

The World Heritage Convention and Tasmania's tall-eucalypt forests: can an international treaty on environmental protection transcend the vicissitudes of domestic politics?

Geoff Law¹ · Lorne Kriwoken¹

Accepted: 21 October 2016 / Published online: 28 October 2016
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Abstract UNESCO's World Heritage Convention provides for the protection of natural and cultural heritage deemed to be of Outstanding Universal Value. The 1031 sites inscribed on World Heritage List are a source of prestige for the countries where they occur. However, conflicts between protection of Outstanding Universal Value and resource extraction can arise within large-scale natural landscapes. The tall-eucalypt forests of the Australian island of Tasmania have been at the heart of such a conflict for over 30 years. The aim of this paper is to analyse how the processes of the Convention respond to contrasting approaches by a State Party. The paper traces the history of the dispute over Tasmania's tall-eucalypt forests through the Convention's processes of evaluation, inscription and boundary modification. In particular, it considers the processes and outcomes pertaining to two diametrically opposed proposals for minor modification to the boundaries of the Tasmanian Wilderness made by consecutive Australian governments in 2013 and 2014: the first was for the purpose of protecting the forests, and the second for opening them to logging in order to fulfil a domestic election promise. In each case, criteria weighted in favour of long-term heritage protection played a critical role. The application of these criteria, combined with strong domestic concern and the ability of UNESCO's World Heritage Committee to prioritize heritage protection, has resulted in the protection of these forests and the enhancement of the ecological resilience of the Tasmanian Wilderness World Heritage Area. The paper concludes that the power of an international treaty can transcend the vicissitudes of domestic politics and provide enduring protection of Outstanding Universal Value, particularly when backed by strong domestic scrutiny and community support.

Keywords World Heritage Convention · Tasmanian Wilderness World Heritage Area · Outstanding Universal Values

✉ Lorne Kriwoken
L.K.Kriwoken@utas.edu.au

¹ Discipline of Geography and Spatial Sciences, School of Land and Food, University of Tasmania, Private Bag 78, Hobart, TAS 7001, Australia

Abbreviations

ICOMOS	International Council on Monuments and Sites
IUCN	International Union for the Conservation of Nature
OUV	Outstanding Universal Value
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHC	Convention Concerning the Protection of the World Cultural and Natural Heritage

1 Introduction

One of the best supported international treaties concerning protection of the environment is the ‘Convention Concerning the Protection of the World Cultural and Natural Heritage’, commonly referred to as the World Heritage Convention (WHC). This Convention applies to iconic human-made structures such as the Great Pyramids of Egypt and to large natural landscapes such as the USA’s Grand Canyon. The WHC was adopted by UNESCO in November 1972 at its 17th General Conference (UNESCO 2016a). It was developed in response to the carnage of two world wars and growing concern about degradation of the Earth’s environment. By August 2014, the number of countries that had signed on to the WHC had reached 191 (UNESCO 2016c).

The WHC defines cultural heritage as monuments, groups of buildings or sites (including the combined works of nature and humanity) which are of ‘Outstanding Universal Value’. Natural heritage is defined as natural features, geological and physiographical formations or natural sites of ‘Outstanding Universal Value’ from the point of view of science, conservation or natural beauty (UNESCO 2016a). This critical quality of ‘Outstanding Universal Value’ (OUV) is defined by the WHC’s operational guidelines as meaning ‘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’. The guidelines list ten criteria—six for cultural heritage and four for natural—to which properties must conform in order to qualify as having OUV (UNESCO 2013b).

For a property to be inscribed on the World Heritage List, it must first be nominated by the country (or State Party) in which it occurs (UNESCO 2016a). The ultimate arbiter when it comes to deciding whether a nominated site meets the required criteria is the World Heritage Committee, which consists of 21 elected State Parties of the WHC (Articles 8–11). The Committee is assisted in its deliberations by advisory bodies (Article 8). These include the International Union for the Conservation of Nature (IUCN) and the International Council on Monuments and Sites (ICOMOS). A permanent secretariat for the Convention in Paris acts as the focal point for significant matters related to World Heritage. By the completion of the World Heritage Committee’s 39th annual assembly in July 2015, 1031 properties had been listed as World Heritage, including 802 cultural sites, 197 natural sites and 32 mixed properties, listed for both natural and cultural attributes. There were also an additional two former World Heritage sites that had been de-listed due to loss of OUV (UNESCO 2016d).

UNESCO praises ‘the joining of hands to protect and cherish the world’s natural and cultural heritage, and to express a shared commitment to preserving our legacy for future generations’ (UNESCO 2016a). Yet the process of inscribing and conserving a property as World Heritage can be fraught, particularly when there are conflicts between protecting

OUV and the extraction of natural resources. The aim of this paper is to analyse how the WHC responds to two contrasting approaches by a State Party—one in which strenuous efforts are made to protect an area of OUV, and the other in which an excision is proposed so that resource extraction can occur. The paper provides lessons for other State Parties facing similar domestic issues within the framework of the WHC.

The paper commences by introducing the Tasmanian Wilderness, with particular attention to its tall-eucalypt forests and the long-running efforts to protect those forests by incorporating them within the property. This is followed by a comparison of two proposals to change the boundaries of the property made in consecutive years by two different Australian governments with contrasting policies on World Heritage. In 2013, the Australian Government sought to extend the property in order to protect forests of identified OUV. In 2014, a newly elected Government sought to excise some of those forests in order to permit logging. The comparison examines the evaluations of the Committee's advisory bodies, the critical issue of the integrity of attributes listed for their OUV and the responses of the Committee itself. The conclusion argues that the combination of the WHC with strong domestic support has provided the Tasmanian Wilderness with great ecological and political resilience. Most importantly, by transcending the vicissitudes of local politics, the Convention can provide enduring protection of outstanding natural and cultural heritage wherever it may occur.

2 The Tasmanian Wilderness (Australia) and its tall-eucalypt forests

Australia ratified the World Heritage Convention in 1974 and by June 2016 had 19 properties inscribed, of which the Tasmanian Wilderness is one of the most prominent. It is one of only two World Heritage sites on Earth to fulfil seven of the ten criteria for OUV (the other being China's Mt Taishan (UNESCO 2016b)). The natural heritage of the Tasmanian Wilderness includes pristine coastlines, wild rivers, glaciated mountains, karst systems, wetlands, temperate rainforests, tall-eucalypt forests, ancient flora, moorlands and carnivorous marsupials. The cultural heritage includes middens, caves and rock art that form enduring reminders of the most southerly people to inhabit the Earth during the last ice age (Australia 1982, 1989, 2010).

World Heritage Listing of the Tasmanian Wilderness, however, has been characterized by intense conflict. Its inscription in December 1982 occurred at the height of a national campaign to protect the area's wild rivers from hydroelectric dams, leading the World Heritage Committee to express concern about the impact of such development on the property's OUV (UNESCO 1982). A head-on clash about the future of the property occurred between the national government of Australia and the State of Tasmania. Land management in Tasmania was regarded as the responsibility of the Tasmanian Government, which supported a suite of hydroelectric dams in the Tasmanian Wilderness. But the national government was responsible for foreign affairs, including the implementation of treaties such as the WHC. On 1 July 1983, the impasse was resolved in favour of the national government (High Court of Australia 1983) and the dams did not proceed. Central to the High Court's judgment were the obligations of Australia under the WHC (Coper 1983). This set the scene for three more decades of conflict involving conservation groups, industry and governments about other environmental attributes associated with the Tasmanian Wilderness. The highest profile of these conflicts has concerned the future of the island's tall-eucalypt forests.

Tasmania has eucalypt trees of prodigious size, sometimes reaching heights over 90 m and volumes exceeding 300 m³ (Giant Trees Consultative Committee 2015). These tall trees were prized by the Tasmanian logging industry (Tasmanian Woodchip Export Study Group 1985). A long and intense land-use debate occurred, involving protests, media coverage and dramatic swings of political fortune for both sides (Gee 2001).

In 1988–1989, the Australian Government submitted a proposal for extension of the Tasmanian Wilderness to include significant stands of these forests (Australia 1989). The government's submission to UNESCO referred to 'magnificent examples of tall forests with eucalypts such as the mountain ash (*Eucalyptus regnans*), the world's tallest flowering plant, forming a canopy 60–90 m high' (p. 12). They were said to be of 'international significance for their aesthetic and scientific values' and part of a landscape of 'exceptional natural beauty' (p. 38).

UNESCO's advisory body on natural heritage endorsed the Australian Government's case (IUCN 1989). The ensuing extension of the World Heritage property in December 1989 (UNESCO 1989) affirmed the OUV of the tall-eucalypt forests of western Tasmania. Yet only some of the critical forests had been protected. According to conservation groups, large tracts remained outside the property, available for exploitation (Law 1994). The Styx Valley, for example, contained the world's greatest concentration of giant eucalypt trees but was almost entirely under the management of Tasmania's public forestry corporation (Herrmann 2006).

New forestry roads and logging operations pushed deeper into the forested valleys of western Tasmania. The issue dogged UNESCO, which expressed its concern about the impact of logging on OUV several times over the course of more than 15 years (UNESCO 1995, 2006, 2007, 2010a). A UNESCO investigative mission to the Tasmanian Wilderness in 2008 was perplexed by the degree of hostility between the conservation movement and its adversaries and recommended only small extensions to the property (Rao et al. 2008). The World Heritage Committee nevertheless requested the Australian Government to 'consider, at its own discretion, extension of the property to include appropriate areas of tall eucalyptus forest' (UNESCO 2008). Despite minor extensions in 2010 and 2012, the World Heritage Committee's concerns remained. It welcomed 'interim protection' from logging of key forests and again canvassed their inclusion within the property (UNESCO 2012a, c). Such statements were evidence of the Committee's recurrent desire to have the issue resolved through an appropriate extension to the Tasmanian Wilderness.

In 2010, the collapse of the island's largest logging corporation (Beresford 2015) paved the way for 'peace talks' between conservationists and the logging industry (Edwards et al. 2010). A subsequent federal–state agreement in 2011 (Governments of Australia and Tasmania 2011) instigated a 'verification process', in which the forest conservation values asserted by the conservation movement were tested by a panel of experts. One of the studies found that significant areas immediately east and north of the World Heritage property had OUV, including a 170-km-long strip of tall-eucalypt forests (Hitchcock 2012). In November 2012, the peak groups of the conservationist movement and the logging industry signed an agreement calling on the Australian Government to propose an extension of the Tasmanian Wilderness to incorporate some 123,650 ha of these forests (Bayley et al. 2012). In January 2013, the Australian Government did so (Australia 2013a). The proposal had the support of the Australian and Tasmanian Governments, the conservation movement and, most significantly, the peak groups of Tasmania's powerful forestry industry. This was an unprecedented level of political consensus in the history of the Tasmanian Wilderness.

3 The 2013 minor modification to extend the Tasmanian Wilderness and the concept of 'integrity'

The Australian Government's proposal for a 'minor modification' to the boundaries of the Tasmanian Wilderness comprised approximately 122,000 ha of previously contested forested land, plus some 49,000 ha of pre-existing conservation reserves (Australia 2013b). The total of 172,050 ha constituted some 12% of the then area of the Tasmanian Wilderness.

According to UNESCO, a minor boundary modification to a World Heritage property must not significantly affect the area of the property and must also enhance protection of its OUV (UNESCO 2013b). A proposal for a minor boundary modification can be dealt with by the Committee in the year in which it is proposed. If deemed to be 'significant', however, the proposed boundary change must be treated as a new nomination and undergo a full 18-month evaluation (UNESCO 2012d). The 'minor modification' route is therefore the one preferred by State Parties seeking a rapid outcome. This was certainly the case for the Tasmanian Wilderness in 2013, as proponents of the extension knew that the happy conjunction of politics and conservation was unlikely to last.

In justifying the proposal, the Australian Government reminded the Committee of its frequent requests, including the 2012 decision which specifically called for 'further minor modifications' to extend the property (UNESCO 2012a, c). The Government argued that the property's OUV would be enhanced because the inclusion of tall-eucalypt forest would contribute to the 'integrity' of the Tasmanian Wilderness (Australia 2013a). This concept of integrity was a critical argument, not just for the 2013 minor modification, but also for the events to follow.

UNESCO defines integrity as a 'measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes'. While natural landscapes should be 'relatively intact', it is recognized that 'no area is totally pristine and that all natural areas are in a dynamic state, and to some extent involve contact with people'. These conditions of integrity require a property to contain 'all or most of the key interrelated and interdependent elements in their natural relationships'. Properties are to have 'sufficient size' to demonstrate the key aspects of ecological processes. A tropical rainforest, for example, 'would meet the conditions of integrity if it includes a certain amount of variation in elevation above sea level, changes in topography and soil types, patch systems and naturally regenerating patches' (UNESCO 2012d, p. 24).

These principles were articulated at length in the Australian Government's proposal for the Tasmanian Wilderness. The inclusion of 'a significant eucalypt corridor wholly within the new boundary' had enhanced 'the integrity of this globally important ecosystem'. The additions made 'a major contribution to the integrity of tall-eucalypt forests, achieving connectivity of all of the major stands of tall-eucalypt forests in the property'. Enhancing integrity in this way sometimes required the inclusion of places where logging had occurred in otherwise intact catchments. The Government therefore made it very clear to the Committee that not all of its proposed extension was pristine; it contained areas 'previously logged and in the process of revegetation' (Australia 2013a, p. 21).

IUCN agreed that the proposed boundary modification would enhance integrity and improve both protection and management of the property, noting with approval the recognition of connectivity. It also noted that the proposed 12% enlargement of the property was 'around the unofficial upper level for consideration as a minor boundary modification (which has been considered as typically c.10%)'. Given the proposal's

consistency with previous recommendations by the Committee, the degree of prior consideration of the issue and the clarity of the Australian Government's submission regarding values, integrity, protection and management, IUCN considered it 'reasonable and appropriate' for the Committee to approve the minor modification (IUCN 2013).

However, all was not smooth sailing for the proposed minor modification. ICOMOS queried the approach to cultural heritage. The Australian Government had not described the cultural values of the proposed modification, saying 'further study and consultation with the Tasmanian Aboriginal community' were required (Australia 2013a, p. 10). As a result, ICOMOS recommended that the proposed minor modification be referred back to the State Party for these issues to be addressed the following year (ICOMOS 2013). This became the draft decision circulated to all members of the World Heritage Committee (UNESCO 2013d). At this point, the proposed extension was in significant jeopardy of being rejected. With an election looming in Australia, and the widely tipped victory of conservative parties openly hostile to the forest 'peace deal', many feared there would be no second chance for the minor modification and the forests it contained.

The outcome would be determined by the World Heritage Committee, a body not bound to accept the draft decision. Indeed, for several years, the Committee had been increasingly inclined to overrule recommendations from its advisory bodies, particularly where issues of national interest were at stake (Brumann 2014; Meskell 2012; Schmitt 2009). Schmitt (2009) argues that such instances 'should not be considered typical of the way the World Heritage Committee works' (p. 116) and that the 'unwritten rules' were that advisory bodies should not be 'unduly' snubbed (p. 119). However, according to Brumann (2014), the trend had intensified since 2010 with ICOMOS and IUCN increasingly 'overruled almost without debate' (p. 2184). Brumann comments that some State Parties, including Committee members, had developed 'a sense that World Heritage inscription is an entitlement that should be generously shared rather than jealously guarded in the name of abstract considerations such as consistency' (p. 2185), while Meskell suggests that 'long-standing political allegiances and new socioeconomic alliances were key factors in voting trends' (p. 145) in a rush to inscribe new properties. The degree of concordance between advisory body recommendations and subsequent Committee decisions had been in decline since the early 2000s (Meskell 2014).

It was therefore very feasible to overturn the unfavourable advice from ICOMOS on the Tasmanian Wilderness—particularly as the other advisory body, IUCN, supported the extension. Yet the Australian Government delegation that attended the June 2013 meeting of the World Heritage Committee in Phnom Penh chose not to ignore ICOMOS's concerns. During the meeting, Australia announced funding for a AUD\$500,000 cultural heritage study within the proposed additions to the property (Burke 2013). When the proposal for the Tasmanian Wilderness was discussed on 24 June, Committee member Malaysia proposed an amendment to approve the minor modification while requesting Australia to 'undertake further study and consultation with the Tasmanian Aboriginal community' in order to provide more detailed information on the cultural value of the additional areas. Several Committee members spoke in favour of the minor modification—Germany, in particular, commended Australia on the 'wise step' it was taking in response to Committee concerns expressed over a 'long period of time'. In response to a request from Senegal, Australia read a statement from an Aboriginal man, Rodney Dillon, supporting the protection of his people's cultural heritage. No Committee member spoke against the amended decision, and so the minor boundary modification to the Tasmanian Wilderness was adopted (UNESCO 2013a, c). It was a decision that appeared to marry both the urgent need

to protect the tall-eucalypt forests with the requirement to properly identify and manage cultural heritage.

The tall-eucalypt forests of southern Tasmania had finally been incorporated into the World Heritage Area. Celebrations on the part of the conservation movement, however, were soon tempered by political developments in Australia.

4 The Australian Government's 2014 proposal to excise part of the Tasmanian Wilderness

On 7 September 2013, a federal election was held in which Australia's Coalition of conservative parties was elected. Within three months, the new government had written to UNESCO, signalling another minor modification—this time to reduce the area of the Tasmanian Wilderness (Hunt 2013). On 30 January 2014, the proposal duly followed. Australia was seeking to excise 74,039 ha from the Tasmanian Wilderness—all of it country within the 2013 extension (Australia 2014).

To Tasmanians, the move came as no surprise. The state's conservative Liberal Party had campaigned vociferously against the 'forests peace deal' for over two years, describing it as 'disastrous' (Hodgman 2012a, b) and a 'sham' (Colbeck 2014a). In the lead up to the election, the federal Coalition released a policy that described the 2013 World Heritage extension as 'rushed and political' and undertook to 'seek to have it removed' (The Coalition 2013). This was an unprecedented step. While the Coalition had occasionally criticized World Heritage nominations made by its political opponents, it had never before taken the step of seeking to de-list areas once they had been inscribed.

Significant excisions from World Heritage properties have been rare. In 2010, the Committee considered a minor modification to the Three Parallel Rivers of Yunnan, a Chinese World Heritage property. This was a complex case attempting to rectify the 'inadvertent' inclusion of operating mines within the property when it was inscribed in 2003. IUCN supported the excision of some bits as minor modifications but said that others should be treated as significant. The Committee overruled part of IUCN's advice by treating the entire package as a minor modification (UNESCO 2010b).

Another recent example concerned the Selous Game Reserve. In 2011, the Tanzanian Government sought to excise about 1% of the 5-million-ha property to allow a uranium mine to proceed. IUCN said that, despite the relative smallness of the area concerned, the proposal should have been submitted as a significant modification, thereby requiring a new nomination (IUCN 2012). Nevertheless, in 2012, despite expressing serious concerns, the Committee acceded to Tanzania's request and approved the excision (UNESCO 2012b).

Yunnan and Selous were favourable precedents for the Australian Government because proposed boundary changes considered by the relevant advisory body to be 'significant' had been treated as minor modifications. They constituted examples of how a forceful economic argument backed by concerted lobbying, particularly on the part of a developing country, can result in the excision of areas from a World Heritage property against the advice of the advisory bodies. On the other hand, the Committee had emphasized the 'exceptional and unique' nature of its Selous decision. Moreover, this excision applied to 0.8% of the property, whereas the Tasmanian proposal applied to almost 5%. To succeed in its bid, the Australian Government would have to mount some persuasive arguments.

In Tasmania, those arguments had been emotive and derogatory. One member of the Australian Government had issued over 60 media releases entitled 'World Heritage

Mockery’, accompanied by photos of logged areas within the property (Colbeck 2014b). But to the international audience, the Australian Government couched its proposal in more moderate terms. It claimed to be seeking to ‘enhance the credibility of the World Heritage List by excluding areas that detract from the OUV and the overall integrity of the property’. It said the areas to be excised consisted of ‘pine and eucalypt plantations and previously logged forest’. It considered that the 2013 assessment did not properly consider the detrimental effect of such areas on the property (Australia 2014, p. 5).

The claim that the proposed excision contained areas degraded by logging was used repeatedly. Yet despite the centrality of this argument to the Australian Government’s case, no figure was given for the amount of logged land within the proposed excision. The Australian Government provided no map indicating the locations of ‘degraded areas’. Nor were there maps showing the proposed excision in relation to key attributes such as tall-eucalypt forests, karst and glacial landscapes. The Government’s submission also lacked references to previous decisions of the Committee, despite the importance of these to the long-term context (Australia 2014).

Significantly, the Australian Government admitted that at least part of its motivation for proposing the excision came from political reasons:

The Australian Government believes there should be a long-term sustainable forest industry in Tasmania. The proposed amendment to the World Heritage Area boundary extension will assist the long-term viability of the special species timber sector and local communities that rely on these areas for their wellbeing ... The Australian Government is honouring its forestry election commitments in Tasmania to strengthen a long-term sustainable industry (Australia 2014, pp. 8–9).

When the Australian Government’s proposal to excise part of the Tasmanian Wilderness was published in February 2014, it provoked passionate protests from the conservation movement, including three major protest rallies (Shannon 2014; Abey 2014; Bob Brown Foundation 2014). The issue was also hotly debated in the Australian Parliament, and on 13 February 2014 the Senate referred the proposed excision to a committee (Senate 2014). The resulting inquiry became the main forum in which government’s proposed excision was debated.

Supporting the excision was a group of timber users that said the 2013 extension to the Tasmanian Wilderness had had a ‘devastating and substantial impact’ on the specialty timbers sector and should be subjected to a rigorous assessment. On the subject of OUV, it acknowledged that ‘some areas’ in the 2013 extension met these criteria while ‘many harvested areas’ did not (Tasmanian Special Timbers Alliance 2014). These points were echoed by at least two other groups (Huon Resource Development Group 2014; Institute of Foresters of Australia 2014).

This point of view, however, was not put to the Committee by the major players in the Australian timber industry. In fact, there had been several media reports of timber companies in Tasmania, including the industry’s peak body, still supporting the forests agreement and calling on the Australian Government to abandon its attempt to excise forests from the World Heritage property (Atkin 2013; Burgess 2013; Darby 2014; Economist 2014).

At least one submission to the Senate committee quoted from the WHC to argue ‘that the existence of degraded areas does not, of itself, justify excision of such areas from a World Heritage property’ (Law Council of Australia 2014). Article 5.4 of the WHC encourages State Parties to take the appropriate measures necessary for the ‘identification, protection, conservation, presentation and *rehabilitation* of this heritage’ (UNESCO 1972)

(emphasis added). The word 'rehabilitation' clearly provided for the listing of properties not wholly intact. Another submission warned that 'modifying properties on the basis of domestic political whim' was a bad precedent that 'could open the flood gates' for State Parties to seek removal of properties 'to satisfy domestic political demands' (ANEDO 2014).

Several submissions argued that the proposed excision would have unacceptable impacts on OUV. One of the Australia's foremost geomorphologists was scathing, saying that the politicians and officials concerned 'either haven't properly investigated the World Heritage values involved, haven't had sufficient expertise to recognize those values, or simply don't care' (Kiernan 2014). Another prominent expert argued that the proposed excision would have severe ramifications on 'the world's premier example of temperate tall eucalypt forest' and that 'truncation' of those forests would seriously degrade their OUV (Hitchcock 2014). Aboriginal representatives were 'stunned' by the government's move to excise areas from the Tasmanian Wilderness 'without undertaking full and proper consultation with the Tasmanian Aboriginal Community' (Tasmanian Aboriginal Centre 2014).

Several submissions took aim at the Government's central argument that the areas proposed for excision were so degraded by logging that they detracted from the OUV of the property. One utilized geographical information system techniques to calculate the extent of logged areas within the proposed excision. It found that the proposed 74,039-ha excision contained only 8 ha of plantations and approximately 7400 ha of forest that had been logged since 1960—about 10% of the total (Cadman 2014).

When these figures were reported in the media, the Australian Government did not question them. Government Senators passed up another opportunity to do so when the authors of the above submissions were questioned by the Senate committee on 30 March 2014. No Tasmanian Senators from the Government fronted the hearing, leaving the job to colleagues from other parts of Australia who had had little, if any, prior involvement in the Tasmanian forests debate. The Government's unwillingness to challenge its critics was explained when its own analysis became public in June 2014. A briefing note to the Minister for the Environment disclosed under freedom-of-information laws said that the total area of degraded forest within the proposed excision was 6362 ha (9%). The vast majority of areas proposed for excision were said to have low or no disturbance (Rankin and Routh 2014).

These revelations battered the credibility of the Australian Government's proposal in the Australian media. More embarrassment followed when the evaluations of the Committee's advisory bodies were published in May 2014.

ICOMOS may have had reservations about the 2013 extension, but this did not translate into support for their excision. It noted that the government provided no information on the cultural values, despite the fact that several important Aboriginal heritage sites were known to be affected. The government had referred to 'insufficient' consultation regarding the 2013 extension, but had provided no information to suggest that adequate consultations had been undertaken regarding the proposed excision 'particularly in relation to Aboriginal communities'. ICOMOS concluded that the Australian Government had failed to make its case, saying that the proposed minor modification 'would appear to weaken rather than strengthen the credibility of the (World Heritage) List'. It therefore recommended that the 2014 proposed boundary modification not be approved (ICOMOS 2014, p. 3).

IUCN considered the excisions would 'reduce integrity of key natural attributes ... notably tall-eucalypt forest connectivity on the eastern boundary of the property'. It judged that only about 10% of the proposed excision had been affected by logging and that a

negligible amount consisted of plantation. These were ‘set in a mosaic of surrounding areas that clearly carried significant attributes related to the natural World Heritage criteria’. Their retention within the property was therefore warranted (IUCN 2014, pp. 31–33). IUCN also noted the Australian Government’s implicit acknowledgment of impacts on OUV and integrity. The Government had said that areas within the 2013 extension contributed to the property’s OUV, that the 2014 proposal ‘has resulted in the loss of some attributes’ and that the Government sought to ‘minimize’ the impact on the integrity and coherence of the boundary (Australia 2014, p. 7).

This was a fundamental issue. Under the WHC’s operational guidelines, a ‘minor modification is one which has not a significant impact on the extent of the property *nor affects its Outstanding Universal Value*’. State Parties making such a proposal are to emphasize ‘how such modification will improve the conservation and/or protection of the property’ and ‘contribute to the maintenance of the OUV of the property’ (UNESCO 2013b, p. 42).

This led IUCN to conclude ‘that the proposal could not be entertained as a minor boundary modification, since such a modification should not impact on OUV’. The excision of about 5% of the property was regarded as ‘significant’, as were the likely impacts on OUV and integrity, particularly with respect to ‘habitat connectivity’. IUCN further noted that ‘boundary modifications, whether minor or significant, should maintain or strengthen the recognition and protection of OUV, and a simple excision of inscribed areas from a World Heritage property cannot achieve this goal’. IUCN therefore recommended against approval of the proposed boundary modification (IUCN 2014, p. 33).

The World Heritage Centre duly circulated a draft decision to say that the Committee ‘does not approve the proposed minor modification of the boundaries of the Tasmanian Wilderness’ (UNESCO 2014c). However, a draft decision does not have an automatic guarantee of adoption, as illustrated by the previous year’s outcome, by the precedents of Yunnan and Selous and by the behaviour of the Committee (Brumann 2014; Schmitt 2009; Meskell 2012, 2013, 2014). Committee members and relevant State Parties had sometimes formed voting blocs on the basis of regional or economic relationships (Meskell 2013). Could Australia secure passage of its excision by developing such an alliance with trading partners and regional colleagues that were on the Committee, such as Malaysia, Japan, South Korea and Vietnam?

At the 2014 session of the Committee in Doha, Australia was active in seeking such support—but seemingly not for its Tasmanian proposal. As far as Australia’s economic interests were concerned, there was a much bigger issue on the table—the Great Barrier Reef (UNESCO 2014a). This vast World Heritage property had been mooted as ‘World Heritage in Danger’ as a result of climate change and port developments. A strong draft decision was up for debate in the days before discussion of Tasmania was scheduled. On how many fronts did Australia want to fight?

Australia secured the support of Malaysia and Japan to soften the wording of the decision on the Reef. However, a strong push (led by Portugal) in support of the draft decision prevailed (UNESCO 2014a). Australia had lost a very high-profile attempt to persuade the Committee to overrule the advisory body (IUCN) in favour of domestic economic objectives.

The proposed minor modification to the Tasmanian Wilderness was discussed by the World Heritage Committee on 23 June 2014. No Committee member proposed alternative wording to that contained in the draft. Portugal described the Australian Government’s proposal as ‘feeble’ and said that its adoption would set an ‘unacceptable precedent’. The Australian Government did not seek to rebut this argument, and no Committee member

spoke in favour of the proposed minor modification. Within 8 min, the proposed excision had been rejected (UNESCO 2014a, b).

This was the latest in a long line of decisions going back to 1982 in which the Committee upheld protection of the Tasmanian Wilderness from the impacts of resource exploitation. The Australian Government responded by saying it would accept and consider the decision, which repeated the call for a cultural heritage survey (Hunt and Colbeck 2014).

5 Discussion and conclusions

The tall-eucalypt forests of western Tasmania were found by UNESCO and its advisory body on natural heritage, IUCN, to have World Heritage qualities in 1989. Yet it took another 24 years of debate, culminating in a landmark agreement between conservationists and the logging industry, for the Australian Government to recommend key tracts of this forest as an extension to the Tasmanian Wilderness World Heritage property. Even then, the forests faced dramatic uncertainties as the processes of 'minor boundary modification' unfolded. In 2013, the forests were successfully inscribed. In 2014, a new government unsuccessfully attempted to use the same process to de-list a large portion of the same forests. Comparison of these two cases of proposed 'minor boundary modification' demonstrates how the processes of the WHC and the actions of the relevant State Party respond to contrasting situations.

The processes stipulated by the WHC's operational guidelines—particularly the evaluations done by UNESCO's advisory bodies—were crucial to both outcomes. Some of these produced advice that could be described as superficially counter intuitive.

IUCN, for example, judged that a proposed 12% increase in the size of the property in 2013 qualified as a 'minor modification', whereas a proposed 5% decrease in 2014 was deemed to be 'significant'. Members of the new Australian Government believed this to be inconsistent. However, IUCN had faithfully applied the WHC's operational guidelines which state that a minor modification should 'contribute to the maintenance of the OUV of a property'. The 2013 extension enhanced protection of OUV, while the 2014 excision did the opposite. The Australian Government had implicitly conceded this point in its 2014 submission. IUCN's advice was therefore completely consistent with both the rules and spirit of the WHC.

Another asymmetrical part of the WHC's decision-making process pertained to the advice of ICOMOS. In 2013, an absence of information about cultural heritage led ICOMOS not to recommend approval of the proposed extension. In 2014, it used identical arguments to recommend against excising some of these very areas from the property. Again, this is explicable by reference to the aims of the WHC. In 2013, ICOMOS was commenting on areas within a proposed extension; in 2014 those areas were now part of a formally listed World Heritage property. A greater level of precaution was therefore required. And in the absence of reliable information about cultural attributes in either case, it was prudent and logical to recommend maintenance of the status quo.

A concept critical to both outcomes was that of 'integrity' as described in the WHC's operational guidelines. In reference to forests, the term embodies ecological principles. The 2013 extension claimed to have met such criteria by achieving 'connectivity' of the tall-eucalypt forests. The architects of this vision argued that the worth of an extended Tasmanian Wilderness was far greater than the sum of its parts. Ecosystems to be protected

along with the tall eucalypts included rainforests, alpine flora, rivers, caves and glaciated mountains. Protecting such a connected system of catchments, altitudes and landscapes would provide the property with greater ecological resilience. IUCN and vocal members of the Committee accepted this argument. This helped win the case for the 2013 minor modification and militated strongly against its 2014 counterpart.

The Committee played a decisive role in both outcomes. It was reminded emphatically that the 2013 minor modification was a positive response to its previous requests. Protection of the property's natural OUV would be enhanced. Concerns about management of cultural heritage could be addressed by formally requesting a survey the State Party had already committed to carrying out. The Committee could therefore overturn the advice of one of its advisory bodies and approve the minor modification without adversely affecting the credibility of the List. In doing so, it demonstrated the agility required to resolve a long-running issue before a rare window of opportunity slammed shut.

When a new Australian Government attempted to undo part of this work in 2014, its behaviour appeared highly constrained by the WHC. Its public statements intended for domestic consumption were vehement and emotive. But in the forum of the World Heritage Committee, the government moderated both its language and its objectives. A policy for 'removal' of the 2013 extension became one of 'revision'. A putative 172,050-ha excision was reduced to 74,039 ha. Fervent condemnation of World Heritage 'mockery' became a desire to 'enhance the credibility' of the World Heritage List. This change in behaviour can probably be attributed to the moderating effect that an international treaty has on its signatories when they find themselves on a world stage.

Even in pursuing these constrained objectives, the Australian Government appeared to lack conviction. The absence of vocal domestic support for its position was probably a factor. While the Government was no doubt prepared for energetic protests from the conservation movement, the criticism from the broader community, including Aboriginal representatives, part of the legal profession and the peak body of the Tasmanian forest industry, would have been less expected. Prominent reporting of the forest industry's opposition must have been particularly telling.

The Government's preoccupation with the Committee's decision on the Great Barrier Reef was another significant factor affecting the outcome. The economic stakes associated with the Reef were higher than for Tasmania, with major coal-port developments potentially affected. In the Reef debate, the Government and Committee members with which Australia has close regional and economic ties tried to soften the draft decision. When this concerted lobbying effort failed, the Government may have felt it had exhausted its diplomatic ammunition and that the forthcoming Tasmanian debate had become a foregone conclusion. And so it was, with the Committee expeditiously accepting a categorical draft decision not to approve the excision. The forests that had taken so long to inscribe as World Heritage had survived a 180° change in government policy.

In both the 2013 and 2014 proposed minor boundary modifications, it was the combination of the processes of the WHC with strong domestic concern that were decisive. The 2013 consensus by government, industry and conservationists presented the World Heritage Committee with a rare opportunity to protect previously contested OUV. When this gain was in jeopardy, criteria weighted in favour of protecting OUV were applied by the advisory bodies. Proposed excisions deemed to have an adverse impact on OUV must, unless exceptional circumstances apply, go through a lengthy assessment process. Precedents in China and Tanzania show that overcoming these hurdles at the Committee level is possible. But it requires a determined State Party and a malleable Committee. For the case of the Tasmanian Wilderness, neither of these ingredients was forthcoming. Domestic

dissent had sapped the will of the State Party, and the Committee's resolve to protect OUV was bolstered by the forceful contributions of members such as Portugal.

The provisions of the WHC have therefore provided the Tasmanian Wilderness with both ecological and political resilience. This resilience has been enhanced by strong domestic support for protecting World Heritage. The case of Tasmania's tall-eucalypt forests therefore serves as an inspiring model to those seeking to secure the future of the world's natural and cultural heritage. It shows that an international treaty on environmental protection can empower the community to transcend the vicissitudes of domestic politics.

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