IGOR TOSTES FIOREZZI

THE FIGHT FOR CLIMATE AT THE WORLD HERITAGE COMMITTEE

A CASE STUDY

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To my mother, Ligia, and my father, Clovis, in gratitude for all the efforts they devoted to my education.

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Foreword

Ana Maria de Oliveira Nusdeo
Full Professor at the Faculty of Law, USP

I was delighted to receive the invitation to write the preface for the book "The fight for climate in the World Heritage Committee: a case study" by Igor Tostes Fiorezzi, the result of a successful undergraduate thesis in Law at the Faculty of Law of Largo de São Francisco, USP, which I had the satisfaction of advising. The quality of the work led to its publication, now presented to the reader, guiding them through discussions on highly relevant contemporary issues.

Environmental problems can present themselves as global, regional, or local issues. The first category requires cooperation among national states for their resolution, with climate change being the most pressing example today. This is why the contemporary world turns its attention to each Climate Conference and to the actions of countries within the international regime established for such cooperation. Local environmental problems, in turn, are confined to specific areas, such as noise and visual pollution or even the lack of or deficiencies in waste collection in cities.

However, the classificatory logic outlined above can be easily problematized, not so much due to logical flaws in its conception, but because of the many nuances in the effects and interrelations among global, regional, and local dimensions. Hence, climate change — although understood as a global problem — generates different and specific effects in various localities. It is at this level that people experience the scourge of rapid or slow-onset disasters, and it is also where resilience must be built and strengthened.

The process of globalization, in turn, significantly alters the relationships between the global and the local. Its multiple dimensions: economic; political; social; cultural; and environmental, are intertwined in various actions and impacts dispersed through space. In this regard, Henri Acselrad[1] highlights the ability of capital to "delocalize," meaning the capacity to allocate activities at different places, thereby altering the "risk landscape," once big corporations establish operations in locations that often have little or no connection to them. One could consider the examples of mining and agro-export activities, which cause significant environmental damage to local areas to sustain production in other centers.

Looking at the issue from another perspective, influential scholars point out the need and convenience of engaging local communities not only in discussions and solutions for local problems but also in addressing global problems through local actions. This has given rise to the debate on a polycentric approach, which broadly challenges the notion that global problems require

[1] Acselrad, H. Justiça ambiental e construção social do risco. Desenvolvimento e Meio Ambiente, [s. l.], v. 5, 2002.

exclusively global actions, instead proposing action at local, regional, and global levels to solve or mitigate their negative effects.

The author of this work, Igor Tostes Fiorezzi, operates within this theoretical framework. He adopts, from the outset, the polycentric perspective and considers the roles of actors involved at different levels, as well as the Law and Geography approach, justified by the importance of space and place in legal disputes. His objective is thus formulated as the following research question: "how does litigation in the World Heritage Committee relate to the phenomenon of climate litigation?"

Climate litigation is a relatively new but rapidly evolving phenomenon that, as the author explains, involves the use of judicial or administrative actions concerning aspects of climate change and responses to it, such as mitigation and adaptation measures, compensation for damages suffered, or climate risk management. Often, climate litigation actions are also strategic lawsuits, meaning they aim to produce broader effects and outcomes beyond the specific judicial or administrative decision on the issue at hand.

Building on this well-developed conceptual framework, the study conducts a case analysis focusing on the Wood Buffalo National Park in Canada, examining the case through two key elements: actors (their connections and power relations) and claims (alleged facts, invoked substantive law, and procedural opportunities).

The study details the involved actors (Mikisew Cree First Nation and other Indigenous communities), as well as the defendants (governments and corporations), and it explores the claims made, such as threats to the site's outstanding universal value and the need for protection. The claimants argue that the site faces threats from hydroelectric projects and oil sands exploitation, among other issues, illustrating the intersection between local and global dimensions of the litigation at hand.

The case analysis seeks to identify strategic effects, such as changes in laws, regulations, and management plans, particularly concerning the role of environmental impact assessments and the inclusion of Indigenous traditional knowledge in decision-making processes. The author's analysis is highly realistic, avoiding oversimplified conclusions about the relationship between litigation and positive environmental protection outcomes. Keeping this complexity in mind, the work examines a legislative change that expanded the factors considered in Environmental Impact Assessments, placing greater emphasis on environmental interests. Thus, the new legislation introduced additional criteria to determine which projects and their potential impacts require justification. This assessment, now grounded in the public interest, has included social, cultural, economic, and health issues, Indigenous rights, project sustainability, and the initiative's ability to contribute to Canada's fulfillment of its international climate obligations.

Reading this book allows us to navigate between the local problems presented in the Wood Buffalo National Park case, its actors and claims, and possible outcomes, as well as the theoretical concepts of international circulation

engaged by the author: climate litigation and climate governance, thus contributing to the debate on these crucial contemporary issues.

"Ayapaskaw, in our Cree language, means a place where all the creeks and waterways join and wind together with grasses and green things to form a living delta"

Mikisew Cree

Abstract

This study aims to understand the litigation process in the World Heritage Committee and how it is linked to the phenomenon of climate change litigation. Therefore, it investigates some theoretical models of understanding that emphasize the polycentric dimension and the role of the actors involved in the process at the local, regional, national, and supranational levels. The methodology chosen for the study was the case study, and the object chosen was the Wood Buffalo National Park case. The elements of analysis of the case were chosen based on the theoretical approach of Law and Geography. They are divided into two groups: actors, which includes petitioners, respondents and decision-maker, and claims, which contains the facts, substantive law and procedural consequences. The research hypothesis was that there would be a strategic potential in this litigation process, manifesting through legislative, political and social changes. At the end of the study, the hypothesis was confirmed, through changes in legislation and in governance structures. In conclusion, the study identified that there is a relationship between litigation in the World Heritage Committee and climate change litigation.

Keywords: Climate change; Environmental risk; Legal action; Litigation

List of abbreviations and acronyms

ACFN	Athabasca Chipewyan First Nation
AHP	HP Development Corporation
BC Hydro	BC Hydro and Power Authority
IAAC	Impact Assessment Agency of Canada
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOMOS	International Council on Monuments and Sites
IPCC	Intergovernmental Panel on Climate Change
IUCN	International Union for Conservation of Nature
MCFN	Mikisew Cree First Nation
WMO	World Meteorological Organization
UN	United Nations
OUV	Outstanding Universal Value
UNEP	United Nations Environment Programme
RMM	Remote Monitoring and Management
SEA	Strategic Environmental Assessment
SOC	State of Conservation Report
STF	Supreme Federal Court, acronym in Portuguese
STJ	Supreme Court of Justice, acronym in Portuguese
T8TA	Treaty 8 Tribal Association
Unesco	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change

VC	Value Components
WHC	In the references, World Heritage Centre
WHC	In the text, World Heritage Committee

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1. Presentation

This work addresses the intersection between Law and climate change. In this first chapter, the presentation, recent conclusions regarding anthropogenic influence on climate change will be presented concisely. Following that, chapter 2 discusses the introduction of the work, its research question, and its objectives.

Chapter 3 contains the problematization of the central theme of the work and is divided into six subchapters, which address the topic of governance and the models and approaches for understanding the investigated phenomenon. Chapter 4, divided into six subchapters, is methodological in nature and details the type of methodology chosen, the principles for its execution, and the precautions adopted to ensure the reliability of the research results.

Afterward, chapter 5, divided into three main subchapters, presents the case chosen for the study and provides a detailed analysis of its elements. These are divided into two main groups: actors and claims. In chapter 6, composed of two subchapters, an analysis will be conducted regarding the confirmation of the research hypothesis raised. This hypothesis is associated with the strategic potential brought by the litigation under investigation.

Next, in chapter 7, the conclusions are presented, divided into four subchapters. Finally, chapters 8 and 9, each with two subchapters, respectively present the bibliographical references and the appendices of the work. With this brief overview completed, we will then present some recent facts and conclusions about climate change and its effects on the terrestrial environment.

The first part of the sixth assessment report of the Intergovernmental Panel on Climate Change (IPCC), named WG1 AR6, released in August 2021, is the latest warning about the severity of global climate change and its negative impacts on the terrestrial environment.

The IPCC is coordinated by the World Meteorological Organization (WMO) and the United Nations Environment Program (UNEP). Its purpose is to assess scientific production on climate change and assist in decision-making. To this end, the panel prepares a *Summary for Policymakers*, whose elements provide scientific basis for guiding actions and developing policies in the environmental field (Intergovernmental Panel on Climate Change, 2021, p. 4).

The panel is composed of many experts from different fields. This first part of the report, which took three years to prepare, involved the collaboration of over 700 authors from more than 60 countries. They analyzed around 14,000 scientific studies on the subject.

The material emphasizes human influence on the rising temperatures of the atmosphere, oceans, and Earth's surface. It also shows that the increase in greenhouse gas concentrations, since the mid-18th century, has been largely caused by human activity, with no precedent in the last 2,000 years of Earth's history. Among its findings, the report indicates that cold regions have experienced the highest temperature increases compared to pre-industrial levels, reaching almost 3 °C. Furthermore, it was also found that climate changes are already being experienced in various parts of the

planet and are likely to intensify with the increase in temperature, which is expected in the coming years (Intergovernmental Panel on Climate Change, 2021, p. 6-11).

The timeline for reaching a 1.5 °C increase in relation to the temperatures recorded between 1850 and 1900 has been shortened by ten years and is now anticipated for the early next decade. All five possible scenarios projected by the report, from the most optimistic to the most alarming, predict a significant temperature rise during the 2030s (Intergovernmental Panel on Climate Change, 2021, p. 4-11).

The planet's temperature increase is shown linked to glacier melting, sea level rise, ocean acidification, and a heightened frequency and intensity of extreme weather events, such as droughts or heavy rains. These events, in turn, are largely responsible for adverse climate situations, such as landslides, erosion, coastal area flooding, forced migrations, and climate-related deaths (Intergovernmental Panel on Climate Change, 2021, p. 15-25).

2. Introduction and objectives

The phenomenon of climate litigation emerges within the perspective of combating climate change. Generally, it is related to the filing of judicial and administrative actions that address demands connected to climate change.

Although the doctrine has not established a single definition for this phenomenon, a possible definition is presented by Markell and Ruhl (2012, p. 27), who studied it in 2012. According to them, climate litigation can be described as:

> […] any piece of federal, state, tribal, or local administrative or judicial litigation in which the party filings or tribunal decisions directly and expressly raise an issue of fact or law regarding the substance or policy of climate change causes and impacts.

Although it represents an important milestone in theory, this definition of litigation poses some problems for our specific work. This is because some of its principles hinder its application to other litigation spaces that are still in their early stages. In other words, the definition by Markell and Ruhl considers it mandatory for climate change to play a central role in the issues analyzed by the decision-making body, being also relevant to the decision and explicitly included in its legal basis (Wilensky, 2015, p. 134-135). This set of requirements does not seem suitable for studying litigation in jurisdictions where it is still in its infancy.

In Brazil, climate litigation remains an underexplored topic, resulting on a lack of Brazilian academic publications on the subject (Setzer; Cunha; Fabbri, 2019, p. 24). The definition proposed by the authors Setzer, Cunha, and Fabbri (2019, p. 59, our translation and emphasis by the authors) seems more appropriate as a starting point for this study. They attempt to understand the use of the term litigation as follows:

> The term *climate litigation* has been used to describe the set of judicial and administrative actions involving issues related to the reduction of greenhouse gas (GHG) emissions (mitigation), the reduction of vulnerability to the effects of climate change (adaptation), the reparation of damages suffered due to climate change (loss and damage), and the management of climate risks (risks).

The first judicial action on this topic was filed in 1990 in the United States. Since then, various landmark cases have emerged on the international stage, such as Massachusetts vs. EPA, Urgenda Foundation vs. The Netherlands, and Leghari vs. The Republic of Pakistan (Setzer; Cunha; Fabbri, 2019, p. 26).

In Brazil, the topic of climate change is still rarely brought to the courts. At the time of writing this work, no cases addressing this topic as their central object had been processed in the Supreme Federal Court (STF). In the Superior Court of Justice (STJ), there are a few: the Appeal in Motion for Clarification in Special Appeal 1094.873/SP, concerning sugarcane straw burning in São Paulo; Special Appeal 1.000.731/RO,

regarding illegal burnings; and Special Appeal 650.728/SC, involving illegal landfill and drainage of mangroves (Setzer; Cunha; Fabbri, 2019, p. 75).

According to Setzer, Cunha, and Fabbri (2019, p. 23), litigation has a tactical capacity since, due to its potential to attract attention and public pressure, it has been integrated into the spectrum of climate governance. In this sense, it is possible to speak of a strategic potential in litigation involving the topic of climate change. For Nusdeo (2019, p. 148), strategic litigation relies on filing "paradigmatic cases" with the aim of achieving social changes through the formation of precedents, the instigation of legislative changes, or the creation of public policies. Therefore, strategic litigation in the climate sphere is aimed not only at the Judiciary but also at society, including managers, decision-makers, and policymakers.

Nusdeo (2019, p. 152-153) highlights some groups of climate actions with strategic potential capable of advancing climate policies. These groups include, as examples and not exclusively: a) actions against governments aiming to create or tighten regulations, legislation, or policies promoting the reduction of greenhouse gas emissions; b) actions intending to include the climate change variable in environmental studies, and licensing and authorization processes; and c) actions seeking to establish responsibility links between environmental problem causers and their victims.

The research question of this work was: how does litigation in the World Heritage Committee align with the phenomenon of climate litigation? Here, we adopted the definition of litigation proposed by Setzer, Cunha, and Fabbri (2019), cited above.

The general objective of the research was to understand the litigation process in the World Heritage Committee and its alignment with the phenomenon of climate litigation. The research hypothesis, as explored by Nusdeo (2019), is that litigation in the World Heritage Committee has some strategic potential, so that litigation has, to some extent, influenced legislative, policy, and social changes.

The specific objectives were as follows. The first was to understand the debates on climate litigation within the literature on the subject. The second, of a methodological nature, was to conduct a case study following Yin's (2003) theory, including the development of the Case Study Protocol and the Case Study Database. The third specific objective was to describe the litigation in the World Heritage Committee to understand the functioning of actors and claims, considering the geographical aspects of each of these elements.

Regarding the description of the actors, it was necessary to investigate who was called upon to act and to what extent, as well as the involvement of the State Party and other actors in the litigation.

In turn, the questions addressed in the description of the claims were: what were the facts and the alleged law, and how were they characterized? What was the influence of procedural law, and to what extent was it utilized to enforce or resist regulation? What type of measure was sought? Was it a generic measure to be implemented by the country? Were there specific measures requested for a particular site?

Finally, the fourth and last specific objective was to compare the results of the selected case with studies conducted by Osofsky (2005, 2006, 2007, 2008), Burns (2009), and Thorson (2009), which address other cases in the World Heritage Committee.

Concerning its purposes, the research was classified as descriptive and methodological, according to the classification by Kahlmeyer-Mertens et al. (2007, p. 53). Descriptive research, according to these authors, aims to expose the characteristics of a given population or phenomenon. Methodological research, on the other hand, intends to construct an instrument to assess a given situation. As for the means, the case study strategy was chosen, which will be described in detail in the methodology chapter.

2.1 Considerations on the climate litigation phenomenon

Based on the two concepts of litigation presented, proposals for classifying the climate litigation phenomenon that emerge from them are now outlined.

Initially, Wilensky's (2015, p. 135-136) proposal to list the key elements useful for understanding and classifying a climate litigation case seems particularly relevant. These elements are: a) year; b) jurisdiction; c) type of claim; d) type of plaintiff; e) type of defendant; f) general objective of the litigation; g) legal sources; h) outcome.

Regarding the parties involved in litigation, Meredith Wilensky (2015, p. 136) also identifies three potential groups of actors: citizens, industries, and governments. It is worth noting that citizens may include individuals acting alone, as well as environmental and non-environmental groups. In the case of governments, the local, regional, national, and supranational levels can all be included.

Another attempt at classification that seems important is the one the author makes regarding climate litigation against governments. Within this large group, four possible types of climate actions stand out.

The first, and most relevant to this work, is the so-called substantive group, which includes litigation related to measures of mitigation or adaptation to climate change undertaken by governments. This includes challenges to the implementation of laws and policies or failure to comply with legal or regulatory duties by a given entity (Wilensky, 2015, p. 137). This group, in turn, encompasses a range of possible climate actions, which differ from one another. For example, there may be litigation requesting more protective measures or attempting to limit them; litigation seeking access to economic and environmental incentives; and even litigation against national governments alleging violations of international treaties or national laws (Wilensky, 2015, p. 137).

The other types of climate litigation against governments are of lesser importance for our work. Nevertheless, they will be briefly mentioned. A second group of litigation against governments covers environmental impact assessment, which includes litigations involving procedural requirements for licensing and operations within the scope of land use (Wilensky, 2015, p. 137). The third group, concerning subjective rights, contributes to the protection of individual or collective rights against the effects of climate change, also encompassing litigation demanding

access to information or public participation (WILENSKY, 2015, p. 138-140). Finally, the fourth group, called climate science, includes various litigation cases related to the dissemination of climate science (Wilensky, 2015, p. 138).

Regarding the type of litigation, Setzer, Cunha, and Fabbri (2019, p. 67-68) also present four proposed categories for classifying litigations. For them, the first category consists of litigation challenging greenhouse gas emissions resulting from authorizations and licenses for specific projects ("mitigation" group). The second category includes litigation demanding that entities and governments provide information on emissions, adaptation measures, investments, and climate risks ("adaptation" group). The third category involves litigation demanding new legal norms or policies or requiring some detailing of existing ones ("risk management" group). Finally, the fourth category comprises litigation seeking accountability for material or moral damages caused by events associated with climate change ("loss and damage" group).

That said, it is also possible to analyze litigation based on its objectives and outcomes. Depending on the result, in terms of protecting the environment more or less, it can be classified as regulatory impact or anti-regulatory impact (Setzer; Cunha; Fabbri, 2019, p. 30). Unlike these authors, Wilensky (2015, p. 136) draws the outcome of actions in relation to the decision. Thus, a case is considered successful if the plaintiff succeeded with their arguments related to climate change. In addition, the author proposes as a classification category based the objective: a) pro-regulation, in which the plaintiff's goal is to increase regulation and responsibility associated with climate change; or b) anti-regulation, in which the plaintiff's goal is to reduce regulation. With the exception of certain litigation cases to which this classification is inapplicable (Wilensky, 2015, p. 142).

There is one last relevant point to be made regarding the subject. In her research conducted throughout 2013, Wilensky (2015, p. 176-178) notes a certain acceptance by decision-making bodies of the scientific consensus on the severity of the climate crisis, as well as a willingness to ensure that the climate factor is considered in decision-making processes. The main challenge lies in the weight given to the climate factor when it is compared with other important principles. This leads to the understanding that, according to Wilensky (2015, p. 177), decision-making bodies did not always prioritize climate protection over other interests. Furthermore, there was also a tendency among decision-making bodies to avoid imposing new requirements on defendants, resulting in the application of regulations and requirements already provided for by existing laws and regulations (Wilensky, 2015, p. 178). This is, therefore, another possibility to be investigated in other cases, including the present work.

As seen, there are many possibilities for classifying and understanding the phenomenon of litigation. In this work, these opportunities will serve as a basis for better understanding the phenomenon of litigation within the World Heritage Committee and its developments. They will also assist in investigating the existing relationships between litigation within the Committee and climate litigation.

3. Problematization

In light of the research question and the objectives proposed in the previous chapter, it is necessary to position them within the theoretical issues surrounding litigation, highlighting how they relate to the main concepts introduced by the doctrine, particularly their relationship with governance.

This chapter aims to present the possible approaches to studying litigation and its main theoretical models of analysis and understanding.

3.1 The current concept of governance

Having considered the phenomenon of climate litigation and its various possibilities for classification, the discussion will now address the topic of governance and its possibilities within the understanding of litigation in the World Heritage Committee.

According to Jordan et al. (2018, p. 11), the concept of governance encompasses the creation of institutions, such as rules, organizations, and policies, with the purpose of guiding and controlling social behaviors. This concept can be applied to various areas. In the environmental field, an important definition is articulated by Clovis Cavalcanti (2004, p. 1), who explains Brazilian environmental governance: an institutional framework of rules, institutions, processes, and behaviors that affect how powers are exercised in the realm of policies or actions related to society's relationships with the ecological system, environmental governance in Brazil possesses comparatively advanced attributes.

However, the concept of governance is far from uniform. It has undergone many changes over recent decades. According to Nusdeo (2019, p. 140), in its most current sense, the term involves the participation of non-state and state actors, including local and regional authorities, and their relationship with national and supranational spheres. Thus, the definition of governance today is related to the process of creating norms based on a dynamic structure that involves different social actors. Not only state agents but also individuals, civil society, communities, companies, and consumers. These participatory arrangements are used to achieve various objectives and projects (Nusdeo, 2019, p. 140).

Although insightful, the current definition of governance does not reflect the unique history and development of the concept of climate governance over recent years. It is this definition that we will now explore.

3.2 Climate governance

In the context of the environmental crisis, climate governance originates from the international framework for combating climate change established by the United Nations Framework Convention on Climate Change, signed in Rio de Janeiro in 1992. This framework created a broad and virtually universal regime to establish

cooperation among all countries in the world around a global environmental problem (Nusdeo, 2019, p. 144-145).

Another key milestone in the establishment of climate governance was the signing of the Kyoto Protocol in 1997. This document consolidated a monocentric climate governance system, controlled by singular and unified powers: the states. In the protocol, states appear as central entities and, therefore, the primary parties responsible for implementing emission reduction targets (Jordan et al., 2018, p. 6). Consequently, it could be said that local and regional spheres, encompassing, above all, individuals and civil society, remained excluded from climate governance.

However, the monocentric climate governance system established by the protocol gradually lost its universal character as efforts to combat climate change proved insufficient to meet the needs of environmental protection. This shortfall underscored the need to include other actors and forums capable of addressing the problem, sparking discussions about a potential polycentric approach to climate governance (Nusdeo, 2019, p. 144-145).

3.3 Polycentric approach to climate governance

To understand what a polycentric approach to climate governance is and on which elements it is based, we must present its main theoretical framework, developed by Elinor Ostrom in 2009.

The theory of the polycentric system starts from the premise that relying on a single global solution — at the state and monocentric level — to address the problem of climate change is unsatisfactory, as such deliberations are inefficient unless national efforts are accompanied by regional and local initiatives (Ostrom, 2009, p. 3-4).

The first important element of this theory is recognizing that the polycentric approach or polycentric system presents itself as an alternative to the conventional theory of collective action (OSTROM, 2009). According to the latter, solving common problems shared by all citizens largely depends on the decision-making of state bodies, endowed with sufficient power to impose their orders and determinations. In this sense, the conventional theory of collective action can be identified with a monocentric system, focused on state action, which disregards regional and local spheres.

Contrasting with the conventional theory of collective action and monocentrism, the polycentric approach developed by Ostrom (2009, p. 10) understands that some solutions for small- and medium-scale problems can be constructed through self-organization among individuals, independently of the action of a state entity. In other words, the difference between the two systems is that polycentric governance is based on the emergence of local governance initiatives carried out through self-organized processes. Thus, it is significantly different from the traditional approach of the international order, such as that established by the Kyoto Protocol, which focuses on interstate diplomacy (Nusdeo, 2019, p. 147) and relies primarily on states to construct solutions.

That said, one can cite Jordan et al. (2018, p. 12) and their informative scale of analysis for polycentrism. It helps to better illustrate the main differences between the

two opposing systems referred to as: (a) the polycentric approach to climate governance or the polycentric system of climate governance; and (b) the conventional theory of collective action or the monocentric system.

At one end (a), there are multiple actors strongly connected through formal coordination systems, sharing information with one another and enjoying higher levels of mutual trust. At the other end (b), actors are connected by a very weak network, minimally engaged, poorly coordinated, and with little exchange of information. In this scenario, interaction and trust between individuals are limited, thus leading them to be coordinated by hierarchical systems of other organizations (Jordan et al., 2018, p. 12), such as states and other supranational entities.

Addressing climate change through a polycentric approach presents some advantages. For Ostrom (2009, p. 35), it is essential to recognize the relevance and impact of multiple scales, especially local and regional ones, on climate issues. Dealing with such a complex and multilevel problem, like the environmental crisis, cannot rely solely on a single parameter, such as the national level.

Tackling the problem of climate change at smaller scales largely depends on understanding two critical variables: trust and reciprocity among actors. According to Ostrom (2009, p. 35), these two variables are essential elements when discussing the development of a collective solution to a shared problem at local and regional scales.

On smaller scales, the atmosphere among actors is more susceptible to the effects of trust and reciprocity, which increases the likelihood of connection, information sharing, and monitoring among all actors (Ostrom, 2009, p. 39). Another advantage of the polycentric approach, according to Jordan et al. (2018, p. 6), is that multi-level action facilitates learning and the perception of what is most suitable for each situation. Furthermore, Osofsky (2016, p. 334) notes that this approach to climate governance enables the emergence of actions that would not otherwise occur, thereby engaging a broader range of actors.

Thus, investigating the issue of climate change from a conventional and monocentric approach is inefficient, as it leads to the allocation of problems and their solutions to large government units that lack the resources or time to address them (Ostrom, 2009, p. 22). On the state scale, trust and reciprocity are difficult to achieve (Ostrom, 2009, p. 35).

Osofsky (2016, p. 334) adds, lastly, that the monocentric system has a certain difficulty in capturing governance actions that occur at local and regional levels, as this model focuses on national and supranational solutions established through international treaties between sovereign states.

3.4 Descriptive models for climate litigation

In addition to the theoretical framework mentioned above on climate governance, it is also relevant to introduce some theoretical elements of climate litigation theory in international bodies. This discussion is presented by Osofsky (2008). Taking Richard Ford's theory as a starting point, the author provides a detailed analysis of international law theory and identifies four main models of conceptualizing

the international legal system, which influence the description of the phenomenon of climate litigation. A detailed discussion of each of these models falls outside the scope of this work. However, based on the author's explanations, it is possible to outline the foundations for an appropriate investigation that aims to better describe the phenomenon of litigation.

According to Osofsky (2008), the models of conceptualizing the international legal system vary depending on how the role of the Nation-State is perceived and its implications for climate regulation. For her, the way Nation-States are conceptualized has a fundamental influence on how we approach climate policy (Osofsky, 2008, p. 587). This theoretical proposition suggests that, on one end of the spectrum, there is a view of the legal system and litigation that reinforces the Westphalian Nation-State as an impenetrable unit, serving as the foundation for international law. On the opposite end, there are critical conceptions of the model based on the Westphalian Nation-State, which assign less centrality to the state's role (Osofsky, 2008, p. 588-590). Regardless of the specific theoretical discussions, the author emphasizes that understanding these possibilities is a useful mechanism for identifying their implications for litigation (Osofsky, 2008, p. 590).

It is interesting to note that, as will be seen, the spectrum outlined by Osofsky has some parallels with the polycentrism scale developed by Jordan et al. (2018) and with Ostrom's (2009) considerations, in such a way that the rigid Westphalian model appears closer to the conventional theory of collective action/monocentric system, while the pluralist and critical models are closer to the polycentric approach to climate governance/polycentric governance system. With that said, we now move on to a brief presentation of the four descriptive models studied by Osofsky (2008).

3.4.1 Rigid Westphalian model

In the rigid Westphalian model, Nation-States are the primary subjects and objects of international law (Osofsky, 2008, p. 591). In this context, only Nation-States as entities are recognized by the legal system, meaning that individual subjects and organizations fall outside the system. This situation can be problematic in various instances, such as when dealing with supranational petitions, as they grant individual subjects a status similar to that of sovereign states (Osofsky, 2008, p. 593).

Thus, Osofsky (2007, p. 184) points out that:

> Under a Westphalian model of international law, most climate change litigation would 'count' only to the extent that it influences national decision making. The cases brought at subnational and national levels, as well as supranational petitions filled by nonstate actors that do not produce binding obligations, would not fall within the rubric of international law.

The rigid Westphalian model essentially presents two general problems. The first is its presumption that the only relevant scale is the national one. In this sense, the role of actors at local and regional levels is rendered invisible. The second is the

complex situation it creates in defining what is or is not legally relevant (Osofsky, 2007, p. 224).

Within the rigid Westphalian model, supranational petitions can be framed within a formal narrative based on the Nation-State model and become important instruments, as Nation-States have given their consent by signing international treaties and are, to some extent, subject to the recommendations of the respective bodies. However, this characterization is insufficient. It shows only a small part of the potential effect that petitions have on international climate regulation (Osofsky, 2007, p. 231), ignoring numerous other impacts they may have at local and regional levels.

3.4.2 Modified Westphalian model

In the modified Westphalian model, the Nation-State is less rigid and less opaque, making it possible to perceive the actions of other actors within it, at local and regional levels. The action of these public and private actors is considered an integral part of the regulatory process (Osofsky, 2008, p. 595). According to Osofsky (2007, p. 266): "the modified Westphalian approach has its merits. It provides a way to explain the complex relationships presented by the increasingly globalized landscape without having to relinquish the conception of international lawmaking that underlies the existing formal regimes."

Regarding climate litigation, this type of theories allow the Nation-State and its role to be seen within a broader regulatory framework (Osofsky, 2007, p. 226).

3.4.3 Pluralist model

The pluralist model is defined by the decentralization of the Nation-State (Osofsky, 2008, p. 597). This approach considers the Nation-State as merely one of the actors involved in the regulatory process, although it still views it as a particularly important one. The characterization of this model is not as rigid, as its boundaries with others are still being debated in theory (Osofsky, 2008, p. 598).

According to this model, litigation is important (Osofsky, 2008, p. 600): "[…] not only as part of the state decision making process, but also as a lawmaking process in its own right. The tribunals, and the actors engaging with them, are part of crafting the international legal response to climate change."

By conceiving that international climate regulation can exist at different levels, pluralist theories create space for a vision of international law that can address problems more satisfactorily (Osofsky, 2007, p. 227). Despite this, the boundaries between the modified Westphalian and pluralist approaches are somewhat blurred, even for scholars in the field (Osofsky, 2007, p. 228). Therefore, it is not our role to delineate the precise boundary between these models, but rather to show that there are theoretical benefits to adopting a less Nation-State-centered and more pluralist approach.

3.4.4 Critical models

The critical models of the Westphalian model are positioned at the farthest end of the spectrum from the rigid Westphalian model. They question the legitimacy of the very structure of the Nation-State that serves as the foundation of the legal system. Some of these critiques focus on colonialism, racism, sexism, and subordination present in these litigation spaces (Osofsky, 2008, p. 600). This type of critique examines the internal structures of the Nation-State and reveals a problematic social structure behind them, such as inequality between States and colonial practices that subordinate Indigenous groups and other minorities (Osofsky, 2008, p. 601).

From this perspective, it is possible to see that even a supposedly positive decision that advances better climate policy regulation may still be viewed as problematic, as it does not resolve other fundamental issues raised by theory (Osofsky, 2008, p. 602).

3.5 Law and Geography Approach

As seen, the explanation of the phenomenon of climate litigation may vary depending on the theoretical models adopted to explain the international legal system. Nevertheless, discussing these possibilities falls outside the scope of this study. The aim here is to establish, based on the notions proposed by Nusdeo (2019), Jordan et al. (2008), Osofsky (2005, 2007, 2008), and Ostrom (2009), elements sufficient to construct a description of the litigation phenomenon occurring within the World Heritage Committee, as well as to understand its connection with the phenomenon of climate litigation.

The description, in turn, is guided by considerations on the Law and Geography approach, developed by Osofsky (2005, 2007, 2008), which will now be explained.

The narrative of international climate litigation traces back to energy production and its effects on the broader panorama of human-induced climate change. According to Osofsky (2005, p. 1796-1797), natural resources undergo a long chain of extraction and production involving different actors from various locations, including industries, regulatory agents, local and regional governments, and Nation-States. The latter appear to have taken a prominent position in studies that seek to investigate and describe climate litigation.

According to the author, an analysis "based on the connections between actors and claims" with "place" is an important tool capable of revealing the power dynamics underlying each case (Osofsky, 2005, p. 1803). This is because, according to Osofsky (2005, p. 1854):

> […] because those actors have ties to specific places that form a key part of who they are, a geographic understanding of transnational litigation provides a more specific account of its role. The actors connect through webs of space, place and time, with climate change litigation serving as one mode of interaction among them.

From this perspective, Osofsky points out the Law and Geography approach as a way to enrich the understanding of the climate litigation phenomenon, adding new interpretative layers and contributing to the development of more effective regulatory solutions for the issue of climate change.

According to the researcher, climate litigation is a space for dialogue between actors operating at different levels and axes (Osofsky, 2005, p. 1851). Thus, this type of approach is useful for observing how actors and their claims are related to the "place" (Osofsky, 2007, p. 235). In this regard (Osofsky, 2007, p. 236):

> Law and geography allows the channels of formal and informal dialogue to be clearer, and legal pluralism provides an expanded vision of how those relationships might count as law. Together, these approaches help provide a deeper understanding of climate change litigation that could serve as a model for exploring other cross-cutting problems.

The key point of the Law and Geography perspective is to describe and understand the relationships with the "place" that each element of litigation possesses. It seeks to understand litigation and its role by leveraging connections with "place" and using them as a starting point for a normative investigation (Osofsky, 2005, p. 1853).

Similarly, the author asserts that this approach can reveal the layers of identity that each actor — plaintiffs, defendants, and decision-making bodies — has, as well as the spaces they occupy in litigation and their power (Osofsky, 2005, p. 1853).

Thus, the solution for climate regulation must be attentive to the connections between actors, facts, claims, and the "place" to which they belong and are connected. In other words, it is necessary to employ strategies that encompass the multiple dimensions involved in the climate litigation phenomenon to propose efficient solutions to the climate crisis (OSOFSKY, 2005, p. 1855). Based on these considerations, Osofsky (2005, 2007, 2008) outlines a series of case studies that fit within the Law and Geography perspective.

In this series of studies, the aim is not to delineate precise geographical categories but simply to add other perspectives to the existing model, shaping a movement toward pluralism. The author's goal is to demonstrate that a more detailed narrative can lead to a better understanding of climate regulation (Osofsky, 2007, p. 186-187).

In an attempt to better understand the phenomenon, the researcher proposes the use of three main concepts. The first is “place,” a term used to refer to particular geographical locations. The second is “scale,” a term that pertains to the “applicable level of governance” (whether local, regional, national, or even supranational). Finally, the third concept is “space,” which serves to describe socio-political and legal structures (Osofsky, 2005, p. 1794).

Specifically regarding the elements of “place” and “space,” the author states that they are at the core of the analysis. “Place,” in particular, does not simply represent points in space but rather interacts with a range of sociocultural and legal-political spaces (Osofsky, 2008, p. 585).

Regarding the element of "scale," the author states that it has implications for the approach to climate governance issues, as it underpins questions about the appropriate level for addressing climate change within a socio-legal context (Osofsky, 2008, p. 586).

These three main concepts — "place," "scale," and "space" — are unfolded into two axes of analysis: a) connections with the place; and b) the spatial implications of these connections. In the axis that analyzes connections with "place," the author proposes a description based on the study of two elements, which are divided into sub-elements. The first element is the geography of actors, which includes the following sub-elements: (a) geography of plaintiffs, (b) geography of defendants, and (c) geography of decision-making bodies. The second element is the geography of claims, composed of the sub-elements: (a) geography of facts, (b) geography of substantive law, and (c) geography of procedural law (Osofsky, 2005).

Regarding the axis of analysis of spatial implications, the author considers three main perspectives. The first is the "multiscalar" perspective, which focuses on understanding the dynamics among supranational, national, regional, and local scales in each case. The second is the "multibranch" perspective, which analyzes the dynamics between the Executive, Legislative, and Judicial branches, which generally, but not exclusively, occur at the national level. Finally, the third perspective is the "multiactor" one, which considers, among others, governmental and non-governmental actors, individuals, and companies, who may either push for or resist regulation (Osofsky, 2005).

The analysis of spatial implications represents a complex framework (Osofsky, 2005, p. 1814):

> Each of these dynamics alone provides complex spatial questions. Together, they represent a three-dimensional, intertwined morass that serves as a formidable barrier to effective regulation of energy production's externalities.

Like Osofsky, the objective here is to use the above elements to outline a better and more comprehensive description of the phenomenon of climate litigation within the World Heritage Committee. The possibility and usefulness of applying the theory described in this chapter to supranational petitions challenging the World Heritage Committee will be discussed below.

3.6 Proposal for the study of litigation in the World Heritage Committee

From start, it is important to recognize that petitions submitted to the World Heritage Committee (WHC, hereinafter referred to simply as the Committee) rely on pre-existing institutional structures that are not specifically designed for environmental issues. This occurs because the intention is to fill potential legislative and regulatory gaps in the international climate regime (Osofsky, 2007, p. 216).

Regardless of the merits of this type of legal action, it is possible to recognize that, by bringing the climate discussion into the Committee's domain, the body finds itself questioned and, to some extent, pressured to evaluate the quality of its own institutional structures as well as its operational limits. As Osofsky states (2007, p. 217):

> […] the process of applying exiting laws to the harms caused by global climate change forces supranational bodies to consider new relationships of place, space, and time. The Interamerican Commission and World Heritage Committee were asked to address the applicability of the institutional framework to multiscalar, multiinstitutional problems that occur over longer-than-typical periods of time.

In the researcher's view, the development of a solution must recognize the value and limitations of the available concepts, so that listing World Heritage sites on the List of World Heritage in Danger may provide a kind of "mechanism" to challenge the impacts of glacier melting. However, framing the damage as a world heritage problem would be just one of the pieces of the puzzle (Osofsky, 2007, p. 214).

Be that as it may, a detailed analysis of this phenomenon helps answering the following question: to what extent can supranational petitions help to solve the complex problem of global climate change? (Osofsky, 2007, p. 216). In an attempt to address this question, the analysis of Law and Geography regarding this litigation may be useful, as it enables a better understanding and a more satisfactory exploration of international litigation, as suggested by Osofsky (2007).

A less nation-state-centered and more polycentric approach may help to better recognize the normative communities involved in the petition, such as regional legislators, even if they are not part of the international system. It allows for an assessment of all the spheres in which supranational petitions matter and produce their effects (Osofsky, 2007, p. 224).

Analyzing supranational petitions from a perspective beyond the nation-state also contributes to a better understanding of their role within climate regulation. This is because (Osofsky, 2007, p. 224):

> The supranational petitions, in that view, become a form of lawmaking in multiple senses. They have the potential to create obligations for nation-states, but as importantly, they pressure and/or support 'lawmakers' responding to the problem of climate change.

For the author, this type of petition is important as an integral part of an international legal dialogue among many actors. It is a relevant piece of this interaction (Osofsky, 2007, p. 224).

In these petitions, plaintiffs present their claims, and defendants oppose them. This reveals a dialogue that takes place within judicial bodies, among courts, but also among other actors and across various levels of governance. From these interactions, one may question which of them should or should not be considered part of the broad dialogue on the international regulation of climate change (Osofsky, 2007, p. 194). Accordingly, it is stated (Osofsky, 2007, p. 213):

> The petitions thus help to guide into the formal and informal ways in which supranational institutions interact with a range of governmental and nongovernmental entities. The obstacles faced by the petitioners are

> simultaneously structural and substantive. The multiscalar problems fall within the jurisdiction of overlapping institutions and do not fit nearly within the boxes provided by existing legal categories.

However, one must not forget the peculiarities that this type of litigation brings (Osofsky, 2007, p. 213):

> In the case of petitions to the World Heritage Committee, danger listing is an established process; thirty-one properties are currently on the list. But these petitions represent the first time the cause of the danger is human-induced global climate change. Moreover, because the source of the problem is supranational, the petition must be framed differently from those that target more 'typical', localized problems. For example, the Sagarmatha petition requests not only that the Committee involve Nepal in remediation efforts but also that it assists local and transnational efforts to address human-induced global climate change.

In short, it seems possible to argue that the Law and Geography approach is not only satisfactory but also desirable as a tool capable of enriching the narrative on climate litigation and providing a broader understanding of this phenomenon within the World Heritage Committee.

4. Methodology

The chosen research methodology was the case study. This choice was partly due to the researcher's prior experience as a member of the Environmental Law Workshop from 2017 to 2020 and the Research Group on Environmental Law, Economics, and Sustainability (GPDAES) since 2019. Additionally, case studies conducted on the subject by Osofsky (2005, 2006, 2007, 2008) were also considered in this decision.

According to Yin (2003, p. 27), the case study is the strategy chosen when examining contemporary events but when relevant behaviors cannot be manipulated. Furthermore, Yin (2003, p. 32) defines that a case study is an empirical investigation that examines a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and the context are not clearly defined.

For Yin (2003), research strategies can generally have three distinct purposes: exploratory, descriptive, or explanatory (Yin, 2003, p. 21). This classification depends on two main elements. The first is how the research question is framed and its objectives. "What?" questions are more suited to exploratory studies. While "who?" and "where?" questions are related to descriptive studies. Finally, questions such as "why?" and "how?" are more connected to explanatory studies (Yin, 2003, p. 25).

The second important element in defining the type of study is the theoretical development of the research object. In some cases, existing studies may offer a rich theoretical framework for designing a specific case study (Yin, 2003, p. 50). In other cases, the most appropriate theory may be descriptive, meaning that the study's focus should shift to different issues. According to the author (Yin, 2003, p. 50-51), for case studies whose theory is merely descriptive, the focus should be on "the descriptive purpose of the work," on "the variety of topics that can be considered a 'complete' description of what is being studied," and also on the topics that are likely to provide the essence of the description.

In certain situations, the existing epistemological foundation may be nonexistent, and theory may not provide any relevant framework or hypothesis. In this context, it is likely that any new empirical study will be characterized as an 'explanatory' study (Yin, 2003, p. 51).

For these reasons, it seemed more appropriate to propose a case study that is partly descriptive and partly explanatory. This is because, on the one hand, the theory on climate litigation is, for the most part, descriptive, as seen above. Furthermore, following the example of other case studies conducted on the subject by Osofsky (2005, 2006, 2007, 2008), Burns (2009), and Thorson (2009), the initial questions of our study focus on who the involved actors are, where they are located, and what the demands are and where they are placed. On the other hand, after overcoming this first step, the study then turns to the question of how litigation within the World Heritage Committee is connected to the phenomenon of climate litigation.

Regarding the definition of the case study as either single or multiple, the single-case study approach was chosen. This methodology was primarily justified by the

researcher's time and resource constraints, considering the final objective of the study. Furthermore, this type of study seemed appropriate as it fits within an existing descriptive theory on climate litigation. At the same time, it also aligns with a series of case studies on the same topic previously conducted by Osofsky (2005, 2006, 2007, 2008), Burns (2009), and Thorson (2009) on other cases in the World Heritage Committee.

4.1 Elements of the single-case study

According to Yin (2003), case studies can be either holistic or embedded. The choice depends on defining the elements of the case. This definition will be made in the following subchapters.

For this study, a holistic approach was chosen to analyze the case as a whole, focusing on the global nature of the investigated phenomenon (Yin, 2003, p. 64). Holistic studies are advantageous in cases where the theory does not provide support for analyzing subunits or when the case has no intuitive subunit (Yin, 2003, p. 65).

4.2 Design of useful elements for the case study

After considering the perspectives of a Law and Geography approach applied to litigation in the World Heritage Committee, it is necessary to detail which case elements are most suitable for understanding the phenomenon through a case study. This detailing will be based on the case studies previously conducted by Osofsky (2005, 2007, 2008).

4.2.1 Geography of actors

According to the author, "place" and the connection of each relevant actor to it is an essential aspect of the investigation. It provides an understanding of the context in which litigation occurs (Osofsky, 2005, p. 1804). In other words, it is possible to say that the geographical understanding of each actor can offer a more complete narrative of the case, exposing its limits and strategic choices (Osofsky, 2005, p. 1804-1805). This relates to the fact that sociocultural connections between people and "places" can shape their responses (Osofsky, 2007). For example, when considering indigenous peoples, it is evident that their culture and way of life have strong ties to the locations where they live (Osofsky, 2007, p. 2020). Moreover, even in communities without such deep-rooted connections to the land itself, as in urban areas, "place" and identity remain closely linked (Osofsky, 2007, p. 221).

The mapping of actors begins with the plaintiffs, who claim to be impacted by externalities and, in most cases, initiate a process of dialogue. Any group of plaintiffs represents a particular subgroup of those who suffer similar damages, and variations of their narratives could be conceived in different geographical contexts (Osofsky, 2005, p. 1805).

Regarding the defendants, the author states that they can represent different groups. They may be an extractive or energy-producing company, and in this case, due to the inherent dynamics of energy production, partnerships between multinational corporations and other local entities are possible. Alongside them, regulatory entities are also frequently present, which may act as plaintiffs, pushing for greater regulation, or as defendants, opposing regulatory efforts, depending on the case (Osofsky, 2005, p. 1806).

Regarding the decision-making bodies, the researcher states that there is a forum selection strategy, so that plaintiffs assess the particular characteristics of each forum. In this context, it is important to consider that even in forums that reflect the Rule of Law and the principles of impartiality and judicial autonomy, judges are still human beings. Thus, their perspectives, instincts, and way of thinking result from personal experiences and reflect their geography and connection to the "place" (Osofsky, 2005, p. 1807).

Furthermore, since the possibility of adjudication ranges from the regional to the supranational scale, the dynamics between the decision-making bodies and the parties in the case vary depending on the structure of the parties and the many possible formats the forum may assume (Osofsky, 2005, p. 1808).

4.2.2 Geography of claims

The geography of claims goes beyond detailing legal arguments. This is because the underlying facts and the application of laws to those facts have their own connections to "place" (Osofsky, 2005, p. 1808). Therefore, an analysis focused on understanding the "place" in these legal claims helps reveal the local, regional, national, and supranational elements of each situation, as well as the relationships between them (Osofsky, 2005, p. 1809).

According to Osofsky (2005, p. 1809), studying claims begins with its underlying facts. In all cases, claims exist only because of events that have occurred or continue to occur. Thus, these events become relevant due to the dynamics between "place," actors, and "space." "Place" does not only refer to jurisdiction over a particular fact or the competence to judge it; more importantly, it indicates what types of claims can be made.

Another important element of analysis is the geography of substantive law. The connections between substantive law and the "place" may, in some cases, correspond to those of the facts, but they are not identical. Thus, in many instances, substantive law covers a larger geographical area than the one where the facts occur. For example, in the case of the World Heritage Committee, the scope of the List of World Heritage in Danger includes more sites than those individually listed in the petitions (Osofsky, 2005, p. 1810).

The choice of forum reveals both the strategy and the limitations within which the plaintiffs operate, as well as their own perception of the situation (Osofsky, 2005, p. 1811). Additionally, an analysis based on the "place" of substantive law allows for a more critical view of the power relations within the dispute. Through this

perspective, it is possible to identify which regulatory authority is being invoked and what levers of the nation-state are behind the claims (Osofsky, 2005, p. 1810).

Procedural law is the final relevant analysis element in the geography of claims. It allows for tracing and understanding which are the opportunities that a given forum provides to plaintiffs and defendants and how they are being used (Osofsky, 2005, p. 1811-1812).

Procedural reasons are often decisive, so that decision-making bodies do not analyze the merits of a case if there are procedural flaws. Therefore, procedural law represents a powerful assertion of governmental authority (Osofsky, 2005, p. 1812).

4.3 Adopted methodological principles

Having considered the useful elements for conducting the case study, we will now address the methodological principles that served as the foundation and guided the data collection and analysis process.

4.3.1 Principles for data collection

The first principle in data collection that must be observed concerns the use of multiple sources of evidence, precisely because the ability to utilize various sources is a key advantage of the case study research strategy. The use of only one type of evidence is not recommended. Additionally, employing more than one type allows for the development of converging lines of inquiry (Yin, 2003, p. 119-121).

The second principle during evidence collection pertains to the creation of a database, as it increases the reliability of the case study (Yin, 2003, p. 123-124). The database should be sufficiently organized to allow for consultation. To achieve this objective, the material in the database was divided into documentary collections based on the authorship of each document (Yin, 2005, p. 124-126).

The third principle in data collection is the chain of evidence, ensuring that the research questions and procedures have a direct relationship with evidence collection and description of circumstances, which, in turn, should be sufficiently documented in the database and described in the report. In other words, the collected evidence must follow a logical sequence. Thus, the study aimed to highlight the most relevant points from the database. Its examination should indicate the evidence and the circumstances under which each piece of evidence was collected. Finally, the circumstances should align with the questions and procedures outlined in the case study protocol (Yin, 2003, p. 128).

4.3.2 Principles for data analysis

Regarding data analysis, Yin (2003, p. 254) suggests that the first principle is to use all relevant evidence, so that analytical strategies are exhaustive and interpretations take all evidence into account.

The second principle concerns considering all major competing interpretations to explain the phenomenon (Yin, 2003, p. 154). Another important principle is to focus on the most significant aspects of the case study (Yin, 2003, p. 154).

Finally, but no less importantly, the fourth principle indicates the use of the researcher's prior expert knowledge in selecting the research area. That is, it is preferable for the researcher to be aware of discussions and debates on the subject to conduct a satisfactory study (Yin, 2003, p. 155).

Regarding this last principle, Yin (2003, p. 156) recommends that less experienced researchers begin the case study with a simpler and easier-to-understand study, even if the research questions are not as sophisticated or innovative as desired.

4.4 Data collection Methodology

The way data is collected for the case study directly influences the construct validity of the research. The construct can refer to the model developed to understand the research results. Thus, ensuring its validity means objectively defining which elements are to be studied and the correct measures for verifying them (Yin, 2003, p. 56).

Construct validity concerns selecting the types of changes that should be studied and, in a second stage, demonstrating that the measurement of these changes truly reflects the alterations under study (Yin, 2003, p. 57). There are several documented strategies to increase construct validity in a case study. Among them is the use of multiple sources, which was adopted in this research.

Yin (2003) illustratively presents six possible sources that can serve for evidence collection. Given the nature of the described project, documentation was adopted as the primary source of evidence. This type of source includes letters, memoranda, agendas, notices, meeting minutes, reports, administrative documents, among others (Yin, 2003, p. 107). The use of documents must be careful, ensuring they are not taken as literal records of what happened. Thus, inferences from materials should be treated as indications of other facts to be investigated (Yin, 2003, p. 109).

The second type of evidence source adopted was interviews, which can take various forms (Yin, 2003, p. 112). An interview was conducted virtually in May 2021 with Melody Lepine, a member of the Mikisew Cree First Nation group, as referenced in the database found in the Appendix. Since conducting additional interviews was not possible due to time constraints, this research opted to use previously conducted testimonies collected during environmental impact assessment processes and other means.

4.5 Data analysis methodology

Data analysis must be based on the selection of a general analytical strategy, whose role is to help the researcher choose among different techniques and successfully complete the analytical phase of the research (Yin, 2003, p. 133).

The chosen general analytical strategy was to be guided by theoretical propositions. After all, if the objectives and the project are based on theoretical propositions, they reflect the set of research questions, literature reviews, and provide a framework for interpreting new issues that may arise (Yin, 2003, p. 133).

Once the strategy was defined, Yin proposes that the methods of data analysis be chosen. The research adopted the explanation-building method. This involves a series of procedures, starting with the development of an initial theoretical statement about a phenomenon. After that, the findings from the case study were compared with the statement, which could then be revised or not. This process was repeated as necessary (Yin, 2003, p. 141).

The advantage of this method is that it is useful for cases in which the final explanation was not fully developed at the beginning of the study. Thus, it allows evidence and theoretical propositions to be reviewed and reexamined from a new perspective. In this method, it is also important to construct more than one plausible explanation, establishing competing explanations (Yin, 2003, p. 141).

4.6 Case Study Protocol and Database

In order to carry out the task satisfactorily, we chose to adopt two methodological precautions suggested by Yin (2003) to increase the reliability of the study: the creation of the Case Study Protocol and the development of the Database, which are included in the Appendix of this work.

The Case Study Protocol and the creation of a Database for the study ensure the reliability of the research. In other words, these methodological procedures allow us to demonstrate that the steps of a case study, if repeated by a third party in the same manner, will yield the same result (Yin, 2003, p. 59).

First, we will discuss the protocol. It is an instrument for the case study, containing the procedures and rules to be followed in order to guide the researcher in conducting the investigation (Yin, 2003, p. 89). Thus, it must include certain elements, which are listed below (Yin, 2003, p. 89).

The first component of the protocol is an overview of the case study in terms of objectives, sponsorships, key questions, and important readings (Yin, 2003, p. 89). The second component consists of field procedures, such as access to locations, sources of information, warnings, access to interviewees, physical materials, procedures for requesting help and guidance, schedule, and agenda (Yin, 2003, p. 91-94). It is worth noting that the procedures must be designed in a satisfactory manner and with an operational bias (Yin, 2003, p. 92). The third component consists of the case study questions, in terms of data collection, such as spreadsheets and potential sources of information for each question (Yin, 2003, p. 91). Finally, it is also desirable for the protocol to include a guide for the report, containing a summary, the narrative format, bibliographic information, and documentation (Yin, 2003, p. 91).

The second principle, during evidence collection, concerns the creation of a database. The evidentiary data of a case study can be kept apart from the final report, taking the form of an appendix. Additionally, the creation of a database also increases

the reliability of the study (Yin, 2003, p. 123-124). In the composition of the Database for this research, textual and video documents were selected, all in digital format, with the aim of diversifying the types of sources of evidence for the study, within the established research limits. The result was the organization of 14 collections, classified according to the document's author, totaling 61 documents.

5. The case study

As mentioned above, the methodology chosen for this research was the case study approach, as presented by Yin (2003). The following subchapter presents the case, followed by an investigation of its actors — in terms of plaintiffs, defendants, and the decision-making body — and their claims — in terms of facts, substantive law, and procedure.

5.1. Case presentation

In December 2014, the Mikisew Cree First Nation group, one of the Indigenous groups inhabiting areas of Wood Buffalo National Park in Canada, submitted a petition to the World Heritage Committee requesting the inclusion of Wood Buffalo National Park on the List of World Heritage in Danger. Due to its significance, both in terms of protected area and the abundance of documentation and records, this litigation was chosen as the case study for this research.

Wood Buffalo National Park is a national park in Canadian territory. It spreads through approximately 4.5 million hectares across northern Alberta and southern Northwest Territories, making it the largest Canadian national park and one of the largest protected areas in the world.

At the national level, the park was established in 1922, under the Forest Reserves and Parks Act, initially aimed at protecting the last remaining bison herds, which at the time numbered only 250 individuals (International Union for Conservation of Nature, 2017, p. 7). However, in practice, between 1922 and 1964, the park experienced extensive commercial exploitation of its resources, including logging, fishing, and commercial bison meat production. It was only in the mid-1960s, following governmental changes, that a shift toward environmental conservation took place (World Heritage Committee, 2017d).

The park falls directly under the jurisdiction of the Canada National Parks Act (2000), with regulations on it dating back to 1978 and still pending revision. Additionally, several other legal provisions shape the legislative framework, including the new Impact Assessment Act (2019), the Fisheries Act (1985), the Migratory Birds Convention Act (1994), the Species at Risk Act (2002), and Section 35 of the Constitution Act of 1982, which recognizes and affirms the rights of Indigenous peoples (International Union for Conservation of Nature, 2020, p. 10).

Over time, the Park's original area was divided to create eight Indigenous reserves, with a total size of approximately 6,500 hectares, corresponding to 0.15% of Wood Buffalo. Today, it is managed by Parks Canada, an agency under the responsibility of the Ministry of Environment and Climate Change of Canada, although its effective regulation involves interactions with various other government agencies and services, companies, civil society organizations, and Indigenous representative bodies.

Wood Buffalo National Park is part of a large ecosystem referred to as the Greater Wood Buffalo National Park Ecosystem. This ecosystem is mainly characterized by karst topography, poorly drained plains, boreal meadows, and specific fluvial formations, including rivers, lakes, streams, and wetlands.

The delta formed by the confluence of the Peace and Athabasca Rivers is considered by some to be the most important and also the most vulnerable part regarding hydrological regulation and the impacts of climate change (World Heritage Committee, 2017d). The park is a crucial habitat for more than 11 endangered species, including the wood bison and the whooping crane (International Union for Conservation of Nature, 2014, p. 20).

Beyond its natural attributes, Wood Buffalo National Park is also a territory occupied by Indigenous peoples since time immemorial, whose way of life is based on traditional activities such as fishing, hunting, and gathering (International Union for Conservation of Nature, 2014, p. 20). According to the Federal Department of Crown-Indigenous Relations and Northern Affairs Canada, these peoples are divided into three groups: First Nations, Inuit, and Métis.[2] In total, 11 groups, including Métis and First Nations, inhabit areas within or around the national park.

The territory has a long-standing conflict involving Indigenous communities, governments, and mining and hydroelectric companies, dating back to before its inscription on the World Heritage List. Former government policies, which attempted to assimilate Indigenous peoples unsuccessfully, along with the very creation of the park, in some ways restricted Indigenous rights and access to the natural and cultural resources that were guaranteed to them (International Union for Conservation of Nature, 2017, p. 9). This narrative of resource restrictions has created tensions and conflicts that continue to pressure relations between the actors and undermine their trust to this day. An example is that the First Nations withdrew from a joint monitoring network that involved industries and governments in certain oil sands extraction activities due to criticisms regarding the lack of proper governance and transparency (International Union for Conservation of Nature, 2017, p. 16). Events like this seem to be common in the history of these relations.

The Indigenous connection to Wood Buffalo National Park was an important element in shaping the landscape dynamics, and even the park's official creation is seen by some as an interruption of this bond between the land and its residents (International Union for Conservation of Nature, 2017, p. 23). In a way, the establishment of the park appears to have contributed to the separation of the land from its traditional inhabitants (International Union for Conservation of Nature, 2017, p. 27). Later, some Indigenous communities even opposed the site's inscription on the World Heritage List in the 1980s (International Union for Conservation of Nature, 2017, p. 16).

[2] Canadian legislation officially designates these three groups collectively as Aboriginal. The terms First Nations and Inuit are widely used but remain undefined. The term Métis refers to a self-identified group distinct from the other two. In this work, we will maintain the use of the terms First Nations and Métis. For the collective designation, the terms Indigenous, Indigenous people(s), Indigenous community(ies), Indigenous group(s), and Indigenous nation(s) will be used, as they are believed to better reflect the self-identity of these populations.

One of the main issues regarding Indigenous rights is the construction of dams for hydroelectric power generation and mining, which alters local water flow and affects the exercise of rights guaranteed by Treaty 8 and other treaties.[3] . In addition to conflicts with Parks Canada, the park's managing body, there are tensions with other governmental institutions and the private sector, particularly concerning oil sands extraction (International Union for Conservation of Nature, 2020, p. 16).

The first dams built, the W. A. C. Bennett Dam in the 1960s, followed by the Peace Canyon Dam, intensely lowered water levels. Since then, there has been an inadequate flow in the delta that has lasted for decades, also impacting bison and waterfowl populations (International Union for Conservation of Nature, 2014, p. 7; 2017, p. 13). Near the park, in Alberta, lies the Athabasca oil sands area, a significant fossil fuel reserve that has been intensively exploited since the 1960s. This area has been expanding and is moving increasingly closer to the southern boundary of the protected area (International Union for Conservation of Nature, 2017, p. 11). The continued expansion of mining activity and hydroelectric power generation threatens the water levels of the park's two main rivers, the Peace and Athabasca, as well as the delta they form, the Peace-Athabasca Delta (World Heritage Committee, 2019d, p. 174). This activity, therefore, constantly endangers the traditional way of life of the Indigenous peoples in the region.

Despite this, a strong connection of Indigenous peoples with the region still exists due to the guarantee of rights at many levels, such as the Constitution, Treaty 8, and decisions of the Supreme Court of Canada. Thus, the area continues to hold significant cultural and spiritual value for many First Nations and Métis (International Union for Conservation of Nature, 2017, p. 27).

The Park was inscribed on the World Heritage List in 1983. At that time, protected properties were selected and preserved based on distinct criteria for cultural and natural heritage. The former had six criteria, while the latter had four (World Heritage Centre, 2021b). The Park's inscription was granted at the time by meeting parameters 2, 3, and 4 related to natural heritage (World Heritage Committee, 1984). This distinction between criteria was abolished in 2005 when the new Operational Guidelines established a single set with all 10 criteria (World Heritage Centre, 2021b).

In 2006, a consultation process between two States Parties and advisory bodies discussed monitoring activities for properties in North America. Specifically, issues were raised regarding name changes, criteria, and clarification of boundaries for some sites, including Wood Buffalo National Park. These changes were approved (World Heritage Committee, 2006a). Thus, the new proposed criteria, which remain in effect today, are 7, 9, and 10 (World Heritage Centre, 2021b).

The protected attributes of the Park fit within these three criteria. That is, among all its natural characteristics, there are those specifically protected by the Convention

[3] Treaty 8 was a treaty signed in 1899 between the Crown and various First Nations, aiming to preserve the way of life of the Indigenous peoples native to Canada. It recognized and guaranteed, among other rights, the rights to land, hunting, and fishing. This treaty was part of a series of ten other treaties signed between the two parties since 1871. For more information, refer to Crown-Indigenous Relations and Northern Affairs Canada, at the website: <https://www.cirnac.gc.ca/eng/1100100028813/1581293624572>.

Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention, also referred to in this work simply as the Convention), called "Outstanding Universal Values" (OUV). They support its inscription and continued presence on the World Heritage List.

According to criterion no. 7, one of the protected attributes is the large concentration of migratory wildlife, the interior delta, the salt plains, and the karst topography. For this criterion, the desirable protection scenario established by Canada involves several objectives. First, the need to possess a large concentration of viable and healthy populations of migratory waterfowl that continue to use the Park seasonally. Second, the existence of high-quality habitat in adequate quantities, free of contamination, that is available to migratory waterfowl to fulfill all important stages of their life cycle while present in the area. Third, the fundamental need for Indigenous groups to be able to maintain traditional hunting of waterfowl species and practice their way of life, utilizing populations of these animals that are healthy, sustainable, and accessible (Mikisew Cree First Nation, 2018b, p. 7-9).

The second criterion is no. 9. It protects the site as the largest and most complete example of the Great Plains and boreal grasslands ecosystem in North America, in addition to being the only place where the predatory relationship between wolves and wood bison has remained unchanged over time. Under this criterion, the country defines desirable a scenario in which the flow regimes and water quality for the delta are capable of maintaining the ecological function of the ecosystem. Additionally, they must allow for healthy and abundant vegetation and populations of key ecological and cultural species, including waterfowl, muskrats, fish, bison, and wolves. Finally, Indigenous groups must have guaranteed access to the Peace-Athabasca delta to promote traditional use and ways of life through hunting, fishing, gathering, and cultural activities (Mikisew Cree First Nation, 2018b, p. 7-9).

The ideal scenario for criterion 9 also involves maintaining the predator-prey relationship between wolves and bison living in the Park, which must remain intact and within natural variation ranges. The populations of both species must continue to be viable and evolve as naturally as possible, supporting the traditional use and ways of life of Indigenous peoples (Mikisew Cree First Nation, 2018b, p. 7-9).

Finally, the last criterion is no. 10, which protects the site as it is the only breeding habitat for the whooping crane, an endangered species (World Heritage Committee, 2017d).

5.2 Actors

Having presented the Wood Buffalo National Park, its protected attributes, and the main issues affecting the Park and its inhabitants, we will now examine in greater detail the actors involved in the litigation process that encompassed the Park and was brought before the Committee.

5.2.1 Petitioners

The primary petitioner addressing the Committee is the Mikisew Cree First Nation (MCFN, also referred to in this work simply as Mikisew Cree). The Mikisew Cree is a First Nation comprising approximately 3,000 members, with many of its younger and elder members being active land users (Mikisew Cree First Nation, 2016, p. 6). The name "Mikisew" means "eagle" in the Cree language. This was the name of the group's leader in 1899 when Treaty 8 was signed between the group and the Canadian government — the first document aimed at recognizing and protecting Indigenous rights (Mikisew Cree First Nation, 2016, p. 5).

The connection to the place and the maintenance of relationships with the waters and lands are essential requirements for the exercise of the Mikisew Cree's rights (Mikisew Cree First Nation, 2018b, p. 27), as they are intrinsically related to identity, as highlighted in a testimony by member Terry Marten (Mikisew Cree First Nation, 2018b, p. 28, our translation):

> "There is such a tremendous amount of connection between the People and the land. You just can't separate them. It's a good feeling when you go out there. You feel good. I just put my hand in the water and you're back home, and it's beautiful."

The connection with the environment fundamentally involves isolation. In other words, it is necessary to inhabit a place free from sensory disturbances, one that provides security and allows cultural connections with the space to be established. This environment is incompatible with the region's industrial development, as its noise and odors (Mikisew Cree First Nation, 2018b, p. 28) have resulted in the loss of a sense of isolation, privacy, comfort, and knowledge about the landscape (Mikisew Cree First Nation, 2018b, p. 33).

Furthermore, according to the Mikisew Cree, practicing their way of life includes the freedom to exercise their culture without interference, as well as the ability to come and go from culturally important places, maintain connections, and ensure trust in the continuity of cultural practices (Mikisew Cree First Nation, 2018b, p. 59).

The group's connection to the Peace-Athabasca Delta is even stronger. The delta is the heart of their territory. It represents a way of thinking and perceiving the world. The culture and way of life of this community are based on a long-standing relationship between its people and the network of marshes, wetlands, lakes, and channels that form the delta. This is the place where their happiest memories reside (Mikisew Cree First Nation, 2016, p. 4-5). The delta is the space that supports the culture of this First Nation, representing a unique connection with the environment and the land. For the MCFN group, maintaining the ecological balance and health of the Peace-Athabasca Delta is the primary concern (Lepine, 2021).

The stories of this people are passed down through oral tradition. They are transmitted through lessons and experiences from elders to younger generations. These customs also imbue the delta's landscape with names, narratives, and connections. In many areas, the ruins of cabins and the graves of their ancestors can still be seen, along with tools and instruments that show how long this group has been an integral part of the Peace-Athabasca (Mikisew Cree First Nation, 2016, p. 6). For one of the interviewees, the delta represents their supermarket, their pharmacy, their

classroom, their spiritual temple, their highway, their photo album, and the place where their happiest memories reside (Mikisew Cree First Nation, 2018b, p. 20). According to another testimony, the delta and the way of life that exists within it are a source of great pride for the group. This pride is the element that nourishes their culture and, if lost, would result in a complete loss of identity (Mikisew Cree First Nation, 2016, p. 6).

Over hundreds of years, the delta has shaped and been shaped by the Mikisew Cree through a deep partnership connection. By working with beavers and their dams, opening and closing waterways, the Mikisew people maintain and care for the delta, creating channels and habitats for birds, rodents, and other animals (Mikisew Cree First Nation, 2016, p. 6).

To describe their deep relationship with the Peace-Athabasca Delta, the group uses the Cree word *kitaskino*. It means "the land that we belong to and are related to" (Mikisew Cree First Nation, 2016, p. 16). At its core, it reflects the way of life of this First Nation, where everything, from gathering resources to kinship relationships, is directly tied to the attributes of the delta, making the group's identity and culture inseparable from it (Mikisew Cree First Nation, 2016, p. 16).

From this explanation, we can better understand the meaning of another Cree expression: *kitaskinaw owicita*. This, in turn, translates to the obligation the community has toward the land. It is a self-imposed duty to live responsibly and manage the outstanding universal values of the Park, including its species, waters, and lands (Mikisew Cree First Nation, 2016, p. 17). The group fulfills this duty through various tasks considered essential for maintaining the area's health.

One such task is opening channels to increase water flow and maintain accesses by digging, removing logs, and relocating beaver dams. The group also builds dams in the delta to manage water flow in smaller areas and retain it in certain regions, keeping them flooded for longer periods. This flexible approach is particularly well-suited to adapting to the seasonal changes of the delta (Mikisew Cree First Nation, 2016, p. 18).

The community is also responsible for managing dams to create wetlands where needed. This activity is seen as a partnership with beaver populations, allowing for the maintenance of widespread flooding over long periods (Mikisew Cree First Nation, 2016, p. 18). Regulating water flow in this way also promotes the health of plants and animals (Mikisew Cree First Nation, 2016, p. 19).

Additionally, the Mikisew Cree take responsibility for protecting the delta by controlling the number of people using the area and how it is used, establishing rules and protocols that must be followed within their territories. Furthermore, they educate children on how to care for and respect the delta and their traditional way of life, viewed as a long-term management strategy for the area (Mikisew Cree First Nation, 2016, p. 19).

There are two Cree expressions that also highlight the importance of water to the First Nations, including the Mikisew Cree. The first is *nipî tapîtum*, meaning "water is everything" (Mikisew Cree First Nation, 2016, p. 4). The second is *Ayapaskaw*, which refers to the place where all streams and waterways come together, intertwining with grass and vegetation to form a life-filled delta (Mikisew Cree First Nation, 2016, p. 4).

Thus, for the delta, water is also everything. This significance is illustrated in the following testimony, which highlights the life-giving power of the delta's floods (Mikisew Cree First Nation, 2016, p. 5):

> The old people would watch the buffalo, birds and other animals to know when the water would come. When the spring flood came we would be so happy because high water brings life to everything in the delta. We knew it would be a good year for all living things, including us.

In the group's oral tradition, the Peace River is called *okimaw*, meaning "chief," because its flooding is particularly important for the functioning of the Peace-Athabasca Delta. This tradition recounts that major floods of the river were frequent before the construction of the first dam in the late 1960s. Since then, both the intensity and frequency of flooding have been declining (Mikisew Cree First Nation, 2016, p. 13).

The ongoing changes in Wood Buffalo National Park and especially in the Peace-Athabasca Delta serve as a backdrop for community reminiscences, nostalgic for a way of life that seems to be disappearing (Mikisew Cree First Nation, 2016, p. 5):

> But…there was such a tremendous amount of connection with Mother Earth and the people living around there, the people of the land. And culture was there, it was just your way of life…It was sacred…We all lived the same life.

For Jocelyn Marten, returning to the delta means coming home (Mikisew Cree First Nation, 2018b, p. 21):

> When I'm docking my boat at the big dock and going home to Lake Claire, it's like I'm going home to see my therapist. It's a place that just takes everything away from me. Again, the memories come back. It's just a great feeling... It's… my therapist. My mother. My home.

Likewise, Terry Marten's account (Mikisew Cree First Nation, 2018b, p. 19) helps us understand the importance the delta has had throughout his life:

> I was born and raised out on the land. We had love there. We had ownership there with our parents. All our family members. Everything was your friend. …. You're just in harmony with nature.

This is largely because the delta and Wood Buffalo National Park represent the homeland and establish a strong connection that exists across generations. These are the places where the rights guaranteed by ancestors can be practiced and where the deep bond with water and land manifests. It is where children are born and raised and where elders wish to return (Mikisew Cree First Nation, 2016, p. 16-17).

The exchange between generations is the foundation of Indigenous traditional knowledge, or *Sakâw pimâchiwn*, which in the Cree language means the bush way of life (Mikisew Cree First Nation, 2016, p. 12). The knowledge resulting from this way

of life is linked to this community and, in particular, to its elders, who possess a solid understanding of the ecological balance of this land and the functions of the delta. For this group, recognizing and respecting Indigenous traditional knowledge is essential to better understanding the complex cultural and ecological systems of the place, leading to better environmental decisions that gain greater acceptance and trust from those who inhabit it (Mikisew Cree First Nation, 2016, p. 12).

However, there is still some difficulty in incorporating Indigenous traditional knowledge into decision-making spheres. Because it differs from Western scientific knowledge, it is often not recognized nor accepted by international organizations and Western society (Lepine, 2021). Regardless, the connection between the Mikisew Cree way of life and their knowledge continues to be passed down through traditional activities such as hunting, fishing, gathering plants and fruits, and educating children on how to live as part of the land and waters (Mikisew Cree First Nation, 2016, p. 5). The following statements from different members provide an idea of the importance of this relationship (Mikisew Cree First Nation, 2016, p. 16-20): "The way I was taught by my grandfather was to respect everything, the animals, the trees, the plants, the water"; "I'm really happy when I come to this land because I can eat all the food that I was born and raised on."

Undesired changes to their land cause uncertainties and restrictions on the rights of the members of the Mikisew Cree First Nation. Such limitations lead to the erosion of the group's identity and put the preservation of their culture and way of life at risk (Mikisew Cree First Nation, 2016, p. 24). Despite this, as seen in one of the testimonies, even with the changes the delta has been experiencing, the connections of these actors to the place remain, albeit affected (Mikisew Cree First Nation, 2016, p. 17): "I want to come back, I want to come back home, you know. It's very important to people like that, you know… The animals are not here anymore… But I still feel at home. I still like to come and see that."

In the words of Jocelyn Marten (2018b, p. 22):

> And I cannot leave that area because that's where I grew up. That's my area. That's where I'm from. It's my home. It's the place that I grew up. It's the place that I was taught my way of life. It's memories that I have as a child. It's important for me to go to these places to teach my children, my two girls, and my grandson especially, and to take other family members there to show them the places I've been.

And, finally, for George Martin (2018b, p. 21):

> But in Buckton, you know, there's still hope, it's still healthy. That's my territory, that's where I loved hunting for all types of animals, that's where I did my trapping, and that's where I made my livelihood.

This intrinsic connection between the Mikisew Cree and the Peace-Athabasca Delta and Wood Buffalo National Park appears to be one of the reasons justifying this First Nation's leading role in their protection. In an oral statement during litigation discussions in 2017, the MCFN self-identified as the original petitioner and, as such,

expressed its willingness to continue fighting for the integrity of the delta and the protection of the Park's outstanding universal values (World Heritage Committee, 2017f, p. 125).

Their leadership becomes evident when considering the numerous reports the group has published on various occasions to address World Heritage Committee matters and to demand further action from the Canadian government (Mikisew Cree First Nation, 2017a, 2017b, 2017c, 2018a, 2018c, 2018f). It is also present in two open letters sent by the Mikisew Cree to the Canadian government, in which they strongly criticize the country's inaction (Mikisew Cree First Nation, 2018d, 2018e).

The first letter, addressed to the Minister of Environment and Climate Change, Catherine McKenna, calls for greater involvement of Indigenous groups in Park management affairs. The second is even broader, directed not only to Catherine McKenna but also to the Minister of Crown-Indigenous Relations and Northern Affairs of Canada, Carolyn Bennett —both from the federal government —, as well as to several officials from British Columbia, such as Scott Fraser (Indigenous Relations and Reconciliation) and Michelle Mungall (Energy, Mines, and Petroleum), and to political representatives from Alberta, Shannon Phillips (Environment and Parks) and Richard Feehan (Indigenous Relations) (Mikisew Cree First Nation, 2018e). This second statement also demands greater engagement in the site's management activities.

Thus, it seems certain to say that the Mikisew Cree First Nation has taken on the central role in the network of actors protecting the Peace-Athabasca Delta, as well as it has supported the litigation in the World Heritage Committee. For Melody Lepine, director of the Department of Relations with the Government and the Mikisew Cree First Nation Industry, and one of the most active representatives of the group in question, the main and most important support came from its own collective, its leaders, and the people who inhabit and depend on that land (Lepine, 2021).

The MCFN already has a history of legal disputes over Indigenous rights in the Judiciary. The case Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), decided by the Supreme Court of Canada on November 24, 2005,[4] recognized that the right to hunt is measured based on the territories where a First Nation has traditionally hunted and fished, as well as where it continues to do so today. In general, it dealt with a broader interpretation of the treaty rights established with First Nations (BC Hydro and Power Authority, 2014, p. 125).

In October 2018, the Supreme Court of Canada also ruled on the Mikisew Cree First Nation v. Canada (Governor General in Council) dispute.[5] In this decision, the Court ruled in favor of the Mikisew Cree First Nation, stating that governments have a legal obligation to consult First Nations during the drafting of legislation that may impact their rights and traditional way of life (Mikisew Cree First Nation, 2017c).

[4] *Mikisew Cree First Nation v. Canada* (Minister of Canadian Heritage), [2005] 3 S.C.R. 388, 2005 SCC 69. For more information, refer to the ruling on the Supreme Court of Canada's website at: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2251/index.do>.

[5] Mikisew Cree First Nation v. Canada (Governor General in Council), [2018] 2 S.C.R. 765, 2018 SCC 40. For more information, refer to the ruling on the Supreme Court of Canada's website at: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/17288/index.do>.

Despite the prominence of the Mikisew Cree, it was not alone in the litigation. The network of actors also includes various other stakeholders located in different areas around and within the Park. A first group consists of other Indigenous populations that, like the Mikisew Cree, base their way of life in the Peace-Athabasca Delta, such as the Athabasca Chipewyan First Nation, the Fort Chipewyan Local Métis 125, and the Smith's Landing First Nation. These groups have consistently expressed their public support for the Mikisew Cree in the previously mentioned bulletins and open letters.

Among these peoples, the Athabasca Chipewyan First Nation (ACFN, also referred to in this work simply as Athabasca Chipewyan) stands out in particular due to its close ties with the delta and the MCFN. This group has lived around the Athabasca River since time immemorial and calls itself, in Cree, *K'ai Taile Dene*, or "people of the land of the willow," which includes the delta, the Peace River, and the Athabasca River, the latter being the main route to the center of its territory (World Heritage Committee, 2019d, p. 173).

In view of this, maintaining adequate water flows in the delta is essential for ACFN members to exercise their hunting and fishing rights. The delta is critical not only for the exercise of these rights but also for the culture and identity of this community. Without the appropriate flood flows of the delta and the Athabasca River, access to areas of great cultural and spiritual significance is lost (World Heritage Committee, 2019d, p. 173).

In 2019, at the 43rd session of the Committee, the Athabasca Chipewyan made a statement in support of the Mikisew Cree's efforts to enhance the protection of the delta and the people living in it (World Heritage Committee, 2019d, p. 173-174). The significance of this statement should be understood in light of the fact that the session organizers do not recommend and discourage statements from more than one group regarding the same World Heritage site, always advising the formulation of joint statements (World Heritage Committee, 2019d, p. 174).

For joint statements, we can categorize the groups according to their needs. The first category includes Indigenous peoples who are more directly dependent on watercourses downstream of the Peace River, such as the Woodland Cree First Nation, the Little Red River Cree First Nation, and the Tallcree First Nation. They also recognize the delta as an essential part of their way of life and therefore provide more direct support for its protection (BC Hydro and Power Authority, 2014, p. 116).

A second category includes Indigenous peoples who appear to depend more on the Peace River valley rather than the delta itself. These First Nations include the Doig River First Nation, Halfway River First Nation, Prophet River First Nation, Saulteau First Nations, West Moberly First Nations, Fort Nelson First Nation, and Blueberry River First Nations. The grouping of these nations, except for the last one, forms the community association known as the Treaty 8 Tribal Association (T8TA) (BC Hydro and Power Authority, 2014, p. 113).

The First Nations that make up the T8TA depend on the unique cultural context of the Peace River valley for their traditional practices, such as gathering (BC Hydro and Power Authority, 2014, p. 95). This area is also essential for fishing, holding sites that are unique from a perspective of culture, subsistence, and Indigenous traditional

knowledge transmission across generations (BC Hydro and Power Authority, 2014, p. 101).

According to T8TA, the Peace River valley is their grocery store, being the preferred location for hunting, fishing, obtaining food, and harvesting medicinal plants. This is because the area, besides being accessible and close to the regions where members live, holds deep cultural connections and has abundant wildlife and natural resources (BC Hydro and Power Authority, 2014, p. 101). It also serves as a figurative place for schools, universities, medical clinics, and supermarkets for the Saulteau First Nations (BC Hydro and Power Authority, 2014, p. 107).

The Peace River holds great significance in terms of cultural heritage. Even before the arrival of Europeans, this was a heavily used area for local Indigenous communities. After European contact, it became essential for the fur trade. Understanding the history of this place is therefore of paramount importance to the surrounding communities (BC Hydro and Power Authority, 2014, p. 235).

Among the attributes of this area as cultural heritage are the views, recreational opportunities, landscapes with scientific and educational value, connections to the land, histories, and healing spaces (BC Hydro and Power Authority, 2014, p. 236). The valley is also a sacred environment for the communities, as it represents an important space for gathering, teaching, and the transmission of knowledge and culture (BC Hydro and Power Authority, 2014, p. 236).

In the testimony of a member of the Saulteau First Nations group, we see the centrality of the land in their lives (BC Hydro and Power Authority, 2014, p. 125):

> we know what the true spirit and intent of Treaty 8 is to us… for hunting, fishing, trapping, yes, but it goes way more than that also. It's a way of life, mode of life, meaning that's the land. It's related to the land. The land and then our language is related to the land. Our teachings come from that. Our way of life, our laws come from that, from all this.

The members of the communities surrounding the Peace River and the valley have a strong connection to the environment, so any potential alteration to this cultural landscape would bring profoundly negative impacts (BC Hydro and Power Authority, 2014, p. 240).

Furthermore, these communities feel chosen by the Creator to care for the land and future generations. Thus, any changes would have negative effects on their children, grandchildren, and great-grandchildren, as well as on the continuity of their cultural practices (BC Hydro and Power Authority, 2014, p. 265), considering that the deconstruction or irreversible transformation of the place would exclude or permanently modify people's relationships and memories with it (BC Hydro and Power Authority, 2014, p. 237).

Although they are located in different geographic areas and depend on water resources different from those prioritized by the Mikisew Cree, these First Nations of the Peace River valley are also, in some way, part of the group's support network.

One of the ways this network of actors is organized is through the Assembly of First Nations, which includes various Indigenous communities across Canadian

territory and whose decisions are made by consensus. This body is, in essence, responsible for supporting First Nations, as well as regional and local organizations, by holding meetings to discuss topics of interest to them.

In one of these meetings, held from December 4 to 6, 2018, there was a discussion on the legislative progress of the then-proposed Bill C-69, regarding the federal impact assessment process. This meeting, led by the Mikisew Cree First Nation, was also attended by other Indigenous communities. Together, the Assembly supported the Mikisew Cree and other First Nations connected to the Peace-Athabasca delta, affirming the need for the ratification of Bill C-69 and expressing support for the position advocated by the Mikisew Cree (Assembly of First Nations, 2018).

As people who inhabit this land and maintain a deep connection with it, it is essential to understand that the Indigenous peoples listed here cannot simply practice their way of life elsewhere, as there are historical, cultural, familial, and spiritual connections that make certain areas and resources irreplaceable (Mikisew Cree First Nation, 2018b, p. 12). Nor is it possible to recreate the same relationships with the environment in different areas from those where they were born and learned as children (Mikisew Cree First Nation, 2018b, p. 60).

To illustrate the complexity of relocating an Indigenous group's traditional practices and way of life to another area, one can examine the considerations presented by the Saulteau First Nations group during the environmental impact assessment process of an industrial project. According to them, replicating a specific land use in another location requires meeting several conditions: a) the practice must not be associated with any particular place; b) the traditional knowledge linked to that practice must be transferable, and the environmental context must not be relevant; c) people must not have connections to specific places; d) the practice can be relocated without conflicting with areas used by other groups; e) there must be available areas accessible to Indigenous peoples that are not dedicated to other purposes; f) the transfer to another location must not be excessively costly in terms of time, technology, and money (BC Hydro and Power Authority, 2014, p. 95).

In addition to these actors from Indigenous communities, the support network for MCFN's actions also received backing from scientists such as Dr. David Schindler, Dr. Craig Candler, and Dr. Gillian Gregory; several universities; former employees of Wood Buffalo National Park; and various civil society groups, including the Firelight Group, Sierra Club BC, the Yellowstone to Yukon Conservation Initiative, the Canadian Parks and Wilderness Society, the David Suzuki Foundation, World Heritage Watch, and the International Union for Conservation of Nature (IUCN) (International Union for Conservation of Nature, 2017, p. 20; Lepine, 2021; Mikisew Cree First Nation, 2016).

Still regarding the community of supporters, Melody Lepine highlights that the starting point for the petition was the activity of the IUCN and its reports on world heritage conservation. There was also consultation and observation of other similar cases, such as the Everglades in Florida, United States (Lepine, 2021).

Having revealed the network of actors that was formed and supported the litigation, it is necessary to highlight the effects that the litigation process regarding Wood Buffalo National Park had on those involved, particularly the Mikisew Cree.

For Melody Lepine (2021), the petition helped build a sense of unity within the group, also granting them a sense of independence and leadership. She is categorical in stating that:

> so, at the community level, there was a strong sense of unity and about sovereignty as an indigenous government over our territory. Even though Canada is the state-party, the country responsible for the property, the assesses and indigenous government felt empowered. Because we were the ones talking about the site, we were the ones going to the World Heritage Center, the World Heritage Committee (Lepine, 2021).

The author emphasizes that, through the litigation, the group was able to interact, on equal terms, with other people, governmental and non-governmental authorities. With each new stage of the process, the group and its representatives before the Committee became more comfortable, more prepared, better, and also more recognized by others. In her words, it was important to have recognition to assert (Lepine, 2021):

> and so here is my nation, I'm speaking on behalf of my government, my nation, without Canada, directly to a country. So, it was almost like a sense of nation-to-nation, and government, and empowerment, as a sovereign indigenous group and government. That was very powerful.

5.2.2 Defendants

The petition filed by Mikisew Cree does not list any specific defendants. However, based on its content, it is possible to see that it primarily seeks to hold the Canadian federal government accountable and, secondarily, the government agency responsible for managing the Park, followed by the provincial governments of Alberta and British Columbia (Mikisew Cree First Nation, 2014).

The Canadian government also appears as a liable party in other documents issued by the group. In a letter drafted in 2018, the group holds accountable the Minister of Environment and Climate Change, Catherine McKenna, and the Minister of Crown-Indigenous Relations and Northern Affairs of Canada, Carolyn Bennett, both from the federal government (Mikisew Cree First Nation, 2018e). The same document also calls for accountability from four provincial officials: Scott Fraser (Indigenous Relations and Reconciliation) and Michelle Mungall (Energy, Mines, and Petroleum) from British Columbia, as well as Shannon Phillips (Environment and Parks) and Richard Feehan (Indigenous Relations) from Alberta (Mikisew Cree First Nation, 2018e).

In general, from MCFN's perspective, the Canadian government has consistently failed to protect the waters and the delta, violating treaty-protected rights and the Indigenous way of life while breaking its promise to safeguard the Peace-Athabasca Delta and reinforce its value for humanity (Mikisew Cree First Nation, 2016, p. 21). Furthermore, for the Mikisew Cree First Nation, there are high expectations

regarding the Canadian government, which is internationally recognized as a defender of environmental protection and conservation values. Other countries acknowledge it and expect a certain level of leadership from it on environmental and climate matters (Lepine, 2021).

However, Indigenous communities perceive that land-sharing between them and the government has historically been unequal. That is, their rights are constantly violated through land grants for agricultural activities, mining, oil exploration, hydroelectric development, and the transfer of their lands to private ownership (BC Hydro and Power Authority, 2014, p. 121). Even more alarming, the State seems to struggle to acknowledge this history and is slow to take measures to address these issues (World Heritage Committee, 2017f, p. 125).

Currently, the Park is directly managed by the government agency Parks Canada, which operates under the responsibility of the Ministry of Environment and Climate Change of Canada. The agency is frequently called upon to participate in the litigation. MCFN describes its relationship with Parks Canada and the Canadian government as difficult because these two entities have long interfered with its traditional way of life in many ways.

This issue is further intensified when considering that, in general, Indigenous communities mostly wish to continue their traditional activities of hunting, fishing, and gathering. Therefore, financial compensation for the occupation of their lands or for the negative impacts they have suffered often appears to be an unsatisfactory and inadequate solution (BC Hydro and Power Authority, 2014, p. 121).

Although Parks Canada is responsible for managing the Park, it lacks the authority to protect it from activities conducted outside the site's boundaries, notably hydroelectric and mining operations. These activities take place upstream of the Peace-Athabasca Delta and are therefore beyond the protection limits of Wood Buffalo National Park. The agency is also not equipped to handle the broader effects of climate change-related impacts.

In this context, beyond the responsibility assigned to the Canadian government and Parks Canada, accountability also extends to companies engaged in hydroelectric and mining activities outside the Park's boundaries, as they contribute to restrictions on Indigenous rights and the loss of their traditional way of life. These activities result in numerous negative impacts that primarily affect the delta (Mikisew Cree First Nation, 2014).

In the energy sector, the first major project widely contested by the plaintiffs was the Site C Clean Energy Project (also referred to simply as Site C). It was proposed by the BC Hydro and Power Authority (also referred to in this document as BC Hydro) and was approved in October 2014.

BC Hydro is a Crown corporation owned by the province of British Columbia, with the mission of generating, producing, conserving, purchasing, and selling electricity to meet consumer demand. It is the largest electricity provider in the province, with more than 75,000 kilometers of transmission and distribution lines (BC Hydro and Power Authority, 2013, p. 4). The company serves 95% of the province's population, approximately 1.9 million people, and operates an integrated system of 31

hydroelectric facilities, which account for 95% of the total electricity supplied in the region (BC Hydro and Power Authority, 2014, p. 1).

The Site C Clean Energy Project has been unfolding for several decades. Based on topographical studies conducted in the 1950s, five potential hydroelectric projects were identified along the Peace River. Later, in the mid-1970s, two primary locations were selected for the expansion of BC Hydro's system, one of which corresponded to Site C. From that point on, and with the development of studies over the following years, the river became the preferred site for its construction. The project design was modified from 1980 onward and was finalized in the late 2000s (BC Hydro And Power Authority, 2014, p. 8-9).

The proposed project, which is currently being executed, has three main objectives: efficiently meeting BC Hydro's projected energy demands; supplying energy in a way that aligns with the provincial objectives of the Clean Energy Act (2009) and provincial policies; and efficiently maximizing the development of local hydroelectric potential (BC Hydro and Power Authority, 2013, p. 5).

When initially proposed, Site C was seen as an alternative to thermal generation and greenhouse gas emissions (BC Hydro and Power Authority, 2013, p. 7). Thus, it is recognized for having a low emission rate per unit of energy produced compared to other forms of generation (BC Hydro and Power Authority, 2013, p. 23), making it a viable means of achieving both provincial and federal greenhouse gas emission reduction targets (BC Hydro and Power Authority, 2013, p. 37).

In 2010, the project proceeded to the regulatory and environmental review phase, which consisted of three stages and involved extensive time and numerous inspections (BC Hydro and Power Authority, 2013, p. 2). Over two years, the company worked on the Environmental Impact Assessment to identify opportunities, review certain issues related to the technical analysis process, and evaluate impacts, potential mitigations, and benefits for local and Indigenous communities.

Following public, government, and Indigenous feedback and revisions, some modifications were made. The finalization occurred in August 2013, at which point a Joint Review Panel was initiated, which has now been completed (BC Hydro and Power Authority, 2014, p. 3).

In the energy sector, there is also the Amisk Hydroelectric Project, which was proposed in 2015 by AHP Development Corporation (referred to in this document as AHP). This is a hydroelectric generation project located on the Peace River, with a capacity of 330 MW, totaling 1,875 GWh/year (Alberta Environment and Parks, 2016, p. 5). Currently, the project is in the Environmental Impact Assessment phase. The guidelines for assessing the impacts of this project were developed by the Canadian Environmental Assessment Agency and the province of Alberta.

In the mining sector, the main project is the Frontier Oil Sands Mine Project, proposed by Teck Resources (also referred to in this work simply as Teck). The Frontier Oil Sands Mine Project was the first project involving mining with direct influence on Lake Claire, an important point of the delta (Mikisew Cree First Nation, 2018b, p. 4). The environmental impact assessment process included a Joint Review Panel, the first conducted after the Monitoring Mission in 2016, although the project was canceled in February 2020.

As seen, a complex panorama emerges for identifying the defendants and their responsibilities. Nevertheless, the Mikisew Cree understands that the federal government of Canada, provincial governments, and the community surrounding the World Heritage Committee are all part of the same solution (Mikisew Cree First Nation, 2016, p. 24).

5.2.3 Decision-making body

The World Heritage Committee was established by the Convention Concerning the Protection of the World Cultural and Natural Heritage. It is composed of 21 State Parties. The Committee is responsible for drafting, updating, and disseminating the World Heritage List and the List of World Heritage in Danger. Nonetheless, it is also tasked with managing the World Heritage Fund and requests for international assistance (World Heritage Committee, 1972).

Beyond these attributes, an essential tool of the Committee's work is the conduct of Reactive Monitoring Missions — RMM. This type of activity is requested and carried out by the Committee in partnership with its advisory members, who send a delegation to conduct an on-site verification of the state of conservation and management of certain World Heritage properties.

The direct contact provided by the Reactive Monitoring Mission offers many opportunities to enhance cooperation and dialogue among stakeholders, State Parties, site managers, the World Heritage Centre, advisory bodies, and civil society on key issues related to each property (World Heritage Committee, 2019b, pp. 6-7). Moreover, it is a key instrument for the functioning and effectiveness of the Convention's objectives. One of the main challenges of this instrument is to intensify dialogue among all stakeholders given the lack of adequate information and the reluctance of some parties to provide accurate and reliable data (World Heritage Committee, 2019b, p. 7).

Moreover, the scarce financial and institutional resources, the relative lack of clarity in its methods and procedures, and the effective implementation of its recommendations and decisions, especially at the local level, within the scale of the protected site, also represent obstacles for the Mission (World Heritage Committee, 2019b, pp. 5-7).

Another important tool for achieving the Committee's activities is the creation of documents and guidelines for the management processes of World Heritage properties, particularly those related to environmental and heritage assessment processes (World Heritage Committee, 2019b, 2021, p. 32). Among these materials, the Operational Guidelines for the Implementation of the Convention stand out, a set of measures designed to facilitate the application of the convention. They guide the procedures for inscription, protection, and conservation of properties, establish the procedure for accessing resources from the World Heritage Fund, and lead the mobilization of national and international support. The review of the Operational Guidelines takes place periodically to reflect the most recent decisions of the Committee (World Heritage Committee, 2019f).

As an example, one important measure of these guidelines, mentioned in paragraph 40 of the Operational Guidelines for the Implementation of the Convention, concerns the Committee's partnership with local communities, Indigenous peoples, governmental, non-governmental, and private organizations, and other stakeholders for the protection of World Heritage. A second example, found in paragraph 104 of the same document, addresses the need for the creation of buffer zones. These are transition areas that do not have protected values in themselves but effectively contribute to the protection and maintenance of the outstanding universal value of the protected site (World Heritage Committee, 2019f).

The World Heritage Committee meets annually to carry out the functions delegated to it by the Convention. The body must analyze and investigate the state of conservation of the outstanding universal values of each protected site. These analyses serve as the basis for decision-making at the end of the sessions. To conduct them, the Committee relies on the State of Conservation Report (SOC), which is submitted individually by the State Party for each protected site every two years. At the end of the sessions, the Committee issues a decision for each protected site, each of which may contain one or more directives and reflects the analysis of the state of conservation of each property.

The leadership of the meeting is composed of 21 countries that, in that year, form the members of the Committee. Countries that are signatories to the Convention may attend the meetings as observers, while countries that are not signatories to the Convention but are members of the United Nations (UN) may participate in the sessions as observers upon written request.

In addition to the State Parties to the Convention, the session also includes members with consultative voting rights as guaranteed by the legal text. These are: the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM, also referred to in this work simply as the Rome Centre); the International Council of Monuments and Sites (ICOMOS); and the International Union for Conservation of Nature (IUCN) (World Heritage Committee, 1972).

The Rome Centre, founded in 1956, is responsible for promoting the conservation of cultural heritage by developing tools and making technical knowledge available to the State Parties (World Heritage Centre, 2021a).

ICOMOS, established in 1965, is a council dedicated to the conservation of cultural heritage sites. It is the main advisor to the United Nations on cultural heritage matters. Its primary focus is on building dialogues between environmental and cultural protection (ICOMOS Canada, 2018, p. 2). Within the framework of the Convention, it is responsible for evaluating proposals for the inscription of heritage referring to cultural and mixed heritage properties (World Heritage Centre, 2021a).

IUCN, founded in 1948, has a network of experts with over a thousand members. It is responsible for conducting technical assessments of natural sites and preparing reports on the state of conservation of listed properties (World Heritage Centre, 2021a).

Other organizations within the UN system, as well as other international organizations, whether governmental or non-governmental, and non-profit associations whose purposes align with the objectives of the Convention, may be

admitted as observers to the sessions, based on criteria defined by the Committee (World Heritage Committee, 2015b, p. 3).

In addition to the main session, parallel events on the topic of world heritage also take place. The most significant of them is the World Heritage Site Managers' Forum, created in 2017 at the initiative of Poland, which hosted the discussions that year (World Heritage Committee, 2017b, p. 13). The initial impetus was to share strategies for the efficient management of properties listed on the World Heritage List. A noteworthy detail is the 44th session, held from July 16 to 31, 2021, which was conducted online with live streaming. The parallel events to this session were also maintained in a virtual format (World Heritage Committee, 2021a, p. 20).

One of the Committee's responsibilities is updating the List of World Heritage in Danger. Thus, each year the Committee receives, discusses, and approves the State of Conservation Reports submitted by the State Parties, with the purpose of including, maintaining, or removing properties from the List of World Heritage in Danger. Being on this list can lead to stricter regulatory measures or bring additional financial resources to sites in such a situation.

In 2015, there were 46 properties listed as World Heritage in Danger. In total, 141 properties underwent a more detailed review by the Committee, representing 14% of all properties on the World Heritage List (World Heritage Committee, 2015c, p. 1).

By 2017, the number of properties on the List of World Heritage in Danger had increased to 55. In addition to nine properties under urgent threat, 154 properties underwent a more detailed review (World Heritage Committee, 2017c, p. 2). By 2021, there were 53 properties on the list, forming part of the 255 properties that required rigorous evaluation regarding their state of conservation (World Heritage Committee, 2021b, p. 2).

It is interesting to note a significant difference in the state of conservation between natural and cultural properties. In 2015, natural properties accounted for only 20% of all listed properties but made up 40% of the List of World Heritage in Danger (World Heritage Committee, 2015c, p. 2). This imbalance persisted in 2019, with natural properties representing just 19% of all listed sites but totaling 30% of those on the List of World Heritage in Danger (World Heritage Committee, 2019b, p. 3). This data became more pronounced in 2021, when natural properties still comprised 19% of all listed sites but accounted for 35% of those in danger (World Heritage Committee, 2021b, p. 3).

Globally, the greatest risk factors for heritage properties, according to the Committee, are: a) the absence or inadequacy of management plans and systems; b) housing; and c) illegal activities such as poaching and illegal deforestation. In addition to these three, other risk factors include mining, oil and gas exploration, and the absence or inadequacy of legal and regulatory frameworks (World Heritage Committee, 2015c, p. 3; World Heritage Committee, 2017c, pp. 2 and 4).

That said, it is evident that project development and infrastructure construction are also significant risk factors for the protection of World Heritage. While environmental impact assessments have been incorporated into the legislation of some countries, heritage impact assessments have often been left out (World Heritage Committee, 2015c, p. 7). In light of this, in 2015, the Committee decided to encourage

State Parties to integrate environmental and heritage impact assessment processes into their legislation, policies, and management plans, also recommending that these tools be used to carefully evaluate projects before making any final decisions that could have negative consequences (World Heritage Committee, 2015c, p. 13).

Specifically regarding climate change, one can note that the Committee's concern about the issue has increased significantly in recent years. In 2015, the Committee recognized that, for some properties, climate change was only a potential impact, while for others, its effects were already being felt. Among the latter, particular attention was given to marine environments and coastal areas (World Heritage Committee, 2015c, p. 9).

The following year, the decisions and recommendations made by the Committee further reinforced its concern about the global climate change scenario. In this regard, it requested that the World Heritage Centre (WHC, also referred to in this work simply as the Centre) develop documents on the impacts of climate change on World Heritage, so that these materials could provide better solutions and assist State Parties in implementing effective responses. Additionally, the Committee recommended that the Centre be supported by other international bodies dedicated to climate change, particularly the United Nations Framework Convention on Climate Change and the IPCC, with a special focus on the impacts of climate change on World Heritage properties (World Heritage Committee, 2016, p. 19).

In 2017, the Committee acknowledged that the potential impacts of climate change on World Heritage had been increasing steadily and broadly, prompting it to seek further solutions to address the issue (World Heritage Committee, 2017d, p. 15). At this point, heritage was no longer seen solely as an entity affected by climate change but also as a potential source of resilience to it. Indigenous traditional practices and knowledge, environmental conservation skills, climate change forecasting abilities, and ecological understanding were then recognized as essential tools for addressing the impacts of climate change (World Heritage Committee, 2017d, p. 15).

In the same year, in its decision, the Committee reinforced to the States Parties the need for ratification and the adoption of ambitious objectives in the Paris Agreement. Furthermore, it recalled the urgency of promoting efforts to develop the resilience of World Heritage properties to climate changes, reducing risks, and developing adaptation strategies (World Heritage Committee, 2017d, p. 27). The focus on World Heritage properties located in urban areas and vulnerable to the impacts of climate change is highlighted. Likewise, it requested the States Parties to take relevant actions to address the issue, considering the commitments assumed through the United Nations Framework Convention on Climate Change (World Heritage Committee, 2021b, pp. 41-42).

In addition to the Committee, there is a network of actors who participate in and support activities, which we will call here the international heritage community.[6] This community includes, first and foremost, the Committee members with consultative voting rights: the Rome Center, ICOMOS, and IUCN.

[6] This term, although not official, was referred to by Melody Lepine in her interview with the author (Lepine, 2021).

Besides these, the World Heritage Centre also stands out. It was created in 1992 and is the primary coordinator of World Heritage matters within the United Nations system. It is responsible for the daily administration of the Convention, the organization of sessions, and the State of Conservation Reports. The Centre also assists the States Parties in the World Heritage nomination process, administratively organizes international assistance requests, and coordinates emergency actions (World Heritage Centre, 2021a). Additionally, it is responsible for other administrative activities, such as organizing events and lectures, updating the Convention's database and the World Heritage Lists, promoting educational initiatives, and communicating with the public (World Heritage Centre, 2021a).

The managers of protected sites have also become increasingly engaged in dialogue with the world heritage community. They are directly responsible for inspecting and directing decision-making at the local level. They are also tasked with implementing the decisions made by the Committee and drafting the State of Conservation Reports. Despite the importance of their actions, they have not always been present in the Committee's decision-making process. To ensure greater participation of these representatives, the World Heritage Site Managers' Forum was created in 2017, an initiative by Poland (World Heritage Committee, 2017c, p. 6), which was maintained in subsequent editions (World Heritage Committee, 2019a).

It is also highlighted an important component related to the World Heritage Committee, which also integrates the world heritage community, is civil society groups. They are essential sources, as they provide information different from that supplied by the State Party regarding potential threats to the OUV of properties. Their engagement with the Committee is ongoing through campaigns disseminated via social media, mass petitions, and public appeals (World Heritage Committee, 2017c, p. 6).

Some examples of this activity include the campaign for the Whale Sanctuary of El Vizcaino (Mexico), which sent approximately 30,000 letters to the World Heritage Committee; the demonstration in support of Yellowstone National Park (United States), with over 1,500 letters received by the same Committee; and the action for the Greater Blue Mountains Area (Australia), where hundreds of e-mails were sent directly to the Director-General of UNESCO (World Heritage Committee, 2017c, p. 6).

Beyond these site-specific actions, there have also been other initiatives addressing more global issues. In 2009, two campaigns focused on climate change: the first promoted by the Australian Climate Justice Program, the Climate Action Network Australia, and Friends of the Earth Australia; the second led by Earth Justice and the Australian Climate Justice Program (World Heritage Committee, 2017c, p. 6). Between 2011 and 2012, there were also large protests against dam construction, with more than 200 emails sent by members of the NGO International Rivers (World Heritage Committee, 2017c, p. 6).

Once the diverse community surrounding the World Heritage Committee is understood, the discussion can shift to the phenomenon of litigation within the Committee. Its origins date back to November 2004, when non-governmental organizations submitted petitions to the Committee, demanding the inclusion of the Belize Barrier Reef Reserve (Belize), Huascarán National Park (Peru), and Sagarmatha

National Park (Nepal) on the List of World Heritage in Danger due to the impacts of climate change.

In 2005, a report on the Great Barrier Reef (Australia) was also presented, detailing Australia's responsibilities regarding the Convention Concerning the Protection of the World Cultural and Natural Heritage. Later, in February 2006, another similar petition was signed, this time concerning Waterton Glacier International Peace Park (United States and Canada).

Regarding the actors behind these five petitions, it is noted that they result from the work of non-governmental organizations operating on local, regional, national, and supranational scales, with support from individuals, organizations, universities, and foundations based in the United States and Europe. The actors' interest lay in the expectation that the previously mentioned sites would be included in the List of World Heritage in Danger, which would grant them access to resources from the World Heritage Fund and assistance from the World Heritage Committee in developing conservation plans (Osofsky, 2005).

The petition for the Belize Barrier Reef Reserve was submitted by the Belize Institute of Environmental Law and Policy, a non-governmental organization. It was prepared with the assistance of the Joint Program in Environmental Law of the University of Florida and the University of Costa Rica. The American program E-Law and the British Climate Justice Programme advocated for the petition (Burns, 2009).

The petition for Huascarán National Park, in Peru, was submitted by two Peruvian NGOs and affiliated individuals, while the petition for Sagarmatha National Park, in Nepal, was submitted by a large group of NGOs and individuals. Among them were the Forum for Protection of Public Interest, two Nepalese citizens, the International Public Interest Defenders, and other individuals from the United States and Europe. The petition also received support from the E-Law and Climate Justice Programme initiatives (Burns, 2009). Meanwhile, the report on Australia's Great Barrier Reef was prepared by the Sydney Centre for International and Global Law, which is part of the University of Sydney's Law School, and was commissioned by the Environmental Defender's Office New South Wales and Greenpeace Australia Pacific (Burns, 2009).

In terms of defendants, these five petitions do not present a specific responsible party, although they did identify which actors should ideally be involved in the litigation. Three of the five petitions attempted to involve, in addition to the State Party that owns the World Heritage site in dispute, other Convention States Parties. They argued that other States Parties are also obligated to control their greenhouse gas emissions and thereby reduce their contributions to global warming (Burns, 2009, p. 373).

The other two petitions — regarding the Great Barrier Reef in Australia and the Waterton Glacier International Peace Park in the U.S. and Canada — focused on the duty of the State Party that owns the World Heritage site. In the latter case, the argument was more assertive, demanding that any protective program include specific measures to reduce emissions from the United States, as it is both one of the countries responsible for this natural site and a major global emitter of greenhouse gases (Burns, 2009, p. 374).

Regarding the facts, two of these first five petitions focused on the threat of coral bleaching due to global warming, while the other three emphasized the risk that ice melting could pose to World Heritage sites (Burns, 2009, p. 372). More specifically, the facts presented in the petitions describe damage to a regional resource, regulated by a Convention State Party, which was designated by the supranational body of the World Heritage Committee as belonging to humanity, with the law being applicable to the Convention itself (Osofsky, 2005, p. 1845-1850).

The Committee's response to these petitions came at its 29th session in 2005. Refusing to inscribe the sites on the List of World Heritage in Danger, the body established a working group of experts to collaborate with the petitioners, other parties, and advisory bodies to assist the Convention States Parties in developing appropriate protection measures (Burns, 2009, p. 375). That same year, the United States, which had been elected as a Committee member in 2005, presented a report opposing the claims made through litigation, questioning the legitimacy and appropriateness of the action within the Committee's framework (Burns, 2009, p. 376).

In 2006, a meeting of experts was organized to discuss the proposed plans, focusing on preventive and corrective actions such as monitoring and adaptive strategies (Burns, 2009, p. 376-377). Later that year, at its 30th session, the World Heritage Committee endorsed the strategy developed by the expert group and urged States Parties to work towards its implementation. However, the approach indicated the World Heritage Committee's understanding that the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change were the most appropriate international organizations to address climate issues, emphasizing the need for collaborative action (Burns, 2009, p. 377-378).

The historical overview of litigation within the World Heritage Committee concludes the analysis of the litigation actors in the case of Wood Buffalo National Park. The discussion then moves on to the study of the claims in this case.

5.3 Claims

Having outlined the overview of the actors involved in the litigation process, the investigation now turns to the claims made by these actors, as well as an analysis of the substantive law invoked. Subsequently, the procedural developments of the case will be addressed.

5.3.1 Facts

In December 2014, the Mikisew Cree group submitted a petition to the World Heritage Committee requesting the inclusion of the Wood Buffalo National Park on the List of World Heritage in Danger (World Heritage Committee, 2017d). One of the main objectives of the document, according to Melody Lepine (2021), was to draw Canada's attention to the Convention and the necessary protection of the Park.

In the document, the petitioners claimed that the site faced immediate threats that jeopardized its outstanding universal value. Foremost among these was the threat

of hydroelectric plant construction on rivers that cross the Park. Additionally, there were projects for oil sands exploitation and the consequent construction of mining dams near the Athabasca River (Mikisew Cree First Nation, 2014).

Hydroelectric and mining activities are conducted upstream of the Peace-Athabasca Delta and therefore lie outside the protection boundaries of Wood Buffalo National Park. As a result, numerous negative impacts are concentrated on the delta, which is considered the key area for maintaining the Park's ecological balance and, at the same time, one of its most vulnerable regions. These impacts include water and air contamination, changes in the water regime, harm to wildlife, and the risk of failures in the dams associated with oil sands exploitation infrastructure. Furthermore, the negative impacts are exacerbated by the effects of climate change.

The document highlights that climate change affects the region's water regulation, influencing its balance and the regulation of hydrological flows. Additionally, these changes impact flora and fauna, specifically the protected habitat of the wood bison and the whooping crane (Mikisew Cree First Nation, 2014). Compounding these issues is the lack of capacity of the responsible agency, Parks Canada, to ensure the Park's protection from activities occurring outside its boundaries, including its inability to address climate change. Moreover, there is a noted inadequacy in provincial-level legislation and regulations, along with the weakening of federal environmental protection laws, including changes to key legislation such as the Canadian Environmental Assessment Act (2012) and the Canadian Navigable Waters Act (1985).

The group further identified as additional threats to the site's outstanding universal value the insufficient monitoring of the adverse impacts of activities conducted outside the protected area, as well as of climate change, the absence of a buffer zone around the Park and non-compliance with treaties established with the Mikisew Cree to address anthropogenic changes in the water regime (Mikisew Cree First Nation, 2014).

The IUCN published a report in the same year analyzing the conservation status of the Park. This document, in a way, complements the facts alleged in the petition. According to the IUCN, the site's conservation status was good, especially concerning the ecology of boreal forests and the populations of bison and whooping crane. However, the delta was identified as a significant exception to the good conservation status. The loss of the delta's outstanding universal value was attributed to drought, resulting from a combination of hydrological changes and the impacts of climate change (International Union for Conservation of Nature, 2014, p. 2), which the organization considered a significant factor in the changes observed in the delta (International Union for Conservation of Nature, 2014, p. 6). The document adds that the continuation of global warming would further increase droughts and their impacts on populations (International Union for Conservation of Nature, 2014, p. 8).

The IUCN also identified industrial activities as a threat, as they extract water from the delta and may release toxic materials. For these reasons, water quality was considered at risk (International Union for Conservation of Nature, 2014, p. 2 and 6). Complementing this scenario, a budget reduction for Parks Canada has been observed since 2012 (International Union for Conservation of Nature, 2014, p. 2 and 9). This has

reduced the agency's ability to address issues, even those within the Park's protected area (International Union for Conservation of Nature, 2014, p. 4).

5.3.2 Substantive Law

The substantive law invoked by the authors is based on the Convention Concerning the Protection of the World Cultural and Natural Heritage. Based on this, the authors sought the specific measure of including Wood Buffalo National Park on the List of World Heritage in Danger. Indirectly, the aim is to improve the Park's protection, increase the participation of Indigenous communities in its governance, and, in general, draw attention to its conservation status (Mikisew Cree First Nation, 2014). Next, we will outline a history of the Convention and subsequently analyze its most important concepts and obligations relevant to the case.

A first impetus for the creation of the Convention can be traced back to the United States, with the White House Conference in 1965, called the World Heritage Trust, which aimed to promote cooperation for the protection of important world sites for present and future generations (Burns, 2009, p. 365-366).

Shortly thereafter, in response to growing concerns about the damage caused by human activities to natural and cultural sites, the Convention Concerning the Protection of the World Cultural and Natural Heritage, known as the Paris Recommendation, was adopted at the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in November 1972. It came into force on December 17, 1975, and currently has 193 State Parties. The Convention is based on two main concepts: cultural heritage and natural heritage. These definitions are addressed in Articles 1 and 2, respectively. Cultural heritage consists of: a) monuments; b) groups of buildings; or c) sites of interest. The determining factor for characterizing these sites as cultural heritage properties is that they possess outstanding universal value (OUV) from the perspective of history, art, science, aesthetics, ethnology, or anthropology.

Regarding natural heritage, the Convention refers to: a) natural monuments formed by biological and physical structures; b) geological and physiographical formations that serve as habitats for endangered species; c) sites of natural interest. To be classified as natural heritage properties, these sites must also exhibit outstanding universal value (OUV) in terms of natural beauty, aesthetics, science, and conservation (World Heritage Committee, 1972).

The same text, in the following articles, outlines the duties of State Parties regarding the identification and enhancement of these properties, requiring each State Party to adopt policies and services for the protection, enhancement, and conservation of the properties through appropriate legal, administrative, financial, and technical measures (World Heritage Committee, 1972).

Despite the presence of obligations from an internal and individual perspective, the Convention's text engages the entire world heritage community in Articles 6 and 7. These articles impose a duty of cooperation for the protection of universal heritage

through the creation of an international assistance system for the identification and preservation of cultural and natural heritage (World Heritage Committee, 1972).

At the executive level, the primary body established by the Convention is the World Heritage Committee. It is responsible for implementing the Convention through the establishment, updating, and dissemination of the World Heritage List and the List of World Heritage in Danger, as well as managing the World Heritage Fund and handling requests for international assistance.

Regarding international assistance, requests must be submitted to the Committee, and assistance can be provided through support in conducting studies, supplying skilled labor, training personnel, providing equipment, or granting financial loans. The World Heritage Fund, established by Article 15 of the legal text, is managed to provide economic support for these activities (World Heritage Committee, 1972).

Beyond international assistance, perhaps the most recognized feature of the Convention is the maintenance of the World Heritage List. This list aims to organize and catalog sites based on their cultural or natural significance as common heritage for all humanity.

The inscription of properties on the World Heritage List begins with each State Party submitting an inventory of cultural and natural assets within its territory that are eligible for listing. The inscription of a particular site is assessed based on ten criteria defined in the Operational Guidelines for the Implementation of the Convention, but it is only finalized with the consent of the interested State (World Heritage Committee, 2019f).

The Committee is also responsible for defining and maintaining the List of World Heritage in Danger. This document includes properties from the World Heritage List that require special safeguarding due to risks or threats of disappearance. Article 11 exhaustively lists the threats that may be considered, which include: accelerated degradation, major public or private projects, urban and tourism development, changes in land use, abandonment, armed conflict, alterations of unknown cause, calamities, fires, earthquakes, landslides, volcanic activity, floods, and rising water levels (World Heritage Committee, 1972).

Thus, Article 11 of the Convention is the main legal basis for the case under analysis, as the primary objective of the litigation is the inscription of Wood Buffalo National Park on the List of World Heritage in Danger.

5.3.3 Process

After receiving the petition in 2014, the World Heritage Committee issued its opinion on it in July of the following year, during the 39th session. Taking into account the reasons presented in the petition — construction of hydroelectric plants and dams, oil sands exploitation, and the impacts of climate change —, the body acknowledged in its analysis that the threats arising from climate change were not being adequately addressed and that there was a lack of engagement from Indigenous communities in the site's management (World Heritage Committee, 2015d).

Canada reported in the State of Conservation Report, submitted in 2015, the existence of an Ecological Monitoring program for the Peace-Athabasca Delta, dating back to 2008, which included an analysis of the cumulative impacts of activities along the system, taking into account potential interferences arising from climate change. The State Party also indicated cooperation with the Mikisew Cree group in monitoring tasks related to water levels, water use, and climate change, conducted alongside discussions involving other stakeholders regarding management practices (Parks Canada, 2015).

In its decision, the Committee ruled against the inscription of Wood Buffalo National Park on the List of World Heritage in Danger. To better assess the state of conservation of the site, it opted to send a Reactive Monitoring Mission (RMM), carried out by the Committee in collaboration with the IUCN. Additionally, the Committee requested the State Party to conduct a Strategic Environmental Assessment (SEA) to analyze the cumulative impacts of activities throughout the Peace-Athabasca Delta, including climate change-related actions. Finally, the Committee prohibited the State Party from making any decisions regarding hydroelectric and mining projects, whose effects could potentially be irreversible (World Heritage Committee, 2015d).

In 2016, the Monitoring Mission took place, conducted by the World Heritage Committee in partnership with the IUCN. Delegates from both organizations visited Wood Buffalo National Park between September 24 and October 4 to verify its state of conservation and assess whether it met the requirements for inclusion on the List of World Heritage in Danger.

Among the main concerns raised by experts during the visit were the anticipated and observable impacts of climate change and the significant vulnerability of the Peace-Athabasca Delta, which had already undergone substantial changes in its hydrology and ecology (World Heritage Committee, 2017d, p. 1). Regarding observable impacts, the Mission noted warming, drought, and changes in rainfall patterns in the delta region (World Heritage Committee, 2017d, p. 15). The absence of rain, in turn, had the potential to affect Indigenous communities and populations of protected species such as bison and whooping cranes, as well as the local flora (World Heritage Committee, 2017d, p. 36).

In its conclusions, the Mission determined that climate change would have direct and lasting impacts on the park's conservation values, creating an urgent need to better understand and respond to the various environmental stressors affecting the park as a whole, particularly the Peace-Athabasca Delta (World Heritage Committee, 2017d, p. 16).

As a result of the Mission, 17 recommendations were issued to be considered by Canada and the Committee in their future decisions. Among them was Recommendation 3, which addresses climate change. It suggests that the State Party should conduct environmental assessments of water flows and the maintenance of the ecological balance of the Peace-Athabasca Delta, taking into account cumulative impacts and climate change projections (World Heritage Committee, 2017d).

The year 2017 marked the drafting of a State of Conservation Report by the IUCN and the 41st session, which continued the litigation process concerning Wood Buffalo National Park within the World Heritage Committee.

According to the IUCN, many areas of the Park were in good conservation condition. However, there was a stark contrast between these areas and the delta, whose condition was critical. The reasons included hydrological changes, climate change, and the development of industrial activities such as mining, water use and its accidental contamination, and the risk of dam failures (International Union for Conservation of Nature, 2017, p. 2).

In this context, it was noted that significant parts of the delta were outside the Park's boundaries (International Union for Conservation of Nature, 2017, p. 18) and that the agency responsible for its protection, Parks Canada, lacked jurisdiction to address issues that were beyond the protected area. There was also limited knowledge about the cumulative impacts of these large-scale industrial activities (International Union for Conservation of Nature, 2017, p. 3).

Additionally, the IUCN identified climate change as a key factor in understanding the Park's situation. Due to its high-latitude location, the area was particularly vulnerable to these changes, which could potentially affect all of its values without restriction (International Union for Conservation of Nature, 2017, p. 14).

Regarding governance, the organization identified a lack of coordinated management between federal and provincial governments and between the National Park and regional protected areas (International Union for Conservation of Nature, 2017, p. 17). Furthermore, it recognized the need to improve governance among federal, provincial, and territorial governments, as well as to include First Nations and Métis in this process (International Union for Conservation of Nature, 2017, p. 2-4), enhancing communication, coordination, and cooperation among these stakeholders (International Union for Conservation of Nature, 2017, p. 17).

Even in the face of the demand for better governance structures, the IUCN assessed that, over time, the First Nations, Métis, and NGOs were managing to increase their capacity to influence the direction of the Park and that the rights of Indigenous peoples appeared to be more respected than in previous decades (International Union for Conservation of Nature, 2017, pp. 22 and 25).

Regarding the 41st session, in the same year of 2017, the State Party, in its State of Conservation Report, acknowledged the vulnerability of Wood Buffalo National Park to external impacts, both from climate change and from hydroelectric and bituminous projects located around it. Even while confirming deficiencies in local governance, the State Party expressed interest in renewing its relationship with the Métis and First Nations through the recognition of rights, respect, cooperation, and partnership. Furthermore, it also mentioned the existence of internal legislative efforts at the federal level to introduce modifications in the environmental impact assessment process (Parks Canada, 2017).

Regarding the Committee's decision in the 39th session, the State Party claimed that no irreversible decision had been made concerning hydroelectric projects and oil sands exploration with the potential to affect the protected site. However, no measures were taken against the advancement of the construction of the Site C Clean Energy Project, given that this project had been fully approved before the Committee's decision in 2015 (World Heritage Committee, 2017e).

In its oral statement, the North West Territories Métis Nation expressed support for the Committee's latest decision, recognizing the need for greater, fair, and transparent engagement among all stakeholders in order to find a path toward possible reconciliation (World Heritage Committee, 2017f, p. 125).

The Mikisew Cree, in its presentation, was more forceful, acknowledging the country's lack of action over decades and its resistance to making changes in the management of the Park to promote the quality of the delta and the health of the population that depends on it (World Heritage Committee, 2017f, p. 125). It also expressed disbelief in the country's commitment to building a genuine partnership based on actions to protect the Park as required by the Convention, reporting that constructive approaches and proposed dialogues had been rejected by the country (World Heritage Committee, 2017f, p. 125). Additionally, it emphasized that, contrary to what had been determined in 2015, the country had not complied with the mandate not to take any action regarding projects whose impacts could be difficult to reverse (World Heritage Committee, 2017f, p. 125).

In its statement, the Canadian delegation expressed its understanding that a response to this dispute would depend on collaboration at all levels, including the federal, provincial, and territorial governments, as well as the engagement of Indigenous communities, industries, and other stakeholders. It noted that the findings of the RMM and its recommendations would serve as a call to action and expressed its commitment to working with these partners in developing an Action Plan (World Heritage Committee, 2017f, p. 126).

Despite the statements from the State Party, the Committee notified it due to communication failures with stakeholders and Indigenous communities. In this regard, the Committee emphasized that the Park's situation required valuing traditional Indigenous knowledge and the effective participation of First Nations, Métis, academia, and non-governmental actors in the decision-making process. It was also noted that there were ongoing tensions and trust issues among Indigenous peoples, regional governments, and the private sector. Finally, the Committee expressed satisfaction with a possible review of federal legislation on environmental impact assessment (World Heritage Committee, 2017e).

As a reflection of the analysis presented in the report, it was decided that an Action Plan needed to be developed through a fair and transparent process with sufficient involvement of stakeholders, including First Nations and Métis. Moreover, the Plan would need to reflect the results of the Strategic Environmental Assessment and the recommendations of the Monitoring Mission. Additionally, it was decided that these documents would serve as a reference framework for analyzing the cumulative impacts of all future activities potentially affecting the Wood Buffalo National Park area, including the Site C Clean Energy Project, which had already been approved by the Canadian government (World Heritage Committee, 2017e).

Following the 41st session, the Mikisew Cree issued several bulletins monitoring the decision. In these, it expressed satisfaction with the Committee's decision (Mikisew Cree First Nation, 2017b), committing to continue working cooperatively to resolve the dispute (Mikisew Cree First Nation, 2017a). However, they reaffirmed that they still did not believe in the country's commitment to building a partnership with Indigenous

groups. They reported that, up to that point, no actions had been taken to demonstrate that the country was genuinely committed to protecting the Park as outlined by the Convention (Mikisew Cree First Nation, 2017a).

The Strategic Environmental Assessment, requested at the 39th session in 2015, was only completed in 2018 after stages of public consultations with experts, Indigenous peoples, and NGOs. It was prepared by Independent Environmental Consultants, an independent environmentalist group contracted by Parks Canada. Among many other topics, the document addresses climate change and its impacts on the Peace-Athabasca Delta. These include reduced water availability and lower snow accumulation, affecting the delta's tributaries and influencing the structural quality of ice in the region. Regarding flora, the main concerns focus on threats to the habitat of the whooping crane. The document recommended immediate action in collaboration with Indigenous peoples (Independent Environmental Consultants, 2018, p. 4-38).

According to the Committee's decision, after the completion of the Strategic Environmental Assessment, Canada was to develop an Action Plan for Wood Buffalo National Park. However, an open letter from the Mikisew Cree, addressed to the Minister of Environment and Climate Change, Catherine McKenna, denounced that, contrary to expectations, the country was not making progress in developing an Action Plan and was also not committed to engaging Indigenous communities in its creation (Mikisew Cree First Nation, 2018d).

In the same year, 2018, the MCFN made a public request to be included in the committees responsible for drafting the Action Plan (Mikisew Cree First Nation, 2018e, p. 1). In this request, the group emphasized the need for a joint, active, transparent, and collaborative effort that effectively includes Indigenous communities in proposals for the Park's protection and management (Mikisew Cree First Nation, 2018e, p. 1). Citing the Committee's Operational Guidelines, which list strategic partners for the protection and conservation of world heritage, the First Nation demanded inclusion in governance structures (Mikisew Cree First Nation, 2018e, p. 2).

In 2019, the Action Plan for Wood Buffalo National Park was published. According to Parks Canada, its development involved the governments of Alberta, British Columbia, and the Northwest Territories, as well as Indigenous peoples and other stakeholders (Parks Canada, 2019). This Plan was not the first to be developed in the Park's history. The previous plan, from 2010, which prioritized relationships with First Nations and Métis (International Union for Conservation of Nature, 2014), had already recognized the need to engage the local population, including these Indigenous peoples, in the Park's planning and management actions (International Union for Conservation of Nature, 2020).

For the implementation of the new plan, an initial investment of 27.5 million Canadian dollars was allocated. The plan includes a total of 142 actions, organized into seven thematic areas: a) Indigenous partnerships; b) environmental assessment; c) conservation; d) dam risk assessment; e) environmental flow and hydrology; f) monitoring and science; g) wildlife and habitat. It is worth noting that half of the actions are concentrated in the area of environmental flow and hydrology (Parks Canada, 2019).

In the Action Plan, the topic of "climate change" is treated as a reality in the protected site and is addressed primarily in terms of its influence on the way of life of the communities living in the Park. In the area of dam risk assessment, the plan stipulates that climate change must be a necessary element in the risk evaluation of future projects. Climate change is also included in the objective of identifying and creating models for assessing environmental flow, which must incorporate future climate change scenarios, as well as consider their cumulative impacts (Parks Canada, 2019).

Despite being effectively completed, the process of developing the Action Plan appears to have been challenging. This is because 1) there were some delays in its development, which may have resulted in certain shortcomings; 2) many Indigenous groups expressed dissatisfaction with the lack of transparency and involvement in its creation, as the government of Alberta refused to meet with Indigenous groups during discussions and because the results of the Strategic Environmental Assessment were not sufficiently incorporated (Mikisew Cree First Nation, 2018f).

Despite these concerns raised by Indigenous communities, the Canadian delegation, at the 42nd session of the Committee, reiterated the 27.5 million Canadian dollar funding over five years for the implementation of the Action Plan (World Heritage Committee, 2018, p. 708). This funding was part of a 1.3 billion Canadian dollar investment to protect and expand the number of protected areas in the country, in accordance with the objectives of the Convention on Biological Diversity, which came into force in 1993 (World Heritage Committee, 2018, p. 708).

The delegation also reported that the country respects the Committee's recommendations and considers its decisions an important call to action. It stated that provincial and territorial governments and Indigenous peoples are its partners, with whom it planned to work to ensure the future of Wood Buffalo National Park (World Heritage Committee, 2018, p. 708).

At the 43rd session, held in April 2019, Canada presented the developments of the Action Plan and the Strategic Environmental Assessment. In legislative terms, the State Party highlighted the conclusion of an internal legislative process initiated in previous years, which resulted in the proposal of Bill C-69. This legislative proposal primarily aimed at substantial changes in the environmental impact assessment process through the establishment of the new Impact Assessment Act at the federal level. It also proposed secondary changes to other legislation (Parks Canada, 2019).

In its statement, the MCFN argued that despite the completion of the Action Plan, the country still did not know how to manage the situation, as the most important issue, the delta's drought, remained unresolved. Thus, it reiterated its belief in the threat to the Park's outstanding universal value and the need to include the site on the List of World Heritage in Danger. Finally, it added that direct dialogue with the Committee is necessary to be heard by Canada (World Heritage Committee, 2019d, p. 172).

At the same session, there was also an oral statement of support from the Athabasca Chipewyan for the Mikisew Cree and the need to increase the protection of the delta (World Heritage Committee, 2019d, pp. 173–174).

A third, unidentified group also spoke out, demanding more detailed environmental impact assessment processes from the State Party and that they are effectively considered in the design of projects for the Park's protection. Additionally, the group drew a parallel between the Park's situation and Lake Turkana, which was, at the time, listed as a World Heritage Site in Danger (World Heritage Committee, 2019d, p. 174).

In response, the Canadian delegation emphasized that the Action Plan was developed in partnership with 11 Indigenous communities, provincial and territorial governments, and other stakeholders (World Heritage Committee, 2019d, p. 173). Furthermore, it reaffirmed its commitment to implementing the plan, with an initial investment of 27.5 million Canadian dollars, and to strengthening ties with the community in its application (World Heritage Committee, 2019d, p. 173).

In the Committee's assessment, the implementation of the Action Plan and the Strategic Environmental Assessment was considered the greatest commitment of the State Party in response to previous decisions. Despite these considerations, the body assessed that further efforts would be necessary to reverse the observed negative trends (World Heritage Committee, 2019c). Therefore, in its decision, the Committee required that the results of the Assessment be given greater consideration in decision-making. It also emphasized that the Action Plan and the Strategic Environmental Assessment should be connected to appropriate models of governance and resource allocation, including the effective participation of Indigenous peoples and the consideration of their traditional knowledge (World Heritage Committee, 2019c).

In 2020, the IUCN again pointed out, in a newly released report, the poor conservation status of the Peace-Athabasca Delta, resulting from a combination of climate change, hydrological alterations, and risks associated with industrial development (International Union for Conservation of Nature, 2020). Among these, climate change and its lasting impacts were the main identified threats (International Union for Conservation of Nature, 2020, p. 7) to the Park and, above all, to the delta (International Union for Conservation of Nature, 2020, p. 3). Its interaction with the development of hydroelectric plants, oil sands and mineral exploitation, and agriculture was seen as part of a complex network of cumulative impacts (International Union for Conservation of Nature, 2020, p. 5).

Regarding the 2018 Action Plan, there was a recognized need to advance governance and the effective participation of First Nations and Métis, as well as to invest more resources to ensure its satisfactory implementation (International Union for Conservation of Nature, 2020, p. 1). However, the IUCN acknowledged that coordination and cooperation with Indigenous nations in the governance of the Park seemed to be improving and strengthening. The Métis, First Nations, and NGOs appeared to be increasing their ability to exert some influence over the Park's future. Nevertheless, this factor alone did not constitute a definitive solution to the situation, as industrial development and economic and social benefits still prevailed over environmental conservation (International Union for Conservation of Nature, 2020, p. 11-12). An effective response would still depend on the ability of these actors to influence decision-making beyond the Park's boundaries (International Union for Conservation of Nature, 2020, p. 9).

In 2021, the 44th session of the Committee was held. During the session, Canada reported to the Committee on the implementation of the actions outlined in the Action Plan, which include partnerships with Indigenous peoples, improved impact assessment, monitoring and communication policies, and water use evaluation. It also notified the creation of three new provincial parks by the government of Alberta, located at the borders of Wood Buffalo National Park, increasing the protected area of that ecosystem. Additionally, it reported an attempt to develop a comprehensive assessment framework applicable to the Site C Clean Energy Project and Amisk Hydroelectric Project (Parks Canada, 2020).

Despite the progress, the Committee emphasized the need for more resources to implement the Action Plan, whose future funding remains uncertain. Furthermore, concerns were raised regarding the Park's effective governance, given the limited authority of Parks Canada and the lack of success in the agency's cooperative efforts with Indigenous communities (World Heritage Committee, 2021c).

Contributing to the Committee's negative assessment were the expansion and inadequate evaluation of oil sands extraction projects and the mining dams that support this activity. The situation was further complicated by the impacts of the 2020 health crisis, which led to the suspension of monitoring activities. These factors resulted in the presentation of a second State of Conservation Report, prepared by Indigenous peoples and non-governmental organizations, criticizing Canada's management of the Park (World Heritage Committee, 2021c).

A consequence of this scenario was the Committee's proposed decision recognizing the decline in the Park's outstanding universal value. The judgment considers that the site is under increasing threats, making it eligible for inclusion on the List of World Heritage in Danger. It was thus decided to conduct a new Monitoring Mission to determine whether the inscription was necessary (World Heritage Committee, 2021c).

The Committee also required: a) adequate provision of resources and mechanisms for coordinating actions between federal and provincial governments; b) the use of new and innovative governance and management models; c) the creation of a buffer zone; d) the adoption of an effective partnership with First Nations and Métis for the governance of the Park; and e) the conduction of studies to assess the risks of constructing mining dams (World Heritage Committee, 2021c).

In summary, we can understand that, in a way, the Committee appears to acknowledge and accept the scientific consensus on the severity of the climate crisis. This issue is mentioned in its decisions and serves as one of the key axis of analysis for the RMM and the reports prepared by the IUCN.

However, overall, the Committee's decisions focus more on governance structures. They frequently call for more appropriate management models and urge the Canadian government to take actions to ease tensions, correct communication failures, and address the lack of trust between Indigenous peoples, the private sector, and federal and provincial governments.

Another important point concerns the funding of actions. As a general rule, the Committee seems to demand concrete funding perspectives for the site's protection. However, it appears to suggest a tendency of the Canadian government to allocate

resources that would already be invested regardless of the Committee's requirements. This was the case with the initial funding of 27.5 million Canadian dollars for the Action Plan, which was already included in a broader initiative for implementing the Convention on Biological Diversity.

Despite the Committee's essential role, it is important to acknowledge that it rejected the initial request to inscribe Wood Buffalo National Park on the List of World Heritage in Danger, a request made by the Mikisew Cree in 2014. This demand resurfaced only in 2021, following new findings that the Park is under severe threat. Even so, its potential inscription requires the completion of a new Monitoring Mission, further extending the litigation process.

Regardless, the Committee's actions over the years are seen by the author, Mikisew Cree, as fair and satisfactory, as they provide opportunities for the State Party to fulfill its obligations (Lepine, 2021). Similarly, the Canadian government, through its delegation, tends to recognize the importance of the Committee's decisions in improving governance structures — at both local and regional levels — as well as in the conservation and protection of Wood Buffalo National Park.

6. Analysis of the strategic potential

Once the main objectives of the study have been achieved and the general framework for analyzing the geography of actors and claims has been outlined, it is necessary to investigate whether the initial research hypothesis has been confirmed or not.

This study's research hypothesis is that the litigation under analysis has some strategic potential. In other words, it would be capable of influencing decision-makers, public policy formulators, managers, and society in general, leading to legislative, political, and social changes (Nusdeo, 2019). These possible effects will be analyzed along two distinct axes: a) modifications in governance structures; and b) legislative and regulatory changes.

6.1. Modifications in governance structures

To analyze the research hypothesis, the environmental impact assessment processes of the three main projects affecting the Wood Buffalo National Park area and their potential effects on governance structures were selected for study. The projects include two hydroelectric ventures: Site C Clean Energy Project, proposed by BC Hydro in 2014 and already under construction, and the Amisk Hydroelectric Project, presented by AHP in 2015 and still in the planning phase. Additionally, the Frontier Oil Sands Mine Project, proposed by Teck in 2012 and canceled by the company in 2020, is also considered.

According to the former Canadian environmental impact assessment law, the Canadian Environmental Assessment Act of 2012, project proponents were required to prepare an Environmental Impact Assessment study following guidelines provided by federal and provincial governments. Once completed, this study would be reviewed and evaluated by the Canadian Environmental Assessment Agency, the body responsible for the procedure, or by a Joint Review Panel. At this stage, recommendations and modifications would be proposed (Parliament of Canada, 2012). The results would then serve to inform the decision of the Minister of Environment and Climate Change regarding the need and suitability of the project under review (Canadian Environmental Assessment Agency, 2016).

6.1.1 Site C Clean Energy Project

Discussions between BC Hydro and Indigenous populations regarding the Site C Clean Energy Project began in 2007, with a key focus on understanding the environmental changes the project would bring (BC Hydro and Power Authority, 2013, p. 16). These discussions were more in-depth with First Nations located near the Peace River Valley, the area most affected by the project (BC Hydro and Power Authority, 2013, p. 16). Despite that, discussions were also held with the Métis of Alberta and the Northwest Territories (BC Hydro and Power Authority, 2013, p. 17).

BC Hydro negotiated agreements with these populations to provide financial resources that would facilitate their participation in the project's consultation process. Approximately 8.5 million Canadian dollars were allocated to support the engagement of these communities in the proposal and to promote studies on traditional land use (BC Hydro and Power Authority, 2013, p. 17). It is also worth mentioning that BC Hydro led the consultation process, while the agencies managed the process public comment on the project. Throughout the Environmental Impact Assessment, more than 500 consultation meetings, presentations, meetings with local governments, open sessions, and community events were held. The entire process was documented (BC Hydro and Power Authority, 2013, p. 18).

For the project's Environmental Impact Assessment, BC Hydro had to define, as required by national legislation at the time, the project's valued components (VC), which are, according to the definition (BC Hydro and Power Authority, 2013, p. 24):

> […] are aspects of the Project's biophysical and human setting that are considered important by Aboriginal groups, the public, the scientific community, and government agencies.

A total of 22 valued components were defined, including greenhouse gas emissions, land and resource use for traditional purposes, navigation, and heritage (BC Hydro and Power Authority, 2013, p. 30-31). Overall, among the positive impacts, the energy company highlighted that the project would generate jobs, improve infrastructure and roads, increase housing availability, and expand recreational opportunities (BC Hydro and Power Authority, 2013, p. 37). Additionally, the project would significantly increase the fish habitat area due to the creation of a 9,300-hectare reservoir (BC Hydro and Power Authority, 2013, p. 23).

In assessing the potential impacts on the rights and interests of Indigenous communities, efforts were made to understand how the project could interfere with the exercise of the rights of affected groups, which were guaranteed by treaties. In this regard, BC Hydro emphasized its collaboration with Indigenous communities to enhance their ability to benefit from the opportunities created by the project (BC Hydro and Power Authority, 2013, p. 32).

The company acknowledged that the project would result in the loss of some multi-use areas and culturally significant sites, as well as landscapes of particular value to the communities (BC Hydro and Power Authority, 2013, p. 34). Among other considerations made by the proponent was the fact that fishing would be negatively affected during the reservoir's construction. However, it was understood that, once the reservoir was created, it would develop into a new and productive ecosystem. Thus, according to BC Hydro's assessment, while some traditional aspects could be altered, Indigenous groups' fishing activities could be adapted both spatially and temporally. In addition to fishing, it was also understood that hunting would experience negative impacts (BC Hydro and Power Authority, 2013, p. 57).

Regarding heritage, it is worth mentioning that the definitions of sites, objects, and elements of historical, archaeological, and paleontological interest were made based on research in specialized literature, surveys, and consultations with Indigenous

peoples (BC Hydro and Power Authority, 2013, p. 81). The development of a management plan, including monitoring activities, was proposed. It was understood that, even with the proposed mitigation measures, residual adverse impacts on heritage could occur. Among the mitigation proposals were actions such as avoiding locations, excavations, management, relocations, collection, and the implementation of protective measures (BC Hydro and Power Authority, 2013, p. 82).

Regarding other cultural aspects, it was understood that there would be a permanent loss, in terms of access and use, of certain culturally significant areas, impacting various communities. In this regard, the interference in cultural and traditional uses of the land was assessed by BC Hydro as significant (BC Hydro and Power Authority, 2013, p. 57).

Regarding navigation, an essential mode of transportation for the Indigenous peoples of the region, the proponent understood that the project would result in a permanent restriction on navigation. However, it argued that the creation of the reservoir could create navigation opportunities, so the impact on this element was not considered significant (BC Hydro And Power Authority, 2013, p. 69).

In terms of cumulative effects, considering global climate change, BC Hydro argued that adverse impacts would occur even without the project's implementation. In this sense, the contribution of the Site C Clean Energy Project to global emissions would be negligible (BC Hydro and Power Authority, 2013, p. 35).

Finally, concerning the greenhouse gas value component, BC Hydro identified that the emissions associated with the project have a low impact compared to other non-renewable energy generation sources, representing only a small fraction of total emissions on global, national, and regional scales (BC Hydro and Power Authority, 2013, p. 50).

After the Environmental Impact Assessment was conducted by the BC Hydro proponent, a Joint Review Panel was established in 2013. The purpose of this panel was to present a final assessment of the project, along with recommendations, to enable a better evaluation of its benefits and costs (BC Hydro and Power Authority, 2014, p. iv). The panel sought information on Indigenous rights through consultations with the affected Indigenous peoples to establish measures to mitigate adverse effects on these protections (BC Hydro and Power Authority, 2014, p. 1).

Formally, the panel was responsible for receiving and reviewing submissions from stakeholders, public comments, government agencies, and non-governmental experts, as well as statements from Indigenous communities. This phase lasted 225 days, during which analyses, public hearings, and the preparation of a report were conducted (BC Hydro and Power Authority, 2014, p. 5).

The panel was led by three experts in the field: Harry Swain, serving as chair; Jocelyne Beaudet, as the federal member; and James Mattison, as the provincial member. The hearings during the panel took place in the Peace River region. In total, consultations were held with 29 Indigenous groups potentially affected by the project, with varying levels of participation from each group (BC Hydro and Power Authority, 2014, p. 123-124).

Some of the First Nations and other Indigenous communities that participated in the panel included: West Moberly First Nations, Halfway River First Nation,

Saulteau First Nations, Doig River First Nation, Blueberry River First Nations, McLeod Lake Indian Band, Duncan's First Nation, Athabasca Chipewyan First Nation, Mikisew Cree First Nation, Lake Cree Nation, and Kelly Lake Métis Settlement Society (BC Hydro and Power Authority, 2014, p. 365-373).

Many topics were discussed throughout the panel, such as: aquatic environment, thermal regime and ice formation, fluvial geomorphology, sediment transport, groundwater regime, mercury management and proper disposal, the Peace-Athabasca Delta, fish and habitat, vegetation and ecological communities, wildlife, land and resource use for traditional purposes, community life, health, heritage, environmental protection and management, and the objectives, costs, and benefits of the Site C Clean Energy Project (BC Hydro and Power Authority, 2014).

During the meeting, the divergence between the perspective of the proponent company, BC Hydro, and the affected Indigenous communities became evident. On certain issues, the panel's chair sided with the arguments presented in the Environmental Impact Assessment conducted by the proponent over those offered by the affected communities. This was the case, for example, of the assessment of the thermal and ice regime, in which the panel members expressed satisfaction with the proponent's considerations, citing the difficulty in estimating the effects of climate change on the ice regime. Consequently, they concluded that there would be no change in the thickness of the formed ice (BC Hydro and Power Authority, 2014, p. 24).

The same occurred in the assessment of fluvial geomorphology and sediment transport. On this point, three members of the Duncan's First Nation, Northwest Territories Métis Nation, and Athabasca Chipewyan First Nation groups opposed the conclusions and measures proposed by BC Hydro. Despite their objections, the panel members concluded that the changes the project would bring to geomorphology and sediment transport would be insignificant (BC Hydro and Power Authority, 2014, p. 26-27).

Likewise, the panel also disregarded the statements from First Nations members regarding changes the project would bring to groundwater regime and the potential mercury contamination of aquatic systems. In both cases, it was stated that these issues would not be relevant to the project (BC Hydro and Power Authority, 2014, p. 29-35).

One noteworthy aspect is the project's relationship with the Peace-Athabasca Delta. Despite being one of the attributes of outstanding universal value listed in the park's inscription on the World Heritage List, the delta was not included in the scope of BC Hydro's Environmental Impact Assessment. However, after numerous objections from Indigenous communities, it was included as a mandatory item for evaluation by the panel's chair (BC Hydro and Power Authority, 2014, p. 35).

Members of the MCFN and ACFN reported the changes they have been observing in the delta. Representatives of these groups disagreed with the proponent's conclusion that the increase in Lake Athabasca's water level would be negligible. They pointed out that this increase, like all other project impacts, would become more significant with the progression of climate change. Many First Nations also emphasized the ongoing drought affecting the delta (BC Hydro and Power Authority, 2014, p. 39-40). The panel members agreed that climate change would directly affect the Peace-Athabasca Delta and that changes were already occurring in this system,

even without the project. However, the panel concluded that the project itself would not impact the delta in any way (BC Hydro and Power Authority, 2014, p. 42).

At this point, Dr. Carver, representing the Athabasca Chipewyan and Mikisew Cree, made a statement about the uncertainty caused by climate change and emphasized the risk of potentially underestimating its effects (BC Hydro and Power Authority, 2014, p. 248). The panel's chair acknowledged the high degree of uncertainty in predicting the adverse effects of climate change but stated that any possible impacts would be positive (BC Hydro and Power Authority, 2014, p. 249).

Still on this topic, it was reiterated that the project's greenhouse gas emissions would be lower compared to other sources, despite concerns raised by Indigenous groups that part of the Peace River Valley, which acts as a sinkhole, would be lost due to the dam's construction (BC Hydro and Power Authority, 2014, p. 242).

Despite the disagreements raised, there were also moments when the panel's chair considered the issues indicated by Indigenous communities. One such example was the topic of vegetation. Regarding it, many groups raised concerns about the potential loss of plants used for traditional purposes.

Representatives from three different Indigenous communities questioned the impacts on the collection of rare medicinal plants. In response, the panel acknowledged that some culturally significant areas would be significantly affected, concluding that BC Hydro's assessment of this issue was insufficient and recommending a more comprehensive evaluation in cooperation with Indigenous communities (BC Hydro and Power Authority, 2014, p. 68-69).

A similar outcome occurred regarding wildlife. On this issue, the panel disagreed with the species selected for analysis, as they were not truly representative of the region's communities, as pointed out by experts from the Yellowstone to Yukon Conservation Initiative, the David Suzuki Foundation, and several communities (BC Hydro and Power Authority, 2014, p. 74-89).

A particularly controversial topic was land use and resources for traditional purposes. In this aspect, many participants argued that the proponent failed to properly assess the ability of First Nations to practice their traditional way of life elsewhere (BC Hydro and Power Authority, 2014, p. 94). The panel confirmed this claim, noting that many Indigenous communities also disagreed with the proponent's analysis. The assessment was problematic because this assumption would require demonstrating that there are equivalent areas of equal value and quantity available for traditional use. Moreover, it would be necessary to determine that these new areas were comparable in terms of accessibility, proximity to Indigenous communities, environmental conditions, usage, availability of animals and plants, and the intrinsic values held by Indigenous groups (BC Hydro and Power Authority, 2014, p. 96).

Regarding fishing, in particular, the panel members considered that the traditional knowledge tied to fishing locations, preferred species for consumption, and deep cultural connections to specific places would be lost. Consequently, Indigenous communities' ability to pass down their knowledge and culture to future generations would also be impacted (BC Hydro and Power Authority, 2014, p. 102).

With respect to heritage, First Nations expressed dissatisfaction with the assessment of impacts on material heritage and the proposed mitigation measures,

especially given the continuous loss of archaeological heritage sites due to other projects (BC Hydro and Power Authority, 2014, p. 230).

Many questioned the fact that the flooded areas would contain artifacts and burial sites, raising concerns about respect for ancestors (BC Hydro and Power Authority, 2014, p. 230). Karen Aird, an archaeologist speaking on behalf of the West Moberly First Nations, explained that many sites were significant for both scientific and cultural reasons, in terms of the knowledge they could provide about the migration of ancestral peoples in North America (BC Hydro and Power Authority, 2014, p. 231). The panel then acknowledged that preserving these artifacts outside their original location would result in a loss of historical significance (BC Hydro and Power Authority, 2014, p. 233).

According to T8TA, 368 out of 796 sites of importance would be within the flood zone or areas affected by the project. Among these, 42 culturally and spiritually significant sites would be submerged, including burial grounds, teaching areas, ceremonial and religious sites, and locations associated with oral history, among others (BC Hydro and Power Authority, 2014, p. 111-112).

Despite this recognition, it is important to note that Indigenous communities did not present a unified stance, nor were they equally acknowledged by the panel, which seemed to have prioritized the nations within T8TA and the Blueberry River First Nations (BC Hydro and Power Authority, 2014, p. 113).

Other groups that do not rely as heavily on the Peace River Valley appeared to be placed in a secondary position, as their communities were excluded from the assessment area, such as the Mikisew Cree, Athabasca Chipewyan, Tallcree First Nation, Little Red River Cree First Nation, Kwadacha First Nation, Woodland Cree First Nation, Dene Kue First Nation, and Fort Chipewyan Métis Nation Association (BC Hydro and Power Authority, 2014, p. 119).

In its final reflections, the panel understood that the project has low costs in terms of greenhouse gases but would, in the future, bring significant environmental and social costs, with these expenses not falling on those who would benefit the most from the project (BC Hydro and Power Authority, 2014, p. 307). Furthermore, it concluded that the project would cause irreversible impacts on Indigenous peoples and other communities, as well as the permanent loss of many ancestral attributes (BC Hydro and Power Authority, 2014, p. 238).

It was also understood that the project would cause significant and irreversible damage to wildlife and rare plants, including losses of protected species and those preferred by Indigenous communities, as well as unmitigable disruptions to aquatic life — fish and their habitats — and deprivations in terms of archaeological, historical, and paleontological resources (BC Hydro and Power Authority, 2014, p. 307).

In summary, the panel could not conclude that the project was necessary within the determined timeframe. It considered that other possibilities, such as geothermal energy and other renewable sources, would have a similar economic cost to the Site C Clean Energy Project and could also be of interest. Thus, despite the advantages of low greenhouse gas emissions and cost, there would be irreparable losses to nature, First Nations, and other interests (BC Hydro and Power Authority, 2014, p. 308).

Regarding the participation of Indigenous groups in this process, it was understood that the project would bring significant changes to the land and water use of the Treaty 8 signatory communities and other First Nations and Métis, whose rights are protected by the Constitution (BC Hydro and Power Authority, 2014, p. 307).

Of all the Indigenous groups involved in the hearings held by the panel, only one was in favor of the project, and another was ambivalent (BC Hydro and Power Authority, 2014, p. 308). Many of these communities, however, did not entirely oppose economic development in their territories and even signed agreements with the proponent, BC Hydro, seeking potential benefits brought by the project.

Nevertheless, their main concern seems to be related to a lack of trust regarding the actions taken by the company and the inefficient distribution of responsibilities. There was distrust regarding the allocation of the project's burdens, which could lead to the loss of Indigenous peoples' rights, such as access to sacred sites, places of worship, and hunting and fishing areas (BC Hydro and Power Authority, 2014, p. 308).

Indigenous groups have indeed criticized many of the mitigation measures presented in the Environmental Impact Assessment, as they contained ambiguous expressions that could easily be left unimplemented (BC Hydro and Power Authority, 2014, p. 269). Furthermore, the agreements established up to that point were very restrictive and limited, and the project review process did not seem to have satisfactorily shared decision-making (BC Hydro and Power Authority, 2014, pp. 121-122). In the communities' view, a more efficient way to implement the suggested measures was necessary, making them enforceable to some extent (BC Hydro and Power Authority, 2014, p. 269).

6.1.2 Amisk Hydroelectric Project

The Amisk Hydroelectric Project is the second major hydroelectric venture currently affecting Wood Buffalo National Park. The Environmental Impact Assessment is still being developed by AHP. This study is being guided by two Operational Guidelines, one provided by the Canadian federal government and the other by the provincial government of Alberta, which will be analyzed below.

First, the federal document emphasizes that one of the project's main objectives must be to ensure opportunities for public participation and to promote cooperation and communication with Indigenous peoples. They must be able to express their views, present their considerations on potential impacts of the project, and discuss mitigation measures (Canadian Environmental Assessment Agency, 2016, pp. 2-3).

This document defines which groups will be more or less potentially affected by the project. The Mikisew Cree and other groups near the Peace-Athabasca Delta are considered less impacted. Thus, it can be concluded that they will have a smaller role during the process (Canadian Environmental Assessment Agency, 2016, p. 22). Additionally, the guidelines do not mention the impacts on the delta but only on the Peace River and the valley (Canadian Environmental Assessment Agency, 2016, p. 26).

According to federal guidelines, the project must not only incorporate Indigenous knowledge but also demonstrate where it will be integrated (Canadian

Environmental Assessment Agency, 2016, pp. 3-7). It is also added that, in case of divergence between traditional Indigenous knowledge and technical-scientific knowledge, the study must provide a final evaluation of both, along with its conclusions (Canadian Environmental Assessment Agency, 2016, p. 8).

When addressing effects on Indigenous populations, it is indicated that the Environmental Impact Assessment must use both primary and secondary sources. The former includes, among others, traditional land use studies, information obtained directly from Indigenous peoples, socioeconomic studies, and surveys, while the latter consists of information obtained from studies conducted by third parties. Indigenous peoples must provide feedback and comments on all this information, and, in cases of disagreement, the proponent must provide a justified choice (Canadian Environmental Assessment Agency, 2016, p. 8).

In the document prepared by Alberta Environment and Parks, the environmental agency of the Alberta provincial government, the project proponent must outline the project's environmental and sociocultural effects, propose actions of public engagement actions and consultation to Indigenous peoples, describing the main issues raised and possible solutions.

Nonetheless, the company is also required to demonstrate how Indigenous communities have been incorporated into the project stages, including the use of traditional Indigenous knowledge and proposals regarding the traditional use of water and land. It must also detail plans to encourage public and Indigenous community engagement, ensuring appropriate opportunities for them to express their views on the project (Alberta Environment and Parks, 2016, p. 6).

Regarding greenhouse gas emissions and climate change, the proponent's Environmental Impact Assessment must present strategies to minimize project-related gas emissions and ensure air quality. It is also necessary to report the total annual greenhouse gas emissions at all project stages, as well as its contribution to national and regional emission targets (Alberta Environment and Parks, 2016, p. 7).

Additionally, the study must include: the characterization of the potential decline in air quality caused by the project and its environmental and health implications, the identification of the project's vulnerabilities to climate change, including extreme weather events, and the assessment of the effects of climate change on river morphology and sediment transport (Alberta Environment and Parks, 2016, p. 16).

Regarding Indigenous populations, the guidelines for preparing the Environmental Impact Assessment produced by the Alberta government do not define which communities are more or less affected by the project. However, they incorporate, in general terms, the themes of traditional Indigenous knowledge and land use. Concerning these two topics, several obligations must be fulfilled by the proponent, such as: creating a map describing the traditional fishing, hunting, and gathering areas of Indigenous peoples affected by the project; constructing a map depicting traditional use sites; discussing the availability of vegetation, fish, and wildlife for food, traditional medicine, and culture; debating access to traditional areas during all stages of the project; considering the Indigenous perspective on land recovery; and describing how traditional Indigenous knowledge has been

incorporated into the project, the Environmental Impact Assessment, and conservation, monitoring, and mitigation plans (Alberta Environment and Parks, 2016, p. 23).

Alongside the proponent's duties, Indigenous communities are also incorporated, albeit in a scattered manner, in other sections of the provincial recommendations. Regarding health, for instance, the Assessment must document any health issues reported by Indigenous peoples, communities, or groups resulting from the project's impacts on their way of life (Alberta Environment and Parks, 2016, p. 24).

Regarding public safety, the Environmental Impact Assessment must specify how local residents, Indigenous peoples, and land users will be contacted during an emergency and what type of information will be communicated to them (Alberta Environment and Parks, 2016, p. 24).

These groups are also included in the socioeconomic assessment, as the proponent must detail the social and financial effects on Indigenous communities and other groups, as well as discuss employment and economic opportunities arising from the project (Alberta Environment and Parks, 2016, p. 25).

Additionally, Indigenous society is also part of the monitoring process. The proponent is required to outline monitoring plans, including projects developed in collaboration with Indigenous communities and other groups. There is also an obligation to inform how monitoring data will be made available to interested parties and Indigenous communities (Alberta Environment and Parks, 2016, p. 26).

As seen, the guidelines for the Environmental Impact Assessment of the Amisk Hydroelectric Project appear to cover significant aspects regarding the assurance of Indigenous community participation and the protection of their ancestral way of life. There are many topics involving governance, the established use of land, and traditional Indigenous knowledge. However, it is necessary to weigh these numerous provisions against the uncertainties surrounding how the Environmental Impact Assessment and a future Joint Review Panel may unfold in practice.

6.1.3 Frontier Oil Sands Mine Project

The Frontier Oil Sands Mine Project was the first project involving mining and which caused damage to a significant point in the delta (Mikisew Cree First Nation, 2018b, p. 4). The impact assessment process for this project included a Joint Review Panel, which was the first of its kind conducted after the Monitoring Mission that took place in 2016.

From start, it is noteworthy that the methodology was developed jointly by the Canadian Environmental Assessment Agency and the Mikisew Cree, making it the first publicly available methodology with a rights-based approach. It is considered a response to the inadequacies of the traditional logic used in environmental impact assessment processes as, until 2016, these processes primarily focused on biophysical evaluations of the environment.

This new methodology, which follows a rights-based approach, took into account the impacts the project could have on the rights of Indigenous communities,

requiring greater care from the proponent. For that end, it was necessary to consider the community's connection to the place and the land, giving sufficient importance to the Indigenous perspective and proposing more effective mitigation measures (Mikisew Cree First Nation, 2018b, p. 12-13).

Another outcome of the panel's joint development was the establishment of minimum content to be applied in a mitigation, monitoring, and wildlife management plan (Mikisew Cree First Nation, 2018b, p. 39). The project was significant because it was the first of its kind in which a First Nation, in collaboration with the proponent, conducted a comprehensive assessment of the project's impacts on its rights guaranteed by Treaty 8 and other agreements (Mikisew Cree First Nation, 2018b, p. 4).

The assessment process was guided by principles established by the World Heritage Committee. From this perspective, the cultural dimensions of the park's outstanding universal values for Indigenous peoples were considered in the analysis. Similarly, Indigenous knowledge, values, and practices were respected and recognized (Mikisew Cree First Nation, 2018b, p. 9-10).

One of the highlights of the project was the management framework titled the *Ni-ke-chi-na-ho-nan* Framework. Developed by the Mikisew Cree, its objective was to guide the government in minimizing and managing the risks that the Frontier Oil Sands Mine Project could pose to the rights of the Mikisew people and their culture by building plans for the protection of culture, land, water, and other resources (Mikisew Cree First Nation, 2018b, p. 61).

In general, this framework included several key elements. The first was the proper management of biodiversity to reduce uncertainty regarding project development, the management of the natural bison habitat, and the potential contamination of areas near the enterprise (MIKISEW CREE FIRST NATION, 2018b, p. 62).

The second proposed the creation of a committee for the project, whose purpose would be to develop a space of trust between governments, regulatory bodies, and the Mikisew Cree, aiming to ensure the group's effective participation in decision-making in pursuit of better solutions (Mikisew Cree First Nation, 2018b, p. 63).

Additionally, the third element of the *Ni-ke-chi-na-ho-nan* Framework required investments to maintain culture and strengthen communities in the region, including solid support for the use of the Peace-Athabasca Delta and active participation in monitoring the affected areas (Mikisew Cree First Nation, 2018b, p. 64).

The adoption of this framework was seen by its creators as a measure capable of increasing decision-makers' accountability regarding the values of the MCFN (Mikisew Cree First Nation, 2018b, p. 62).

Overall, the Mikisew Cree expressed satisfaction with their relationship with Teck company and the work that was carried out (Mikisew Cree First Nation, 2018b, p. 18). The proponent's efforts in the collaborative construction of the project and the agreements resulting from this partnership were appreciated (Mikisew Cree First Nation, 2018b, p. 67).

The project made progress by incorporating Indigenous traditional knowledge, paying greater attention to Indigenous management principles to these communities' obligations to the delta. However, according to the involved parties, there would

certainly be more room to incorporate the management and governance practices cultivated by the Mikisew Cree (Mikisew Cree First Nation, 2018b, p. 60).

These achievements are significant, as the MCFN evaluated its previous experiences in other Joint Review Panels as negative. According to the group, previous processes ultimately silenced their views, gave little importance to their elders and youth, and overshadowed their perspectives in favor of those presented by major companies in the environmental assessment sector (Mikisew Cree First Nation, 2018b, p. 6).

Nevertheless, despite this positive outcome, the Mikisew demanded that governments also commit to their objectives in the project. It stated that industry and government should act according to their individual responsibilities to ensure proper execution. Thus, it is evident that some uncertainties still existed among the stakeholders, which needed to be resolved (Mikisew Cree First Nation, 2018b, p. 67).

Even though it was the oldest project, proposed in 2012, and had undergone a long evaluation process, the Frontier Oil Sands Mine Project was abandoned by the proponent in 2020. As a result, it was not possible to gain an in-depth understanding of its procedures, nor will it be possible to assess its outcomes.

6.2 Legislative and regulatory changes

The assessment of the research hypothesis also depends on a second axis of analysis. It aimed to identify legislative and regulatory changes at both national and regional levels that may have resulted from the litigation process in the Committee.

On June 21, 2019, Canada adopted its new Impact Assessment Act, which reformed the federal environmental impact assessment process, repealing the previous Canadian Environmental Assessment Act of 2012. The act was the result of the legislative proposal Bill C-69, introduced in February 2018.

During the two years of preparatory discussions for Bill C-69, First Nations were involved in expert panel participation, in-person technical sessions, and federal-level debates. At that time, they expected to contribute to shaping policies, regulations, and guidelines at a level similar to or greater than what had occurred during the drafting of the Species at Risk Act in 2012 (Assembly of First Nations, 2018).

In this regard, one of the meetings of the Assembly of First Nations referenced Prime Minister Justin Trudeau's commitment to developing a renewed nation-to-nation relationship with First Nations, based on the recognition of rights, respect, and partnership (Assembly of First Nations, 2018).

Following the framework of the previous legislation, the new legislative proposal maintained the Project List, which determines the need for environmental impact assessments. This list classifies the types of activities that must undergo the environmental assessment process. However, the existence of this type of instrument introduces a certain rigidity, such that, even under the previous law, significant projects with direct impacts on protected species had been exempted from the review process (Mikisew Cree First Nation, 2018g, p. 3).

To address potential shortcomings in the Project List, as well as in the 2012 law, it is within the prime minister's discretionary power to require an environmental impact assessment for a given project. However, some Indigenous groups are critical of this function, as it is generally infrequently exercised (Mikisew Cree First Nation, 2018g, p. 3).

In one of its proposals during the consultation process for the new federal legislation, the Mikisew Cree suggested that impact assessments be required whenever there was a connection between a project and federal jurisdiction over environmental matters (Mikisew Cree First Nation, 2018g, p. 3). Their recommendation was that, in addition to the two existing mechanisms, that is, the Project List and direct action by the prime minister, there should also be a set of criteria capable of triggering an assessment. These guidelines would include the likely interference with sites protected under the Convention, as well as potential impacts on species protected by the Species at Risk Act (Mikisew Cree First Nation, 2018g). However, these suggestions were not directly adopted (Minister of Environment and Climate Change, 2019).

During this process, the ICOMOS representative in Canada also provided input, offering suggestions for the new legislation. While acknowledging the project's progress, ICOMOS criticized the proposed legislation for improperly excluding intangible cultural heritage, which is one of the essential elements for recognizing Indigenous peoples' connection to place and land (ICOMOS Canada, 2018, p. 6).

Additionally, the council noted that the proposed legislation aimed to study the impacts on Indigenous cultural heritage only indirectly. In other words, effects would be assessed only when there was a direct correlation between the environment and Indigenous cultural heritage, and mitigation measures would be focused solely on environmental impacts. As a result, the proposed legislation appeared to prioritize environmental impacts over cultural aspects (ICOMOS Canada, 2018, p. 8). In the end, the criticisms offered by ICOMOS were also not incorporated into the final version of the adopted legislation.

In general terms, the approved law expands the factors that must be considered in the preparation of an Environmental Impact Assessment. Under the previous process, the decision on a given project was based on the presence or absence of adverse environmental impacts and the justifications for their occurrence. The new legislation introduced additional criteria to specify which projects and their potential impacts require justification. This assessment, based on public interest, now includes: social, cultural, economic, and health issues; Indigenous rights; project sustainability; and the project's ability to contribute to Canada’s fulfillment of its international climate obligations (Parliament of Canada, 2019).

The Canadian Environmental Assessment Agency was replaced by the Impact Assessment Agency of Canada (IAAC), the federal agency responsible for conducting the consultation process for the new federal legislation. In summary, the process begins with the submission of the project's initial proposal to the IAAC. After conducting a public consultation, the agency provides a summary with issues and comments. Based on this document, the proponent must then provide a detailed project description, including proposals and solutions for the issues raised. In this

context, one of the main changes was the introduction of consultation opportunities for Indigenous peoples, recognizing their rights, interests, and traditional knowledge (Cusano et al., 2020).

The approval of the new Impact Assessment Act faced opposition from some provincial and territorial governments, including the government of Alberta, which legally challenged the decision but was unsuccessful (Cusano et al., 2020).

There was also legislative change at the regional level with the Environmental Assessment Act of British Columbia, enacted in November 2018. This legislation also increased Indigenous participation in the process, particularly in the early stages, through the recognition of their traditional knowledge and rights.

Section 25, which addresses issues to be considered during the environmental impact assessment process, establishes, on one hand, an obligation to assess the project's greenhouse gas emissions and, on the other, a requirement to analyze the project's potential to contribute to the province's climate commitments under the Climate Change Accountability Act (2007) (Legislative Assembly of British Columbia, 2018).

In addition to these two changes, a revision of the Canadian Navigable Waters Act was also carried out, a significant framework related to Indigenous navigation rights. Although it does not address climate-related elements, the regulation of navigable waters is important for Indigenous peoples. According to the Mikisew Cree (Mikisew Cree First Nation, 2018), their navigation rights were being affected by the lack of regulation of water flows, caused by upstream activities in the delta and exacerbated by climate change. Notably, the revision of the law included an expansion of navigation rights and considerations of Indigenous traditional knowledge but did not specifically address any climate-related factors (Parliament of Canada, 2019).

In addition to the legislative changes outlined above, there were also administrative and regulatory modifications, which led to a significant increase in the number of protected areas. In 2018, the provincial government of Alberta created three new provincial parks located along the southern and eastern borders of Wood Buffalo National Park. In addition to the creation of these new spaces — Kazan, Richardson, and Birch River — the Birch Mountains park was also expanded. This effort resulted in a protected area totaling more than 67,000 square kilometers of continuous boreal ecosystem (Parks Canada, 2018b).

7. Conclusion

The conclusion of this work is divided into four parts. First, an initial outline of the analyzed litigation will be drawn using the classifications proposed by Setzer, Cunha, and Fabbri (2019) and Wilensky (2015). Second, a description of the litigation process will be presented in terms of the geography of the actors and claims, according to the approach described in the "Methodology" chapter. Third, the research hypothesis that the litigation would have provoked strategic effects, as pointed out by Nusdeo (2019), will be analyzed. Finally, we will attempt to answer the research question: how does the litigation in the World Heritage Committee relate to the phenomenon of climate litigation?

7.1 Classifications for the litigation

The litigation began in 2014 with a petition addressed to the jurisdiction of the World Heritage Committee. The petitioners represent Canadian citizens grouped, for family, ethnic, and cultural reasons, under the Mikisew Cree First Nation. The Mikisew Cree is recognized as one of the many Canadian First Nations, representing some of the indigenous peoples of North America who inhabit the vicinity of Wood Buffalo National Park, a site protected by the Convention.

The main claim of the Mikisew Cree was the inscription of the protected site at the international level on the List of World Heritage in Danger. The petition does not have a specific defendant, although it involves two key actors: the Canadian government, at national and regional levels, and the industrial sector of hydroelectric and mining companies. It can be said that the central objective of the litigation was greater protection and better governance of Wood Buffalo National Park. The primary legal source used was the Convention for the Protection of the World Cultural and Natural Heritage, specifically its Article 11, although Treaty 8, as a treaty recognizing and guaranteeing indigenous rights at the national level, and national and regional legislation for environmental impact assessment are also relevant in this case.

Among the results observed so far, the following stand out: the Committee's decisions recommending greater protection and better regulation of the Park; the conduct of a Monitoring Mission to verify the state of conservation; and the joint development and implementation of an Action Plan, focusing on protection and participatory management.

In this sense, we could include the present litigation in the so-called substantive group, referenced by Wilensky (2015), which comprises litigations that challenge failures in the fulfillment of a legal or regulatory duty by an entity.

Additionally, it is possible to observe that the submission of the Mikisew Cree group's petition regarding Wood Buffalo National Park to the Committee took advantage of the existing and functional structure created by the Convention to pressure the Canadian government to adopt a regulation more favorable to the

environmental protection of the Park and, to some extent, to consider the impacts of climate change in this process.

Thus, a parallel can be drawn between this case of litigation before the Committee and cases of climate litigation that demand the assessment and management of climate risks, as described by Setzer, Cunha, and Fabbri (2019). This occurs insofar as this type of litigation, as described by the authors, primarily aims to bind a national government to its commitments assumed at the international level. This is what can be observed in the case under analysis.

Despite these conclusions, it was noted that, in the case discussed here, climate change remains a secondary and incipient issue in the Committee's decisions, which, to some extent, confirmed the previous examples of the first five petitions to the Committee, which were proposed and studied by Osofsky (2005, 2006, 2007, 2008), Burns (2009), and Thorson (2009).

7.2 Spatial implications

Let us move on to the description of the litigation in terms of the geography of the actors and claims, as well as the possible spatial implications that arise from these two elements.

The main petitioner is the Mikisew Cree First Nation, which has a deep connection with Wood Buffalo National Park. Their relationship with the place they inhabit shapes their identity and way of life. This way of life includes engaging in traditional activities such as hunting, fishing, gathering plants and fruits, educating children, and transmitting their traditional knowledge.

This lifestyle was guaranteed in the 19th century by Treaty 8. This treaty, signed between their ancestors and the Crown, aimed to ensure the right of the Mikisew Cree group and others to live their traditional way of life. Therefore, the guaranteed rights can only be fully exercised if their connection to the land they inhabit exists and is protected. Maintaining this connection with the place depends on the ability to practice their way of life without interruptions, having unrestricted access to important cultural areas, and confidence in the continuity of their traditional practices.

Among all the connections that the Mikisew people have with Wood Buffalo National Park, one stands out the most: their deep bond with the Peace-Athabasca Delta. For them, the delta represents, among many possibilities, the supermarket, the classroom, the pharmacy, the church, the highway, and the photo album. The delta is, therefore, the privileged place for exercising the rights granted in the past. This region is also a place of memory, revealing the Mikisew Cree's long-standing occupation of the territory. It is also a space for preserving the oral tradition of the group's stories and transmitting knowledge to new generations.

More than that, the Mikisew group sees itself as an integral part of the delta. It shapes their way of thinking and viewing the world. For them, there is a meaningful relationship of exchange between themselves and the delta. In other words, they hold an obligation to manage and care for the delta, which they fulfill through the management of natural dams, the regulation of water flows, and cooperation with the

local fauna. This obligation fosters a deep connection that makes them, to some extent, inseparable from one another.

As seen, the delta is undergoing significant changes due to the negative impacts of industrial expansion in the region and climate change. These changes harm the Mikisew Cree's connection to the region and increase the risk of eroding the group's identity. Nevertheless, their relationship with the land remains very strong.

This deep connection with the Park and the delta, the "place", seems to have been the driving force behind the Mikisew Cree's leading role in efforts to protect the Park. As mentioned, the group had previously litigated before the Supreme Court of Canada regarding the interpretation and guarantee of Indigenous rights. Despite being difficult to measure, there is possibly a link between this prior legal action and the leadership they assumed in the litigation before the Committee.

That said, alongside the Mikisew, numerous other actors form a network supporting the litigation in the Committee. Among them, in a first tier of proximity, are the Indigenous nations most connected to the delta. The primary among these is the Athabasca Chipewyan, which maintains a very close relationship with the delta and publicly supported the petitioner group in one of the Committee's sessions. The other two, Fort Chipewyan Local Métis 125 and Smith's Landing First Nation, consistently expressed public support in the documents prepared by the MCFN.

Beyond these groups, the downstream peoples of the Peace River also appear to have played an important role. Peoples who are likely less dependent on the delta but nonetheless affected by it, such as the Woodland Cree First Nation, the Little Red River Cree First Nation, and the TallCree First Nation.

Among the Indigenous peoples who supported the litigation and the Mikisew Cree, other communities have proved to be essential, located in the Peace River Valley, further from the delta. These communities are civically organized around the T8TA. At a broader level, we can also mention the Assembly of First Nations, which includes Indigenous groups from across Canadian territory.

With these considerations in mind, it is important to note that creating a comprehensive and unified overview of the Indigenous nations that may have supported the litigation is highly challenging and beyond the scope of this study. There is a great diversity of perspectives, ways of understanding, and approaches to participating in the litigation.

For instance, some groups were even opposed to Wood Buffalo National Park being listed as a World Heritage Site in the 1980s. However, the purpose here is simply to highlight some of the main supporters of the litigation before the Committee, emphasizing their geographical relationships with the Park and the Peace-Athabasca Delta whenever possible.

Regardless, one possible unifying element — shared by many of the Indigenous groups that supported the litigation — seems to be their close relationship with the region and the space they inhabit, or the "place," as defined by Osofsky (2005, 2007, 2008). In general, when Indigenous communities oppose proposals or interventions that require them to relocate, they emphasize the complexity of simply moving and reestablishing their traditional practices elsewhere due to this deep connection. The

"place" and its ties to these Indigenous peoples are, therefore, central elements in understanding the litigation process studied here.

Beyond these Indigenous communities, the network of supporters was not limited to individuals, such as scientists and park workers, but also included universities and civil society organizations, such as the Sierra Club BC, the Yellowstone to Yukon Conservation Initiative, the Canadian Parks and Wilderness Society, the David Suzuki Foundation, World Heritage Watch, and the IUCN.

The petition does not, in itself, name a specific defendant. However, given the stance and actions of the Mikisew Cree and other Indigenous communities, the federal government appears to be at the forefront when it comes to accountability. Following it are Parks Canada, the agency responsible for managing the Park, and the regional governments of Alberta and British Columbia.

Regarding Parks Canada, there is a negative history with Indigenous peoples, marked by violations of their rights and improper concessions of their lands. Added to this is the agency's reluctance to acknowledge the complexity of these relationships and its slow response in taking necessary measures. In this sense, it can be said that there is a widespread lack of trust in the government and its institutions among Indigenous communities, particularly, but not exclusively, the Mikisew Cree.

The government and industrial sectors are closely interconnected. Governments are the legislative responsible for defining the limits of industrial exploitation in the region and issuing directives for the proper protection of the Park. Meanwhile, companies directly carry out industrial activities, following legal procedures. These procedures are assessed by the executive branch and its agencies, such as Parks Canada, which may demand modifications, approve, or even sanction certain activities. However, in this case, these powers seem to frequently be limited by Parks Canada's lack of jurisdiction beyond the Park's boundaries. As a result, the agency's inaction contributes to the industrial sector also being called into question regarding responsibility.

Therefore, accountability is not confined to governmental spheres. The industrial sector can also, in a way, be considered a potential defendant, particularly hydroelectric and mining companies. Specifically, this includes BC Hydro and AHP, two major energy companies, and Teck, a mining corporation. The dialogue between these companies, the Mikisew Cree, and their network of supporters is far from straightforward. The most problematic issue appears to have been the environmental impact assessment process for the Site C Clean Energy Project, a BC Hydro initiative.

In the Environmental Impact Assessment for this project, BC Hydro placed excessive emphasis on economic opportunities and how Indigenous communities could benefit from them. Even with this approach, the proposed plans for job training, employment generation, and economic participation were insufficient. Furthermore, the company wrongly assumed that Indigenous nations' practices could be easily adapted, relocated, and reproduced elsewhere, disregarding the deep connection between these activities and their place. Finally, it was observed that the proposed mitigation measures were vague and imprecise.

As a reflection of the inadequacy of the Environmental Impact Assessment conducted by the proponent, the Joint Review Panel for this project acknowledged that

the costs to the environment, navigation, heritage, culture, and way of life would be significant and permanent. Additionally, the Committee had also expressed opposition to the project's approval. Even so, it is currently under construction.

The project's Joint Review Panel was entirely led by BC Hydro and government agencies. Even though the panel's presidency reached conclusions favorable to Indigenous nations, there were major controversial points. Notably, the project did not take into account the potential impacts on the Peace-Athabasca Delta and the populations connected to it. In addition, the analysis of climate change appears to have been superficial, disregarding its cumulative impacts on the region. The panel also failed to consider issues raised by Indigenous communities regarding the risks associated with rising water levels, changes in the ice regime, and mercury contamination.

Throughout the process, Indigenous communities reported a strong lack of trust in the strategies proposed by the company. During the entire environmental assessment period, there was concern about the true burdens of the project and who they would fall upon. There was also some unease regarding the effective guarantee of Indigenous rights. From the perspective of Indigenous nations, distrust could have been mitigated if there had been more legally enforceable measures to ensure compliance with the proposals made by the company responsible for the project.

The environmental impact assessment process for Teck's Frontier Oil Sands Mine Project, despite being proposed in 2012, was extended for a long time. The Joint Review Panel for this project was the first of its kind to be conducted after the Monitoring Mission, which took place in 2016. Perhaps it achieved relative success because of this.

The panel began by developing a methodology with an approach focused on protecting Indigenous rights. This represented a break from the previous predominant procedure, which had primarily focused on biophysical environmental assessments. The method incorporated principles of world heritage management established by the Committee. Furthermore, this methodology considered the communities' connection to "place," giving sufficient importance to the Indigenous perspective and proposing new mitigation measures.

The assessment process represented a pioneering collaboration between a First Nation, the Mikisew Cree, and a proponent company, with the goal of thoroughly evaluating the project's impact on the community's rights. Within this partnership, the Mikisew Cree First Nation was responsible for proposing a new risk management and mitigation framework, called the *Ni-ke-chi-na-ho-nan* Framework, aimed at incorporating Indigenous management principles into the project and thus respecting their obligations to the land and the place they inhabit. This framework included the creation of a management committee, designed to increase trust levels among stakeholders and, consequently, potentially ensure shared decision-making among all interested parties. In addition to the committee, actions were planned to strengthen the culture of the affected Indigenous peoples, support their traditional use of the delta, and integrate them into monitoring activities.

During the process, the MCFN reported feeling satisfied with the project and the relationships established with Teck. It emphasized that, despite some uncertainties,

the experience was more positive compared to previous processes, in which its members felt overlooked and overshadowed.

Finally, it is necessary to mention the Amisk Hydroelectric Project by AHP. This project is currently in the phase of Environmental Impact Assessment development by the proponent. The process is expected to be guided by operational guidelines developed by the federal and provincial governments of Alberta. These guidelines highlight that one of the project's objectives should be to ensure opportunities for effective participation and promote cooperation with Indigenous peoples. Moreover, the Assessment should not only incorporate traditional communities and their knowledge but also describe how they were used and analyzed, documenting the points of divergence between them and Western scientific-technical knowledge. The guidelines also outline many elements to be studied regarding the traditional use of land and resources.

One negative aspect is the superficial evaluation of the interferences of climate change on the project, as well as its cumulative impacts on the region. Adding to this is a major aggravating factor: the uncertainty regarding how the Environmental Impact Assessment will actually be conducted and how Indigenous nations will participate in the stages following it.

The third and final category of actors to be mentioned is the decision-making body. In this litigation, this actor is represented by the World Heritage Committee. Empowered by the Convention, the it was responsible for issuing recommendations and decisions regarding the state of conservation of Wood Buffalo National Park.

Despite issuing commands focused on state authority, Canada, the Committee frequently demanded that Indigenous communities be included in the development of policies and plans, as well as in the governance of the site. Furthermore, it ensured space for the MCFN and other interested parties to express themselves in various ways during its sessions.

Finally, it is worth highlighting that the Committee, even though it is the only body with the authority to issue decisions in this case, did not act in isolation. Surrounding it is a support network formed, at the first level, by the Rome Centre, ICOMOS, and IUCN. At a second level, the World Heritage Centre and the managers of protected sites also play a role.

Lastly, civil society itself is an important interlocutor for the Committee, submitting petitions, statements, and its own reports to draw attention to the state of conservation of certain properties. These three layers interact with each other and form a community around world heritage that is dispersed but appears to be relevant and sufficiently capable of promoting engagement and action.

That said, it seems possible to affirm that the Committee is a decision-making body that, despite potential shortcomings, is widely recognized as a defender of environmental conservation and preservation values. In general, it can be seen as an entity committed to the transparency and reasonableness of its processes and decisions.

Additionally, the body not only appears to accept the scientific consensus on the severity of the climate crisis but also attempts, in some way, to demand that the States Parties to the Convention take positions on this issue. Lastly, there is also a

commitment to including Indigenous populations and local and regional representatives in governance structures.

7.3 Strategic effects

The analysis of the strategic effects caused by this case was conducted based on two distinct axes. First, possible modifications in legislative and regulatory terms that may have occurred were examined. Second, attention was given to potential changes in governance mechanisms.

7.3.1 Legislative and regulatory modifications

Two of the regulatory impacts that may, in some way, be associated with the litigation within the Committee are the changes in federal and provincial legislation on environmental impact assessment. In 2019, the federal government of Canada enacted the new Impact Assessment Act at the national level. Meanwhile, in 2018, the provincial government of British Columbia issued its Environmental Assessment Act at the regional level.

Both pieces of legislation, in some way, expand Indigenous peoples' participation in environmental impact assessment processes, incorporating traditional knowledge and respecting community rights. Furthermore, the federal law explicitly includes, among the factors considered for approving new projects, the impacts of the enterprise in light of Canada's climate obligations. In the case of the provincial regulation, the assessment process introduced the requirement to specify the evaluated project's contribution to achieving the emission reduction targets set by British Columbia in the Climate Change Accountability Act of 2007.

In addition to these two changes, a revision of the Canadian Navigable Waters Act was also carried out, an important provision related to Indigenous navigation rights. Although it does not address climate-related elements, the revision was significant for Indigenous peoples, as it reinforced navigation rights and included considerations on Indigenous traditional knowledge (Parliament of Canada, 2019).

In regulatory and administrative terms, there was also an increase in protected areas through the creation of three new provincial parks by the government of Alberta, located on the borders of Wood Buffalo National Park. This effectively expanded the protection area of Canada's boreal ecosystems.

Although these changes are by no means negligible, it seems unlikely that the litigation over Wood Buffalo National Park was the sole factor that motivated them. The changes may have resulted from a bigger and broader regulatory effort by the Canadian federal and provincial governments, following the commitments made under the Paris Agreement, ratified by Canada in October 2016.

Moreover, the impacts of legislative changes remain difficult to fully grasp. As Vieira de Castro (2020) points out, for instance, the implementation of federal legislation is still in its early stages and depends on the establishment of additional measures and clarifications. Therefore, it seems more appropriate to say that the

litigation within the Committee may have been one of many factors contributing to this regulatory impact. Furthermore, more developments are needed to determine the true extent of this impact and whether it will ultimately be more positive or negative for the climate.

It is equally important to note that these facts must be understood in the context of the implementation undertaken by the Canadian government since the final year of the Declaration on the Rights of Indigenous Peoples, which the country ratified in 2021. Likewise, we must also consider the existence of the Convention on Biological Diversity. In effect since 1993, this convention set a goal for Canada to conserve at least 17% of its land and waters by 2020 through the creation of reserves and conservation zones.

With these caveats in mind, the first possible impact of the litigation to be identified would be the legislative and regulatory changes that followed it. Although we have highlighted these advances, it is still too early to determine whether they have been favorable (regulatory impact) or unfavorable to the climate (anti-regulatory impact).

7.3.2 Changes in governance mechanisms

A second strategic effect that appears to have been caused by this litigation was the shift in the governance mechanisms surrounding Wood Buffalo National Park.

From the authors' perspective, it seems evident that involvement in the Committee led to the self-organization of the Mikisew Cree, which proved crucial for strengthening their position as a group. This was possibly also a factor in the formation of a key support network for the litigation. This network certainly benefited from high levels of trust among stakeholders, as well as from coordination and information-sharing mechanisms that likely improved over the course of the process.

Moreover, during the litigation, the group's representational power increased significantly, enabling it to advocate for itself in national and international spheres. This allowed for the establishment of an equal-footing dialogue between the Mikisew Cree, as a sovereign Indigenous nation, and other sovereign states within the world heritage community. Throughout this litigation, communication appears to have been so crucial that it almost supplanted more direct communication between Canada, the State Party, and its international counterparts.

Having considered the possible effects of the litigation on the relationships between the involved parties, we now turn to the ties between the Mikisew Cree and other actors. In terms of relationships between Indigenous communities and the government, it was evident that these communities were included in the development of key responses, such as the RMM and the Action Plan.

Indigenous groups were also included as relevant actors in the new environmental assessment processes, established both by the federal Impact Assessment Act and the provincial Environmental Assessment Act, as well as in the new rules for managing navigable waters.

However, in general, there still seems to persist, between Indigenous peoples and the government, a scenario that has been marked for decades by a lack of trust, a history of restrictions on rights, and unilateral dialogue. This is reinforced, for example, by the fact that the proposed amendments to Bill C-69, put forward by the Mikisew Cree, were not accepted.

From an industrial perspective, the situation appears to be sometimes negative and other times positive. The relationships between Indigenous communities and BC Hydro were also marked by distrust between the actors, unilateral and imposing interactions, and a lack of consideration for the perspective of Indigenous nations, particularly regarding their connection to the "place," a concept highlighted by Osofsky (2005, 2007, 2008).

On the other hand, in its relationship with Teck, which occurred after the litigation was brought before the Committee, the Mikisew Cree expressed satisfaction. This relationship involved knowledge contributions from both parties and shared decision-making, which likely led to an increase in the level of trust between the two actors. Added to this was a bond characterized by the recognition of rights and, especially, by genuine respect for the Mikisew Cree's connection to the Park and the Peace-Athabasca Delta, that is, to the "place."

Regarding the decision-making body, it seems that the authors viewed it as an opportunity to be heard and to draw attention to the precarious state of conservation in Wood Buffalo National Park. However, some challenges remain in its functioning. The first and most pressing is that the Committee continues to issue decisions focused on the state entity, even though it certainly encourages the state to engage in dialogue with other local and regional actors. A second challenge is related to the divergences between the use of technical-scientific knowledge and traditional Indigenous knowledge in its decision-making spheres.

Thus, it seems that, in some way, the litigation process within the Committee was able to draw the attention of the Committee itself, the government, industries, and civil society as a whole to the issue. To some extent, this led to operational changes in governance structures. In support of this claim, it is worth highlighting that the theoretical frameworks chosen to guide the study — notably, Jordan et al. (2018), Nusdeo (2019), Osofsky (2005, 2007, 2008, 2016), and Ostrom (2009) — proved to be satisfactory, as they allowed for an understanding of the phenomenon from a more polycentric and pluralistic perspective, less centered on the Nation-State. The adoption of this view and a pluralistic model in this study provided us with the ability to better understand the actions of each actor operating at scales smaller than that of the Nation-State.

7.4 Articulation of climate litigation

In conclusion, in response to the research question regarding how litigation before the World Heritage Committee aligns with the phenomenon of climate litigation, we can affirm that litigation before the World Heritage Committee relates to the phenomenon of climate litigation for two main reasons: 1) because both seem to

serve as important tools for citizens to hold governments and international institutions accountable for better climate risk management; 2) because both can be strategic, generating noticeable effects, whether through improvements in governance mechanisms or by driving legislative and regulatory changes.

8. Bibliographic references

8.1 Articles, books, and journals

BURNS, W. C. G. Belt and Suspenders: The World Heritage Convention's Role in Confronting Climate Change, **Southeastern Environmental Law Journal**, vol. 17.2, 2009, p. 359-396.

CAVALCANTI, C. Economia e Ecologia: Problemas da Governança Ambiental no Brasil, **Revista Iberoamericana de Economia Ecológica**, v. 1, p. 1-10, 2004.

INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE. Summary for Policymakers. *In:* **Climate Change 2021**: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)]. Cambridge University Press. In Press.

JORDAN, A. *et al.* Governing Climate Change Polycentrically. *In:* JORDAN, Andrew; *et al.* (Ed.). **Governing climate change**: polycentricity in action? Cambridge: Cambridge University Press, 2018.

KAHLMEYER-MERTENS, R. S. *et al.* **Como elaborar projetos de pesquisa: linguagem e método**. Rio de Janeiro: Editora FGV, 2007. 140 p.

MARKELL, D.; RUHL, J. B. An Empirical Assessment of Climate Change in the Courts: A New Jurisprudence or Business as Usual, **Florida Law Review**, vol. 64, n. 1, January 2012, p. 15-86.

NUSDEO, A. M. de O. Litigância e governança climática. Possíveis impactos e implicações. *In:* SETZER, J.; CUNHA, K.; FABBRI, A. B. (org). **Litigância Climática**: novas fronteiras para o direito ambiental no Brasil. São Paulo: Thomson Reuters Brasil, 2019.

OSOFSKY, H. M. The Geography of Climate Change Litigation Part II: Narratives of Massachusetts v. EPA, **Chicago Journal of International Law**, vol. 8, no. 2, Winter 2008, p. 573-620.

OSOFSKY, H. M. Climate Change Litigation as Pluralist Legal Dialogue, **Stanford Journal of International Law**, 43, 2007, p. 181-238.

OSOFSKY, H. M. Polycentrism and climate change. *In:* FARBER, Daniel; PEETERS, Marjan, **Climate Change Law**. Cheltenham: Edward Elgar, 2016.

OSOFSKY, H. M. The Geography of Climate Change Litigation: Implications for Transnational Regulatory Governance, **Washington University Law Quarterly** vol. 83, no. 6, 2005, p. 1789-1856.

OSOFSKY, H. M. The Inuit Petition as a Bridge? Beyond Dialectics of Climate Change and Indigenous Peoples' Rights, **American Indian Law Review**, vol. 31, n.2, Symposium: Lands, Liberties, and Legacies: Indigenous Peoples and International Law, 2006, p. 675-297.

OSTROM, E. A Polycentric Approach for Coping with Climate Change, **The World Bank Policy Research Working Paper**, n. 5095, 2009.

SETZER, J.; CUNHA, K.; FABBRI, A. B. (org). **Litigância Climática**: novas fronteiras para o direito ambiental no Brasil. São Paulo: Thomson Reuters Brasil, 2019.

THORSON, E. J. The World Heritage Convention and Climate Change: The Case for a Climate-Change Mitigation Strategy beyond the Kyoto Protocol. *In:* BURNS, W. C. G.; OSOFSKY, H. M. **Adjudicating Climate Change**: State, National and International Approaches. Cambridge University Press: São Paulo, 2009.

VIEIRA DE CASTRO, F. Canada's Climate Change Mitigation Commitments and the Role of the Federal Impact Assessment Act, **Journal of Environmental Law and Practice**, vol. 33, ed. 3, ago. 2020. Disponível em: <https://www.proquest.com/docview/243329438>.Acesso em: 14 ago. 2021.

WILENSKY, M. Climate Change in the Courts. An Assessment of Non-U.S. Climate Litigation, **Duke Environmental Law and Policy Forum**, Durham, v. 26, p. 131-179, 2015.

YIN, R. K. **Estudo de caso**: planejamento e métodos. Tradução de Daniel Grassi. 2ª ed. Porto Alegre: Bookman, 2003.

8.2 Websites and web pages

AMISK HYDROELECTRIC PROJECT. 2021. Disponível em: <http://www.amiskhydro.com/>. Acesso em: 24 nov. 2021.

GOVERNMENT OF CANADA. **Crown-Indigenous Relations and Northern Affairs Canada**. 2021. Disponível em: <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs.html>. Acesso em: 24 nov. 2021

IMPACT ASSESSMENT AGENCY OF CANADA. 2021. Disponível em: <https://www.canada.ca/en/impact-assessment-agency.html>. Acesso em: 24 nov. 2021.

LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA. 2021. Disponível em: <https://www.leg.bc.ca/>. Acesso em: 24 nov. 2021.

PARKS CANADA. **Wood Buffalo National Park**. 2021. Disponível em: <https://www.pc.gc.ca/en/pn-np/nt/woodbuffalo>. Acesso em: 24 nov. 2021.

PARLIAMENT OF CANADA. **Legis Info**. 2021. Disponível em: <https://www.parl.ca/LegisInfo/en/overview>. Acesso em: 24 nov. 2021.

SITE C CLEAN ENERGY PROJECT. 2021. Disponível em: <https://www.sitecproject.com/>. Acesso em: 24 nov. 2021.

SUPREME COURT OF CANADA. 2021. Disponível em: <https://www.scc-csc.ca/home-accueil/index-eng.aspx>. Acesso em: 24 nov. 2021

WORLD HERITAGE CENTRE. **Advisory Bodies**. 2021a. Disponível em: <https://whc.unesco.org/en/advisorybodies/>. Acesso em: 24 nov. 2021.

WORLD HERITAGE CENTRE. **Wood Buffalo National Park**. 2021b. Disponível em: <https://whc.unesco.org/en/list/256/>. Acesso em: 24 nov. 2021.

9. Appendix

9.1 Case Study Protocol

1. INTRODUCTION

1.1 Organization of the protocol

To conduct the case study satisfactorily and enhance the reliability of the research, it was decided to develop this Case Study Protocol. The protocol serves as a research instrument, containing the procedures and rules to be followed in order to guide the researcher in conducting the analysis (Yin, 2003, p. 89).

The Case Study Protocol must include several elements. The first is an overview of the study, including objectives, sponsorships, key questions, and important readings (Yin, 2003, p. 89). The second consists of field procedures, such as access to locations, sources of information, warnings, access to interviewees, physical materials, procedures for requesting assistance and guidance, schedule, and agenda (Yin, 2003, p. 91-94). The processes must be designed satisfactorily and with an operational bias (Yin, 2003, p. 92). The third element is the case study questions, covering data collection, spreadsheets, and potential sources of information for each question (Yin, 2003, p. 91). Finally, it is also desirable for the protocol to include a guide for the report, containing a summary, narrative format, bibliographic information, and documentation (Yin, 2003, p. 91).

Based on the model proposed by Yin (2003), the protocol will be divided into four subchapters. The first, an introductory subchapter, addresses the organization of the document, followed by its principles, the study's initial theoretical considerations, and its objectives. The second subchapter will cover the case study questions, data collection, and sources of information. The third will discuss the field procedures to be adopted. Finally, the fourth will present a report plan, including bibliography and documentation.

1.2 Principles of the protocol

There are several principles that serve as guidelines in the development of a case study protocol (Yin, 2003). First, regarding data collection, the protocol proposes that

the study use multiple sources of evidence to obtain converging lines of inquiry on the same topic.

Additionally, it is important that the questions and procedures outlined in the protocol lead to a logical sequence in the collection of evidence and the description of its circumstances, and that these, in turn, are sufficiently detailed in the database and referenced in the report.

Regarding data analysis, it is essential that the most significant aspects of the case are examined and that all relevant collected evidence is thoroughly considered. Whenever possible, competing interpretations should be evaluated to explain the same phenomenon.

1.3 Initial theoretical elaborations

Based on the theoretical propositions of Osofsky (2005, 2007, 2008), Jordan (2008), Ostrom (2009), and Nusdeo (2019), detailed in the Case Study Project, the research aims to study some elements to outline a description of the phenomenon of litigation occurring within the World Heritage Committee, as well as to understand its connection with the phenomenon of climate litigation.

As shown in the Case Study Project, we can summarize, in a very synthetic way, the concept of governance as the set of institutions, rules, organizations, and policies designed to control behavior in a given area. In the context of climate change, it is said that climate governance was inaugurated with the Framework Convention on Climate Change, a result of the Earth Summit held in Rio de Janeiro in 1992. Based on this convention and the agreements that followed, a monocentric system of climate governance was established, implemented mainly by Nation-States, which are the central components of its operation.

In contrast to the monocentric system, Ostrom (2009) proposes a polycentric understanding of the governance phenomenon. In this approach, considered polycentric for climate governance, we see the action of many actors, from smaller

scales to the state level, who self-organize to find solutions to problems on small and medium scales, independently of the Nation-State.

A given situation may be closer to the monocentric model or the polycentric model. This scale of polycentrism analysis changes depending on variables such as the level of interaction among actors, their connection, and reciprocity. Other variables that also influence this determination include: how actors are coordinated, the information they share among themselves, how they monitor each other, and the level of trust between them.

A parallel can be drawn between the theoretical framework mentioned above regarding climate governance and Osofsky's (2008) theory of litigation in international bodies. In the author's view, there are four models for conceptualizing the international legal system, which differ from each other depending on how they perceive the role of the Nation-State and its function in climate regulation.

The first model, called the rigid Westphalian model, understands Nation-States as the primary subjects and objects of international law and the legal system, ignoring individual subjects and organizations that are outside the system. In the modified Westphalian model, the Nation-State is less rigid and less central, allowing the action of other actors, both public and private, who become part of the legislative process (Osofsky, 2008, p. 595).

The pluralist model, in turn, considers the Nation-State as just one of the actors involved in the regulatory process, although it still views it as a particularly important actor. Finally, the critical perspectives on the Westphalian model are positioned at the farthest end of the spectrum from the rigid Westphalian model. They question the legitimacy of the very structure of the Nation-State, bringing perspectives on colonialism, racism, sexism, and subordination (Osofsky, 2008).

This brief recap suggests that, on one end of the spectrum, there is a view of the legal system and litigation that reinforces the Westphalian Nation-State as an impenetrable unit subject to international law. On the opposite end, there are critical

conceptions of the Westphalian Nation-State, which see the State itself as less central and less impenetrable (Osofsky, 2008).

Thus, it seems possible to establish some similarities between Ostrom's (2009) theory of governance and Osofsky's (2008) descriptive theory of climate litigation. First, there appears to be a parallel between the monocentric governance system (Ostrom, 2009) and the rigid Westphalian model (Osofsky, 2008). Second, the polycentric climate governance system (Ostrom, 2009) seems to align more closely with the modified Westphalian, pluralist, and critical models (Osofsky, 2008).

These theoretical considerations will be useful to better describe the phenomenon of litigation within the World Heritage Committee, in an attempt to understand how the different scales of actors involved in litigation interact.

Regarding the description of litigation in the Committee, we now turn to the considerations on the Law and Geography approach, explained by Osofsky (2005, 2007, 2008). The main point of analysis in Law and Geography is to describe and understand the relationships with the "place" that each element of litigation holds as a starting point for normative investigation. For Osofsky, "place" is the term used to refer to particular geographic locations (Osofsky, 2005, p. 1794), and it is through this concept that we can better understand the ties to "place", based on the study of two elements, which are further divided into sub-elements.

A first element is the geography of the actors (A). Within it, the following sub-elements are included: (i) geography of the plaintiffs, (ii) geography of the defendants, and (iii) geography of the decision-making bodies. The second element of the case is the geography of the claims (B), composed of the sub-elements: (i) geography of the facts, (ii) geography of substantive law, and (iii) geography of procedural law.

In this study, we intend to use the case elements listed above to outline a better and more comprehensive description of the phenomenon of climate litigation within the World Heritage Committee, analyzing the place-based connections of both the actors and the claims.

1.4 Objectives

The main objective of this study is to understand the litigation process within the World Heritage Committee. To this end, the research asks: how does litigation in the Committee relate to climate litigation? The approach to answering this question is through a description of the litigation phenomenon within the World Heritage Committee, based on a case study.

There are several specific objectives. The first is to understand the debates on climate litigation within the relevant literature. The second, methodological in nature, is to conduct a case study following Yin's (2003) theory, including the development of a Case Study Protocol and a Case Study Database. The third objective is to describe the litigation within the World Heritage Committee to understand the functioning of actors and claims, taking into account the geographical aspects of each of these elements. Finally, there will be an attempt to compare this case with other cases within the same jurisdiction.

2. QUESTIONS

The research questions will be examined through a documentary series that is part of the Case Study Database. To maximize the diversity of evidence sources within the given limitations, both textual and video documents have been selected. Thus, the Database contains textual and video documents in digital format and is currently divided into five collections, organized according to the document's author: Independent Environmental Consultants Collection, World Heritage Committee Collection, Interview Collection, IUCN Collection, and Mikisew Cree First Nation Collection. The five collections total 21 documents.

Initially, to familiarize the author with the case and as a way to introduce a more in-depth study of the topic, questions about basic descriptive elements of the case are planned, as proposed by Wilensky (2015) and Setzer, Cunha, and Fabbri (2019). It is expected that this information will be obtained through the study of the Mikisew

Collection and the World Heritage Committee Collection. The following data will be considered:

1. Year
2. Jurisdiction
3. Plaintiff
4. Defendant
5. Type of action (Mitigation, Adaptation, Risk Management, Loss and Damage), according to the categories described by Setzer, Cunha, and Fabbri (2019)
6. Type of action (Substantive Group, Subjective Right, Climate Science), according to the categories described by Wilensky (2015)
7. General objective pro- or anti-regulation (Wilensky, 2015)
8. Legal sources (Wilensky, 2015)
9. Success of climate change-related arguments (Wilensky, 2015)
10. Regulatory or anti-regulatory impact (Setzer, Cunha, and Fabbri, 2019)

That said, a more in-depth investigation will be conducted, engaging with descriptive theories of the litigation phenomenon. In this part, the case study will focus on two elements: actors and claims, analyzed within their geographical context and place-based relationships. Due to the broad scope and centrality of these two elements for the case study, these questions will be addressed to all five documentary collections in the Database. The first element consists of three distinct sub-elements: plaintiffs, defendant, and the decision-making body. Regarding the plaintiffs, the study asks:

1. Who are the plaintiffs?

2. Are they part of a larger group?

3. Who is this larger group?

4. What is the relationship between the plaintiffs and the larger group they belong to?

5. What is their context and their place-based and lifestyle relationships?

6. How are the plaintiffs connected?

7. Is there coordination among the plaintiffs? Of what type/level? Is it self-organized or guided by a hierarchical system from another institution?

8. Is there information sharing among the plaintiffs? Of what type/level? Is it self-organized or guided by a hierarchical system from another institution?

9. What is the level of trust among the plaintiffs?

10. Is there interaction among the plaintiffs? Of what type? Is it spontaneous or guided by broader scales? Is their interaction voluntary, or is there competition among them or some form of coercion?

11. How are they organized? Are they self-organized? What motivates it?

12. Is there independence from state entities?

13. Is there reciprocity among the plaintiffs? At what level?

14. Is there monitoring among the plaintiffs? At what level?

Regarding the defendants, the study asks:

1. Who is the defendant?

2. Are they part of a larger group?

3. Who is this larger group?

4. What is the relationship between the defendant and the larger group they belong to?

5. What is their context and their place-based and lifestyle relationships?

6. Who is called upon to intervene? To what extent?

7. What is the involvement of the host State of the site in the process?

8. What is the involvement of the other States Parties?

9. What are the defendant's relationships with other actors (regulatory agencies, companies, local entities)?

10. How are the defendants connected?

11. Is there coordination among the defendants? Of what type/level? Is it self-organized or guided by a hierarchical system from another institution?

12. What is the level of trust among the defendants?

13. Is there interaction among the defendants? Of what type? Is it spontaneous or guided by broader scales? Is their interaction voluntary, or is there competition or some form of coercion?

14. How are they organized? Are they self-organized? What motivates it?

15. Is there reciprocity among the defendants? At what level?

16. Is there monitoring among the defendants? At what level?

Finally, regarding the decision-making body, the study asks:

1. Who is the decision-making body?
2. What are the characteristics of this forum?
3. Who are its judges?
4. What is its legal structure?
5. Does the decision-making body recognize the scientific consensus on the severity of the "climate change" element?
6. Does the decision-making body consider the "climate change" element in its decisions?
7. What happens to the "climate change" element when weighed against other jurisdictional principles?
8. Does the decision-making body apply existing legal regulations and requirements, or does it prefer to impose new requirements?

The second element of the case is the geography of claims, which consists of three sub-elements: facts, substantive law, and procedural law. Regarding facts, the study asks:

1. What are the facts preceding the litigation? What happened?
2. What are the alleged facts, and what is their connection to the claimed rights?
3. What are the claims being made?

Regarding substantive law, the study asks:

1. What is the claimed right?
2. What are the connections between facts and law?
3. What type of measure is being sought?

4. Is it a general measure to be taken, or specific measures for a particular site?

5. What is the applicable substantive law? What is its scope, or to whom does it apply?

6. What power relations can be observed?

7. Who is being held accountable, and to what extent?

Regarding procedural law, the study asks:

1. What is the applicable procedural law? What is its scope, or to whom does it apply?

2. What is the influence of procedural law on the litigation? Is there evidence that the structure was used to either enforce or resist regulation?

3. What are the opportunities within that jurisdiction? Who takes advantage of the benefits it offers?

4. Are there procedural flaws? What are they?

5. What is the binding force of the decision?

Finally, given that the research hypothesis is that litigation in the World Heritage Committee has strategic potential, in the manner of strategic litigation as considered by Nusdeo (2019), questions will be posed regarding this assessment:

1. Is it possible to measure the effects of formal and informal cases?

2. Is there any information on whether the arguments and doctrines used have been echoed in other similar cases?

3. Is it possible to measure the effects of the case in the media, in other types of litigation, or larger actions?

4. Has any type of precedent been established?

5. Is it possible to measure the emergence of regulations and norms or the adoption of practices by specific sectors as a result of the case?

3. FIELD PROCEDURES

Due to the nature of the research and the current sanitary conditions, access to sources of information and documents will preferably be digital and remote. The following portals are estimated to be useful for data collection: WHC UNESCO, Mikisew Cree First Nation, Parks Canada, IUCN, and the Environmental Law Centre of the University of Victoria. Other sources may be added to these, such as media portals, news outlets, business portals, and other civil society organizations.

So far, an interview has been conducted with Melody Lepine, representative and leader of the Mikisew Cree First Nation group. The interview was carried out based on the author's prior knowledge and experiences, as well as according to the specific training course (BMET 25F25 — *Introduction aux Méthodes Qualitatives*, Prof. Selma Bendjaballah) taken by the researcher at the Institute of Political Studies of Paris (Sciences Po Paris). The related videos, notes, and transcripts are contained in the Interview Fund. No additional interviews are planned.

Below, we present a work schedule detailing the activities to be carried out in the execution of the protocol. It refers to the "Database Document Table." The planned new documentary research aims to fill any existing gaps.

Week	Activities to be conducted
July 25 to 31.	Read documents: 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21.

August 01 to 07.	Read documents: 3 e 18.
August 08 to 14.	New document search

4. GUIDE FOR THE REPORT

This protocol proposes two possible formats for presenting the research results. The first is a model specifically designed for presentation to the evaluation committee, with the following structure:

1. Introduction

1.1. General introduction to climate change: key points from the latest IPCC reports and opposing viewpoints

1.2. Litigation: definitions, classifications

1.3. Litigation in the Committee: establishment of the Committee, articles and definitions of the Convention, case history

2. General and specific objectives

3. Methodology

4. Development

4.1. Problematization of climate governance issues

4.2. Problematization of theoretical models for understanding litigation

4.3. Application of the Law and Geography approach

5. Results

6. Discussion

7. Conclusions

8. Bibliographic references

The second report model may be adopted after the approval of the first. If accepted by the committee, its purpose is to disseminate the research to the legal and scientific community through specialized journals or events. Its structure is as follows:

1. Introduction

1.1. Litigation (definitions, classifications), litigation in the Committee (formation and organization of the Committee, study of the Convention, case history)

1.2. Study objectives

2. Methodology

3. Development

3.1. Problematization of governance

3.2. Problematization of theoretical models of understanding

3.3. Law and Geography Approach

4. Results

5. Results analysis

6. Conclusion

7. References

From the outset, we emphasize the intention to analyze the results based on both the descriptive models of international litigation proposed by Osofsky (2008) and the possible similarities with the polycentric governance model (Ostrom, 2009). Thus, the following questions are recorded for this characterization:

1. Which scales seemed most relevant (national, supranational, subnational)?

2. What status was given to the place? What influence did connections with the place have?

3. Was the action of various public and private actors seen as part of the process?

4. What importance was given to the Nation-State and other agents? Was there any standout element?

5. Is there a deeper analysis of the legal structure (e.g., considerations on sexism, colonialism, and racism)?

9.2 Database

The documents that make up the Database were numbered from 1 to 61, divided into 18 collections, according to their authorship.

1. ALBERTA ENVIRONMENT AND PARKS. **Terms of Reference Environmental Impact Assessment Report**. 2016, 26 p.

2. ASSEMBLY OF FIRST NATIONS. **First Nations Full, Direct, and Unfettered Participation in Bill C-69**. 2018, 4 p.

3. BC HYDRO AND POWER AUTHORITY. **Environmental Impact Statement. Executive Summary of Site C Clean Energy Project**. 2013, 90 p.

4. BC HYDRO AND POWER AUTHORITY. **Report of the Joint Review Panel Site C Clean Energy Project**. 2014, 473 p.

5. CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY. **Guidelines for the Preparation of an Environmental Impact Statement**. 2016, 39 p.

6. ICOMOS CANADA. **Submission to the House of Commons Standing Committee on the Environment and on Sustainable Development**. 2018, 11 p.

7. INDEPENDENT ENVIRONMENTAL CONSULTANTS. **Strategic Environmental Assessment of Wood Buffalo National Park World Heritage Site**. 2018, 563 p.

8. INTERNATIONAL UNION FOR CONSERVATION OF NATURE. **Conservation Outlook Assessment 2014 Wood Buffalo National Park**. 2014, 30 p.

9. INTERNATIONAL UNION FOR CONSERVATION OF NATURE. **Conservation Outlook Assessment 2017 Wood Buffalo National Park**. 2017, 41 p.

10. INTERNATIONAL UNION FOR CONSERVATION OF NATURE. **Conservation Outlook Assessment 2020 Wood Buffalo National Park**. 2020, 28 p.

11. LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA. **Environmental Assessment Act**. 2002, 28 p.

12. LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA. **Environmental Assessment Act**. 2018, 43 p.

13. LEPINE, Melody. **Interview Transcription**. Interviewer: Igor Tostes Fiorezzi. São Paulo: 2021. Text file. Interview given in English via videoconference to the author.

14. MIKISEW CREE FIRST NATION. **Canada Still Failing Wood Buffalo National Park a Year After UN Report**. 2018a, 2 p.

15. MIKISEW CREE FIRST NATION. **Final Argument of the Mikisew Cree First Nation**. 2018b, 67 p.

16. MIKISEW CREE FIRST NATION. **For Immediate Release**. 2018c, 2 p.

17. MIKISEW CREE FIRST NATION. **Joint Letter from Wood Buffalo National Park Indigenous Communities**. 2018d, 1 p.

18. MIKISEW CREE FIRST NATION. **Petition to the World Heritage Committee**. 2014, 44 p.

19. MIKISEW CREE FIRST NATION. **Press Release**. July 2017a, 2 p.

20. MIKISEW CREE FIRST NATION. **Press Release**. June 2017b, 2 p.

21. MIKISEW CREE FIRST NATION. **Press Release**. May 2017c, 1 p.

22. MIKISEW CREE FIRST NATION. **Request to be included in future meetings**. 2018e, 3 p.

23. MIKISEW CREE FIRST NATION. **Update from Wood Buffalo National Park**. June 2018f, 4 p.

24. MIKISEW CREE FIRST NATION. **Water is everything**. 2016, 26 p.

25. MIKISEW CREE FIRST NATION. **Wood Buffalo National Park Recent Reports**. 2017d, 1 p.

26. MIKISEW CREE FIRST NATION. **Written Brief Regarding the Impact Assessment Act (IAA) and the Canadian Navigable Waters Act**. 2018g, 10 p.

27. MINISTER OF ENVIRONMENT AND CLIMATE CHANGE. **Designated Classes of Projects Order**: Statutory Orders and Regulations/2019-323. 2019, 17 p.

28. PARKS CANADA. **State of Conservation of the World Heritage Property Wood Buffalo National Park Progress Report**. 2018a, 17 p.

29. PARKS CANADA. **State of Conservation Report of Wood Buffalo National Park.** 2015, 8 p.

30. PARKS CANADA. **State Party Report on the State of Conservation of Wood Buffalo National Park World Heritage Site (Canada):** In Response to World Heritage Committee Decision 39 COM 7B.18. Apr. 2017, 24 p.

31. PARKS CANADA. **State Party Report on the State of Conservation of Wood Buffalo National Park World Heritage Site (Canada):** In Response to World Heritage Committee Decision 41 COM 7B.2. Dec. 2018b, 208 p.

32. PARKS CANADA. **State Party Report on the State of Conservation of Wood Buffalo National Park World Heritage Site (Canada):** In Response to World Heritage Committee Decision 43 COM 7B.15. Dec. 2020, 37 p.

33. PARKS CANADA. **Wood Buffalo National Park World Heritage Site Action Plan**. Library and Archives Canada. 2019, 96 p.

34. PARLIAMENT OF CANADA. **Statutes of Canada 2012, Chapter 19**: An Act respecting the environmental assessment of certain activities and the prevention of significant adverse environmental effects Canadian Environmental Assessment Act. July 6, 2012, 51 p.

35. PARLIAMENT OF CANADA. **Statutes of Canada 2019, Chapter 28**: An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts. June 21, 2019, 398 p.

36. WORLD HERITAGE COMMITTEE. **05 COM in Sydney, Australia. List of cultural and natural properties suitable for inclusion in the World Heritage List**. Paris: 1981, 31 p.

37. WORLD HERITAGE COMMITTEE. **07 COM in Florence, Italy. Report of the Rapporteur.** Paris: 1984, 31 p.

38. WORLD HERITAGE COMMITTEE. **30 COM in Vilnius, Lithuania. Item 11B of the Provisional Agenda**: Follow-up to the Periodic Report for North America. Paris: 2006a, 5 p.

39. WORLD HERITAGE COMMITTEE. **30 COM in Vilnius, Lithuania. Item 11B. Add of the Provisional Agenda**: Annex of Document WHC-06/30.COM/11B. Paris: 2006b, 9 p.

40. WORLD HERITAGE COMMITTEE. **39 COM in Bohn, Germany. Decisions adopted by the World Heritage Committee at its 39th session**. Paris: 2015a, 255 p.

41. WORLD HERITAGE COMMITTEE. **39 COM in Bohn, Germany. General Information**. Paris: 2015b, 18 p.

42. WORLD HERITAGE COMMITTEE. **39 COM in Bohn, Germany. Item 7 of the Provisional Agenda**: State of conservation of World Heritage properties. Paris: 2015c, 15 p.

43. WORLD HERITAGE COMMITTEE. **39 COM in Bohn, Germany. Item 7B. Add of the Provisional Agenda**: State of conservation of properties inscribed on the World Heritage List. Paris: 2015d, 108 p.

44. WORLD HERITAGE COMMITTEE. **40 COM in Istanbul, Turkey. Item 7 of the Provisional Agenda**: State of conservation of World Heritage properties. Paris: 2016, 22 p.

45. WORLD HERITAGE COMMITTEE. **41 COM in Krakow, Poland. Decisions adopted during the 41st session of the World Heritage Committee**. Paris: 2017a, 290 p.

46. WORLD HERITAGE COMMITTEE. **41 COM in Krakow, Poland. General Information**. Paris: 2017b, 20 p.

47. WORLD HERITAGE COMMITTEE. **41 COM in Krakow, Poland. Item 7 of the Provisional Agenda**: State of conservation of World Heritage properties. Paris: 2017c, 30 p.

48. WORLD HERITAGE COMMITTEE. **41 COM in Krakow, Poland. Item 7 of the Provisional Agenda**: State of conservation of properties inscribed on the World Heritage List and/or on the List of World Heritage in Danger. Mission Report to Wood Buffalo National Park Canada. Paris: 2017d, 85 p.

49. WORLD HERITAGE COMMITTEE. **41 COM in Krakow, Poland. Item 7B. Add of the Provisional Agenda**: State of conservation of properties inscribed on the World Heritage List. Paris: 2017e, 93 p.

50. WORLD HERITAGE COMMITTEE. **41 COM in Krakow, Poland. Summary Records**. Paris: 2017f, 426 p.

51. WORLD HERITAGE COMMITTEE. **42 COM in Manama, Bahrain. Summary Records**. Paris: 2018, 833 p.

52. WORLD HERITAGE COMMITTEE. **43 COM in Baku, Republic of Azerbaijan. General Information.** Paris: 2019a, 29 p.

53. WORLD HERITAGE COMMITTEE. **43 COM in Baku, Republic of Azerbaijan. Item 7 of the Provisional Agenda**: State of conservation of World Heritage properties. Paris: 2019b, 29 p.

54. WORLD HERITAGE COMMITTEE. **43 COM in Baku, Republic of Azerbaijan. Item 7B. Add of the Provisional Agenda**: State of conservation of properties inscribed on the World Heritage List. Paris: 2019c, 104 p.

55. WORLD HERITAGE COMMITTEE. **43 COM in Baku, Republic of Azerbaijan. Summary Records**. Paris: 2019d, 667 p.

56. WORLD HERITAGE COMMITTEE. **43 COM in Baku, Republic of Azerbaijan. Decisions adopted during the 43rd session of the World Heritage Committee**. Paris: 2019e, 346 p.

57. WORLD HERITAGE COMMITTEE. **44 COM extended session online meeting presided over from Fuzhou, China. General Information**. Paris: 2021a, 20 p.

58. WORLD HERITAGE COMMITTEE. **44 COM extended session online meeting presided over from Fuzhou, China. Item 7 of the Provisional Agenda**: State of conservation of World Heritage properties. Paris: 2021b, 44 p.

59. WORLD HERITAGE COMMITTEE. **44 COM extended session online meeting presided over from Fuzhou, China. Item 7B. Add of the Provisional Agenda**: State of conservation of properties inscribed on the World Heritage List. Paris: 2021c, 208 p.

60. WORLD HERITAGE COMMITTEE. **Convention Concerning the Protection of the World Cultural and Natural Heritage**. Paris: 1972, 16 p.

61. WORLD HERITAGE COMMITTEE. **Operational Guidelines for the Implementation of the World Heritage Convention.** Paris: 2019f, 177 p.