
UNESCO/IUCN reactive monitoring mission report on the Great Barrier Reef

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A recent report on development affecting the Great Barrier Reef World Heritage Area (GBR) has highlighted the possibility of listing the GBR on the List of World Heritage in Danger under the World Heritage Convention.¹ This raises a conflict between the demands of protecting the GBR and allowing major port expansion along the Queensland coast driven by the coal mining and coal seam gas (CSG) booms. The wider context of the report is the expectation that the GBR will be severely degraded in coming decades by climate change and ocean acidification.

The report was co-authored by representatives of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Centre and the International Union for the Conservation of Nature (IUCN). The recommendations are generally detailed, well founded, and insightful. The report was tabled at the 36th session of the World Heritage Committee in St Petersburg, Russia, in June–July 2012. The decision and recommendations of the Committee based on the report have significant implications for development along the Queensland coast.

Background to the UNESCO report

A little history and context are needed to fully understand the significance of the UNESCO/IUCN reactive monitoring mission report (the UNESCO report) and the subsequent decision of the World Heritage Committee. UNESCO has a long history of acting to protect internationally significant heritage from damage due to development. A major catalyst for the World Heritage Convention, signed in 1972, was the potential destruction of the Abu Simbel and Philae temples by the construction of the Aswan High Dam in Egypt. In the late 1950s, the governments of Egypt and Sudan appealed to the international community for help in preserving the temples. UNESCO launched a successful international campaign that led to the temples being dismantled, moved to dry ground, and reassembled.²

Countries (or, in international parlance, “states”) that are a party to the World Heritage Convention are obliged to identify, protect, conserve, present and transmit to future generations the cultural heritage and natural heritage that is of Outstanding Universal Value within

their territory.³ The Convention provides for a list to be maintained of properties forming part of the cultural heritage and natural heritage of Outstanding Universal Value, known as the “World Heritage List”. Inscription of a property on the List is the highest international recognition for heritage and carries great prestige.

The UNESCO World Heritage Centre⁴ is responsible for the day-to-day management of the World Heritage Convention, but the decision-making power under the Convention is vested in the World Heritage Committee. The Committee meets annually and is comprised of 21 states parties to the Convention, which are elected for four-year terms⁵ by the 189 countries that are parties to the Convention. Australia’s fourth term on the Committee ended in November 2011 and it is not currently a member of the Committee.

Australia has 18 properties inscribed on the World Heritage List. It has taken a leadership role in promoting the Convention’s objectives and has set high standards in meeting its commitments.⁶ The GBR was inscribed on the World Heritage List in 1981 due to its Outstanding Universal Value as the world’s largest assemblage of coral reefs. The Australian government established the Great Barrier Reef Marine Park Authority (GBRMPA) in 1975 to manage the GBR Marine Park in conjunction with the Queensland government.

A key mechanism built into the World Heritage Convention to protect properties on the World Heritage List is the ability of the World Heritage Committee to enter a property onto a list known as the “List of World Heritage in Danger”. This may occur where a state party requests assistance and the property 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.⁷

The World Heritage Committee has published operational guidelines to assist countries that are parties to the Convention in implementing their obligations under the Convention (Operational Guidelines).⁸ Paragraph 172 of the Operational Guidelines provides:

The World Heritage Committee invites the States Parties to the *Convention* to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in

an area protected under the *Convention* major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

As discussed below, it was a breach of this obligation by Australia — in failing to inform the Committee of a proposed liquefied natural gas (LNG) plant at Gladstone — that ultimately led to the UNESCO report.

Severe threats from climate change and ocean acidification

While the GBR is widely regarded as well managed by international standards, it faces significant pressures from increasing sea temperatures due to climate change, ocean acidification, fishing, shipping, land-sourced pollution from catchment runoff, and coastal development.⁹ Climate change and ocean acidification, in particular, are severe threats to the GBR in coming decades, with coral reefs expected to largely disappear as atmospheric carbon dioxide (CO₂) concentrations increase from their current levels of 395 parts per million (ppm) to well beyond 450 ppm due to humanity's use of fossil fuels.¹⁰

Australia's current (bipartisan) policy objective of reducing greenhouse gas emissions by 5% by 2020 is based on contributing to a global regime to stabilise atmospheric CO₂ concentrations at around 550 ppm,¹¹ well above levels at which the GBR will survive. Similarly, global commitments to rein in CO₂ emissions are paltry¹² and, at present, the global community is proceeding down a path to raise atmospheric CO₂ concentrations to above 650 ppm and mean global temperature to above 4°C.¹³ This failure in national and international governance means that the GBR is unlikely to survive in any semblance of its current form in coming decades.

It is, of course, not completely certain that the GBR will be lost due to climate change and ocean acidification if the atmospheric CO₂ concentration rises above 450 ppm. The science might be wrong. However, because of the probability of catastrophic damage, an analogy to Russian roulette is apt. In Russian roulette, players traditionally load one bullet into a six-chamber revolver, spin the cylinder containing the chambers, point it at their own head, and pull the trigger. That gives a 1:6 chance of being killed. Increasing the number of bullets increases the probability of being killed. In terms of the likelihood of the GBR being destroyed if atmospheric CO₂ exceeds 450 ppm, while the outcome is not completely certain, the more apt analogy would be to playing Russian roulette with a loaded machine-gun and

hoping that every bullet misfires. The chances of survival are vanishingly remote.

Rapid mining and coastal development adjacent to the GBR

Compounding the long-term threat from climate change and ocean acidification, the GBR faces major pressures at present from rapid coastal development driven by the coal mining and CSG booms in Queensland. It is ironic, in a very sad way, that these immediate threats compound the long-term threat from climate change and ocean acidification to which the emissions of CO₂ from the combustion of coal and CSG will contribute.

The high price of coal in recent years and the explosion in CSG exploration have driven a push to massively expand already major ports along the Queensland coast at Gladstone, Dalrymple Bay/Hay Point (38 km south of Mackay and the world's largest coal export port), and Abbot Point (25 km north of Bowen). In addition to massive expansion of these three bulk ports (including new terminals at Dudgeon Point at the northern end of Dalrymple Bay),¹⁴ new major coal export ports are also proposed north of Gladstone at the mouth of the Fitzroy River at Port Alma (the Fitzroy Terminal Project)¹⁵ and Balaclava Island.¹⁶ A new, though much smaller, coal-loading facility is also proposed between Princess Charlotte Bay and Bathurst Bay, 320 km north of Cairns, a near-pristine area (the Wongai Project).¹⁷ Some of the most significant impacts from these port expansions involve major dredging for shipping channels and the disposal of dredge spoil elsewhere within the GBR. Collectively, these ports currently have the capacity to export 250 million tonnes of coal per annum (mtpa) and the expansion and new port proposals are expected to increase this capacity to around 350 mtpa within a decade.¹⁸

The development of a large industrial hub on Curtis Island, a large island adjacent to Gladstone, for producing LNG from CSG extracted from central Queensland was the initial genesis of events that led to the UNESCO report. The UNESCO World Heritage Centre and IUCN received informal reports about this development in August 2009 and sought clarification from the Australian government.¹⁹

The LNG processing plant on Curtis Island was approved by the Australian government in 2010 without allowing the World Heritage Committee the opportunity to review its potential impacts on the Outstanding Universal Values of the GBR in accordance with para 172 of the Operational Guidelines. This failure led the World Heritage Committee in June 2011 to:

- urge Australia to undertake a comprehensive strategic assessment of the entire GBR, identifying

planned and potential future development that could impact the Outstanding Universal Value to enable a long-term plan for sustainable development that will protect the GBR;

- request Australia to report, in accordance with para 172 of the Operational Guidelines, its intention to undertake or to authorise any new development that may affect the Outstanding Universal Value of the GBR before making decisions that would be difficult to reverse; and
- request Australia to invite a World Heritage Centre/IUCN reactive monitoring mission as soon as possible to consider the state of conservation of the GBR as a whole, and to contribute to the strategic assessment process.²⁰

Australia acceded to these requests. It commenced a strategic assessment process, as well as inviting the UNESCO/IUCN reactive monitoring mission. Australia has also developed an administrative procedure to inform the UNESCO World Heritage Centre on a quarterly basis of assessments of major projects that may impact on the GBR.²¹

EPBC Act strategic assessment

The Australian government is currently conducting a strategic assessment of development directly affecting the GBR under s 146 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act).²² The GBRMPA is leading the assessment of marine activities and the Queensland government is leading the assessment of coastal development. The strategic assessment is expected to be completed in mid-2013. It is an important process and the involvement of the World Heritage Committee in initiating it is likely to lead to improved planning and protection for the GBR.

The proponents of expansion of Abbot Point are also conducting a cumulative impact assessment of the proposed expansion.²³ This is a voluntary process that is not directly tied to the EPBC Act strategic assessment.

UNESCO/IUCN reactive monitoring mission

Fanny Douvere and Tim Badman from UNESCO and the IUCN conducted the reactive monitoring mission from 6 to 14 March 2012 and reported their findings to the 36th meeting of the World Heritage Committee in June–July 2012. While they recommended that the GBR should not be placed on the List of World Heritage in Danger at this stage, they were greatly concerned by the scale and cumulative impacts of the proposed development affecting the GBR. Their central finding was that:²⁴

In the immediate future the mission considers that it is clear that the scale of coastal development currently being proposed and consented presents a significant risk to the

conservation of the [Outstanding Universal Value] and integrity of the [GBR], and that the scale and pace of development proposals appear beyond the capacity for independent, quality and transparent decision making.

They went on to make detailed recommendations regarding improving the protection of the GBR. These included recommending an independent review of all environmental concerns relating to consented developments in Gladstone Harbour and on Curtis Island. Arguably, the most significant recommendation was made specifically with reference to the proposed new coal export facilities of the Balaclava Island Coal Export Terminal, the Fitzroy Terminal Project, and the Wongai Project. After discussing the fact that these projects were proposed in areas that are in excellent to pristine condition at present, the mission recommended that Australia:

... not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within and adjoining the property. It is essential that development is not permitted if it would impact individually or cumulatively on [Outstanding Universal Value], including the integrity of the property. This measure should apply both within and in the adjacent areas to the property. This measure should take immediate effect and requires full application until the Strategic Assessment and the resulting long-term plan for the sustainable development of the property has been completed, and has been considered by the World Heritage Committee at its 39th session in 2015.²⁵

While the UNESCO report recognised the threat posed by climate change and ocean acidification to the GBR, this was mainly treated as part of the background context for assessing the direct and immediate impacts of development along the coast. No comment was made about the inconsistency of the large expansion of coal and CSG resources with the protection of the GBR from climate change and ocean acidification.

The World Heritage Committee decision

The World Heritage Committee accepted the mission's recommendations at its 36th session in June–July 2012. It decided not to enter the GBR on the List of World Heritage in Danger and requested that the Australian government report further developments and the results of the EPBC Act strategic assessment to the Committee for its 2013 and 2015 meetings, when it will review the matter again with the possibility of the GBR being entered on the List.²⁶ Significantly, as part of its resolution, the Committee:

... notes with great concern the potentially significant impact on the property's Outstanding Universal Value resulting from the unprecedented scale of coastal development currently being proposed within and affecting the property, and further requests the State Party to not permit

any new port development or associated infrastructure outside of the existing and long-established major port areas within or adjoining the property, and to ensure that development is not permitted if it would impact individually or cumulatively on the Outstanding Universal Value of the property.

This decision is stronger than the recommendation of the mission, set out above, which allowed for the possibility of future new ports once the EPBC Act strategic assessment is completed. The request is to “not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within or adjoining the property”. Given the specific discussion in the UNESCO report of the proposed new ports and coal-loading facilities at the Balaclava Island Coal Export Terminal, the Fitzroy Terminal Project, and the Wongai Project, this recommendation is clearly aimed directly at those projects, as well as anything else that might be proposed in the future outside the existing major ports.

It is difficult to see how any approval can be given by the Australian government of the new major coal ports for the Balaclava Island Coal Export Terminal, the Fitzroy Terminal Project, and the Wongai Project consistently with this recommendation from the World Heritage Committee. This is very significant because these developments are arguably the most damaging of the proposed expansions due to their location in largely undeveloped or near-pristine areas.

Conclusions

The UNESCO report is an important document that has considerable implications for development along the Queensland coast and for the protection of the GBR. Australia is not out of the woods yet, and there remains the possibility that the GBR will be entered onto the List of World Heritage in Danger. Such an outcome would be very embarrassing for Australia.

The decision of the World Heritage Committee to request Australia to “not permit any new port development or associated infrastructure outside of the existing and long-established major port areas within or adjoining the property” is also very significant. It is difficult, if not impossible, to see how the Australian government can permit the proposed new coal ports for the Balaclava Island Coal Export Terminal, the Fitzroy Terminal Project, and the Wongai Project to proceed in the face of this request. While, ultimately, the World Heritage Committee’s decisions are not binding or enforceable against Australia, disregarding them would come at considerable cost to Australia’s international reputation and standing.

The wider context of the report is alarming for the protection of the GBR. While not the focus of the UNESCO report, climate change and ocean acidification

are severe threats to the GBR. The failure in national and international governance to rein in the rapid increases in atmospheric CO₂ concentrations due to the burning of fossil fuels means that the GBR is unlikely to survive in any semblance of its current form in coming decades.

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Footnotes

1. Douvère F and Badman T, *Mission Report: Reactive Monitoring Mission to the Great Barrier Reef (Australia), 6th to 14th March 2012*, UNESCO and IUCN, Paris, 2012, available at <http://whc.unesco.org/en/documents/117104>.
2. See the World Heritage Convention website at <http://whc.unesco.org/en/convention>.
3. World Heritage Convention, Art 4.
4. See the World Heritage Convention website at <http://whc.unesco.org/en/world-heritage-centre>.
5. The World Heritage Convention provides for six-year terms, but this has been voluntarily reduced to four-year terms since 2005 in order to give other states parties an opportunity to be on the Committee. See the World Heritage Convention website at <http://whc.unesco.org/en/committee>.
6. See the Australian Government’s World Heritage website at www.environment.gov.au/heritage/about/world/index.html.
7. World Heritage Convention, Art 11(4).
8. UNESCO World Heritage Centre, *Operational Guidelines for the Implementation of the World Heritage Convention*, UNESCO, Paris, 2011, available at <http://whc.unesco.org/en/guidelines>. Note: The 2008 version of the guidelines is materially identical.
9. GBRMPA, *GBR Outlook Report 2009*, Townsville, 2009, available at www.gbrmpa.gov.au/outlook-for-the-reef/great-barrier-reef-outlook-report.
10. See GBRMPA, above n 9, p 177; Hoegh-Guldberg O et al, “Coral reefs under rapid climate change and ocean acidification” (2007) 318 *Science* 1737–42.
11. See Australian Treasury, *Strong Growth, Low Pollution: Modelling a Carbon Price*, Canberra, 2011, ch 3.
12. Rogelj J et al, “Copenhagen Accord pledges are paltry” (2010) 464(7292) *Nature* 1126–28.
13. New M, et al, “Four degrees and beyond: the potential for a global temperature increase of four degrees and its implications” (2011) 369(1934) *Philosophical Transactions of the Royal Society* 6–19, available at <http://rsta.royalsocietypublishing.org/content/369/1934.toc>.
14. See the Dugeon Point Coal Terminal Project website at www.pcq.com.au/index.cfm?contentID=63&print=1.

15. See the Fitzroy Terminal Project website at www.ftproject.com.au.
16. See the Balaclava Island Coal Export Terminal website at www.balaclavaislandcoal.com.au/EN/Pages/default.aspx.
17. See the Wongai Project website at www.wongaiproject.com.au.
18. Douvere and Badman, above n 1, p 30. The figure of 350 mtpa remains realistic, even accounting for recent scaling back announced by the Queensland government due to lack of need.
19. Douvere and Badman, above n 1, p 13.
20. Decision 35 COM 7B.10, available at <http://whc.unesco.org/archive/2011/whc11-35com-20e.pdf>.
21. The Australian government publishes these notifications at www.environment.gov.au/heritage/about/world/development-notification.html.
22. See www.environment.gov.au/epbc/notices/assessments/great-barrier-reef.html.
23. See the North Queensland Bulk Ports website at www.nqbp.com.au/cumulative-impact-study.
24. Douvere and Badman, above n 1, p 5.
25. Douvere and Badman, above n 1, pp 51–53. See also pp 31–32.
26. Decision 36 COM 7B.8, available at <http://whc.unesco.org/archive/2012/whc12-36com-19e.pdf>.