

Cultural Heritage Protection in the Age of Climate Change: Assessing Adequacy and Interpretative Limits of the World Heritage Convention

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DOI: <https://doi.org/10.15170/PJIEL.2026.1.2>

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ABSTRACT

Climate change has become a general threat to humanity, and the potentially devastating nature of its consequences is demonstrated by the fact that some States have begun to submerge as a result of rising sea levels, forcing their populations to migrate to other countries. In the face of such dramatic developments, the protection of cultural heritage has appeared not to be a priority.

In the field of international legal regulation, two distinct normative regimes have

traditionally existed: on the one hand, a body of rules governing the protection of cultural heritage, foremost among them the 1972 World Heritage Convention; on the other, a regime addressing climate change, centred on the 1992 UN Framework Convention on Climate Change (UNFCCC). These two bodies of law operated separately, each within its own regulatory sphere, with little to no overlap between them.

This situation has begun to change in recent years with the adoption of various soft law instruments addressing the impact of climate change on cultural heritage and proposing measures to respond to this challenge. In addition, the question of the interdependence between cultural heritage treaties and climate change agreements has come to the fore. The rules on the interpretation of international treaties, as set out in the 1969 Vienna Convention on the Law of Treaties, point towards a contextual interpretation of the World Heritage Convention, under which other treaties, including those relating to climate change, must also be taken into account. Such an interpretative approach raises important legal questions, such as the scope of states' obligations under the World Heritage Convention and their relationship to climate change commitments.

The paper concludes that climate change informs the interpretation of the World Heritage Convention, but does not alter the scope of states' legal obligations under it. Rather, it supports the adoption of site-specific measures aimed at protecting heritage properties from climate-induced harm.

Keywords: cultural heritage, climate change, 1972 World Heritage Convention, 1992 UNFCCC, systemic integration.

I. INTRODUCTION

Climate change, manifesting as gradual shifts in temperature, precipitation, atmospheric moisture, and wind intensity, as well as sea-level rise and changes in the occurrence of extreme events,¹ such as fires, droughts, and floods, is at the

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¹ Elena Sesana and others, ‘Climate Change Impacts on Cultural Heritage: A Literature Re-

forefront of international concern. Dire projections by the Intergovernmental Panel on Climate Change (IPCC) show that human-caused warming could lead to a rise in temperatures of 1.4 to 4.4 °C by the year 2100 and cause significant sea-level rise.² These changes obviously did not happen overnight. They unfolded gradually, and their consequences only became apparent when the situation had already begun to spiral out of control.³ Some states have literally started to sink, forcing their populations into displacement.⁴ In the face of such dramatic developments, it is not surprising that the protection of cultural heritage has often been seen as a “trivial concern”⁵ and a luxury that states cannot afford.⁶

In recent years, however, the topic has gained momentum. Protection of cultural heritage, guaranteed by several important treaties,⁷ most notably the 1972 World Heritage Convention (hereinafter: WH Convention),⁸ began to be observed also in the context of climate change, which was rightly recognized as a “risk multiplier” to the preservation of cultural heritage and its “outstanding universal value”. In addition to the usual factors affecting cultural heritage sites, such as the passage of time and typical atmospheric conditions, extreme weather events caused by climate change, as well as slow-onset events like sea-level rise, pose additional aggravating challenges.⁹ Some sites are threatened by partial or total submergence, others are at risk of coastal erosion and recession.¹⁰ Furthermore,

view, WIREs Clim. Change’ <<https://wires.onlinelibrary.wiley.com/doi/pdfdirect/10.1002/wcc.710>> accessed 12 October 2025.

² IPCC, ‘Sixth Assessment Report’ <https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf> accessed 12 October 2025.

³ Public perception of climate change has long been that these changes are not occurring fast and that the threat is not imminent. Michelle L. Berenfeld, ‘Climate Change and Cultural Heritage: Local Evidence, Global Responses’ (2008) 25 The George Wright Forum 70.

⁴ Andrea Caligiuri, ‘Sinking States: The Statehood Dilemma in the Face of Sea-Level Rise, The Implications of Sea-Level Rise for International Law’ <<http://www.qil-qdi.org/sinking-states-the-statehood-dilemma-in-the-face-of-sea-level-rise/>> accessed 23 October 2025.

⁵ Anna Huggins, ‘Protecting World Heritage Sites from the Adverse Impacts of Climate Change: Obligations for States Parties to the World Heritage Convention’ (2007) 14 Australian International Law Journal 126.

⁶ Cecilia Therese Guiao, ‘Recognizing the Role of Cultural Heritage in Climate Change Adaptation: Relevant Platforms and Workstreams under the United Nations Framework Convention on Climate Change’ (2020) 93 Philippine Law Journal 1062.

⁷ 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, 249 UNTS 215; 2001 Convention on the Protection of the Underwater Cultural Heritage, UNTS 2562; 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, 2368 UNTS 3.

⁸ 1972 World Heritage Convention, 1037 UNTS 151.

⁹ Ksenia Chmutina, Rohit Jigyasu and Lee Boshier, ‘Understanding the Impacts of Climate Change on Cultural Heritage Buildings: A Case of York, UK’ <<https://core.ac.uk/reader/288372000/>> accessed 3 November 2025.

¹⁰ Charlotte Beaucillon, ‘Culture Overboard! The Climate Shift of International Cultural Heri-

temperature changes may significantly affect the chemical composition and physical properties of materials in cultural heritage sites.¹¹ Desertification and heavy rains have already proven to have a devastating effect on traditional buildings,¹² causing “the loss of irreplaceable legacies from the past”.¹³ Scientific research is underway to assess the impact of climate change on cultural heritage, laying the groundwork for effective adaptation and mitigation strategies. However, this research is often fragmented, focusing on specific sites or regions, as the effects of climate change on cultural heritage are not uniform across all locations.¹⁴

The aim of this paper, which will primarily focus on tangible cultural heritage, is to examine whether, and if so in what manner, cultural heritage is protected in the context of climate change. To address this question, the analysis first considers the rules governing the protection of cultural heritage as set out in the principal international instrument in this field, the 1972 WH Convention. It examines the obligations imposed on States in this regard, as well as the suitability of the Convention’s listing mechanism for addressing climate-related threats. The article then demonstrates that recent years have witnessed a growing tendency towards the adoption of an increasing number of instruments in which the fields of cultural heritage protection and climate change intersect, offering guidance, at times of a general nature, and at others more specific, on how to approach the protection of cultural heritage in the face of climate change. In addition, the article addresses the interpretation of the WH Convention in light of the principle of systemic integration, as reflected in the Vienna Convention on the Law of Treaties (hereinafter: VCLT) and conceptualized by the International Law Commission. The conclusion argues that climate change is integrated into the cultural heritage legal regime and informs the interpretation of the WH Convention, without imposing new obligations on states parties, but rather sup-

tage Law in the Face of Rising Sea Levels’ (2022) <https://www.qil-qdi.org/wp-content/uploads/2022/05/05_Sea-Level-Rise_BEUCILLON_FIN.pdf> accessed 5 November 2025.

¹¹ Efstathia Tringa and others, ‘Assessing the Future Risk of Damage to European Cultural Heritage Due to Climate Change’ (2025) 8 *Heritage* 175.

¹² Alessandro Chechi, ‘The Cultural Dimension of Climate Change: Some Remarks on the Interface between Cultural Heritage and Climate Change Law’ in Sabine von Schorlemer and Sylvia Maus (eds.) *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity* (Peter Lang AG 2014).

¹³ Bárbara Mínguez García, ‘Resilient Cultural Heritage for a Future of Climate Change’ (2019/2020) 3 *Journal of International Affairs* 101.

¹⁴ For example, studies have been made regarding the Mediterranean, the Baltic Sea, certain Polish sites, and so on. See: John Kapsomenakis and others, ‘Climate Heritage Threats to Cultural and Natural Heritage UNESCO sites in the Mediterranean’ (2023) 25 *Environment, Development and Sustainability* 14519; Lena Reimann and others, ‘Mediterranean UNESCO World Heritage at Risk from Coastal Flooding and Erosion due to Sea-Level Rise’ (2018) 9 *Nature Communications* 4161; Mateusz Ciski and Krzysztof Rzaśa, ‘Threats to Cultural Heritage caused by the Global Sea Level Rise as a Result of the Global Warming’ (2021) 13 *Water* 2577.

porting the adoption of site-specific protection measures.

II. THE UNESCO FRAMEWORK FOR THE PROTECTION OF CULTURAL HERITAGE

Following the adoption of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and broadening the realm of legal protection from “cultural property” to a more comprehensive “cultural heritage”,¹⁵ the UNESCO General Conference adopted the 1972 WH Convention. The Convention has by now acquired practically universal acceptance¹⁶ and is considered to be one of the most successful instruments for protecting a common good.¹⁷ This success is owed to the “careful balance” in the Convention between the national interests of particular states in which cultural properties are located to make their heritage visible and protected, and the general interest of the entire community of states in preserving the universal value of that heritage.¹⁸

The scope of protection of the WH Convention encompasses both cultural and natural heritage. However, in relation to cultural heritage, the Convention addresses exclusively the protection of tangible heritage, that is, “monuments, groups of buildings and sites”,¹⁹ while it omits regulating the immaterial forms of heritage. This omission was remedied several decades later, more precisely in 2003, when the Convention on the Safeguarding of Intangible Cultural Heritage was adopted.

Acknowledging that certain items of cultural and natural heritage are increasingly threatened with destruction not only by traditional causes of decay but also by changing social and economic conditions that aggravate the situation, the WH Convention establishes a protection framework intended to be permanent

¹⁵ The transition from ‘cultural property’ to ‘cultural heritage’ does not indicate a substantial broadening of the objects under protection, but instead underscores the concept’s universality, recognizing heritage as a matter of interest to humanity as a whole. See: Francesco Francioni, ‘A Dynamic Evolution of Concept and Scope: From Cultural Property to Cultural Heritage’ in Yusuf A. Abdulqawi, *Standard-setting in UNESCO, Volume I, Normative action in education, science and culture: Essays in Commemoration of the Sixtieth Anniversary of UNESCO* (UNESCO Publishing; Martinus Nijhoff Publishers 2007).

¹⁶ According to the available data, the Convention has 196 states parties. ‘World Heritage Convention, States Parties’ <<https://whc.unesco.org/en/statesparties/>> accessed 10 November 2025.

¹⁷ Federico Lenzerini, ‘Protecting the Tangible, Safeguarding the Intangible: A Same Conventional Model for Different Needs’ in Sabine von Schorlemer and Sylvia Maus (eds.) *Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity* (Peter Lang AG 2014).

¹⁸ Francesco Francioni, ‘Cultural Heritage, Max Planck Encyclopedia of Public International Law’, <<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1392>> accessed 12 November 2025.

¹⁹ WH Convention, art. 1.

and to rely on modern scientific methods.²⁰ The envisaged system of protection is predicated upon parallel responsibility of states on whose territory the site under protection is located, and, on the other hand, of the international community as a whole, which is supposed to assist states in their endeavours. Such a multilayered protection is based on a notion that protected heritage possesses an “outstanding universal value”,²¹ that is, a “significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity”.²²

The Convention places primary responsibility for the protection of cultural heritage on the state party whose territory the site is situated on. That state has to identify, protect, conserve, present, and transmit to future generations the heritage situated on its territory, and to undertake all appropriate measures, either on its own or by resorting to international assistance, to ensure fulfilling this goal.²³ In that regard, states should adopt policies aimed at integrating the protection of heritage into their planning programs; set up services for the heritage protection, develop studies and research to detect dangers threatening their heritage; take appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and to foster the establishment or development of national and regional centres for training in the protection, conservation and presentation of the heritage, as well as to encourage scientific research in this field.²⁴

All these measures should be communicated to UNESCO through the states parties’ periodic reporting, envisaged by the Convention and further elaborated by the Operational Guidelines.²⁵ In addition to this, two other reporting mechanisms have been established by the World Heritage Committee—a special body, established by the Convention and composed of states parties.²⁶ Reactive monitoring is activated when World Heritage properties are under threat. Specific reports are then submitted by the states if “exceptional circumstances occur or work is undertaken which may have an impact on the outstanding universal value of the property or its state of conservation”, as well as “in reference to properties inscribed, or to be inscribed, on the List of World Heritage in Danger”

²⁰ WH Convention, Preamble.

²¹ *ibid.*

²² ‘Operational Guidelines for the Implementation of the World Heritage Convention’ (WHC.25/01 16 July 2025) <<https://whc.unesco.org/en/guidelines>> accessed 17 November 2025.

²³ WH Convention, art. 4.

²⁴ WH Convention, art. 5.

²⁵ WH Convention, art. 29 (1), Operational Guidelines, paras. 199-210.

²⁶ WH Convention, art. 8 (1).

and in the procedures of deletion of properties from the World Heritage List.²⁷ Similarly, a reinforced monitoring has been proposed by the World Heritage Committee in 2007 in order to strengthen the protection of the site when its integrity or authenticity is at risk, or when more effective monitoring and reporting are required.²⁸ Reinforced monitoring is not explicitly referenced by that name in the Operational Guidelines; however, it is *de facto* incorporated into several paragraphs.²⁹

Although states have a primary duty to secure protection of the heritage located in their territories, their efforts may sometimes be insufficient, and states may lack resources—financial or other—to appropriately fulfil their duties. That is why the WH Convention, while emphasizing the respect for state sovereignty, envisages the duty of the international community to cooperate with states on whose territory the heritage is located and to support them in their efforts to conserve and identify that heritage.³⁰ Such international assistance is secured through the establishment of an institutional framework within the UNESCO, which primarily includes the abovementioned World Heritage Committee, but also other bodies—International Centre for the Preservation and Restoration of Cultural Property (ICCROM), International Council of Monuments and Sites (ICOMOS), and International Union for Conservation of Nature and Natural Resources (IUCN)—whose representatives, along with representatives of other intergovernmental and non-governmental organizations with similar objectives, may attend meetings of the Committee in an advisory capacity.³¹

The fact that the WH Convention envisages “support” from the international community confirms that it assigns the primary role in protecting heritage to the states, conceiving international cooperation not as a replacement for state action, but rather as a subsidiary tool in heritage preservation.³² Another indicator that state sovereignty remains strongly respected within this legal framework is the absence of sanctions against states that fail to safeguard their cultural heritage in accordance with the Convention properly. The only consequence in such cases is the possible removal of the listed property from the World Heritage List.³³ This is paradoxical, as delisting the property amounts to a form of punishment for the state’s failure to protect it, while the actual outcome is a loss of a common

²⁷ Operational Guidelines, para. 169.

²⁸ WHC, 31st Session, Christchurch, 2007, WHC-07/31.COM/5.2.

²⁹ Operational Guidelines, paras. 173.-176.

³⁰ WH Convention, arts. 6 and 7.

³¹ WH Convention, art. 8(3).

³² Flavia Zorzi Giustiniani, ‘Protecting World Cultural and Natural Heritage against Climate Change and Disasters: An Assessment of the Effectiveness of the World Heritage Convention System’ (2021) 2 Yearbook of International Disaster Law Online 238.

³³ More on the cultural heritage sites’ listing, see *infra*, in Section III.

good for the entire international community.³⁴

Having established that the only consequence for failing to protect cultural heritage sites under the Convention is delisting, it is useful to consider how the general system of state responsibility, as reflected in the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA),³⁵ applies in such situations.

Compared to many other treaties, the WH Convention has certain specific features. Although formally binding, it is often seen as a relatively “soft” instrument, due to the lack of precise obligations imposed on states parties.³⁶ This lack of precision is reflected in formulations that grant states discretion in implementing their obligations, as well as in the Convention’s emphasis on international cooperation in the protection of heritage located within the territory of a particular State, while at the same time respecting that state’s sovereignty.³⁷ The obligations under the Convention can, therefore, be understood as reflecting shared interests of the international community as a whole, rather than obligations owed to specific states.³⁸ In such a framework, it is difficult to identify an “injured state” in the sense of ARSIWA, which makes it harder to invoke responsibility. While, in principle, the general rules on state responsibility could apply, in practice this is unlikely, as there is no clearly identifiable state that would be both entitled and willing to invoke responsibility in cases of failure to protect cultural heritage.

III. THE LISTING MECHANISM AS A TOOL FOR PROTECTING CULTURAL HERITAGE SITES

The 1972 WH Convention introduced a system for listing world heritage sites possessing outstanding universal value. The World Heritage List has been provided in that regard. Inscribing cultural heritage properties on the World Heritage List, which is always done at the request of the territorial state, is conditioned upon proving the fulfilment of certain criteria provided by the UNESCO Operational Guidelines. The state party to the Convention proposing the inscription of a property situated in its territory must first prove the „outstanding universal value“ of the property, that is, the fulfilment of one or more of the criteria set

³⁴ Lenzerini (n 17) 148.

³⁵ ‘Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries’ (2001) 2 Yearbook of the International Law Commission, Part Two.

³⁶ Lucas Lixinski and Vassilis Tzevelekos, ‘The World Heritage Convention and the Law of State Responsibility: Promises and Pitfalls’ in Anne-Marie Carstens and Elizabeth Varner (eds.) *Intersections in International Cultural Heritage Law* (Oxford University Press 2020).

³⁷ WH Convention, art. 6(1).

³⁸ ‘Chapter 1: Cultural Heritage in International Law’ in Valentina Vadi (ed), *Cultural Heritage in International Economic Law* (Leiden: Brill, Nijhoff 2023).

up by UNESCO.³⁹ Further, the requirements of authenticity and integrity must be fulfilled, and finally, a protection and management plan for the nominated property must be in place.⁴⁰ It is important to stress that the inscription of a property is merely a confirmation of the property's value, accompanied by a plan on how to maintain and preserve that value, rather than a means of creating any new value for the property in question.

Properties which have previously been placed on the World Heritage List and which face one of the “serious and specific” dangers enumerated in the Convention, namely, “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”, may be placed on the World Heritage in Danger List,⁴¹ if they fulfil one or more criteria set out in the Operational Guidelines. Under these criteria, cultural properties may face ascertained dangers, such as the deterioration of materials or the significant loss of cultural significance, as well as potential dangers, including climatic or other environmental factors.⁴²

The listing of a specific property is, however, not envisaged by the Convention as a prerequisite for the protection that states are obligated to provide. Article 12 of the Convention specifically highlights that non-inclusion on the lists is not prejudicial to considering that the property in question does have an outstanding universal value, or that it forms a part of cultural or natural heritage. As such, any property, whether listed or not, enjoys the protection provided by the Con-

³⁹ The first six, out of ten criteria, refer to the cultural heritage, while the other four refer to the natural heritage. The six criteria are: that a nominated property “(i) represent a masterpiece of human creative genius; (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design; (iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared; (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history; (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change; (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance”. The last criterion should, according to the Committee, “preferably be used in conjunction with other criteria”. See: Operational Guidelines (n 22).

⁴⁰ Operational Guidelines, para. 108.

⁴¹ WH Convention, art. 11(4).

⁴² Operational Guidelines, paras. 178-179.

vention, encapsulated in States Parties' obligation to identify, protect, conserve, and transmit to future generations heritage located in their territory,⁴³ as well as to take measures to give effect to that protection.⁴⁴

The purpose of listing cultural heritage is to document it and raise public awareness about its value and the need for protection.⁴⁵ Specifically, if the property is also inscribed in the "In Danger" List, such inscription results in the possibility of taking extra protection measures, including activating financial help from the World Heritage Fund.⁴⁶ These measures can only be regarded as a positive endeavour in the preservation of cultural heritage, and in practice, listed properties are indeed to a large extent safeguarded in accordance with established conservation and management plans. However, when considered in a broader context, the distinction between listed and non-listed cultural heritage may give rise to certain negative consequences.

Some authors point to several unintended outcomes of listing, such as a questionable selection process in which the reasons for including certain sites while excluding others are not always clear; an overextension in the number and type of listed sites, leading to an overly broad interpretation of what constitutes heritage; and excessive tourist focus on listed sites, which can result in their degradation and the loss of elements that confer outstanding universal value.⁴⁷ In addition, contrary to the intention of Article 12 of the Convention, listed sites in practice tend to receive more attention than non-listed sites, placing the latter at a disadvantage.⁴⁸

States' attitudes towards placing their cultural property on UNESCO lists vary significantly. The inscription of sites on the World Heritage List is usually well accepted by states, which is evident from the high number of sites currently on the List.⁴⁹ More controversial is the inscription of properties on the World Heritage in Danger List, which—unlike the inscription on the World Heritage List—does not require a territorial state's consent and can be done upon the initiative

⁴³ WH Convention, art. 4.

⁴⁴ WH Convention, art. 5.

⁴⁵ 'What does it mean for a site to be inscribed on the World Heritage List?' (UNESCO) <<https://whc.unesco.org/en/faq/20>> accessed 20 November 2025.

⁴⁶ WH Convention, art. 21, Operational Guidelines, para. 189.

⁴⁷ Bruno S. Frey and Lasse Steiner, 'World Heritage List: Does it make Sense?' (2011) 17 *International Journal of Cultural Policy*, 555.

⁴⁸ Federico Lenzerini, 'Protection of Properties Not Inscribed on the World Heritage List', in Francesco Francioni and Federico Lenzerini (eds), *The 1972 World Heritage Convention: A Commentary* (2nd edn, Oxford Commentaries on International Cultural Heritage Law 2023).

⁴⁹ There are 959 cultural properties, plus 40 mixed properties. 'World Heritage List' (UNESCO) <<https://whc.unesco.org/en/list/>> accessed 24 November 2025.

of the World Heritage Committee.⁵⁰

Certain states voluntarily requested that their cultural heritage sites be inscribed on the In Danger List. Yemen, for instance, did so in 2000, regarding its historic town of Zabid, which experienced significant degradation due to modern urbanization and the construction of inappropriate concrete buildings.⁵¹ Iran also requested inscription of its citadel of Bam in 2004, after it had been severely damaged in an earthquake.⁵² Other states, like Ukraine, in the case of the war-affected historic town of Odesa, made such voluntary requests for inscription.⁵³ But not all states are inclined to follow the same path. For some of them, the controversy over inscribing certain property on the In Danger List lies in the fact that, although it was not intended to serve as a sanction, the List is often perceived as a “naming and shaming” tool.⁵⁴ Fearing a negative reputation and possibly an undesired impact on tourism, they oppose listing.

The most well-known case reflecting the above problem, and at the same time demonstrating the inadequacy of listing mechanisms to address climate change issues, is the case of Venice and its Lagoon. In recent decades, Venice has been threatened by the adverse impacts of mass tourism, development, and climate change.⁵⁵ Sea-level rise and severe storms have caused around 160 floods in the last couple of decades, during which most of the city was inundated, damaging valuable cultural heritage.⁵⁶ After having visited Venice in 2020, the UNESCO

⁵⁰ After protests by some states to accept the authority of the WH Committee to decide on the inclusion of the property on the List of World Heritage in Danger, it was ultimately agreed that the Committee will be entrusted with such a power. ‘Decisions Adopted by the World Heritage Committee at its 6th Extraordinary Session’ (*World Heritage Committee*, 17-22 March 2003) <<https://whc.unesco.org/archive/6extcom.htm>> accessed 24 November 2025. See also: Operational Guidelines, para. 177.

⁵¹ ‘Historic Town of Zabid’ (*UNESCO*) <<https://whc.unesco.org/en/soc/605/>> accessed 26 November 2025.

⁵² ‘First Anniversary of the Earthquake at World Heritage City of Bam (Iran)’ (*UNESCO*) <<https://whc.unesco.org/en/news/101>> accessed 26 November 2025.

⁵³ ‘Odesa inscribed on UNESCO’s World Heritage List in the Face of Threats of Destruction’ (*UNESCO*) <<https://www.unesco.org/en/articles/odesa-inscribed-unescos-world-heritage-list-face-threats-destruction>> accessed 25 November 2025.

⁵⁴ Herdis Hølleland, Evan Hamman and Jessica Phelps, ‘Naming, Shaming and Fire Alarms: The Compilation, Development and Use of the List of World Heritage in Danger’ (2019) 8 *Transnational Environmental Law* 35.

⁵⁵ Barbie Latza Nadeau, ‘Venice ‘Not at Risk’ after All? UNESCO Leaves City off its Heritage in Danger List’ (*CNN*, 16 September 2023) <<https://edition.cnn.com/travel/article/venice-not-at-risk-unesco-intl-hnk>> accessed 8 December 2025.

⁵⁶ Adam Markham, ‘World Heritage Committee ignores UNESCO Recommendation to List Venice as Endangered’ (*The Equation*, 14 September 2023) <<https://blog.ucs.org/adam-markham/world-heritage-committee-ignores-unesco-recommendation-to-list-venice-as-endangered/>> accessed 10 December 2025.

experts issued a Mission Report, in which they requested the inscription of the site on the World Heritage in Danger List.⁵⁷ The Recommendation was not implemented due to certain protective measures undertaken by Italy, such as a ban on large cruise ships from entering the Venetian Lagoon. However, the recommendation on inscription was reiterated two years later, when ICOMOS and the World Heritage Centre concluded that Italy did not achieve a significant level of progress in implementing previously required measures, causing the city to face ascertained and potential danger.⁵⁸ Despite expert recommendations and strong opposition from Italy,⁵⁹ the World Heritage Committee declined to act on the proposed inscription and instead merely called for additional protective measures for the city.⁶⁰ This decision has further fuelled criticism that the Committee operates more as a political than a technical body, with outcomes shaped by diplomatic considerations rather than expert judgment.⁶¹

The stigma associated with the List of World Heritage in Danger, which manifested itself in the case of Venice and possibly in the fact that so far no cultural heritage site has been inscribed on the In Danger List due to climate change consequences,⁶² led the World Heritage Committee to take measures to change states' perception of the List.⁶³ The initiative was taken to inquire about states' negative attitudes toward the In Danger List and to offer new perspectives. An independent study conducted by the World Heritage Centre resulted in issuing a report entitled *New Visions for the List of World Heritage in Danger*.⁶⁴ The

⁵⁷ 'Report of the joint WHC/ICOMOS/Ramsar Advisory mission to Venice and its Lagoon (Italy)' <<https://whc.unesco.org/en/list/394/documents/>> accessed 15 December 2025.

⁵⁸ 'State of Conservation of Properties Inscribed on the World Heritage List–Venice and its Lagoon (Italy)' <<https://whc.unesco.org/en/news/1353>> accessed 10 December 2025.

⁵⁹ Anna Somers Cocks, 'For the Second Time, Venice Escapes Listing as at Risk, but Now UNESCO is the Enemy' (*The Art Newspaper*, 15 September 2023) <<https://www.theartnewspaper.com/2023/09/15/for-the-second-time-venice-escapes-listing-as-at-risk-but-now-unesco-is-the-enemy>> accessed 17 December 2025.

⁶⁰ 'Decision 45 COM 7B.189' <<https://whc.unesco.org/en/decisions/8110/>> accessed 20 December 2025.

⁶¹ Zorzi Giustiniani (n 32) 243.

⁶² There are several sites, such as the Minaret and Archaeological Remains of Jam in Afghanistan, Nan Madol: the Ceremonial Centre of Eastern Micronesia, or the Chan Chan Archeological Zone in Peru, that were inscribed on the In Danger List for reasons that can be related to climate change, such as flooding. However, it cannot be maintained that climate change was the sole reason for their inscription.

⁶³ 'Decision 40 COM 7, State of Conservation of World Heritage Properties' (UNESCO) <<https://whc.unesco.org/en/decisions/6817/>> accessed 29 December 2025.

⁶⁴ 'New Visions for the List of World Heritage in Danger, Independent Study Undertaken in Conformity with Decision 40 COM 7 of the World Heritage Committee, adopted at its 40th Session (Istanbul/UNESCO, 2016)' <<https://whc.unesco.org/en/danger/>> accessed 29 December 2025.

Report lead to the adoption of five recommendations. The first one is to change the narrative through positive storytelling and proactive, strategic communications; the second one is to “turn up the volume” on youth voices, because heritage is to be transmitted to future generations; the third one is to transmit clear, meaningful, and transparent messages; the fourth recommendation is to promote contextualized, localized and participatory communication on List of World Heritage in Danger; and fifth is the so-called “back to basics” messaging, in terms of keeping the conservation of heritage, rather than some other interests, in the focus.⁶⁵

The Report, and the accompanying Guidebook for its implementation,⁶⁶ highlighted some real-life situations in which the insertion of property on the In Danger List resulted in positive efforts to safeguard its outstanding universal value. One notable example is the Cologne Cathedral in Germany, which was placed on the List at Germany’s initiative due to an urbanization plan that included the construction of high buildings around the Cathedral, threatening its visual identity.⁶⁷ Ultimately, initial plans for the construction were changed, and the surroundings of the Cathedral were preserved, thus maintaining the outstanding universal value of the property. This resulted in the removal of the Cathedral from the In Danger List in 2006, two years after its inclusion.⁶⁸

The above example is precisely what placing a site on the In Danger List should aim at—eventual delisting, once the threat to the site’s outstanding universal value has been resolved. In the opposite scenario, in which corrective measures do not produce at desired result, resulting in a loss of an outstanding universal value of the site, a property is permanently deleted from the World Heritage List.⁶⁹ Such cases are rare, but do exist. The Arabian Oryx Sanctuary, the Dresden Elbe Valley, and the Liverpool Maritime Mercantile City in the United Kingdom of Great Britain and Northern Ireland have been deleted from the World Heritage List, after their placement on the In Danger List failed to prevent further deterioration in their outstanding universal value. The deletion of these properties from the World Heritage List is a loss for the entire humanity, as the purpose

⁶⁵ *ibid.*

⁶⁶ The Guidebook is a practical tool for all the relevant stakeholders, like states, civil society, indigenous people, and others, which proposes concrete actions to implement the recommendations. ‘Implementing New Visions: A Guidebook for Action on the List of World Heritage in Danger’ <<https://whc.unesco.org/en/danger/>> accessed 5 January 2025.

⁶⁷ Diana Zacharias, ‘Cologne Cathedral versus Skyscrapers – World Cultural Heritage Protection as Archetype of a Multilevel System’ (2006) 10 Max Planck Yearbook of United Nations Law 276.

⁶⁸ ‘World Heritage Committee sounds the alarm for Cologne Cathedral’ (UNESCO) <<https://whc.unesco.org/en/news/71>> accessed 8 January 2026.

⁶⁹ Operational Guidelines, paras. 192-198.

of inscribing properties on the List is to ensure their protection, so they can be passed on to future generations.⁷⁰

IV. INTRODUCING THE CLIMATE CHANGE COMPONENT INTO THE CULTURAL HERITAGE LEGAL FRAMEWORK

1. Steps toward Recognizing Climate Change as a Distinct Challenge in the Preservation of Cultural Heritage

The general protection of cultural heritage guaranteed by the 1972 WH Convention, including listing endangered sites on the World Heritage in Danger List, may find its application in the context of climate change. However, the climate threat comes as a very specific circumstance, which was not taken into consideration when the Convention was adopted. That is why it is often suggested that the Convention seems “ill-suited” to respond to the consequences of climate change, as its static nature may not adequately address the dynamic challenges posed by the climate threat.⁷¹ More specifically, there are concrete questions posed by the emergence of climate threat, such as: should a site be inscribed on the World Heritage List while knowing that its potential outstanding universal value may disappear due to climate change impacts or should a site be inscribed on the List of World Heritage in Danger or deleted from the World Heritage List due to the influence of impacts that are beyond the control of the concerned State Party?⁷² Also, given the long-term nature of climate change impacts, should the consideration of outstanding universal value be deliberately considered in a longer-term context?⁷³

All these questions prompted an approach in which climate change should specifically be addressed within the cultural heritage legal framework. In doing so, it must first be observed that the cultural heritage conventions do not explicitly mention climate change. An implicit reference to the impacts of climate change can be found in Article 11(4) of the WH Convention, which enumerates possible reasons for the inscription of cultural heritage sites to the List of World Heritage in Danger, mentioning “changes in water level” as one of those grounds.

⁷⁰ Independent study (n 64).

⁷¹ Malgorzata Kubik, ‘Cultural Heritage Protection in the Age of Climate Change: Adapting International Legal Frameworks to Environmental Threats’ (*Harvard ILJ*, 2025) <<https://journals.law.harvard.edu/ilj/2025/04/cultural-heritage-protection-in-the-age-of-climate-change-adapting-international-legal-frameworks-to-environmental-threats/>> accessed 12 January 2026.

⁷² ‘Report on Predicting and Managing the Impacts of Climate Change on World Heritage, A joint report from the World Heritage Centre, its Advisory Bodies, and a Broad Group of Experts to the 30th Session of the World Heritage Committee’ <<https://whc.unesco.org/en/activities/474/>> accessed 18 January 2026.

⁷³ *ibid.*

The 2003 Convention on Safeguarding the Intangible Cultural Heritage, while also failing to mention climate change explicitly, provides that intangible cultural heritage must be “compatible with [...] sustainable development”.⁷⁴ Other documents on the protection of cultural heritage mention “pollution” as a factor that may harm heritage.⁷⁵ But none of these documents makes a significant reference to the climate change issue.

In the same way that cultural heritage treaties do not refer to climate change, climate change treaties omit considerations of cultural heritage. None of the relevant treaties—the 1992 United Nations Framework Convention on Climate Change (UNCCC), the 1997 Kyoto Protocol, or the 2015 Paris Agreement—explicitly mentions cultural heritage, though the Paris Agreement speaks of the rights of “indigenous peoples” and “local communities”, as well as of “traditional knowledge, knowledge of indigenous peoples and local knowledge systems”, without explicitly linking these to the preservation of intangible cultural heritage.⁷⁶

The lack of a clear connection between climate change and cultural heritage in international treaties can be attributed to various reasons. First, at the time cultural heritage treaties were adopted, the consequences of climate change were not yet severe, and no relevant international discussions, either academic or political, were devoted to this issue.⁷⁷ When, on the other hand, the consequences of climate change became visible, prompting the adoption of climate change treaties, the focus shifted to state actions aimed at reducing greenhouse gas emissions. This, in itself, was a difficult task for the environmental negotiators, so that other issues, those with “less appalling consequences”, remained in the background.⁷⁸ Another possible reason for the omission of climate change in the text of the Conventions is that the Conventions apply equally to all states, regardless of their level of exposure to climate change impacts, and they provide general protection for all categories of heritage within their scope, even though cultural heritage properties are made of different materials and are therefore differently susceptible to climate change impacts.⁷⁹

⁷⁴ 2003 ICH Convention, art. 2.

⁷⁵ For example, 1978 Recommendation for the Protection of Movable Cultural Property, Records of the General Conference, 20th Session, Paris, 24 October to 28 November 1978, vol. 1, Resolutions; or the 1985 Convention for the Protection of the Architectural Heritage of Europe, 1605 UNTS 451.

⁷⁶ Paris Agreement, Preamble and art. 7(5).

⁷⁷ Maria Kenig-Witkowska, ‘The European Union Perspective on Cultural Heritage and Climate Change Issues’ (2019) 3 *Journal of Comparative Urban Law and Policy* 63.

⁷⁸ Chechi (n 12) 181.

⁷⁹ Guido Carducci, ‘What Consideration Is Given to Climate and to Climate Change in the UNESCO Cultural Heritage and Property Conventions?’ in Sabine von Schorlemer and Sylvia Maus (eds), *Climate*

The growing recognition of climate change as a serious and immediate threat to world heritage has prompted an integration of climate considerations within the world heritage legal framework. The issue was first raised in 2005 by a group of organizations and individuals, who brought it to the attention of the World Heritage Committee.⁸⁰ The petitions did not result in the sites being inscribed on the In Danger List, but they prompted subsequent UNESCO efforts on the matter. In 2007, UNESCO published a Report on Predicting and Managing the Effects of Climate Change on World Heritage and a Strategy to Assist States Parties to the Convention to Implement Appropriate Management Responses.⁸¹ The Report took a wide approach to dealing with the consequences of climate change, requiring that states develop regional responses to adaptation and mitigation, rather than focusing exclusively on the sites located on their territory.⁸² The Strategy proposed three kinds of actions that states could employ: preventive actions; corrective actions, including management, adaptation, and risk management; and collaboration, cooperation, and sharing best practices and knowledge.⁸³ However, with regard to controlling greenhouse gas emissions, the Strategy pointed to the primary role of the UNFCCC system,⁸⁴ clearly limiting the integration of climate change issues into the cultural heritage legal framework.

Following the above developments, along with some other steps in the same direction,⁸⁵ the Policy Document on the impacts of climate change on World Her-

Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity (Peter Lang AG 2014).

⁸⁰ 'Climate Change and World Heritage' (UNESCO) <<https://whc.unesco.org/en/climatechange/>> accessed 15 January 2026; Ottavio Quirico, 'Amidst Fragmentation and Coherence: A Systemic Interpretation of the World Heritage Convention and the UNFCCC Regime' (2012) 10 New Zealand Yearbook of International Law 37.

⁸¹ Report on Predicting and Managing... (n 72).

⁸² *ibid.*

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ For instance, the UNESCO World Heritage Centre presented a collection of 26 case studies on the effects of climate change on global cultural and natural heritage, both those that have already been examined and those that might require examination in the future. 'Case Studies on Climate Change and World Heritage' (UNESCO) <<https://whc.unesco.org/en/activities/473>> accessed 21 January 2026. Other case studies, not necessarily under the UNESCO, are being conducted. One of the best-known studies examining the influence of climate change on intangible cultural heritage is the study of lamprey fishing in Carnikava, Latvia. See more in Sandis Laimev and others, 'Perspectives on Climate Change Impact on Intangible Cultural Heritage: The Case of Traditional Lamprey Fishing in Latvia' (2024) 33 Anthropological Journal of European Cultures 26.

itage properties was adopted in 2007,⁸⁶ and later updated in 2021⁸⁷ and 2023.⁸⁸ The 2023 Policy Document takes a different path from its 2007 predecessor in moving beyond site-based adaptation as the focus for World Heritage, to importing into the WH Convention process many of the issues—and their accompanying political fault lines—of the Framework Convention on Climate Change.⁸⁹

Operational Guidelines for the Implementation of the World Heritage Convention, from 2008, first mentioned climate change as one of the factors that might affect a particular site's outstanding universal value.⁹⁰ Subsequent versions of the Operational Guidelines, including the last one of 2025, built upon this, highlighting climate change as an important element to be taken into consideration when establishing effective management systems for cultural heritage protection.⁹¹ Climate change, thus, became an essential component of the cultural heritage discourse.

2. Systemic Integration of Climate Change Law into the Cultural Heritage Law

In the previous section, it was demonstrated that climate change is increasingly being introduced into the cultural heritage protection framework. The climate threat has rightly been recognized as a “risk multiplier”, rendering general protection established by the 1972 WH Convention insufficient for tackling the problem. It must be stressed that documents incorporating climate threats into the cultural heritage legal regime are soft law and, thus, lack legally binding force. The only legally binding document governing the protection of World Heritage remains the 1972 Convention.

The application of the WH Convention depends on its interpretation, giving relevance to both the soft law documents, and other relevant international instruments, primarily those constituting the climate change legal regime. To observe how all these instruments create an interrelated whole, rather than being self-standing and fragmented normative tools, it is necessary to depart from the

⁸⁶ ‘Policy Document on the Impacts of Climate Change on World Heritage Properties’ <<https://whc.unesco.org/en/CC-policy-document/>> accessed 25 January 2026.

⁸⁷ ‘Updated Policy Document on Climate Action for World Heritage’ <<https://whc.unesco.org/en/documents/190260/>> accessed 25 January 2026.

⁸⁸ ‘Updated Policy Document on Climate Action for World Heritage’ <<https://unesdoc.unesco.org/ark:/48223/pf0000390439>> accessed 25 January 2026.

⁸⁹ Helene Marsh, Anita Smith, and Greg Terrill, ‘World Heritage and the Challenge of Climate Change: A Reform Agenda’ (2023) 29 International Journal of Heritage Studies 39-48.

⁹⁰ ‘Operational Guidelines for the Implementation of the World Heritage Convention, 2008’, <<https://whc.unesco.org/archive/opguide08-en.pdf>> accessed 27 January 2026.

⁹¹ See, for example, amended Operational Guidelines for the Implementation of the 1972 World Heritage Convention. ‘Operational Guidelines’ (WHC.24/01, 2025) <<https://whc.unesco.org/en/guidelines/>> accessed 27 January 2026.

1969 VCLT and its relevant provisions regarding treaty interpretation.

Article 31 of the VCLT provides a general rule of interpretation and states that “[a] treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”.⁹² In interpreting a treaty, there shall be taken into account “any relevant rules of international law applicable in the relations between the parties”,⁹³ as well as “any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation”.⁹⁴

The above general rule on treaty interpretation points to observing the state obligations stemming from the WH Convention in the context of other relevant international law rules. In doing so, it is first necessary to reflect on the soft law documents previously mentioned. As already noted, they do not constitute binding law, but do have interpretative value as “subsequent practice” within the meaning of Article 31 VCLT. Instruments such as Policy Documents undoubtedly represent subsequent practice, as they were adopted by the General Assembly of the States Parties to the Convention. An interpretative value also lies in the practice of the World Heritage Committee. Although the Committee does not bring together all the state parties to the Convention, it is a body established by the Convention, thus by all the parties, so its decisions bear relevance when the subsequent practice in the application of the Convention is concerned.⁹⁵

The WH Convention, furthermore, should be interpreted in conjunction with the international climate-change legal framework, in particular the UNFCCC regime.⁹⁶ This approach reflects the principle of ‘systemic integration’, as conceptualized by the International Law Commission in its work on the fragmentation of international law. It rests on the understanding that all treaties, irrespective of their subject matter, are products of a single international legal system and should therefore not be treated as separate or mutually independent bodies of law.⁹⁷

⁹² VCLT, art. 31(1).

⁹³ VCLT, art. 31(3)(c).

⁹⁴ VCLT, art. 31(3)(b).

⁹⁵ ‘Draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties’ (2018) Yearbook of the International Law Commission, vol. II, Part Two; Stefan Kadelbach, ‘International Law Commission and Role of Subsequent Practice as a Means of Interpretation under Articles 31 and 32 VCLT’ (*QIL*, 31 January 2018) <https://www.qil-qdi.org/international-law-commission-and-role-of-subsequent-practice-as-a-means-of-interpretation-under-articles-31-and-32-vclt/#_ftn7> accessed 29 January 2026.

⁹⁶ VCLT, art. 31(3)(c).

⁹⁷ ‘Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law’ (2006) International Law Commission, A/CN.4/L.682.

The key issue here is whether the pertinent provisions of the WH Convention, which impose obligations on states parties, should be interpreted in the context of climate change obligations, such that they are understood not merely as recommendations for states to take all possible measures to protect heritage within their territories, but as establishing substantive legal duties.⁹⁸ When posing this question, we are not asserting that the WH Convention provisions are not obligatory *per se*. However, they are formulated in such a manner as to give states considerable discretion in deciding how to implement them. The wording “will do all it can”, in Article 4, and “shall endeavour, in so far as possible”, in Article 5, clearly demonstrates the Convention’s reliance on open-textured language, creating binding obligations but leaving states considerable leeway in their execution. The situation is somewhat different with Article 6, which provides that states should not take “any deliberate measures” that might damage the heritage. This is particularly relevant in the context of climate change because it raises the question of whether non-compliance with climate obligations may be characterized as a “deliberate measure” under Article 6 of the WH Convention.

First, let us reflect on the obligations stemming from Articles 4 and 5 of the WH Convention. As much as these provisions leave room for a wide discretion of states in implementation of protective measures, they nevertheless oblige states to do “all” they can and “to the utmost of [their]... resources”. This would imply, *inter alia*, taking the necessary mitigation measures in the form of a reduction of the anthropogenic greenhouse gas emissions. This obligation, in various forms, stems from several climate change treaties⁹⁹ and is confirmed by the ICJ Advisory opinion on climate change from 2025.¹⁰⁰ Also, the Convention’s instruction that states should act “to the utmost of [their]... resources” may be correlated with the climate law principle of common but differentiated responsibilities.¹⁰¹ The idea behind such regulations is the same—making states do all they can, to the extent of their capabilities, to achieve the goals advanced by the prospective treaties. Article 6, in addition, implies that states need to take these measures not only for the preservation of World Heritage sites located in their territory, but also for those located in other states.¹⁰² This obligation derives from the duty of cooperation¹⁰³ of the entire international community, as set out in Article 6. The

⁹⁸ Erica J. Thorson, ‘The World Heritage Convention & Climate Change: The Case for Climate-Change Mitigation Strategy Beyond the Kyoto Protocol’ in Wil C. Burns and Hari Osofsky (eds), *Adjudicating Climate Control: Sub-National, National, And Supra-National Approaches* (Cambridge University Press 2007).

⁹⁹ See UNFCCC, art. 2, Kyoto Protocol, art. 3(1), Paris Agreement, art. 2(1)(a), 4(1).

¹⁰⁰ Obligations of States in Respect of Climate Change, Advisory Opinion, General List No 187, 23 July 2025, paras. 132-139.

¹⁰¹ UNFCCC, art. 3(1).

¹⁰² Thorson (n 98) 11.

¹⁰³ On the ambiguous nature of the duty to cooperate and the failure of the ICJ to clarify it, see:

duty of cooperation is also explicitly or implicitly provided in several climate law provisions.¹⁰⁴ Article 6, further, obliges states not to take deliberate measures that might damage the heritage. Interpreting this provision with reference to climate obligations poses the question of whether states' failure to reduce greenhouse gas emissions, or—more accurately—failure to take action aimed at reducing these emissions—might be seen as a deliberate act jeopardizing the preservation of heritage. Some of the largest greenhouse gas emitters, such as the United States, have already opposed such an interpretation.¹⁰⁵ The argument in favour of the non-reduction of emissions being deliberate acts that might damage heritage sites is certainly not without controversy. Greenhouse gas emissions result from widespread economic activity and do not constitute a “measure” within the meaning of Article 6.¹⁰⁶ In addition, it would be far-fetched to claim that any state behaviour related to (non)reduction of greenhouse gas emissions is targeted at deliberately harming World Heritage sites.¹⁰⁷

Thus, if the conclusion is that state obligations from Articles 4 and 5 of the WH Convention, read in conjunction with the climate obligations, include taking the mitigation measures, the next step would be to see what these measures entail, that is, whether they are equivalent to those provided by the climate treaties. It has now become clear that the current climate measures are insufficient to combat climate change effectively.¹⁰⁸ Achieving a goal of holding “the increase in the global average temperature to well below 2°C above pre-industrial levels” and pursuing efforts “to limit the temperature increase to 1.5°C above pre-industrial levels”, which was set by the Paris Agreement,¹⁰⁹ requires a decline of 43 % in greenhouse gas emissions by 2030.¹¹⁰ This is not enough to halt the exceeding of the 2°C threshold, as the relevant data shows that, for instance, the G20 targets in 2030 “remain far from the average global percentage reductions required to

Khaled Elmahmoud and Natali Gbele, ‘When Guidance Becomes Fog: The ICJ and the Normative Uncertainty of the Duty to Co-operate’ (*EJIL: Talk!*, 14 January 2026) <<https://www.ejiltalk.org/when-guidance-becomes-fog-the-icj-and-the-normative-uncertainty-of-the-duty-to-co-operate/>> accessed 20 January 2026.

¹⁰⁴ UNFCCC, art. 3(1), 4(1); Kyoto Protocol, art. 6(1), 10(c); Paris Agreement, art 2(1), 6(1), 7(7).

¹⁰⁵ Quirico (n 80) 52; William C. G. Burns, ‘Belt and Suspenders: The World Heritage Convention’s Role in Confronting Climate Change’ (2009) 17 *Southeastern Environmental Law Journal* 371.

¹⁰⁶ Quirico (n 80) 51.

¹⁰⁷ *ibid.*

¹⁰⁸ Kathryn Lafrenz Samuels and Ellen J. Platts, ‘Global Climate Change and UNESCO World Heritage’ (2022) 29 *International Journal of Cultural Property* 409.

¹⁰⁹ Paris Agreement, art. 2(1)(a).

¹¹⁰ ‘Climate Change 2023: Synthesis Report—Contribution of Working Groups I, II and III to the Sixth Assessment Report of the IPCC’ (*IPCC*, 2023) 35.

align with 2°C and 1.5°C scenarios”.¹¹¹ Does all this mean that states parties to the WH Convention are not tied to the limits set by the climate treaties if these limits prove to be inefficient to achieve satisfactory results? If the answer to this question lies in determining which of the relevant corpus of law shall be applied, cultural heritage law or climate change law, it must be observed that the climate treaties are *lex posterior* and *lex specialis* in regulating climate measures and have on both counts supremacy in application over the WH Convention. Their primacy in application is also recognized in soft law documents related to cultural heritage protection.

On the other hand, if the current climate regulation is likely to be insufficient to achieve its goals, the obligation to take “all appropriate measures” under Article 5 of the WH Convention might be interpreted as requiring stronger action to protect World Heritage, including emission reductions exceeding those envisaged by the climate treaties.¹¹²

However, the latter reading of the WH Convention, implying the adoption of general mitigation measures, which go beyond those established by the climate treaties, is not in line with the object and purpose of the WH Convention.¹¹³ Only on-site mitigation measures, adopted on a case-by-case basis, might be considered to remain within the said object and purpose.¹¹⁴ Therefore, particular measures, rather than general ones, might be based on Article 5 of the WH Convention.

It is also necessary to reflect on the doctrine of *rebus sic stantibus*, a well-established principle of international law codified in Article 62 of the VCLT. Under the VCLT, a treaty may be suspended or terminated where there has been “a fundamental change of circumstances” that occurred with regard to those existing at the time of the conclusion of the treaty, was not foreseen by the parties, constituted an essential basis of their consent to be bound, and has the effect of radically transforming the extent of obligations still to be performed under the treaty. To safeguard the stability of treaty relations and to uphold the principle of *pacta sunt servanda*, the invocation of this doctrine is confined to exceptional cases.

It would not be unreasonable to argue that climate change may constitute such

¹¹¹ ‘UN Environment Programme, No more hot air...please!, Emissions Gap Report 2024’ <<https://wedocs.unep.org/bitstreams/38f4688c-6bb3-4351-aae7-d50157acfa9/download>> accessed 15 January 2026.

¹¹² Erica J. Thornson, ‘On Thin Ice: the Failure of the United States and the World Heritage Committee to take Climate Change Mitigation Pursuant to the World Heritage Convention Seriously’ (2008) 139 Environmental Law 165.

¹¹³ Quirico (n 80) 68.

¹¹⁴ *ibid.*

an exceptional circumstance, not because climatic variability was unknown at the time of the adoption of the WH Convention, but because the scale and intensity of contemporary climate change were not foreseeable at the time. It is further plausible to contend that the climate threat could substantially alter the context in which states parties' obligations are performed, particularly if general adaptation and mitigation measures, including those exceeding the commitments envisaged under climate treaties, were to be required. Consequently, an interpretation of the WH Convention that stretches its obligations to encompass climate measures broader than those contemplated within the climate change regime risks producing an unintended effect: encouraging reliance on *rebus sic stantibus* under the VCLT, thereby undermining the stability of the Convention itself.

V. CONCLUSION

When climate change came to be recognized as a “risk multiplier” for a wide range of threats, including those affecting the protection of cultural heritage, the question arose as to whether, and to what extent, interlinkages should be created between the two legal regimes—climate change law and cultural heritage law. From one perspective, both sets of rules could be applied independently, thereby preserving a clearer focus on the specific objectives that motivated their respective adoption. However, as this paper has demonstrated, the general protection guaranteed by the WH Convention appears insufficient to address the specific and systemic challenges posed by climate change. In this context, the development of interlinkages between cultural heritage law and climate change law has emerged as an appropriate and, to a certain extent, necessary means of enhancing the effectiveness of cultural heritage protection.

This convergence is not accidental. Both cultural heritage law and climate change law are ultimately concerned with the protection of shared goods—the environment and cultural assets as part of that broader environment—and with safeguarding interests that transcend national boundaries. This common orientation is reflected in the language of the relevant treaties: the WH Convention refers to the “outstanding universal value” of cultural heritage properties, while the UNFCCC characterizes climate change as a “common concern of humankind”.

The paper has shown that recent years have been marked by increasingly intensive efforts to incorporate climate change considerations into the cultural heritage protection framework. This has occurred primarily through the adoption of a range of UNESCO soft law instruments, which, although not legally binding, play an important role in guiding state practice and in informing the interpretation of the WH Convention. The analysis has further demonstrated that the Convention cannot be interpreted in isolation, it must be read in conjunction not only with these UNESCO instruments but also with other relevant treaties,

including those constituting the international climate change regime.

At the same time, this paper has sought to identify the limits of such systemic interpretation and integration. It has been argued that the WH Convention should not be interpreted as imposing new, general climate-mitigation obligations on states parties on the basis that such obligations are required for the proper protection of cultural heritage. Such an interpretation would go beyond the object and purpose of the Convention. This however, does not exclude the adoption of site-specific adaptation and mitigation measures aimed at protecting particular heritage properties from climate-related harm.

It is precisely in this area that further normative and policy development is most needed. Future instruments addressing the intersection of cultural heritage protection and climate change should, therefore, focus on elaborating concrete, operational frameworks for site-level adaptation and mitigation. Such an approach would enable a more effective and legally coherent response to climate-related threats, while remaining in line with the purpose of the existing cultural heritage legal regime.