reef-coral-bleaching-anthropogenic-climate-change/12029936>; M. Stone, Vice, *The Great Barrier Reef is heading for a mass bleaching of unprecedented scale* (Mar. 4, 2020), https://www.vice.com/en_us/article/y3mxmg/great-barrier-reef-coral-bleaching-2020.

¹⁸ Dr. W. Skirving, *Status of bleaching heat stress on the Great Barrier Reef, Australia – 2020* (Mar. 4, 2020), https://coralreefwatch.noaa.gov/satellite/analyses_guidance/gbr_heat_stress_event_2020_status_asof20200304.pdf; National Oceanic and Atmospheric Administration Coral Reef Watch, *2020 Mar 3 NOAA Coral Reef Watch 90% probability coral bleaching heat stress for March-Jun 2020* (Mar. 3, 2020), https://coralreefwatch.noaa.gov/satellite/bleachingoutlook_cfs/current_image/cur_cfsv2_outlook-4mon_v5_90pct_45ns.gif; P. Hannam, *Concerns rise for Great Barrier Reef health as corals start to bleach*, above n. 17.

¹⁹ *2019 Outlook Report*, above n. 1, p. 270 (“The threats affecting the [Great Barrier Reef’s] ecosystem (natural heritage values) are increasing, compounding and expanding in scale; they are driven strongly by climate change.”). See also Figure 10.2 “Future pathways for the Great Barrier Reef Region” (p. 265).

²⁰ *Id.*, p. 271.

²¹ *Id.*, Figure 10.2 “Future pathways for the Great Barrier Reef Region” (p. 265).

²² Intergovernmental Panel on Climate Change (“IPCC”), *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* (2018), para. B.4.2 (p. 8), section 3.5.2.1 (p. 254), https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_High_Res.pdf.

²³ *2019 Outlook Report*, above n. 1, p. 271.

²⁴ *Id.*, p. 270. See also p. 271 (“The [Great Barrier Reef’s] current long-term outlook is for continued deterioration: this could be altered with urgent and coordinated actions to curb greenhouse gas emissions. The [Reef’s] short to medium-term future will be determined by the actions of many within the next five to 10 years. By 2030, or within the next decade, without timely and effective management actions a declining outlook for the Region will continue to manifest.”).

²⁵ *Id.*, p. 208 (“[R]estricting the global temperature increase to 1.5 degrees Celsius or lower is critical to the Reef remaining a functioning ecosystem.”), p. 264 (“Even a scenario of reduced greenhouse gas emissions that could restrict a global temperature increase to less than 1.5 degrees Celsius (which is what the Reef needs) would still see substantial changes occurring to marine ecosystems....”), Figure 10.2 “Future pathways for the Great Barrier Reef Region” (p. 265). See also IPCC, *Global Warming of 1.5°C*, above n. 22, para. B.4 (“Limiting global warming to 1.5°C compared to 2°C is projected to reduce

increases in ocean temperature as well as associated increases in ocean acidity and decreases in ocean oxygen levels.... Consequently, limiting global warming to 1.5°C is projected to reduce risks to marine biodiversity, fisheries, and ecosystems, and their functions and services to humans, as illustrated by recent changes to ... warm-water coral reef ecosystems...."). In addition, analysis by the World Heritage Centre and Coral Reef Watch found that limiting warming to 1.5°C would prevent severe annual coral bleaching this century on all World Heritage-listed coral reefs, as well as twice-per-decade severe bleaching on 86% of those reefs, including the Great Barrier Reef. S. Heron *et al*, *Impacts of climate change on World Heritage coral reefs: update to the first global scientific assessment* (2018), pp. 3-4, <http://unesdoc.unesco.org/images/0026/002656/265625e.pdf>.

²⁶ United Nations Environment Programme ("UNEP"), *Emissions Gap Report 2019* (2019) ("*2019 UNEP Emissions Gap Report*"), pp. xix, 27, <https://wedocs.unep.org/bitstream/handle/20.500.11822/30797/EGR2019.pdf?sequence=1&isAllowed=y>.

²⁷ *2019 Outlook Report*, above n. 1, p. 227 ("Immediate and drastic reductions to carbon emissions to limit warming to less than 1.5 degrees Celsius will increase the likelihood that the Reef will persist into the future, although it will be different from the Reef today."). See also pp. 264-265, 271; S. Heron *et al*, *Impacts of climate change on World Heritage coral reefs: update to the first global scientific assessment*, above n. 25, p. 4 ("Bleaching and mortality of corals due to heat stress, resulting from global warming ... is expected to continue and intensify in the coming decades unless CO₂ emissions are drastically reduced.").

²⁸ 41 COM 7 (2017), para. 22, <https://whc.unesco.org/en/decisions/6940/>; 42 COM 7 (2018), para. 29, <https://whc.unesco.org/en/decisions/7112/> (quotations omitted in both sources).

²⁹ *Convention Concerning the Protection of the World Cultural and Natural Heritage*, Articles 4 and 5. See also Earthjustice and Environmental Justice Australia, *World heritage and climate change: the legal responsibility of states to reduce their contributions to climate change – a Great Barrier Reef case study* (Mar. 2017), especially pp. 8-11, https://earthjustice.org/sites/default/files/files/World-Heritage-Climate-Change_March-2017.pdf.

³⁰ *Operational Guidelines for the Implementation of the World Heritage Convention* (Jul. 2019), para. 96.

³¹ The criteria for inscribing a World Heritage property on the List of World Heritage in Danger, which include threats from "ascertained" or "potential" danger, support the conclusion that protecting and conserving a World Heritage property includes addressing both existing and potential threats. *Operational Guidelines for the Implementation of the World Heritage Convention*, above n. 30, paras. 179-180. Also, the World Heritage Convention places no limits or exclusions on the kinds of threats that states must address. As the World Heritage Centre has noted, "Where the threat [to a property] comes from is irrelevant." UNESCO World Heritage Centre, *Policy document on the impacts of climate change on world heritage properties* (2008), p. 12, available to download at <http://whc.unesco.org/en/CC-policy-document/>. See also Earthjustice *et al*, *World heritage and climate change*, above n. 29, pp. 8-11.

³² See also Earthjustice *et al*, *World heritage and climate change*, above n. 29, pp. 8-11.

³³ *2019 State Party Report*, above n. 8, p. 7 (emphasis added).

³⁴ *Id.*, p. 3 ("We are actively managing the pressures over which we have direct control....").

³⁵ See, for example, *id.*, pp. 3, 17, 18.

³⁶ C. Figueres, quoted in ABC Triple J Hack, *World's top climate negotiator condemns Australian response to climate change* (Feb. 24, 2020), <https://www.abc.net.au/triplej/programs/hack/world-top-climate-negotiator-condemns-australian-response-bushfi/11989658>.

³⁷ *2019 State Party Report*, above n. 8, pp. 3, 17.

³⁸ See Commonwealth of Australia, *Quarterly Update of Australia's National Greenhouse Gas Inventory: December 2019* (2020), Data Table 1A (pp. 31-34), <https://www.industry.gov.au/sites/default/files/2020-05/nggi-quarterly-update-dec-2019.pdf>. Emissions in 2018 (excluding LULUCF) were 557.4 Mt, and emissions in 2019 (excluding LULUCF) were 550.9 Mt. *Id.*, pp. 33-34.

³⁹ Emissions in 2030 are projected to be 511 Mt CO₂e, and emissions in 2019 were approximately 532 Mt CO₂e. See Commonwealth of Australia, *Australia's emissions projections 2019* (Dec. 2019), pp. 1, 8,

<http://www.environment.gov.au/system/files/resources/4aa038fc-b9ee-4694-99d0-c5346afb55fb/files/australias-emissions-projections-2019-report.pdf>.

⁴⁰ RepuTex Energy, *Outlook: Long-term carbon price, supply and demand outlook (Q3 FY19-20)* (Feb. 11, 2020), <https://www.reputex.com/research-insights/outlook-australian-industry-emissions-hit-record-high/>; A. Morton, *The Guardian*, *A 60% rise in industrial emissions points to failure of Coalition's 'safeguard mechanism'* (Feb. 11, 2020), <https://www.theguardian.com/australia-news/2020/feb/12/a-60-rise-in-industrial-emissions-points-to-failure-of-coalitions-safeguard-mechanism>.

⁴¹ Emissions in 2020 are projected to be 534 Mt CO₂e, and emissions in 2000 were 536 Mt CO₂e. *See Australia's emissions projections 2019*, above n. 39, pp. 1, 8. *See also* A. Morton, *The Guardian*, *Scott Morrison says the government is acting on emissions. Is it true?* (Jan. 20, 2020), <https://www.theguardian.com/environment/2020/jan/21/scott-morrison-says-the-government-is-acting-on-emissions-is-it-true>.

⁴² For information about Australia's 2020 emissions reduction target, *see* UNFCCC, *Cancun pledges – Australia*, <https://unfccc.int/topics/mitigation/workstreams/pre-2020-ambition/compilation-of-economy-wide-emission-reduction-targets-to-be-implemented-by-parties-included-in-annex-i-to-the-convention>; Australian Government Department of Foreign Affairs and Trade, *International cooperation on climate change*, <https://www.dfat.gov.au/international-relations/themes/climate-change/Pages/international-cooperation-on-climate-change.aspx>.

⁴³ *2019 UNEP Emissions Gap Report*, above n. 26, p. xvi.

⁴⁴ Commonwealth of Australia, *Australia's emissions projections 2019*, above n. 39, p. 6.

⁴⁵ *Id.*, Table 2 "Cumulative emissions reduction task 2021 to 2030" (p. 6).

⁴⁶ *2019 UNEP Emissions Gap Report*, above n. 26, pp. xvi, 8 (Australia "require[s] further action" to achieve its Paris target.), p. 14 (It will be "challenging" for Australia to achieve its Paris target.); Organisation for Economic Co-Operation and Development ("OECD"), *OECD Environmental Performance Reviews – Australia 2019* (2019), p. 26, https://read.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews-australia-2019_9789264310452-en#page1 ("Australia needs to intensify mitigation efforts to reach its Paris Agreement goal....").

⁴⁷ *2019 UNEP Emissions Gap Report*, above n. 26, p. 14.

⁴⁸ *See Australia's emissions projections 2019*, above n. 39, Table 2 "Cumulative emissions reduction task 2021 to 2030" (p. 6).

⁴⁹ United Nations Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia* (CRC/C/AUS/CO/5-6) (Nov. 1, 2019), paras. 40, 41(b), available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/AUS/CO/5-6&Lang=En.

⁵⁰ International Monetary Fund, *Fiscal monitor: how to mitigate climate change* (Oct. 2019), p. 8, available to download at <https://www.imf.org/en/Publications/FM/Issues/2019/09/12/fiscal-monitor-october-2019>. *See also* T. Stayner, SBS News, *Even if Australia raises a climate tax, it won't meet Paris targets: IMF* (Oct. 11, 2019), <https://www.sbs.com.au/news/even-if-australia-raises-a-climate-tax-it-won-t-meet-paris-targets-imf>.

⁵¹ J. Burck *et al*, Germanwatch, NewClimate Institute, and Climate Action Network International, *Climate Change Performance Index: Results 2020*, p. 17, <https://www.climate-change-performance-index.org/sites/default/files/documents/ccpi-2020-results-the-climate-change-performance-index.pdf>.

⁵² *Id.*, p. 16.

⁵³ Climate Analytics, *Australia's proposed 'Kyoto carryover' – nature, scale, implications, legal issues and environmental integrity of the Paris Agreement* (Dec. 2019), p. 25, <https://www.tai.org.au/sites/default/files/Climate%20Analytics%20-%20Kyoto%20Carryover%20In%20Madrid.pdf> ("Australia is facing a substantial mitigation gap as current policies do not meet the 26-28% reduction target."); Climate Action Tracker, *Australia – current policy projections* (as at Dec. 2, 2019), <https://climateactiontracker.org/countries/australia/current-policy-projections/> ("Australia's current policies fall far short of the emissions reductions required to meet the 2030 target.").

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- ⁵⁴ Climate Action Tracker, *Australia – country summary* (as at Dec. 2, 2019), <https://climateactiontracker.org/countries/australia/>.
- ⁵⁵ Climate Action Tracker, *Australia – current policy projections*, above n. 53; B. Nogrady, *Nature*, *Scientists criticize Australia’s ‘questionable’ climate policy* (Feb. 28, 2019), <https://www.nature.com/articles/d41586-019-00725-6>; Clean Energy Council, *Latest climate policy fails to provide clean energy investment confidence* (Feb. 25, 2019), <https://www.cleanenergycouncil.org.au/news/latest-climate-policy-fails-to-provide-clean-energy-investment-confidence>; Climate Council, *Government climate solutions package decoded* (Feb. 25, 2019), <https://www.climatecouncil.org.au/climate-solutions-package-decoded/>.
- ⁵⁶ G. Readfearn and A. Morton, *The Guardian*, *Australia is the only country using carryover climate credits, officials admit* (Oct. 21, 2019), <https://www.theguardian.com/environment/2019/oct/22/australia-is-the-only-country-using-carryover-climate-credits-officials-admit>.
- ⁵⁷ Climate Analytics, *Australia’s proposed ‘Kyoto carryover’*, above n. 53, p. 2.
- ⁵⁸ *Id.*, pp. 2-3.
- ⁵⁹ *Id.*, p. 2 (emphasis omitted).
- ⁶⁰ Professor W. Steffen, quoted in A. Lavoipierre, *ABC News*, *Are Australia’s Paris 2030 emissions reductions on track thanks to ‘loophole’?* (Dec. 11, 2018), <https://www.abc.net.au/news/2018-12-11/australia-using-loophole-to-claim-emissions-reduction-on-track/10606406>.
- ⁶¹ *See, for example*, Climate Analytics, *Australia’s proposed ‘Kyoto carryover’*, above n. 53, pp 3-4; A. McManis, *Australian Institute of International Affairs*, *COPing it in Madrid: why Australia’s stance at COP25 was so widely condemned* (Jan. 16, 2020), <http://www.internationalaffairs.org.au/australianoutlook/coping-it-in-madrid-why-australias-stance-at-cop25-was-so-widely-condemned/>; D. Twomey, *EcoNews*, *No legal basis for Australia’s carry-over credit loophole to meet Paris Agreement* (Dec. 12, 2019), <http://econews.com.au/63089/no-legal-basis-for-australias-carry-over-credit-loophole-to-meet-paris-agreement/>; A. Morton, *The Guardian*, *About 100 countries at UN climate talks challenge Australia’s use of carryover credits* (Dec. 8, 2019), <https://www.theguardian.com/environment/2019/dec/09/about-100-countries-at-un-climate-talks-challenge-australias-use-of-carryover-credits>; P. Hannam, *Sydney Morning Herald*, *‘Not winning friends’: Australia cops blame as climate talks extended* (Dec. 14, 2019), <https://www.smh.com.au/environment/climate-change/not-winning-friends-australia-cops-blame-as-climate-talks-extended-20191214-p53jyk.html>; K. Dooley, *The Conversation*, *The Madrid climate talks failed spectacularly. Here’s what went down* (Dec. 15, 2019), <https://theconversation.com/the-madrid-climate-talks-failed-spectacularly-heres-what-went-down-128921>.
- ⁶² L. Tubiana, quoted in A. Morton, *The Guardian*, *UN climate talks: Australia accused of ‘cheating’ and thwarting global deal* (Dec. 15, 2019) (emphasis added), <https://www.theguardian.com/environment/2019/dec/16/un-climate-talks-australia-accused-of-cheating-and-thwarting-global-deal>.
- ⁶³ C. Figueres, published in the *Sydney Morning Herald*, *Be honest Australia, you’re not ‘meeting and beating’ your emissions targets* (Mar. 9, 2020), <https://www.smh.com.au/environment/climate-change/be-honest-australia-you-re-not-meeting-and-beating-your-emissions-targets-20200307-p547u1.html>.
- ⁶⁴ Professor T. Stephens *et al*, Letter to the Hon Scott Morrison MP, Prime Minister (Mar. 3, 2020), published in C. Farand, *Climate Home News*, *Australia’s carbon accounting plan for Paris goals criticised as ‘legally baseless’* (Mar. 4, 2020), <https://www.climatechangenews.com/2020/03/04/australias-carbon-accounting-plan-paris-goals-criticised-legally-baseless/>.
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⁶⁶ A. Morton, *About 100 countries at UN climate talks challenge Australia's use of carryover credits*, above n. 61; Dirección de Cambio Climático de Costa Rica, *Press release: 32 leading countries set benchmark for carbon markets with San Jose Principles* (Dec. 14, 2019), <https://cambioclimatico.go.cr/press-release-leading-countries-set-benchmark-for-carbon-markets-with-san-jose-principles/>.

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- ⁸⁵ Climate Analytics, *Evaluating the significance of Australia's global fossil fuel carbon footprint*, above n. 77, p. 22 (citations omitted).
- ⁸⁶ United Nations Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, above n. 49, para. 41(b).
- ⁸⁷ United Nations Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Australia* (CEDAW/C/AUS/CO/8) (Jul. 25, 2018), para. 30(c), available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En.
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- ⁹⁰ G20, *What is the G20?* <https://g20.org/en/about/Pages/whatis.aspx>.
- ⁹¹ United Nations Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report of Australia*, above n. 87, para. 29(c). See also Associate

Professor M. McDonald, The Conversation, *How to answer the argument that Australia's emissions are too small to make a difference* (Jun. 17, 2019), <https://theconversation.com/how-to-answer-the-argument-that-australias-emissions-are-too-small-to-make-a-difference-118825>.

⁹² C. Figueres, *Be honest Australia, you're not 'meeting and beating' your emissions targets*, above n. 63.

⁹³ *2019 UNEP Emissions Gap Report*, above n. 26, Table 2.2 (p. 11).

⁹⁴ *See 2019 State Party Report*, above n. 8, p. 17.

⁹⁵ ABC News Fact Check, *Are carbon emissions coming down in Australia?* (Dec. 20, 2018), <https://www.abc.net.au/news/2018-12-17/fact-check-are-emissions-coming-down-in-australia/10620194>. *See also* Climate Analytics, *Climate change: Australia vs the world*, above n. 89, p. 1 (“[A]chieving its Paris Agreement NDC target would still put Australia behind other major economies like the USA, China, Japan, and the EU [on a per-capita basis] - in contrast to claims by the Australian government that on a per person basis, the Australian target is one of the strongest.”).

⁹⁶ Honorary Associate Professor Dr. H. Saddler, quoted in ABC News Fact Check, *Are carbon emissions coming down in Australia?* above n. 95.

⁹⁷ *OECD Environmental Performance Reviews – Australia 2019*, above n. 46, p. 3. *See also* pp. 26-27, 30.

⁹⁸ Australian Government Department of Industry, Science, Energy and Resources, *Electricity generation*, <https://www.energy.gov.au/data/electricity-generation> (“Fossil fuels contributed 81% of total electricity generation in 2018, including coal (60%), gas (19%) and oil (2%).”).

⁹⁹ *See, for example, 2019 UNEP Emissions Gap Report*, above n. 26, p. 14; *OECD Environmental Performance Reviews – Australia 2019*, above n. 46, pp. 19, 26, 27, 30. *See also* discussion in Section 3.1 of this document.

¹⁰⁰ *See, for example, K. Murphy, The Guardian, Coalition likely to give \$11m to Vales Point coal-fired power station for upgrade* (Feb. 13, 2020), <https://www.theguardian.com/australia-news/2020/feb/14/coalition-likely-to-give-11m-to-vales-point-coal-fired-power-station-for-upgrade>; P. Karp, *The Guardian, Angus Taylor will not rule out taxpayers paying to replace or extend Liddell coal plant's life* (Aug. 8, 2019), <https://www.theguardian.com/australia-news/2019/aug/09/angus-taylor-will-not-rule-out-taxpayers-paying-to-replace-or-extend-liddell-coal-plants-life>.

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¹⁰³ Climate Analytics, *Global and regional coal phase-out requirements of the Paris Agreement: Insights from the IPCC Special Report on 1.5°C* (Sep. 2019), https://climateanalytics.org/media/report_coal_phase_out_2019.pdf.

¹⁰⁴ E. Young, *Australia is one of the last developed countries actively considering new coal-fired power stations*, above n. 101.

¹⁰⁵ United Nations Secretary-General, *Secretary-General's remarks at closing of Climate Action Summit [as delivered]* (Sep. 23, 2019), <https://www.un.org/sg/en/content/sg/statement/2019-09-23/secretary-generals-remarks-closing-of-climate-action-summit-delivered>.

¹⁰⁶ *See, for example, WWF, WWF: revised Reef 2050 Plan exposes Australia on climate change* (Jul. 20, 2018), <https://www.wwf.org.au/news/news/2018/revised-reef-2050-plan-exposes-australia-on-climate-change#gs.x75pcc>; Climate Council, *Revised Reef 2050 Plan: all talk, no real climate action* (Jul. 20, 2018), <https://www.climatecouncil.org.au/resources/revised-reef-2050-plan-all-talk-no-real-climate-action/>.

¹⁰⁷ Reef 2050 Plan Independent Expert Panel, *Communiqué* (May 5, 2017), <http://www.environment.gov.au/system/files/pages/abff0d5e-b94d-4495-b79b-90dc52274f69/files/expert-panel-communique-5may2017.pdf>.

APPENDIX 1: Letter to World Heritage Committee Advisory Bodies and Secretariat

February 19, 2020

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World Heritage and Climate Change: Request to address state party climate action in state of conservation reports and draft decisions

Introduction

We write on behalf of 76 organizations and individuals that are concerned about the impacts of climate change on the Outstanding Universal Value (OUV) of UNESCO World Heritage properties to recommend that your organizations:

- Include, in state of conservation reports and draft decisions for climate-vulnerable properties under review, conclusions about whether the relevant state party's actions are consistent with a 1.5°C pathway, and, if they are not, recommend steps the state party should take to achieve this; and
- Request state parties to report on how they are proactively aligning their actions with the international community's goal of limiting global temperature rise to 1.5°C.

In taking these steps, your organizations would be following in the footsteps of other United Nations treaty bodies and institutions that have called on state parties to take specific actions to ensure that those states' contributions to climate change do not undermine the goals of the relevant international agreements.

Climate change is threatening the Outstanding Universal Value of World Heritage properties and the World Heritage Convention requires greater action by state parties

The World Heritage Committee has recognized that the impacts of climate change are threatening the OUV of World Heritage properties around the world¹ – from glaciers to wetlands, archaeological sites to heritage buildings.² These threats will intensify and expand as temperatures continue to increase. The evidence is clear that we need to limit warming to no more than 1.5°C above preindustrial levels to avert the most serious consequences of climate change³ and attempt to protect the OUV of World Heritage properties,⁴ although even limiting warming to 1.5°C is unlikely to preserve the OUV of many sites, such as coral reefs and glaciers.⁵

In recent years, the World Heritage Committee has emphasized the “importance of States Parties undertaking the most ambitious implementation of the Paris Agreement ... by pursuing efforts to limit the global average temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”⁶

However, in the face of the ever-increasing threat of climate change to OUV, more is needed, and the World Heritage Convention requires greater action by state parties. The World Heritage Convention requires state parties to “do all [they] can ... to the utmost of [their] own resources” to protect and conserve World Heritage properties.⁷ Parties must also ensure that the OUV of properties in their territories is “sustained or enhanced over time,”⁸ including by addressing existing and potential threats, whatever their source.⁹ Because climate change threatens the OUV of many World Heritage properties, these obligations mean state parties must do all they can to the utmost of their resources to address the threat of climate change by proactively aligning their actions – including any exports of fossil fuels that emit greenhouse gases – with limiting global temperature rise to 1.5°C, and must achieve their fair share of global emissions reductions.¹⁰

United Nations treaty bodies and international organizations are recommending actions to individual states to ensure their contributions to climate change do not undermine the goals of various treaties

Other United Nations treaty bodies and international organizations are taking steps like the ones we are recommending your organizations take. For example, United Nations treaty bodies are identifying how the impacts of climate change affect matters under their purview even when the treaty they administer does not explicitly address climate change, and are making recommendations to individual states to fulfil their obligations under the treaty by reducing their contributions to climate change.¹¹ The United Nations Committee on Economic, Social and Cultural Rights, in its periodic review of Germany in November 2018, called on the country to take action to close the gap between Germany’s actions and its emission reductions target:

While noting the State party’s domestic commitment to ensuring compliance with its target of reducing emissions by 55 per cent by 2030 compared with 1990 levels, the Committee regrets that **the State party is not on course to meet its greenhouse gas emission reduction targets for 2020.**

The Committee recommends that **the State party intensify its efforts to reach its greenhouse gas emission targets** for 2020 and that it comply with its obligations under article 4 (16) of the Paris Agreement by submitting its 2030 target as its nationally determined contribution.¹²

Similarly, in its November 2018 periodic review of Argentina, the United Nations Committee on Economic, Social and Cultural Rights recommended that Argentina reconsider a proposed fracking project that would result in significant greenhouse gas emissions. The committee expressed concern

about plans for large-scale exploitation of unconventional fossil fuels (shale gas and shale oil) through hydraulic fracturing in the Vaca Muerta region of Neuquén Province, given that exploiting all of the country's shale gas reserves through hydraulic fracturing would consume a significant percentage of the entire global carbon budget for achieving the 1.5°C target laid down in the Paris Agreement on climate change. **The Committee is concerned that this hydraulic fracturing plan runs counter to the State party's commitments under the Paris Agreement and would have a negative impact on global warming** and on the enjoyment of economic and social rights by the world's population and future generations....

The Committee recommends that [Argentina] **reconsider the large-scale exploitation of unconventional fossil fuels through hydraulic fracturing in the Vaca Muerta region**, in order to ensure compliance with its obligations under the Covenant [on Economic, Social and Cultural Rights], in the light of the Paris Agreement commitments. It also **encourages the State party to promote alternative and renewable energy sources**, reduce greenhouse gas emissions and set national targets with time-bound benchmarks.¹³

The United Nations Committee on the Rights of the Child has raised similar concerns and made recommendations to individual states. For example, in its periodic review of Australia in September 2019, the committee expressed concern

that [Australia] has made **insufficient progress on the goals and targets set out in the Paris Agreement and about its continuing investment in extractive industries**, in particular coal.¹⁴

The Committee then urged Australia to

promptly take measures to reduce its emissions of greenhouse gases by establishing targets and deadlines to phase out the domestic use and export of coal and to accelerate the transition to renewable energy, including by committing to meeting 100 per cent of its electricity needs with renewable energy.¹⁵

Other United Nations treaty bodies have called on states to reconsider funding coal-fired power plants and ensure their gradual replacement with renewables; assess the impacts of its coal-fired power plants on the climate and children; and reduce coal consumption and export. More detail about these recommendations is included in the **appendix** to this letter.

In addition to the many treaty bodies making specific recommendations to particular nations, numerous United Nations treaty bodies have made general calls on states to reduce their contributions to climate change.¹⁶ For example, in September 2019, five United Nations human rights treaty bodies¹⁷ jointly recommended that states

must **adopt and implement policies aimed at reducing emissions**, which reflect the highest possible ambition, foster climate resilience and ensure that public and private investments are consistent with a pathway towards low carbon emissions and climate resilient development.

... States parties should **effectively contribute to phasing out fossils fuels, promoting renewable energy and addressing emissions from the land sector, including by combating deforestation.** Additionally, States must regulate private actors, including by holding them accountable for harm they generate both domestically and extraterritorially. States should also **discontinue financial incentives or investments in activities and infrastructure which are not consistent with low greenhouse gas emissions pathways,** whether undertaken by public or private actors as a mitigation measure to prevent further damage and risk.¹⁸

Finally, for the past decade the United Nations Environment Programme (UNEP) has prepared Emissions Gap Reports, comparing assessments of current and future greenhouse gas emissions with pathways to limit warming to 1.5°C. These reports identify specific countries that are projected to meet, or not meet, their Paris targets. For example, in the 2019 Emissions Gap Report, the UNEP noted that Australia, Brazil, Canada, Japan, Korea, South Africa, and the United States each “require further action” to achieve their Paris targets.¹⁹ The Organisation for Economic Co-Operation and Development (OECD) similarly includes in environmental performance reviews of member and partner countries assessments of whether countries are achieving their domestic and international environmental commitments and makes recommendations to help countries improve their environmental performance.²⁰ For example, in January 2019, the OECD noted that Australia needed to intensify its efforts to reach its Paris target and recommended that the country stabilize and strengthen its climate policy and develop an integrated energy and climate policy based on a low-emission development strategy.²¹

To protect the Outstanding Universal Value of climate-vulnerable World Heritage properties, we urge you to address state obligations to align their actions with a 1.5°C future

As advisory bodies and secretariat to the World Heritage Committee, your organizations are uniquely placed to protect the OUV of World Heritage properties by assisting the Committee to recommend actions that state parties should take to protect properties within their jurisdiction by reducing their contributions to climate change and aligning their actions with a 1.5°C pathway. This would help prevent the impacts of climate change from undermining the purpose of the World Heritage Convention to protect World Heritage properties and transmit them to future generations.

Accordingly, **we recommend that your organizations:**

- 1. Ensure that state of conservation reports and draft decisions for all climate-vulnerable sites under review address whether the state party is doing all it can to protect the OUV of the property by proactively aligning its actions – including any exports of fossil fuels that emit greenhouse gases – with limiting global temperature rise to 1.5°C, and whether it is achieving its fair share of global emissions reductions;**
- 2. Where the state party is not doing all it can to proactively align its actions with a 1.5°C pathway or is not achieving its fair share of global emissions reductions, recommend actions it may take to do so; and**
- 3. Ask state parties to report on the steps they are taking to protect the OUV of their properties by proactively aligning their actions with limiting global temperature rise to 1.5°C above preindustrial levels and doing their fair share to reduce their contributions to climate change, including their progress in meeting emissions reductions targets under the Paris Agreement.**

When it is necessary and appropriate to recommend specific actions, these recommendations would necessarily vary depending on the property and the national circumstances of the state party. Examples of such action could include calling on a state party to:

- Intensify its efforts to meet and/or strengthen its emissions reductions targets under the Paris Agreement;
- Take steps to promote renewable energy sources by, for example, making long-term commitments to procure energy from low-carbon renewable sources or reforming national regulation to facilitate the deployment of renewable energy;
- Take steps to phase out the domestic reliance on, or production or export of, fossil fuels, particularly around World Heritage properties where aspects of OUV are sensitive to associated pollution;
- Discontinue subsidies, financial incentives, or investments which promote or enable activities and infrastructure that are inconsistent with low greenhouse gas emissions pathways;
- Refuse to approve new or expanded fossil fuel development projects; or
- Withhold financial, political, or other support for fossil fuel development projects.

We urge you to proceed in step with other United Nations bodies. As the Intergovernmental Panel on Climate Change has stated, “Every bit of warming matters, every year matters, every choice matters.”²²

Thank you for your consideration.

Signatories (alphabetical)

1. 350.org (Global)
2. Accountability Counsel (USA)
3. African Climate Alliance (South Africa)
4. Archaeology Southwest (USA)
5. Association for the Protection of Cultural Heritage (Turkey)
6. Australian Conservation Foundation (Australia)
7. Australian Marine Conservation Society (Australia)
8. Australian Rainforest Conservation Society (Australia)
9. Bangladesh Poribesh Andolon (Bangladesh)
10. BankTrack (Netherlands)
11. Borneo Project (USA)
12. Bruno Manser Fund (Switzerland)
13. Center for Biological Diversity (USA)
14. Centre des Études Amazighes Historiques et Environnementales (Morocco)
15. Centre for Environmental Rights (South Africa)
16. ClientEarth (UK)
17. Confédération des Associations Amazighes du Sud Marocain (Morocco)
18. Conservation Action Trust (India)
19. DeCOALonize (Kenya)
20. Earthjustice (USA)
21. EcoPeace Middle East (Jordan, Palestine, Israel)
22. Engage Liverpool (UK)

23. Environmental Confederation of Southwest Florida (USA)
24. Environmental Defenders Office (Australia)
25. Environmental Justice Australia (Australia)
26. Florida Defenders of the Environment (USA)
27. Foundation Earth (USA)
28. Friends of Hawaiian Islands National Wildlife Refuge (USA)
29. Friends of the Earth Australia (Australia)
30. Friends of the Earth US (USA)
31. Friends of the Lake District (UK)
32. Fundación Ambiente y Recursos Naturales (Argentina)
33. Greenpeace (Global)
34. Matthew Hatchwell, Chair, DICE Advisory Board, University of Kent (UK)
35. Prof. Em. Dr. Wolf-Dieter Heilmeyer, former Director, Prussian Cultural Heritage State Museums (Germany)
36. Dr. Terry Hughes, Director, ARC Centre of Excellence for Coral Reef Studies (Australia)
37. ICOMOS United States National Committee (USA)
38. Indigenous Peoples of Africa Co-ordinating Committee (South Africa)
39. Initiative for St. Andrew's Passage (Ukraine)
40. Interamerican Association for Environmental Defense (AIDA) (Latin America)
41. International Federation of Landscape Architects Europe (Belgium)
42. International Marine Mammal Project (USA)
43. International Rivers (USA)
44. Lakes Watch (UK)
45. Lawyers' Environmental Action Team (Tanzania)
46. Living Landscape Observer (USA)
47. Prof. Em. Dr. William Logan, Deakin University (Australia)
48. Market Forces (Australia)
49. Prof. Dr. Salvatore Messina, Academic Head, Dept of European Studies "Jean Monnet" (Switzerland)
50. Ilias Monacholias, Senior Energy Advisor, Planet SA (Greece)
51. Mystic Aquarium (USA)
52. National Committee for Saving the Sundarbans (Bangladesh)
53. Natural Resources Defense Council (USA)
54. Ohrid SOS (Macedonia)
55. Oyu Tolgoi Watch (Mongolia)
56. PRODECAP-Sadad (Niger)
57. Rainforest Action Network (USA)
58. Rainforest Foundation UK (UK)
59. Rivers without Boundaries Coalition (Mongolia)
60. Save Lamu (Kenya)
61. Save Rivers (Malaysia)
62. Sierra Club (USA)
63. Society for Threatened Peoples (Germany)
64. SOS Orinoco (USA)
65. Sylvia Earle Alliance / Mission Blue (USA)

66. The Wilderness Society (Australia)
67. Dr. Charlie Veron (Australia)
68. Wadden Sea Society (Netherlands)
69. Wahana Lingkungan Hidup Indonesia (WALHI) (Indonesia)
70. Waterkeeper Alliance (Global)
71. Waterkeepers Bangladesh (Bangladesh)
72. WILD Foundation (USA)
73. Wildsight (Canada)
74. World Heritage Watch (Germany)
75. WWF (World Wide Fund for Nature) (Global)
76. Yayasan Hutan, Alam, dan Lingkungan Aceh (HAKA) (Indonesia)

APPENDIX: Additional examples of recommendations by United Nations treaty bodies to individual states in relation to climate change mitigation responsibilities

1. United Nations Committee on the Elimination of Discrimination Against Women – Concluding observations on the eighth periodic report of **Australia** (July 2018)²³

The Committee is concerned about the ... State party's greenhouse gas emissions of 1.4 per cent of global emissions, without accounting for the emissions embedded in exports [and] the high level of those emissions in relation to the State party's population of 0.3 per cent of the world population, in part owing to the continued dependency on coal for domestic use and exports....

[T]he Committee recommends that the State party ... further reduce greenhouse gas emissions, notably those resulting from coal consumption and exports... .

2. United Nations Committee on Economic, Social and Cultural Rights – Concluding observations on the fourth periodic report of **Ecuador** (November 2019)²⁴

The Committee takes note of the climate change mitigation and adaptation measures included in the State party's first nationally determined contribution. However, it is concerned that the increase in extractive activities announced under the Prosperity Plan runs counter to the State party's commitments under the Paris Agreement ... and would have a negative impact on global warming and on the enjoyment of economic and social rights by the world's population and future generations... .

The Committee recommends that the State party reconsider the increase in oil development and large-scale mining in the light of its commitments under the Paris Agreement. It also encourages the State party to promote alternative and renewable energy sources, reduce greenhouse gas emissions and set national targets with time-bound benchmarks.

3. United Nations Committee on the Rights of the Child – Concluding observations on the combined fourth and fifth periodic reports of **Japan** (March 2019)²⁵

The Committee ... recommends that the State party... [e]nsure that climate mitigation policies are compatible with the Convention, including by reducing its emissions of greenhouse gases in line with its international commitments to avoid a level of climate change threatening the enjoyment of children's rights, particularly the right to health, food and an adequate standard of living [and] [r]econsider the State party's funding of coal-fired power plants in other countries and ensure that they are gradually replaced by power plants using sustainable energy.

4. United Nations Committee on the Rights of the Child – Concluding observations on the combined fifth and sixth periodic reports of **Spain** (March 2018)²⁶

The Committee recommends that the State party carry out an assessment of the impact of air pollution from coal-fired power plants on children's health and on the climate as a

basis for designing a well-resourced strategy to remedy the situation, and strictly regulate maximum air-pollutant emissions, including those produced by private businesses.

5. United Nations Committee on the Elimination of Discrimination against Women – Concluding observations on the fifth periodic report of **Fiji** (March 2018)²⁷

The Committee notes with appreciation the leading role that [Fiji] has played in international climate change negotiations... . The Committee has observed, however, that at the national level women are largely excluded from the process of drafting and implementing policies and action plans on climate change and disaster risk reduction... . The Committee is, therefore, concerned about ... [t]he contribution of private sector actors, in particular fossil fuel companies operating in the country, to greenhouse gas emissions.

6. United Nations Committee on the Rights of the Child – Concluding observations on the combined third to fifth periodic reports of the **Niger** (November 2018)²⁸

While noting the significant impacts of climate change on the State party..., the Committee draws attention to target 13.b of the Sustainable Development Goals, on promoting mechanisms for raising capacity for effective climate change-related planning and management, and recommends that the State party take measures to strengthen policies and programmes to address the issues of climate change and disaster risk management, including through replanting trees, regenerating land and increasing solar energy.

¹ See, for example, 42 COM 7 (2018), para. 29, <https://whc.unesco.org/en/decisions/7112/>.

² For discussion of climate change impacts on World Heritage properties, see, for example, UNESCO, *Policy document on the impacts of climate change on World Heritage properties* (2008), available to download at <https://whc.unesco.org/en/CC-policy-document/>; UNESCO, UNEP, and UCS, *World Heritage and tourism in a changing climate* (2016), <https://www.ucsusa.org/sites/default/files/attach/2016/05/world-heritage-and-tourism-in-a-changing-climate.pdf>; S. Heron *et al*, *Impacts of climate change on World Heritage coral reefs: a first global scientific assessment* (2017), available to download at <https://whc.unesco.org/en/news/1676>; J. Bosson *et al*, *Disappearing World Heritage glaciers as a keystone of nature conservation in a changing climate*, *Earth's Future*, 7, 469–479 (2019), <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1029/2018EF001139>.

³ See generally Intergovernmental Panel on Climate Change (IPCC), *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* (2018), https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Full_Report_High_Res.pdf.

⁴ See, for example, Heron *et al*, *Impacts of climate change on World Heritage coral reefs*, above n. 2; Bosson *et al*, *Disappearing World Heritage glaciers as a keystone of nature conservation in a changing climate*, above n. 2.

⁵ *Id.* See also S. Heron *et al*, *Impacts of climate change on World Heritage coral reefs: update to the first global scientific assessment* (2018), available to download at <https://whc.unesco.org/en/news/1878/>.

⁶ 41 COM 7 (2017), para. 22, <https://whc.unesco.org/en/decisions/6940/>; 42 COM 7 (2018), para. 29, above n. 1, (quotations omitted in both sources).

⁷ *Convention Concerning the Protection of the World Cultural and Natural Heritage*, Articles 4 and 5. See also Earthjustice and Environmental Justice Australia, *World Heritage and climate change: the legal responsibility of*

states to reduce their contributions to climate change – a Great Barrier Reef case study (Mar. 2017), especially pages 8-11, https://earthjustice.org/sites/default/files/files/World-Heritage-Climate-Change_March-2017.pdf.

⁸ UNESCO, *Operational Guidelines for the Implementation of the World Heritage Convention* (Jul. 2019), para. 96.

⁹ The criteria for inscribing a World Heritage property on the List of World Heritage in Danger, which include threats from “ascertained” or “potential” danger, support the conclusion that protecting and conserving a World Heritage property includes addressing both existing and potential threats. *Operational Guidelines for the Implementation of the World Heritage Convention*, paras. 179-180. Also, the World Heritage Convention places no limits or exclusions on the kinds of threats that states must address. As the World Heritage Centre has noted, “Where the threat [to a property] comes from is irrelevant.” UNESCO, *Policy document on the impacts of climate change on world heritage properties*, above n. 2, page 12. See also Earthjustice *et al*, *World Heritage and climate change*, above n. 7, pages 8-11.

¹⁰ See generally Earthjustice *et al*, *World Heritage and climate change*, above n. 7, pages 8-11.

¹¹ See generally Center for International Environmental Law and The Global Initiative for Economic, Social and Cultural Rights, *States’ human rights obligations in the context of climate change – Synthesis note on the concluding observations and recommendations on climate change adopted by UN human rights treaty bodies* (Jan. 2018), <https://www.ciel.org/wp-content/uploads/2018/01/HRTBs-synthesis-report.pdf>, and *States’ human rights obligations in the context of climate change – 2019 update* (Feb. 2019), <https://www.ciel.org/wp-content/uploads/2019/03/HRTB-Feb.-2019-update-2019-03-25.pdf>.

¹² Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of Germany*, E/C.12/DEU/CO/6 (Nov. 27, 2018), paras. 18-19 (emphasis added), available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/DEU/CO/6&Lang=En.

¹³ Committee on Economic, Social and Cultural Rights, *Concluding observations on the fourth periodic report of Argentina*, E/C.12/ARG/CO/4 (Nov. 1, 2018), paras. 13-14 (emphasis added), available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/ARG/CO/4&Lang=En.

¹⁴ Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia*, CRC/C/AUS/CO/5-6 (Nov. 1, 2019), para. 40 (emphasis added), available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/AUS/CO/5-6&Lang=En.

¹⁵ *Id.*, para. 41(b) (emphasis added).

¹⁶ For example, the United Nations Committee on Economic, Social and Cultural Rights has said that, to comply with human rights obligations in the context of climate change, states must refrain “from the adoption of measures that could worsen climate change,” “effectively regulat[e] private actors to ensure that their actions do not worsen climate change,” and adopt “policies that can channel modes of production and consumption towards a more environmentally sustainable pathway.” Committee on Economic, Social and Cultural Rights, *Climate change and the International Covenant on Economic, Social and Cultural Rights*, E/C.12/2018/1 (Oct. 31, 2018), para. 10, available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2018%2f1&Lang=en. Also, the United Nations Committee on the Elimination of Discrimination Against Women has said that states should take “effective steps to ... limit carbon emissions [and] fossil fuel use.” Committee on the Elimination of Discrimination against Women, *General recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change*, CEDAW/C/GC/37 (Mar. 13, 2018), para. 46(a), available to download at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/37&Lang=en.

¹⁷ Committee on the Elimination of Discrimination Against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Committee on the Rights of the Child, and Committee on the Rights of Persons with Disabilities.

¹⁸ United Nations Office of the High Commissioner of Human Rights, *Five UN human rights treaty bodies issue a joint statement on human rights and climate change* (Sep. 16, 2019), paras. 2-3 under the heading “States’ Human Rights Obligations” (emphasis added), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998>. In the same statement, the five

human rights treaty bodies noted that “[f]ailure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States’ human rights obligations,” and committed in their future work to providing “guidance to States on how they can meet their obligations under these instruments, in relation to mitigation and adaptation to climate change.” *Id.*, para. 1, under the heading “States’ Human Rights Obligations” and para. 1 under the heading “The role of the Committees.”

¹⁹ United Nations Environment Programme, *Emissions Gap Report 2019*, pages xvi-xvii,

<https://wedocs.unep.org/bitstream/handle/20.500.11822/30797/EGR2019.pdf?sequence=1&isAllowed=y>.

²⁰ See OECD Environmental Performance Reviews, https://www.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews_19900090.

²¹ OECD, *OECD Environmental Performance Reviews – Australia 2019* (2019), pages 26, 30, https://read.oecd-ilibrary.org/environment/oecd-environmental-performance-reviews-australia-2019_9789264310452-en#page1.

²² IPCC, *Global Warming of 1.5°C*, above n. 3, Foreword at (vi).

²³ CEDAW/C/AUS/CO/8 (Jul. 25, 2018), paras. 29(c), 30(c), available to download at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/AUS/CO/8&Lang=En.

²⁴ E/C.12/ECU/CO/4 (Nov. 14, 2019), paras. 11, 12, available to download at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fECU%2fCO%2f4&Lang=en.

²⁵ CRC/C/JPN/CO/4-5 (Mar. 5, 2019), para. 37(d) and (e), available to download at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/JPN/CO/4-5&Lang=En.

²⁶ CRC/C/ESP/CO/5-6 (Mar. 5, 2018), para. 36, available to download at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ESP/CO/5-6&Lang=En.

²⁷ CEDAW/C/FJI/CO/5 (Mar. 14, 2018), para. 53(d), available to download at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/FJI/CO/5&Lang=En.

²⁸ CRC/C/NER/CO/3-5 (Nov. 21, 2018), para. 36, available to download at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/NER/CO/3-5&Lang=En.