

Intellectual Property

Lessons learned from Liverpool's loss of World Heritage status

By **Emanuela Truffo**

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(September 30, 2021, 11:30 AM EDT) -- Recently, for the third time in its history, UNESCO stripped a town of World Heritage status. The decision followed a secret ballot by the UNESCO committee. This terrific tool for boosting the brand (the community) turned into a nightmare.

As soon as the bad news arrived, the Liverpool town council expressed its disappointment and suggested that it was based not on a visit to the city but on the mere approval by the town authorities of a project for the new Everton Stadium to be built near the waterfront. The waterfront was one of the remarkable Liverpool sites that led to the city earning World Heritage status in 2004.

Pursuant to UNESCO rules, being included on the list of the World Heritage sites is both an award and a commitment to preserve the legacy of the past and preserve it for future generations.

Any project bound to impact the status quo of a site is evaluated by UNESCO with its full discretionary power. The committee asks whether action or lack of action are consistent with the commitment undertaken by the awarded community or are they likely to be a detriment to the to be protected site.

Besides, the monitoring activity of the UN body is constant and quite pervasive: they suggest, criticize and warn.

Earlier this year, Venice decided to ban cruise ships from docking in the historic port city. This decision was made partially because of a strong warning from UNESCO and in spite of the opposition from a handful of lobbies worried about the negative impact on the tourist industry.

Not only in Liverpool, but in any community awarded with World Heritage status, there is strong debate among stakeholders, and both sides have a point. On one hand, being listed among the World Heritage sites is useful to boost the image of the community but it is an obvious obstacle to a free development of the community itself, affecting many sectors, from real estate to industrial and retail activities. Even the entertainment industry is compelled to comply with the mission as stated at the World Heritage status award ceremony.

From a legal viewpoint, the decision cannot be appealed. UNESCO has full discretionary power to grant and strip an award without an opportunity to appeal. Once a community is stripped of the status, it could submit a new application trying to overrule the assessment. It's possible, but unlikely to succeed.

Independent of the fact that this is a discretionary decision, its impact on the brand image of the stripped site and community is dramatic and the effect is very likely to be irrecoverable since one has no remedy — I mean no action — against the decision. Given that UNESCO's rules concerning World Heritage status expressly declare that the decision is fully discretionary anybody applying for the status accepts the rules and therefore accepts any kind of decision made by the UNESCO committee.

In the light of the foregoing, the decision to apply for UNESCO World Heritage status should be carefully examined and analyzed by any community. The city should make a balanced assessment of

pros and cons from a social, cultural and economic prospective, bearing in mind that it is not a short-term project. Any (legal) way out leading to a delisting is not without consequences — including economic ones.

Nothing is granted for free. There is no reward without duties and obligations.

As a fiction lawyer used to say, the only time success comes before work is in the dictionary.

Emanuela Truffo is a partner at Studio Legale Jacobacci e Associati in Milan, Italy. She specializes in contentious and non-contentious intellectual property matters and commercial litigation across a wide range of local and international practices. She has developed expertise in negotiation and drafting of agreements such as licence, non-disclosure, non-compete and coexistence agreements concerning IP rights and copyright as well as for commercial transactions.

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