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Legal perspectives of world heritage protection in the context of climate change

1. Introduction

To this date, connections between world heritage and climate change are not highly visible at the global scale. The earliest appearance of the issue was in 2005 at the 29th session of the World Heritage Committee. Several non-governmental organisations and individuals filed petitions to the World Heritage Committee demanding three World Heritage sites be added to the List of World Heritage in Danger because of the threat they were facing from climate change.¹ This was the beginning of world heritage finding its way to the discussions of the climate change crisis.

The number of alarming examples is increasing dramatically. From the sinking Venice into the lagoon to the mass bleaching of Australia's Great Barrier Reef, sea level is rising all around the world putting lives and cultural heritage objects at risk. One of the most vivid illustrations is Greenland's Ilulissat Icefjord, a world heritage site where the Sermeq Kujalleq glacier is melting due to increasing temperature. Another example is observed in Yemen, where the heavy flash floods of 2020 brutally affected world heritage sites of Zabid, Shibam, and Sana'a. Cultural landscapes such as Muskau Park, Garden Kingdom of Dessau-Wörlitz, Schlösser, Palaces and Parks of Potsdam and Berlin also monuments surrounded by cultural landscapes, for instance, Wartburg Castle are suffering from the dry periods which have a great impact on the flora of the parks and forests in the area.

¹ The petitions concerned the Belize Barrier Reef, Huascarán National Park and Sagarmatha National Park and were filed together with a report on Australia's Great Barrier Reef; see petitions and press release at <http://www.climatelaw.org> (accessed: 30.03.2020).

The recognition of the cultural dimension of climate change at the international level is even more complex. Up until today, the cultural sector is not treated as a priority. Of course, it does not mean that the international community has not made any progress in this area. In 2019, International Council on Monuments and Sites (ICOMOS) published the groundbreaking report “The Future of Ours Pasts: Engaging cultural heritage in climate action”,² putting forward a multidisciplinary approach to cultural heritage protection from climate change threats. As evidence that loss and damage are happening, the report summarises key climate factors and mechanisms of impact on various cultural heritage properties.

From the legal perspective, the intersection between world heritage and climate change has not been thoroughly investigated. Many scholarly works are concentrated exclusively either on the 1972 Convention Concerning the Protection of World Cultural and Natural Heritage (hereinafter: 1972 World Heritage Convention) or the United Nations Framework Convention on Climate Change (UNFCCC). A further branch of academic literature that is partly related to this paper reveals that climate change impacts a wide range of human rights, including these related to culture and heritage. For instance, Sabine von Schorlemer and Sylvia Maus in the volume “Climate Change as a Threat to Peace” analyse climate change as a threat to peace and its impacts on cultural heritage and cultural diversity. Besides, particularly relevant is the volume “International Cultural Heritage Law” by Janet Blake. It contains a comprehensive overview of the general concept and connection between cultural heritage and environmental law.

Based on the current state of scientific knowledge, the present paper attempts to fill in the knowledge gap by bringing the legal regulation of Paris Agreement Under the United Nations Framework Convention on Climate Change (the Paris Agreement) and 1972 World Heritage Convention as regards adaptation to and mitigation of climate change, on the one hand, and corresponding obligations related to world heritage protection, on the other. To reflect current tendencies of synergies between world heritage and climate change United Nations the 2030 Agenda for Sustainable Development (the 2030 Agenda for Sustainable Development) is discussed. Though it may seem that world heritage possesses a rather marginal role, the wide scope of existing legal instruments enables the link between world heritage protection and reduction of climate change harms.

² Climate Change and Cultural Heritage Working Group, *The Future of Our Pasts: Engaging cultural heritage in climate action*, International Council on Monuments and Sites – ICOMOS 2019, <https://indd.adobe.com/view/a9a551e3-3b23-4127-99fd-a7a80d91a29e> (accessed: 30.03.2020).

2. Legal regulation addressing climate change and its impact on world heritage

2.1. 1972 World Heritage Convention

While the model of the 1972 World Heritage Convention is considered to ensure a broad scope of cultural heritage protection, the recent concerns provoke debates whether adequate attention is devoted to the threats imposed by climate change. Before the further legal analysis, it should be acknowledged that cultural heritage protection from climate change is not explicitly stipulated in the provisions of the 1972 World Heritage Convention. Various interpretations are explaining the absence of climate change issues. From the historical perspective, for instance, the 1972 World Heritage Convention has been negotiated at a time when climate change was not yet identified as a matter distinct from and more unpredictable than ordinary annual weather change. These circumstances are relevant since the Conventions set out rules that address generally any country regardless of their location on the globe and its degree of exposure to ordinary annual weather change and climate change.³ Nevertheless, it is remarkable that the 1972 World Heritage Convention adopted at a time when climate change was generally not considered *per se*, includes weather-related phenomena that could probably be associated with climate change. In particular, when describing the reasons for which a property already included in the World Heritage List may be inscribed on the List of World Heritage in Danger at Article 11(4), certain typical effects of climate change are mentioned, i.e. calamities and cataclysms, landslides, changes in water level, floods and tidal waves. When a world heritage property is threatened by one of these or other climate change-related phenomenon, it is possible to submit a request for international assistance to the World Heritage Committee.⁴

Furthermore, climate change is mentioned in the Operational Guidelines for the Implementation of the World Heritage Convention (WHC Operational Guidelines), in the context of the nomination of properties for inscription on the World Heritage List.⁵ In

³ G. Carducci, "What Consideration is Given to Climate and to Climate Change in the UNESCO Cultural Heritage and Property Conventions?" [in:] *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity*, eds. S. Schorlemer, S. Maus, vol. 19, Peter Lang, Frankfurt am Main – Bern – Bruxelles 2014, p. 137.

⁴ *The 1972 World Heritage Convention: A Commentary*, eds. F. Francioni, F. Lenzerini, Oxford University Press, Oxford – New York 2008, p. 305.

⁵ World Heritage Centre, *Operational Guidelines for the Implementation of the World Heritage Convention* (43 COM 11A UNESCO 2019), Annex 5, p. 103, <https://whc.unesco.org/en/guidelines/> (accessed: 29.03.2020).

the section “environmental pressures”, where the major sources of environmental degradation affecting the property proposed for inscription are to be listed and summarised, climate change is identified as a possible example of such pressures. Although the WHC Operational Guidelines are not considered as hard law, its provisions may not be disregarded and a lot can be done by state parties by implementing the 1972 World Heritage Convention in order to protect cultural heritage from the effects of climate change.

When analysing the obligation to protect world heritage from the impacts of climate change Articles 4, 5 and 6 are of the utmost importance. Under Article 4 of the 1972 World Heritage Convention, state parties recognise the duty of ensuring the identification, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage situated on its territory. To this end, each of them will do all it can to the utmost of its resources and, where appropriate, with any international assistance and cooperation. Article 5 specifies that each state party shall endeavour, in so far as possible to ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory. This article includes: a) measures such as adopting a general policy which aims to give cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes; b) setting up services for protection, conservation and presentation; c) developing scientific and technical studies and research and working out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage; d) taking appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and e) establishing centres for training. While Article 5 is an open-ended list,⁶ other measures aiming to mitigate climate change in order to protect world heritage and going beyond those existing under the Paris Agreement, are possible. Energy efficiency, acceleration of decarbonisation by putting a price on CO₂ emissions, preservation of forests contributing to CO₂ removal from nature, private-public partnerships among various stakeholders done in an “open-source” way to speed up the development of the new technology that would safely remove CO₂ from the atmosphere and hopefully reuse it for economically beneficial purposes⁷ – could be factors improving protection and conservation of world heritage.

In addition to Articles 4 and 5, Article 6 determines the protection of world heritage as a duty of the international community as a whole to cooperate. Under Article 6(3), states parties undertake not to take any deliberate measures which might damage directly

⁶ G. Carducci, “Articles 4–7: National and International Protection of the Cultural and Natural Heritage” [in:] *The 1972 World Heritage Convention...*, p. 118.

⁷ K. Kimmell, *Stemming the Tide: Global Strategies for Sustaining Cultural Heritage through Climate Change*, Conference Proceedings, Smithsonian American Art Museum, 2020.

or indirectly the cultural and natural heritage. In other words, state parties are under the obligation to forgo actions that might damage world heritage sites.⁸ According to some experts, the emission of GHG or insufficient action to limit such emission can be considered falling under the measures listed in Article 6(3).⁹ As a consequence, these provisions require that all state parties engage in an aggressive climate change mitigation strategy entailing sharp reductions in GHG emissions.¹⁰ This is the only way to protect world heritage from further impacts of climate change and ensure that the 1972 World Heritage Convention is an effective tool for protecting and conserving sites of universal value for future generations.

The above-presented interpretation is facing criticism as it is considered too broad. Firstly, the wording of Article 6(3) requires some form of intention. One might argue that it is unlikely that state parties have the intent to damage world heritage sites by emitting GHG, that they deliberately harm world heritage in their territory or abroad.¹¹ Especially, considering that the maintenance and the protection of world heritage sites itself may contribute to GHG emissions. While mere adaptation and site-level mitigation are not always sufficient to save world heritage sites from threats of climate change, the call for global mitigation measures, namely, deep cuts in GHG emissions has been met with skepticism. State parties have expressed complaints that reductions in GHG emissions are the area of other international conventions, particularly the UNFCCC and not of the 1972 World Heritage Convention.¹²

The 1972 World Heritage Convention, potentially among the most powerful tools for world heritage protection, offers rather limited sources of obligation for climate action. A far-reaching interpretation of the obligations of the Convention committing state parties to an extensive mitigation strategy is not supported by state parties. Thus, to protect world heritage, it is necessary to find additional sources of obligation. This is where the focus of this paper turns to in the next chapters.

⁸ E.J. Thorson, “The World Heritage Convention & Climate Change: the case for climate-change mitigation strategy beyond the Kyoto Protocol” [in:] *Adjudicating climate change: state, national, and international approaches*, eds. W. Burns, H. Osofsky, Cambridge University Press, Cambridge, UK 2009, p. 263.

⁹ See e.g., S. Maus, “Hand in Hand against Climate Change: Cultural Human Rights and the Protection of Cultural Heritage”, *Cambridge Review of International Affairs* 2014, vol. 27, issue 4, pp. 699–716 (p. 704); E.J. Thorson, “The World Heritage Convention & Climate Change...”, p. 264.

¹⁰ E.J. Thorson, “The World Heritage Convention & Climate Change...”, p. 264.

¹¹ F. Francioni, “Culture, Heritage, and Human Rights: An Introduction” [in:] *Cultural Human Rights*, eds. F. Francioni, M. Scheinin, Martinus Nijhoff Publishers, Leiden 2008, p. 11.

¹² UNESCO Headquarters, Paris, France, 2007, Contribution from Australia, p. 40, <http://whc.unesco.org/uploads/activities/documents/activity-471-1.doc> (accessed: 8.08.2020).

2.2. Paris Agreement under the United Nations Framework Convention on Climate Change¹³

The severity and urgency of climate change are underscored by the 2018 findings of the Intergovernmental Panel on Climate Change's (IPCC) Special Report on Global Warming of 1.5°C.¹⁴ According to IPCC, humankind has already made the climate 1°C warmer since pre-industrial times. Warming is likely to reach 1.5°C around 2040 and 2°C by 2065 if emissions continue unchecked. The report highlights multiple climate change impacts that could be avoided or made significantly less severe by limiting Global warming to 1.5°C compared to 2°C, or more.

To fight dangerous climate change at the global scale, the Paris Agreement was adopted at the Paris Climate Conference (COP21) in December 2015. It is guided by three science-based goals, which are laid out in Article 2 of the Agreement. First of all, the mitigation goal aims to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit this increase to 1.5°C. Secondly, the adaptation goal aims to increase the ability to adapt to the adverse impacts of climate change and to foster climate resilience and low GHG emissions development. Finally, the finance flows goal aims to make finance flows consistent with a pathway towards low GHG emissions and climate-resilient development.

Since the planet is already experiencing a certain level of climate change, it is important to enforce adaptive measures addressing the negative consequences of climate change. Furthermore, mitigating GHG emissions has the potential to reduce the magnitude of future climate change. Consequently, greater attention shall be paid to the relation between the adaptation and mitigation actions based on the Paris Agreement and the obligation to protect world heritage sites. Section-by-section, when the Paris Agreement calls out the role of landscapes, ecosystems, and sustainable land use, it provides a handful of clues related to the cultural heritage dimension. Perhaps the most explicit attention to world heritage in the Paris Agreement comes in the section on adaptation which notes that adaptive action should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, to integrate adaptation into relevant socioeconomic and environmental policies and actions, where appropriate (Article 7(5)).

¹³ Paris Agreement under the United Nations Framework Convention on Climate Change, adopted in Paris on 12 December 2015, COP Report No. 21.

¹⁴ Intergovernmental Panel on Climate Change, *Special Report on Global Warming of 1.5°C* (2018), https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf (accessed: 30.07.2020).

2.2.1. Mitigation goal and a link to world heritage

The mitigation goal is a cornerstone of the response to climate change and it cannot be achieved without understanding the relationship between emissions and temperature. The basic conclusion is that to have a 50% chance of meeting the goal of the Paris Agreement, it is needed to achieve net-zero CO₂ emissions worldwide by the middle of the century. Net-zero means a dramatic decrease in burning of fossil fuels for energy needs and increase in removing of CO₂ from the atmosphere. The Paris Agreement, in Article 4, sets out the emissions goal, according to which Parties aim to reach global peaking of GHG emissions as soon as possible and to undertake rapid reductions thereafter by best available science, to achieve a balance between anthropogenic emissions by sources and removals by sinks of GHG in the second half of this century. The main instrument for reaching the emissions goal is the nationally determined contributions (NDC), which each Party has to submit every five years.

Besides the reduction of emissions, the uptake of CO₂ from the atmosphere will have to play an important role in achieving the temperature goal of the Paris Agreement. Article 5 of the Paris Agreement states that Parties should take action to conserve and enhance sinks and reservoirs of GHG, including forests. As Parties may choose to cooperate in their mitigation actions, including through international carbon market mechanisms, the Paris Agreement addresses such voluntary cooperation. Article 6 provides a framework for using mitigation outcomes achieved in other countries to achieve a Party's NDC, establishes a new carbon crediting mechanism under international oversight and establishes a framework for countries to engage in non-market approaches.

Several mitigation actions can be undertaken concerning world heritage as its embedded values intersect both directly and indirectly with the Paris Agreement's decarbonisation imperative to mitigate GHG emissions. For example, incorporating climate action considerations into cultural heritage governance, and enhancing participation in climate change policy, legislation as well as planning processes. In some cases, world heritage sites' managers have recognised that cultural heritage sites can assist carbon mitigation efforts, given that historic houses and landscapes often have to incorporate passive environmental controls such as site location and orientation, airflow control and insulation,¹⁵ which can reduce GHG emissions. In a view of the outstanding universal value, the world heritage sites can be used to demonstrate how cultural heritage can

¹⁵ G. Hambrecht, M. Rockman, "International Approaches to Climate Change and Cultural Heritage", *American Antiquity* 2017, vol. 82, issue 4, p. 635, https://www.cambridge.org/core/services/aop-cambridge-core/content/view/0F0B8408889E4A12817FB922397C6ED8/S0002731617000300a.pdf/international_approaches_to_climate_change_and_cultural_heritage.pdf (accessed: 26.03.2020).

be an asset in climate action by establishing targeted programmes to raise awareness among tourists, guides, site managers and local communities about climate change, including the GHG implications of cultural tourism and the capacity of world heritage sites to contribute to CO₂ mitigation measures.

2.2.2. Adaptation goal and a link to world heritage

Adaptation is the process of identifying a range of options and testing them within a variety of hypothetical situations, from national policy to managerial on-site decision making. As climate change has a widespread impact on human and natural systems, adaptation to climate change is needed as a complementary approach to mitigation. It has become more relevant with the passing of time and failure of the international community to address the mitigation of GHG emissions adequately. The Paris Agreement establishes a goal on adaptation, its pillars are the enhancement of adaptive capacity, the strengthening of resilience and the reduction of vulnerability to climate change. The Agreement requires all Parties, as appropriate, to engage in adaptation planning and implementation through national adaptation plans, vulnerability assessments, monitoring and evaluation, and economic diversification (Article 7). All Parties should communicate their priorities, plans, actions, and support needs through adaptation communications, which shall be recorded in a public registry.

In the context of world heritage protection, the obligation to adapt to climate change involves the integration of risk and vulnerability assessments together with the coordination of cultural heritage protection implementation within different sectors and institutions. The impacts of climate change on cultural heritage are largely experienced through climate variability and extremes, with both linking climate change to disaster risk reduction. The effective adaptive measure against climate-induced threats for example is identifying existing critical disconnects between legal regulation for climate change adaptation and disaster risk reduction. Moreover, there are incompatibilities between the agendas of different agencies which create major difficulties in disaster risk management, for instance, restricted access to cultural heritage databases resulting in a delay in supplying information to those responding to disasters.¹⁶ Therefore, to improve adaptation actions, the integration of cultural heritage in local and national plans for emergency management as well as inter-sectoral approach to reach a shared understanding among different authorities and experts such as planners, site managers and environmentalists by mapping and identifying relevant sectors and collaborating, are required.

¹⁶ Climate Change and Cultural Heritage Working Group, *The Future of Our Pasts...*

3. Improving world heritage protection in the backdrop of climate change threats: The 2030 Agenda for Sustainable Development

An exemplary attempt to take transformational measures to shift the world towards a sustainable and resilient future is the 2030 Agenda for Sustainable Development.¹⁷ Despite the lack of a legally binding character, since the document was adopted as a resolution, it constitutes soft law norms that often lay the groundwork for codification and contribute to constituting new customary law. Unfortunately, the 2030 Agenda for Sustainable Development has not succeeded in prioritising world heritage issues. At the core of this action plan “for people, planet and prosperity” there are 17 Sustainable Development Goals (SDGs) with a total of 169 targets. Although none of the 17 SDGs focuses exclusively on culture, a slight queue for the cultural aspects comes from Goal 11. It refers to the cities, in particular to the need for making cities and human settlements inclusive, safe, resilient and sustainable. World heritage is specifically mentioned in Target 11.4 which states the aim to strengthen efforts to protect and safeguard the world’s cultural and natural heritage, one out of 169 targets. One might criticise that there is no clear rationale on why this Target was placed between Target 11.3, which is concerned with enhancing “inclusive and sustainable urbanisation and capacity for participatory, integrated and sustainable human settlement planning and management” and Target 11.5, which focuses on the reduction of the effects on people and economy of disasters. However, it could be justified that many relevant sites and elements of world heritage are found in cities and play a role in sustainable local development as well as green and public spaces can allow for the development of cultural activities and need to be accessible to everyone.¹⁸ Commitment to the idea that world heritage is fundamental to foster local sustainable development, fills in the conceptual gap between world heritage and Goal 11.

As concluded so far, climate change has a widespread effect in every country, disrupting national economies and affecting lives. No surprise, that this global issue has a dedicated goal in the 2030 Agenda for Sustainable Development. Goal 13 calls to take urgent action to combat climate change and its impacts. In this regard, recently published Eurostat report “Sustainable development in the European Union – Monitoring report on

¹⁷ United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development* (United Nations A/RES/70/1 2015), <https://sustainabledevelopment.un.org/post2015/transformingourworld> (accessed: 11.04.2020).

¹⁸ The UCLG Committee on Culture, *Culture in the Sustainable Development Goals: A Guide for Local Action*, United Cities and Local Governments, 2018, p. 22, https://www.uclg.org/sites/default/files/culture_in_the_sdgs.pdf (accessed: 20.09.2020).

progress towards the SDGs in an EU context”¹⁹ offers attention-worthy conclusions. The paper contains a statistical overview of developments in the EU concerning sustainability goals. The analysis in this report focuses on aspects of the SDGs relevant for the EU and provides a statistical presentation of trends relating to the SDGs in the EU over the past five years “short-term” and the past 15 years “long-term”. Overall, the EU has made progress in almost every indicator selected over the past five years. However, there has been no progress for SDG 13 “Climate Action”. Aside from that trend, the report does not refer to world heritage and its importance to the SDGs both as a driver for achieving the SDGs as well as an enabler. A thorough analysis is important to get a snapshot of the overall sustainable development of the EU and to step up respective measures as highlighted as a commitment by the European Commission.

The 2030 Agenda for Sustainable Development suggests arguably the most ambitious and holistic development framework ever conceived, aspiring to recognise the link between culture, climate change and sustainable development. Even though world heritage plays a marginal role in it, the inclusion of a climate-culture-based approach has the potential to add a normative layer to the debate and thus increase the level of obligation to protect world heritage from climate change-induced threats.

4. Discussion

We are used to the permanence of world heritage; however, the process of changing climate proves us wrong. Changing patterns are rapidly causing damage and loss of world heritage. Climate crisis is a global phenomenon, which challenges us to think comprehensively about the shift and to provide interdisciplinary solutions. Examination of the 1972 World Heritage Convention and the Paris Agreement is a testament to the fact that the task is not to create new legislation but to allow the existing legal instruments to be effectively implemented and enforce the inclusion of world heritage concerns in climate change discussions.

To avoid worsening effects of climate change on world heritage, the ultimate solution is to reduce the emission of GHG worldwide by following the mitigation goal laid out in Article 2 and the adaptation goal laid out in Article 7 of the Paris Agreement as a complementary approach to mitigation. This will require actions at the international, national, local and community levels. The 1972 World Heritage Convention, as the most

¹⁹ Eurostat, *Sustainable Development in the European Union – Monitoring report on Progress Towards the SDGs in an EU Context* (2020), <https://ec.europa.eu/eurostat/documents/3217494/11011074/KS-02-20-202-EN-N.pdf/334a8cfe-636a-bb8a-294a-73a052882f7f> (accessed: 8.08.2020).

prominent legal instrument of world heritage protection, has shown to offer rather limited sources of obligation for climate action. On the other hand, WHC Operational Guidelines being a soft law source could be amended to address the respective shortcomings of the Convention. Additionally, supplemented by the fresh perspective of the Agenda 2030 for Sustainable Development can offer a new driving force to the debate on the protection of world heritage in the face of climate change. Although the role of the world heritage may appear to be minor, the inclusion of a climate-culture-based approach could add a normative layer to the debate and thus increase the level of obligation.

5. Conclusions

Notwithstanding the undeniable consequences caused by floods, droughts, thunderstorms, increased temperature, heatwaves, and sea-level rise, in many cases, the focus on the protection of world heritage in the context of climate change is not sufficient. Despite varying place on the list of priorities of the international and regional regulation the obligations to protect world heritage and corresponding obligations to strengthen the global response to the threats of climate change have the potential to provide normative basis. While the Paris Agreement, and 1972 World Heritage Convention provide legal protection to world heritage in adaptation to climate change, mitigation measures, the interdisciplinary nature of the Agenda 2030 for Sustainable Development may act as a useful tool for blending world heritage in the climate action. However, if the link between climate change and world heritage protection is not adequately acknowledged at the national level of states, the dangers, threats to world heritage sites will surely increase. Thus, more research and innovation are needed regarding the fulfilment of adaptation and mitigation goals of the Paris Agreement at the national level of different states while still ensuring the protection of world heritage sites.

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References

- Carducci G., “Articles 4–7: National and International Protection of the Cultural and Natural Heritage” [in:] *The 1972 World Heritage Convention: a commentary*, eds. F. Francioni, F. Lenzerini, Oxford University Press, Oxford 2008.
- Carducci G., “What Consideration is Given to Climate and to Climate Change in the UNESCO Cultural Heritage and Property Conventions?” [in:] *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity*, eds. S. Schorlemer, S. Maus, vol. 19, Peter Lang, Frankfurt am Main – Bern – Bruxelles 2014.
- Climate Change and Cultural Heritage Working Group, *The Future of Our Pasts: Engaging Cultural Heritage in Climate Action* (International Council on Monuments and Sites – ICOMOS 2019), <https://indd.adobe.com/view/a9a551e3-3b23-4127-99fd-a7a80d91a29e> (accessed: 30.03.2020).
- Eurostat, *Sustainable Development in the European Union – Monitoring report on Progress Towards the SDGs in an EU Context* (2020), <https://ec.europa.eu/eurostat/documents/3217494/11011074/KS-02-20-202-EN-N.pdf/334a8cfe-636a-bb8a-294a-73a052882f7f> (accessed: 8.08.2020).
- Francioni F., “Culture, Heritage, and Human Rights: An Introduction” [in:] *Cultural Human Rights*, eds. F. Francioni, M. Scheinin, Martinus Nijhoff Publishers, Leiden 2008.
- Francioni F., Lenzerini F. (eds.), *The 1972 World Heritage Convention: A Commentary*, Oxford University Press, Oxford – New York 2008.
- Francioni F., Scheinin M. (eds.), *Cultural Human Rights*, Martinus Nijhoff Publishers, Leiden 2008.
- Hambrecht G., Rockman M., “International Approaches to Climate Change and Cultural Heritage”, *American Antiquity* 2017, vol. 82, issue 4.
- Intergovernmental Panel on Climate Change, *Special Report on Global Warming of 1.5°C* (2018), https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf (accessed: 30.07.2020).
- Kimmell K., “Stemming the Tide: Global Strategies for Sustaining Cultural Heritage through Climate Change”, Smithsonian American Art Museum, 2020.
- Maus S., “Hand in Hand against Climate Change: Cultural Human Rights and the Protection of Cultural Heritage”, *Cambridge Review of International Affairs* 2014, vol. 27, issue 4.
- The UCLG Committee on Culture, *Culture in the Sustainable Development Goals: A Guide for Local Action*, United Cities and Local Governments, 2018.
- Thorson E.J., “The World Heritage Convention & Climate Change: the case for climate-change mitigation strategy beyond the Kyoto Protocol” [in:] *Adjudicating climate change: state, national, and international approaches*, eds. W. Burns, H. Osofsky, Cambridge University Press, Cambridge, UK 2009.
- UNESCO Headquarters, Paris, France, 2007, Contribution from Australia, <http://whc.unesco.org/uploads/activities/documents/activity-471-1.doc> (accessed: 8.08.2020).
- William C.G., Osofsky M.H., *Adjudicating Climate Change: State, National, and International Approaches*, Cambridge University Press, Cambridge, UK 2009.
- World Heritage Centre, *Operational Guidelines for the Implementation of the World Heritage Convention* (43 COM 11A UNESCO 2019), <https://whc.unesco.org/en/guidelines/> (accessed: 29.03.2020).

Sources of law

Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted in Paris on 16 November 1972.

United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.

United Nations General Assembly Resolution A/RES/70/1, Transforming Our World: the 2030 Agenda for Sustainable Development, adopted in New York on 25 September 2015.

Paris Agreement under the United Nations Framework Convention on Climate Change, adopted in Paris on 12 December 2015.

Summary

Legal perspectives of world heritage protection in the context of climate change

Climate change has now emerged as one of the most serious environmental and politico-economic challenges causing harm worldwide, and heritage sites are not an exception to it. As world heritage forms the identity of every community and may serve as a compass in deciding future societal orientation, preserving it from the adverse impacts of climate change is a key in maintaining social safety nets. Thus, this paper demonstrates that inclusion of world heritage into climate change debates is possible and could reinforce the international community's obligations to take necessary adaptation and mitigation activities. To achieve this goal, this paper extends the analysis of the obligations of world heritage protection stipulated in the 1972 World Heritage Convention by combining a thorough investigation of the Paris Agreement and newly introduced policy directions in the 2030 Agenda for Sustainable Development.

Keywords: climate change law, sustainable development goals, world heritage law

Streszczenie

Prawne perspektywy ochrony światowego dziedzictwa ludzkości w kontekście zmian klimatu

Zmiany klimatu należą do najpoważniejszych wyzwań ekologicznych i socjopolitycznych o zasięgu globalnym, a obiekty stanowiące dziedzictwo ludzkości nie są wolne od powstających zagrożeń. Ponieważ dziedzictwo kultury jest fundamentem tożsamości wszystkich społeczności i stanowi kompas dla ich rozwoju, ochrona tego dziedzictwa przed skutkami zmian klimatu jest nieodzowna dla utrzymania bezpieczeństwa społecznego. W artykule wskazano, że włączenie zagadnień światowego dziedzictwa do dyskusji o zmianach klimatu jest możliwe i mogłoby wzmocnić obowiązki społeczności międzynarodowej w kwestii podejmowania środków zaradczych. Przedstawiony wywód łączy więc zobowiązania wynikające z Konwencji w sprawie ochrony światowego dziedzictwa kulturowego i naturalnego, przyjętej w Paryżu dnia 16 listopada 1972 r., z analizą porozumienia paryskiego i niedawno przyjętą Agendą na rzecz zrównoważonego rozwoju 2030.

Słowa kluczowe: prawo zmian klimatu, cele zrównoważonego rozwoju, prawo światowego dziedzictwa