

Broken Promises in the Tasmanian Wilderness

Lazare Eloundou Assomo, Director, UNESCO World Heritage Centre

15 February, 2022

Dear Mr. Assomo,

CC:

Jyoti Hosagrahar, Deputy-Director, World Heritage Centre

Peter Shadie, Director of IUCN's World Heritage Program

Feng Jing, Asia-Pacific Coordinator for UNESCO's World Heritage Program

Regina Durighello, ICOMOS

Re: Tasmanian State Government proposal not to fulfil undertakings to UNESCO regarding land tenure within the Tasmanian Wilderness.

1. We write to advise you on our deepening concern for the future of the Tasmanian Wilderness World Heritage Area (henceforth 'Tasmanian Wilderness'). We wish to update you that the Tasmanian Government is proposing not to fulfil its undertakings to implement the recommendations made by the Reactive Monitoring Mission to the Tasmanian Wilderness Report (RMM), publication dated 29 November 2015¹. Specifically, we refer to a proposal by the Tasmanian Government not to protect certain key areas of the property as national parks (as recommended by the RMM) but to give them a lower conservation status that would allow future extraction of resources.
2. At its 39th Session (39COM 7B.35, Bonn, 2015) the World Heritage Committee requested the State Party of Australia to invite a joint IUCN/ICOMOS Reactive

¹ Reactive Monitoring Mission to the Tasmanian Wilderness, Australia, 2015, <https://whc.unesco.org/document/140379>



Monitoring Mission (RMM) to the Tasmanian Wilderness, in order to ‘review and provide advice for the revision of the management plan, prior to any decision to finalise the plan, on the survey of cultural attributes and on the re-drafting of the retrospective SOUV, and also to assess the state of conservation of the property as a whole’.

3. The Tasmanian Wilderness Management Plan 2016 highlights the critical situation faced by the Tasmanian Wilderness, with natural values facing greater and more rapid changes than they have for thousands of years - with a range of anthropogenic changes threatening the area’s natural values and processes².
4. The Tasmanian Wilderness is a spectacular wild pocket of the world. Almost 1.6 million hectares in size, roughly one fourth of Tasmania, Australia’s southern-most state, it is made especially significant given the rapid rate of wilderness loss around the globe. The Tasmanian Wilderness is a rare World Heritage property inscribed under 7 out of the 10 World Heritage criteria: cultural criteria (iii), (iv) and (vi), as well as all four natural criteria (vii), (viii), (ix) and (x).
5. In response to the RMM, both the Australian and Tasmanian State Governments committed to accepting all 20 recommendations made on March 20th 2016³, including protecting Future Potential Production Forest Land (FPPFL)⁴ areas of the property through national-park tenure. This was articulated in the Tasmanian Government’s *State Party Report on the state of conservation of the Tasmanian Wilderness* report⁵, and reaffirmed in media releases from then Federal Environment Minister Greg Hunt, and the then State Environment Minister Matthew Groom, each quoted below:
 - a. ‘The report provides 20 clear recommendations that will help our governments improve the way the Tasmanian Wilderness is managed and we accept these recommendations.’⁶
 - b. ‘The Tasmanian Government welcomes the report of the World Heritage monitoring mission to the Tasmanian Wilderness World Heritage Area and we

² https://dipipwe.tas.gov.au/Documents/TWWHA_Management_Plan_2016.pdf

³ http://www.premier.tas.gov.au/releases/monitoring_mission_report_on_the_twwha

⁴ <https://www.abc.net.au/news/2016-03-20/unesco-tasmania-abandons-world-heritage-area-logging-plans/7261350>

⁵ <http://www.environment.gov.au/system/files/resources/22187ad7-c13d-4ff9-a77c-9fccbb4e9f5d/files/tas-state-party-report-2016.pdf>

⁶

<https://www.greghunt.com.au/monitoring-mission-report-on-the-tasmanian-wilderness-world-heritage-area-endorses-australias-management-efforts/>



*accept all the recommendations.*⁷

6. The World Heritage Committee welcomed these commitments from Australia, in decision 40COM7B.66:
 - a. *'Commends the State Party for its commitment to explicitly rule out all forms of commercial logging and mining in the whole of the property, as well as its other commitments made in response to the recommendations of the 2015 joint IUCN/ICOMOS Reactive Monitoring mission, and requests the State Party to implement all of the mission's recommendations'*⁸.
7. The Great Western Tiers, upper Mersey and Dove River areas – within the northern areas of the Tasmanian Wilderness – are currently largely classified as FPPFL. This approximately 25,000-ha tract of land contributes to the property's Outstanding Universal Value (OUV), through tall-eucalypt forests, rainforests, sandstone overhangs (Aboriginal cultural heritage) and karst. Concern was raised prior to the 2015 RMM that failing to protect these areas would leave the natural and cultural heritage open to mismanagement, neglect and abuse through logging - contrary to the provisions of the World Heritage Convention.
8. On 5 March 2021, the Tasmanian Government announced its intentions for some areas of the FPPFL⁹. Rather than protecting these areas in National Park reserves, as committed to, the Tasmanian Government's proposal includes allocating these areas of high conservation value to Regional Reserves and Conservation Areas. Unlike national parks, these land tenures still allow logging and mining and are incompatible with protection of the Outstanding Universal Value of the TWWHA. Additionally, the Tasmanian Government's statement on the proposed zoning of these areas is ambiguous. The 'Map of zones over FPPFL' coincides with the proposed zoning shown in the TWWHA Management Plan. Both propose 'wilderness' zoning for some areas of the FPPFL, yet the accompanying text states that all of the FPPFL will be zoned either 'recreational' or 'self reliant'.

⁷ http://www.premier.tas.gov.au/releases/monitoring_mission_report_on_the_twwha

⁸ <https://whc.unesco.org/en/decisions/6731>

⁹ <http://www.rogerjaensch.com.au/reservation-of-land-in-the-tasmanian-wilderness-world-heritage-area/>

According to the TWWHA Management Plan 2016, the TWWHA includes the following:

- FPPFL (unallocated Crown Land) 25,428.4 ha
- FPPFL (Hydro Tasmania) 9,734.9 ha
- PTPZL 942.3 ha

It is unclear why the reservation class of only 'part of' the Crown Land FPPFL, none of the Hydro Tasmania FPPFL, and none of the PTPZL, is being canvassed at this time.



9. Following this draft proposal, on 17 September 2021 the Tasmanian Government released its finalised intentions for some areas of the FPPFL within the Tasmanian Wilderness. The Government did commit to consolidating the fragmented Mole Creek Karst National Park through protecting 2,850 hectares of FPPFL surrounding it in an expanded national park, an action most sensible and welcome. However, despite the consultation process supposedly excluding the option of national park tenure from the proposal, 97% of submissions from the community specifically wanted national park protection for the areas of FPPFL in kooparoona niara/Great Western Tiers, in line with the RMM Recommendations and in line with separate proposals made by below listed conservation organisations and the Aboriginal Land Council of Tasmania.
10. Further, a landmark report by Prof. Kate Warner and Prof. Tim McCormack, entitled 'Pathway to Truth-Telling and Treaty', based on extensive consultation with the Tasmanian Aboriginal community and commissioned by the Tasmanian Premier, was released in November 2021. Recommendation 12 of that report aligns with the kooparoona niara National Park aspiration in that it recommends creation of the kooparoona niara Aboriginal Protected Area including the FPPFL within the Tasmanian Wilderness. The Aboriginal Protected Area tenure would be a new tenure for Tasmania with appropriate values and reservation purposes, far more suitable than Conservation Area or Regional Reserve.
11. The government's proposal is inconsistent with the recommendations of the 2015 Mission, with the undertakings made by both the Tasmanian and Australian governments in 2016, and with UNESCO's welcoming of those undertakings in 40COM7B.66. We draw attention to and make comments against each of the recommendations that the Tasmanian Government is proposing not to adopt, despite its own undertakings in 2016:
 - a. Recommendation 3. The State Party should confirm an unambiguous commitment that the property is off-limits to mineral exploration and extraction in its entirety and fully reflect this commitment in the Management Plan for the whole of the property.
 - i. The allocation of land as Regional Reserve is at odds with Recommendation 3 as this tenure allows *'Mineral exploration and the development of mineral deposits in the area of land, and the controlled use of other natural resources of that area of land, including special species timber harvesting.'*¹⁰

¹⁰ Nature Conservation Act 2002, <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2002-063>



- b. Recommendation 9. The Wilderness Zone, as currently used and interpreted, should be retained in the zonation of the TWWHA, while explicitly providing for Aboriginal access for cultural practices as an integral part of the management of the zone.

- i. The State Government needs to clarify that the ‘wilderness’ zoning proposed for some areas of the FPPFL will be implemented (see 8 above).

Wilderness zoning was changed to ‘self reliant recreation’ at Lake Malbena and Halls Island, to allow for a contentious proposed development in the area.

- c. Recommendation 11. Future Potential Production Forest Land within the property should not be convertible to Permanent Timber Production Zone Land (PTPZL) and should be granted national park status.

- i. The eventual objective is to create a situation in which the entire Tasmanian Wilderness can be managed under one coherent plan. Given that the Nature Conservation Act 2002 (NCA) allows for resource extraction in Conservation Areas and Regional Reserves, and that recent changes to it explicitly allow for the extraction of special species timber, the most adequate adaptation in line with World Heritage commitments and Committee decisions would be to grant those areas the status as national park.

- ii. In contrast to Recommendation 11, the State Government has chosen Regional Reserve and Conservation Area tenures, referring to the NCA Section 16. Its reasoning is that:

1. *As provided for by the NCA, land may be declared to be reserved land in the class of regional reserve or conservation area if it adjoins a regional reserve or conservation area, or if the land possesses the relevant values as specified in Schedule 1 of the Nature Conservation Act 2002. All but two of the FPPF parcels of land adjoin either existing Conservation Areas or Regional Reserves. It is proposed that these parcels of land are incorporated as extensions to the existing adjoining reserves. The remaining two parcels of land have been assessed according to their values and are proposed to be reserved in the appropriate reserve class¹¹.*

¹¹

<https://dpiwwe.tas.gov.au/about-the-department/reservation-of-future-potential-production-forest-land/frequently-asked-questions-fpfl>



- iii. The above argument is disingenuous. Large tracts of the FPPFL land concerned occur adjacent to existing national parks within the World Heritage property (Cradle Mountain-Lake St Clair, Mole Creek Karst, and Walls of Jerusalem National Parks). It is therefore appropriate that these FPPFL areas also receive national park protection (as provided for by the same NCA provision as quoted by the Tasmanian government above). The proposal to reserve FPPFL as Regional Reserve or Conservation Area ignores the area's OUV - see Section 16(1) A (ii) of the NCA. In addition, areas of existing Regional Reserve and Conservation Area in the Tasmanian Wilderness should have been designated national park, yet the government was deficient when designating these tenures in the past.

12. In contrast to the State Government's proposals, the below groups have proposed that the FPPFL areas of the northern Tasmanian Wilderness - acknowledging Recommendations 3, 9 & 11 - along with the consolidation of conservation tentures on World Heritage lands, be incorporated into three existing national parks (Cradle Mountain-Lake St Clair, Mole Creek Karst, and Walls of Jerusalem) and one new national park. This proposed new national park - kooparoona niara (Great Western Tiers) National Park¹² - includes the amalgamation of FPPFL land with existing Regional Reserves and Conservation Areas, see proposal attached.
13. Concern for wilderness protection is shared by the Australian Government (the State Party), with current Federal Environment Minister Sussan Ley reaffirming the Federal Government's concern for the protection of wilderness values in the Tasmanian Wilderness, recently stating '*As a signatory to the World Heritage Convention, the Commonwealth maintains the responsibility for ensuring the protection of world heritage values*'¹³, and - in response to proposed developments within the Tasmanian Wilderness - recognises the wilderness values of the place, and the impact the development proposal would have¹⁴.
14. We request that UNESCO seek an urgent update from the Tasmanian Government on how it plans to address these shortcomings and what steps it is taking to fulfill its commitments. Please let us know if you require any further information from us.

¹² <https://tnpa.org.au/kooparoona-niara-great-western-tiers-national-park-proposal/>

¹³ <https://minister.awe.gov.au/ley/media-releases/minister-orders-epbc-assessment-lake-malbena>

¹⁴ Point 73:

http://epbcnotices.environment.gov.au/_entity/annotation/b54270bd-2623-eb11-82c9-00505684324c/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1605490273964



15. Yours sincerely,

Jimmy Cordwell - Wilderness Campaigner, The Wilderness Society Tasmania
Nicholas Sawyer - President, Tasmanian National Parks Association
Neil Smith - President, Friends of Great Western Tiers (kooparoona niara) Inc.
Deb Hunter - President, Mole Creek Caving Club
Ciara Smart - President, Tasmanian Wilderness Guides Association
Tabatha Badger - Campaign Manager, Restore Pedder
Stephan Dömpke - Chair, World Heritage Watch