

Australian Network of Environmental Defender's Offices



Australian Network of Environmental
Defender's Offices Inc

ANEDO Submission to Senate Environment and Communications Committees in relation to the Tasmanian Wilderness World Heritage Area

6 March 2013

The Australian Network of Environmental Defender's Offices (**ANEDO**) consists of nine independently constituted and managed community environmental law centres located in each State and Territory of Australia.

Each EDO is dedicated to protecting the environment in the public interest. EDOs provide legal representation and advice, take an active role in environmental law reform and policy formulation, and offer a significant education program designed to facilitate public participation in environmental decision making.

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Summary of recommendations

- The Australian government should make public the relevant maps and provide detailed description of the areas referred to as “degraded”, “logged”, “disturbed” or “contains plantations” in the government’s “Proposal for a Minor Modification to the Boundary of the Tasmanian Wilderness World Heritage Area (Australia)” (“the 2014 Proposal”).
- The Senate Committee should note with disapproval the fact that the 2014 Proposal has not made this information public nor has it provided this level of detail in its submission to the World Heritage Committee.
- The 2014 Proposal should be immediately withdrawn, because:
 - The World Heritage Committee found that the area contained within the Tasmanian Wilderness World Heritage Area (“the TWWHA”) 2013 extension possessed Outstanding Universal Value. The Outstanding Universal Value of any area excised from the TWWHA is at risk.
 - The 2014 Proposal incorrectly proposes the alteration to the TWWHA as a “minor modification” when in fact it is a “significant modification”.
 - The 2014 Proposal misconstrues the meaning of “integrity” in the context of the World Heritage Convention.
 - The 2014 Proposal evidences a willingness by Australia to use an international forum for domestic political purposes. This approach is harmful to the World Heritage Convention and Australia’s national interest.

Introduction

- 1 The “Western Tasmania Wilderness National Parks” property was inscribed in the World Heritage List¹ in 1982. In 1989, the World Heritage Committee (“the Committee”) approved the extension of that area to include an additional 606,645 hectares (“the 1989 Extension”). The property was also renamed the “Tasmanian Wilderness”.
- 2 The Tasmanian Wilderness is listed under three of the six cultural criteria and all four natural criteria for the assessment of Outstanding Universal Value in the *Operational Guidelines for the Implementation of the World Heritage Convention* (“the Operational Guidelines”).²

¹ The World Heritage List is created under Article 11(2) of the *Convention Concerning the Protection of the World Cultural and Natural Heritage* Adopted by the General Conference at its seventeenth session, Paris, 16 November 1972 (“the World Heritage Convention”).

² [WHC. 13/01, July 2013.](#)

- 3 The Australian government proposed a “minor modification” to the boundary of the Tasmanian Wilderness in February 2013. The modification, which increased the area by approximately 12% (172,000 hectares), was framed as a response to previous decisions of the Committee in which the Australian government was urged to consider extensions to include adjacent forest areas and to improve the integrity of the listed area³. The extension was also a significant aspect of the Tasmanian Forest Agreement process which aimed to resolve longstanding community conflict over forestry in Tasmania.⁴ The Committee approved the modification, as proposed by Australia, in June 2013 (“the 2013 Extension”).
- 4 For the purposes of this submission, a reference to the “TWWHA” is a reference to the current Tasmanian Wilderness World Heritage Area, which includes all extensions up to and including the 2013 Extension.
- 5 On 31 January 2014, the Australian government submitted a request to the Committee, seeking a “minor modification” to the TWWHA. The effect of this would be to remove 74,000 hectares from the TWWHA. The 74,000 hectares is all within the 2013 Extension. The request is set out in the *Proposal for a Minor Modification to the Boundary of the Tasmanian Wilderness World Heritage Area (Australia)* (“the 2014 Proposal”).
- 6 The 2014 Proposal states the modification will “enhance the credibility of the World Heritage List by excluding areas that detract from the Outstanding Universal Value and the overall integrity of the property”. Those areas are

³ Decision 36 COM 8B.45 4 reiterates a number of previous similar requests to consider eventual additions at the discretion of the State Party; most recently Decision 34 COM 8B.46 para 5; Decision 34 COM 7B.38 para 5, and in earlier decisions 332 COM 7B.41 para 5 which requested the State Party to include areas of tall eucalyptus forest, having regard to the advice of the IUCN and 31 COM 7B.43 para 4 which urged the State Party to consider including critical old growth forest to the east and north of the property.

⁴ Tasmanian Wilderness, WORLD HERITAGE AREA (AUSTRALIA), Property ID 181bis - PROPOSAL FOR A MINOR BOUNDARY MODIFICATION For submission to the World Heritage Committee 1 February 2013, pages 5,8, 18 – 21. See also 13/37.COM/INF.8B2.Add, ADDENDUM - IUCN Evaluations of Nominations of Natural and Mixed Properties to the World Heritage List - IUCN Report for the World Heritage Committee, 37th Session Phnom Penh, Cambodia, 16 - 27 June 2013.

described in the document as “degraded”, “logged”, “disturbed” or “contains plantations”. There is no detail as to the meaning of those terms. There is no detail as to the size of the areas or any maps to identify where the areas are located. The document indicates removing these areas individually would not produce a “coherent boundary”. However, there is no factual basis in the document upon which to assess if the proposal sensibly redraws the boundary, even if it is accepted these areas should be excluded.

7 The 2014 proposal provides the following justifications for the modification:

The Australian Government is also concerned that when taking its decision in June 2013, the World Heritage Committee was not fully aware that a number of communities and landholders whose properties adjoin the revised boundary did not support the extension and did not consider they had adequate opportunity to comment on the proposed change.⁵

...

The Australian Government believes that this proposal will deliver additional economic and social outcomes for all Tasmanians while maintaining the Outstanding Universal Value of the Tasmanian Wilderness.⁶

...

The Australian Government does not support the creation of any new reserves in Tasmania’s forest. This request for excisions from the boundary of the Tasmanian Wilderness is part of the Australian Government’s Economic Growth Plan for Tasmania which was a commitment taken to the recent Australian election as part of a plan to boost Tasmania’s competitiveness, particularly in the resources, forestry, fisheries, tourism and agriculture sectors.

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 honoring its forestry election commitments in Tasmania to strengthen a long-term sustainable industry. The extension of the Tasmanian Regional Forest Agreements will mean an appropriate balance of economic, social and environmental outcomes for our forests.⁷

⁵ 2014 Proposal, page 5.

⁶ Ibid, page 7 & 8.

⁷ Ibid.

Discussion

RESPONSE TO THE 2014 PROPOSAL

- 8 The facts behind the argument that adjoining landholders were not supportive of the 2013 Extension are not provided in the 2014 Proposal. The 2014 Proposal gives no particulars of the landholders; where their properties are situated or why they were unsupportive. Importantly, the vast majority of the 2013 extension adjoins public land – this land is managed by the Tasmanian State Government which gave clear support for the 2013 extension. It is also clear from the IUCN report into the 2013 extension, that objections to that modification were received and considered.⁸
- 9 The argument that the modification should be approved in order to honour the current Government's election commitment is inappropriate as the Australian Government is involving the Committee in domestic politics (discussed further below). Furthermore, modifying properties on the basis of domestic political whim is a bad precedent to set and something the Australian Government should not encourage. This precedent could open the flood gates for signatories to the Convention to seek modification or removal of properties to satisfy domestic political demands. More broadly it sets a precedent that matters not the subject of the Convention can be invoked in order to modify boundaries and, by extension, to list and de-list properties.
- 10 It is recommended the Senate note the inaccurate description of the legal protection afforded to threatened species found at page 8 of the 2014 proposal. The proposal states:
- Management prescriptions in recovery plans for species listed under the EPBC Act⁹ must be adhered to in forestry operations both in, and outside of, regions covered by Regional Forest Agreements.

⁸ [13/37.COM/INF.8B2.Add, ADDENDUM](#) - IUCN Evaluations of Nominations of Natural and Mixed Properties to the World Heritage List - IUCN Report for the World Heritage Committee, 37th Session Phnom Penh, Cambodia, 16 - 27 June 2013, page 3.

⁹ This is a reference to the *Environment Protection and Biodiversity Conservation Act 1999*.

This is misleading. It is incorrect to say that management prescriptions in recovery plans “must be adhered to” in regions covered by the Regional Forest Agreements. Also the paragraph could be read as indicating recovery plans are required for all listed species when, in fact, the development of a recovery plan is largely at the discretion of the Minister.¹⁰

11 In areas outside Regional Forest Agreement (“RFA”) regions, it is true that the Minister “must not act inconsistently” with a recovery plan¹¹. However the area proposed for excision is within a region “covered by the Regional Forest Agreements”, namely the Tasmanian RFA. The effect of this is to exempt forestry operations from the EPBC Act. Under section 38 of that Act, forestry operations done in accordance with an RFA do not need Commonwealth approval. This means the management prescriptions in the recovery plan become irrelevant unless similar prescriptions are imposed by the Tasmanian State Government.

12 In fact, under the EPBC Act, the only circumstances in which threatened species within an RFA region would be protected via application of the management prescriptions is where that area is World Heritage listed.¹²

OTHER ISSUES

Risk to World Heritage

13 The Committee, in voting in favour of it, concluded the 2013 Extension, which includes the 74,000 hectares proposed for excision, has Outstanding Universal Value.

14 The IUCN reported on the proposed 2013 extension prior to the Committee making a decision. The IUCN supported the 2013 extension, stating:

IUCN has considered the proposal, including through consultation with IUCN representatives involved in the original extension, and concurs with the assessment

¹⁰ *Environment Protection and Biodiversity Conservation Act 1999*, section 269AA.

¹¹ *Environment Protection and Biodiversity Conservation Act 1999*, section 139.

¹² *Environment Protection and Biodiversity Conservation Act 1999*, section 42.

of the State Party that the proposal will both add to the integrity of the property as currently inscribed, in relation to its natural values, as well as facilitating improved protection and management, in recognition of the issues that have been noted previously regarding the property's boundary.

15 In 2013 the Department of the Environment, the IUCN and the Committee concurred that 74,000 hectares proposed for excision possesses Outstanding Universal Value. That value should be protected through the World Heritage Convention consistent with Australia's obligations as signatory to it. The values of any area excised from the TWWHA will be under threat due to the reduction in protection and consequent increased risk of disturbance from extractive and other industries. The 2014 Proposal strongly suggests that the area proposed for excision will be logged if removed from the TWWHA.¹³

Disturbed land and World Heritage Values

16 The presence of "disturbed and previously logged forest" and "pine and exotic eucalypt plantations"¹⁴ within the TWWHA is not a sound basis upon which to seek to modify its boundary. It is clear that a significant portion of the forest area proposed for removal has not been disturbed or previously logged.

17 Furthermore, the *Convention Concerning the Protection of the World Cultural and Natural Heritage*¹⁵ ("the Convention") clearly envisages the inclusion of areas with natural values, which require rehabilitation or active management. The Convention and established practice also support the proposition that World Heritage areas may contain pockets which do not possess the World Heritage values for which the entire property is listed.

¹³ 2014 Proposal pages 8 and 9.

¹⁴ ANEDO have been informed that the exotic eucalypt plantation in the TWWHA is actually outside the proposed modification and the pine plantation is an overflow from a neighbouring land use and amounts to about 0.2 of a hectare.

¹⁵ Adopted by the General Conference at its seventeenth session, Paris, 16 November 1972.

18 That “Outstanding Universal Value”, with respect to natural values, is consistent with some level of human disturbance is found in Article 5 of the Convention. Article 5 requires signatories, amongst other things:

(d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and *rehabilitation* of this heritage;

(emphasis added)

The requirement to undertake “rehabilitation”, with respect to natural values, is only useful if the Convention anticipated the inclusion in properties of pockets which were not in themselves of Outstanding Universal Value, due to disturbance.

19 The Convention provides for properties to be listed as “In danger”. Article 11, paragraph 4 states that a property may be so listed if the conservation of the property requires “major operations”¹⁶. The Convention provides for international assistance to be provided to signatories¹⁷. The assistance provisions of the Convention specifically refer to the “rehabilitation” of cultural and natural heritage.¹⁸

20 The natural values criteria, in the Operational Guidelines, provide for variation in the values across the property as a whole. Criteria (vii) requires nominated properties to “contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance”. Criteria (x) also uses the word “contain”. Nothing in the criteria suggests an area should be excluded because, within it, there are disturbed pockets.

¹⁶Article 11.4 includes the following guidance on when properties could be included in the “in danger” list:

... property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods, and tidal waves.

¹⁷ Articles 13 – 26.

¹⁸ Article 22, paragraphs (a) and (c).

21 Paragraph 78 of the Operational Guidelines states:

To be deemed of Outstanding Universal Value, a property must also meet the conditions of integrity and/or authenticity and must have an adequate protection and management system to ensure its safeguarding.

This is presumably where the Australian government's use of the expression "integrity" in the 2014 Proposal has derived from. Paragraphs 87 to 95 of the Operational Guidelines expand upon the meaning of "integrity". This description is not consistent with the use of the term being relied on by the Australian government. Paragraph 90 is clear in indicating integrity does not require a complete absence of disturbance:

For all properties nominated under criteria (vii) - (x), bio-physical processes and landform features should be relatively intact. However, 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. Human activities, including those of traditional societies and local communities, often occur in natural areas. These activities may be consistent with the Outstanding Universal Value of the area where they are ecologically sustainable.

22 The Australian government submission to the Committee which sought the 2013 extension ("the 2013 Nomination") heavily relied on the concept of integrity in making the case for extension.¹⁹

23 The 2013 Nomination²⁰ also specifically describes the disturbance in the 2013 extension area. There can therefore be no doubt that the World Heritage Committee, in approving the 2013 extension nomination, considered that, notwithstanding the disturbance, the area possesses the requisite level of "integrity" in relation to the Outstanding Universal Values. It may be construed as insulting if the 2014 Proposal goes before the Committee. The clear implication would be that the Australian Government believes the Committee got it wrong in 2013.

¹⁹ Tasmanian Wilderness, WORLD HERITAGE AREA (AUSTRALIA), Property ID 181bis - PROPOSAL FOR A MINOR BOUNDARY MODIFICATION For submission to the World Heritage Committee 1 February 2013, pages 9 – 11 and the note in relation to photos on page 22.

²⁰ Ibid, page 21.

24 The TWWHA Management Plan,²¹ which predates the 2013 extension, discusses rehabilitation. It notes that areas within the pre-2013 TWWHA were previously used for mineral exploration, mining, hydro-electric development, forestry, road transport, tourism and grazing. It also indicates that 180 hectares of the property has been mechanically degraded and 11,000 hectares of the Central Plateau are affected by “sheet erosion as a result of fire, rabbits and past land use practices”²². The plan references a report on the Central Plateau which describes the area “as the most severely degraded alpine area in Australia”. The report also notes the proposal to drain the Huon-Serpentine Impoundment to restore Lake Pedder.

25 The willingness to include disturbed areas within a World Heritage boundary is further illustrated by the recent decision to include the Melaleuca-Cox Bight area in the TWWHA. The area had previously been excluded due to ongoing mining activities. However, following the expiration of the mining tenements, in June 2012 the World Heritage Committee approved a minor boundary modification to include the Melaleuca-Cox Bight area in the TWWHA. The area is being managed by Tasmania’s Parks and Wildlife Service under the TWWHA Management Plan. A *Melaleuca Site and Rehabilitation Plan 2013* has been developed for the area and is expected to be included in the Management Plan when it is reviewed in 2014.

Minor boundary modification

26 ANEDO believes that the Australian government has made an error in seeking a “minor boundary modification” to achieve the stated aim of removing 74,000 hectares from the TWWHA. The appropriate avenue would be to seek a “significant modification”.

27 The Operational Guidelines provide for modifications to boundaries of listed properties.²³ This is divided into “minor” and “significant” modifications.

²¹ *Tasmanian Wilderness World Heritage Area – Management Plan 1999*, Tasmanian Parks and Wildlife Service.

²² *Ibid*, page 114.

²³ Guidelines paragraphs 163 - 165.

28 A minor modification is defined as “one which has not a significant impact on the extent of the property, nor affects its Outstanding Universal Value”.²⁴ The Committee determines if the modification is minor. Annex 11 of the Operational Guidelines sets out the process and documentation required for a minor modification. It begins with:

Boundary modifications should serve better identification of World Heritage properties and enhance protection of their Outstanding Universal Value.

A proposal for a minor boundary modification, submitted by the State Party concerned, is subject to the review of the relevant Advisory Body(ies) and to the approval of the World Heritage Committee.

A proposal for a minor boundary modification can be approved, not approved, or referred by the World Heritage Committee

29 Amongst other documentation, Annex 11 requires the justification for the modification, as follows:

A Justification for the modification: Please provide a brief summary of the reasons why the boundaries of the property should be modified (or why a buffer zone is needed), with particular emphasis on how such modification will *improve* the conservation and/or protection of the property (emphasis added)

Past practice indicates boundary modifications are usually sought in the form of extensions, rather than reductions.

30 The 2013 Extension was treated as a minor modification. Arguably, if 170,000 hectares can be added as a “minor modification” the removal of 74,000 hectares could also be considered a minor modification. There is, however, no inconsistency in the Convention, in characterising an extension to a listed property as a “minor modification” whereas an excision is considered a “significant modification”. This is because the objective of the Convention is preservation. Accordingly, it is entirely consistent for the process of removing areas which were once considered to possess World

²⁴ Guidelines paragraphs 163.

Heritage values to be more rigorous than the process of extending boundaries.

31 The IUCN report on the 2013 Extension addressed this issue, noting the size of the proposed extension was slightly larger than the general threshold for “minor modification”:

IUCN notes that the size of the property is around the unofficial upper level for consideration as a minor boundary modification (which has been considered as typically c.10%). IUCN considers that it is reasonable and appropriate for the Committee to approve the proposal through the minor modification process, given (a) the clear and established position of the World Heritage Committee noted in its past decisions, (b) the degree of past consideration of these issues by the Committee and Advisory Bodies, including via both evaluation and monitoring missions, and (c) clear analysis provided in the proposal regarding its values, integrity, protection and management.²⁵

32 ANEDO believes that applications to reduce the area of a listed property, particularly if motivated by resource exploitation, should be characterised as “significant modifications”. This view is supported by the past practice of the World Heritage Committee, in particular in the decision with respect to the Selous Game Reserve, Tanzania.²⁶

²⁵ [13/37.COM/INF.8B2.Add, ADDENDUM](#) - IUCN Evaluations of Nominations of Natural and Mixed Properties to the World Heritage List - IUCN Report for the World Heritage Committee, 37th Session Phnom Penh, Cambodia, 16 - 27 June 2013, page 3.

²⁶ The Willandra Lakes World Heritage Area was amended by “minor modification” in 1995, however is less relevant than the Selous Game Reserve example given that the Operational Guidelines were amended significantly in 2005 to include the distinction between minor and significant modification (para 163-167).

By way of background, the Willandra Lakes region was inscribed in 1981 in recognition of fossil remains, geological formations and archaeological evidence of long term Aboriginal occupation. The region was originally designated on the basis of property boundaries (including large pastoral leases).

In the first decade after being included in the List, the government experienced significant difficulties in managing the property due to conflicting views of landowners, Aboriginal communities and government authorities. The World Heritage Committee raised concerns regarding management and recommended that the boundaries be reviewed. In 1995, after consultation with scientists, landholders, Aboriginal communities and archeologists, the government proposed revised boundaries which better reflected the areas in which the cultural and natural values of the property were located (rather than just following large cadastral boundaries). The revised area, which excluded some areas and included some additional ones, resulted in a total area approximately 30% smaller than the original listing.

33 In 2011, the Tanzanian government sought to exclude a potential mining area from the Selous Game Reserve. The Committee expressed a general view in relation to modification related to mining, saying:²⁷

... modifications to boundaries of World Heritage properties that are related to mining activities have to be dealt with through the procedure for significant modifications of boundaries, in accordance with para. 165 of the Operational Guidelines given the potential impact of such projects on the Outstanding Universal Value;

34 The IUCN had recommended the modification not be approved²⁸ and further recommended that the Committee include the following in its decision “that boundaries of World Heritage properties should not be modified with the primary objective of facilitating mining”. Nonetheless, the reduction sought by the Tanzanian government was ultimately approved in an “exceptional and unique manner.”²⁹ It was exceptional in that, despite the Committee’s decision quoted above, the reduction was assessed as a minor modification and contingent upon a request that the Tanzanian government:

a) Provide additional valuable wildlife forest area to compensate for the excised area of Selous Game Reserve for inclusion into the property to the effect of further maintaining and enhancing the OUV of the property,...

c) Not ... engage in any mining activity within the Selous Game Reserve World Heritage property after exclusion of the Mkuju River Mining site as per the decision of the 36th session of the World Heritage Committee,...

35 In an earlier consideration of this matter, the Committee acknowledged Tanzania’s, “legitimate need to ensure the well-being of its population, fight against poverty and diversify its economy while continuing to protect its

The Committee approved the revised boundaries as they better defined the area containing the World Heritage values and facilitated the effective management of the property . Notably, the Committee’s decision was based on improved management of the World Heritage values, rather than ease of management for the government or other economic / political grounds.

²⁷ [Committee Decision 35COM 8B.46\(8\)](#) paragraph 2.

²⁸ <http://whc.unesco.org/archive/2011/whc11-35com-inf.8B2e.pdf> page 125 – 6.

²⁹ [Committee Decision 35COM 8B.46\(8\)](#) paragraph 8.

³⁰ [Committee Decision 36COM 8B.43](#) paragraph 7.

natural environment.³¹ This acknowledgement was not explicit in the final decision, however it is likely to have influenced the outcome. The 2014 Proposal states the Australian government believes it will “deliver additional economic...outcomes for all Tasmanians”, however, it does not argue that the modification is required due to economic necessity.

36 Furthermore, under clause 40 of the Tasmanian RFA, the Commonwealth is required to “*give full consideration to the potential social and economic consequences of any World Heritage Nomination*” and to consult with, and get the agreement of, the State government before making an application to the World Heritage Committee. The Tasmanian government supported the nomination for the 2013 Extension as part of its commitment to the Tasmanian Forest Agreement.

37 The IUCN report in relation to the 2013 extension also noted that a number of letters of objection had been received. These objections addressed the issue of the extent of disturbance within the nominated area as well as concerns regarding the economic implications for the forest industry.

38 In the context of support from the Tasmanian government and awareness of the economic concerns raised by industry groups; the Committee is likely to assume that economic issues surrounding the 2013 extension have been considered, and should not now form the basis for a modification, by way of reduction, of the area in the absence of a significant change of circumstances.

Domestic Politics in an International Forum

39 A survey of the decisions of the World Heritage Committee indicates that this attempt to modify the TWWHA, in the manner proposed, is unprecedented.

This is due to:

- A The short time between the extension being approved and the modification being sought (about eight months);

³¹ <http://whc.unesco.org/en/decisions/4317> - [Decision 35COM 8B.46\(2\)](#).

- B The absence of physical change to the property since the 2013 Extension that may give rise to an “on-ground” basis for seeking modification.

40 The approval of this minor modification request, in light of previous decisions of the World Heritage Committee, would be extraordinary and its prospects of success must be considered remote. The Australian government must be aware of this. Accordingly, the Committee members when confronted with the 2014 Proposal may reasonably ask themselves, “why has such a submission been made?”

41 Since the 2013 Extension, there has been a change of government at the federal level. The incoming government promised during the 2013 federal election campaign to “wind-back” the 2013 Extension. At page 9 of the 2014 Proposal there is specific reference to “forestry election commitments”. In light of this, it seems probable the Committee members will conclude this submission has been made for domestic political purposes; by a government that must know it is very unlikely to be successful.

42 Wasting the Committee’s time in this manner is damaging to Australia’s international standing and hence its national interest. The Australian Government should avoid this by withdrawing the 2014 Proposal. This will also save the resources which will otherwise be devoted to its consideration.

Concluding comments

43 The failure to publicly release the details of the allegedly “disturbed” areas, which the Australian government argues warrant the proposed modification, is unfortunate. The Senate Committee should note this in its report.

44 ANEDO believes that the Australian Government has incorrectly applied the Convention and Operational Guidelines in the context of World Heritage

properties containing disturbed areas and the concept of “integrity” as found in those two documents.

45 ANEDO considers that the World Heritage Committee is likely to consider the current application to reduce the area of the TWWHA to be a “significant modification”.

46 It is highly likely the Committee will consider the 2014 Proposal is motivated by domestic politics, rather than a desire to protect the integrity of the Outstanding Universal Values of the relevant area, which the Committee has previously recognised. This will damage Australia’s international standing and is not in the national interest.

47 The appropriate action is for Australia to withdraw its submission immediately.

END