



environmental  
investigation  
agency

## Wildlife

# Key priorities and recommendations for 45th Session of the World Heritage Committee

September 2023

## Introduction

From 10-25 September 2023, Riyadh in Saudi Arabia will host the Extended 45th Session of the World Heritage Committee.

This marks the first time that the World Heritage Committee will meet in person since the 43rd Session held in Baku, Azerbaijan, in 2019.

As such, the 45th Session represents a critical opportunity for the World Heritage Committee and State Parties to address key issues of World Heritage conservation, management, interpretation and presentation.

The Environmental Investigation Agency encourages the World Heritage Committee and State Parties to consider the information and recommendations contained in this briefing when making decisions relating to the Sustainable Development of World Heritage Sites and the State of Conservation of the Selous Game Reserve, the Okavango Delta and the Mana Pools, Sapi and Chewore Safari Areas World Heritage properties.

# Reports of the World Heritage Centre and its Advisory Bodies

## WHC/23/45.COM/5D: World Heritage Convention and Sustainable Development

In conformity with Decision 44 COM 5D (Fuzhou/online, 2021), this document presents the progress made in implementing the World Heritage Sustainable Development Policy (WHSDP) since the Extended 44th Session of the Committee.

With reference to Section III paragraph 9, EIA welcomes the 2022 publication of the 'UNESCO Guidance for the World Heritage 'No-Go' Commitment: Global Standards for Corporate Sustainability'. EIA applauds the World Heritage Centre and the Advisory Bodies for their extensive ongoing efforts in engaging the corporate sector regarding the protection of World Heritage against harmful industrial practices and large-scale development projects. Oil and gas exploration or exploitation, mining, dams and hydropower projects, and transportation infrastructure, located both inside and outside property boundaries pose significant threats to numerous World Heritage Sites, including those already inscribed on the World Heritage List in Danger.

Many of these Natural and Mixed World Heritage Sites hold significant populations of endangered species, provide critical eco-system services and livelihoods to indigenous peoples and local communities and play a crucial role in climate regulation through carbon storage and as living climate change observatories.

A key example is the Selous Game Reserve World Heritage Site in Tanzania, home to significant populations of the endangered African savanna elephant, black rhino and African wild dog. The highly contested Julius Nyerere hydropower dam and plant are being constructed in the heart of the Selous, despite the declaration of the World Heritage Committee that hydropower dams are incompatible with World Heritage status. This development has drawn international condemnation, including by the World Heritage Centre, the IUCN Advisory Body and EIA.

The financial and corporate sectors are under increasing scrutiny and rightly being held to account regarding their impact on climate, biodiversity and marginalised communities. World Heritage Sites are undoubtedly high profile and highly visible due to their global significance. There is significant reputational risk facing the financial and corporate sectors should they be associated with industrial activities and developments that negatively impact World Heritage Sites.

## Recommendations

- **EIA calls on the World Heritage Committee to SUPPORT Draft Decision 45 COM 5D**
- **EIA calls on the financial (lenders and investors) sector to adopt the 'No-Go' Commitment on World Heritage Site and to embed this commitment, along with the UNESCO 'No-Go' guidance into their policies and practices. Ideally, the financial sector should recognise this commitment in its List of Exclusions and divest or ringfence its interests accordingly**
- **EIA calls on the financial and corporate sectors to strengthen their project pre-screening and environmental and social due diligence processes to robustly and proactively identify and avoid potential impacts (including cumulative impacts) of proposed activities adjacent to and near to World Heritage Sites and their buffer zones**
- **EIA encourages the financial and corporate sectors to utilise the UNESCO Guidance and Toolkit for Impact Assessments in a World Heritage Context.**
- **EIA encourages State Parties to engage their domestic financial and corporate sectors in country to encourage the adoption of the 'No-Go' Commitment and to communicate State Parties' obligations regarding the long-term protection and safeguarding of World Heritage to these sectors.**



# Examination of the State of Conservation

## WHC/23/45.COM/7: State of Conservation of World Heritage Properties

This document presents a global and analytical overview of Item 7 on the State of Conservation of the World Heritage properties.

EIA welcomes the signing of a Memorandum of Understanding (MoU) between UNESCO and the Secretariat for the Convention on International Trade in Endangered species of Wild Fauna and Flora (CITES) in June 2023. The aim of this MoU is to strengthen cooperation and coordination to ensure the sustainability of trade in species of wild animals and plants occurring in World Heritage Sites. World Heritage Sites protect a significant number of threatened species, many affected by illegal or unsustainable wildlife trade, such as the African elephant and white rhino. Targeting and reducing the increase of illegal wildlife poaching and trafficking in World Heritage Sites linked to serious organised crime requires a consistent and coordinated response by State Parties, their conservation authorities, law enforcement and the judiciary.

EIA also welcomes the efforts undertaken by the World Heritage Centre and the advisory body to further strengthen the Guidance and Toolkit for Impact Assessments in a World Heritage Context. EIA encourages State Parties to utilise the Guidance and Toolkit and, in compliance with paragraph 172 of the Operational Guidelines, inform the World Heritage Committee intention to undertake or to authorise in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property in question.

## Recommendations

- **EIA recommends the World Heritage Committee SUPPORTS Draft Decision 45 COM 7.2**
- **EIA calls on State Parties to heed the concern about the continuing threats of wildlife poaching and illegal trafficking of wildlife and timber products linked to impacts of armed conflict and organised crime, which is eroding the biodiversity and Outstanding Universal Value of World Heritage properties around the world, and further urges States Parties to take the necessary measures to curb this problem, including through the implementation of CITES.**

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## WHC/23/45.COM/7A.Add2: State of Conservation of World Heritage Properties Inscribed on the List of World Heritage in Danger: Selous Game Reserve (United Republic of Tanzania) (N 199bis)

At the 44th Session of the World Heritage Committee (Fuzhou/online), the World Heritage Centre and Advisory Bodies recommendation to the World Heritage Committee to delete the Selous Game Reserve from the World Heritage List due to the loss on Integrity and irreversible damage to the values underpinning the Outstanding Universal Value of the Site caused by the ongoing development of the Julius Nyerere Hydropower Dam and Plant was not adopted.

The Committee's decision (Decision 44 COM 7A. 51) was to retain the Selous Game Reserve on the List of World Heritage in Danger and again requested the State Party to invite a joint World Heritage Centre/IUCN Reactive Monitoring mission to the property. The Committee further recommended that, despite the potential impacts of the construction of the Julius Nyerere Hydro-power Project (JHNPP), the State Party take note that the World Heritage Centre and IUCN consider that important biodiversity could remain in the wider Selous-Niassa ecosystem and the heritage status of this property could be re-evaluated, with the option of developing a new World Heritage nomination.

The State Party was also requested to submit a progress report to the World Heritage Centre by 1 February 2022 and, by 1 December 2022, an updated report on the State of Conservation of the property for examination by the World Heritage Committee at its 46th session. Both State of Conservation reports have been submitted by the State Party to the World Heritage Centre and the executive summaries of both reports have been published.<sup>1</sup>

In its progress report, the State Party's response to the recommendation of developing a new World Heritage nomination was that it does not consider this to be feasible as both the boundary configuration and size of the property remain unchanged, despite the JHNPP implementation. The State Party did, however, indicate that an invitation for a Reactive Monitoring Mission will be extended once logistical arrangement have been made. The State Party indicated its commitment to protecting the OUV of the property through rigorous assessment of the impacts (upstream and downstream) of construction of JNHP by commissioning 10 different studies considered valuable for updating the existing Environmental and Social Impact Assessment (ESIA) on this project. To the best knowledge of

EIA, these studies have not been made publicly available. It is therefore very difficult to assess whether the claims of the State Party are valid.

Construction of the JHNPP by two Egyptian contractors – Arab Contractors and Elsewedy Electrics – continues at pace. The celebration of first impoundment of the reservoir in December 2022 was attended by senior Tanzanian and Egyptian government officials, including President of Tanzania Samia Suluhu Hassan.<sup>2</sup> The vast extent of the dam is clearly shown in a publicly available recording of construction progress by June 2023 by Arab Contractors.<sup>3</sup> The extensive clearance of vegetation for the dam, roads and associated infrastructure is also clearly visible.

Sinohydro, a subsidiary of PowerChina, was also awarded a subcontract to contribute to the project. Astonishingly, as of August 2023, PowerChina remains a member<sup>4</sup> of the International Hydropower Association which signed on to the UNESCO 'No-Go' Commitment in 2021.<sup>5</sup>

EIA reinforces its concerns about the long-term, irrevocable, cumulative negative impact of the JHNPP on the Selous Game Reserve World Heritage Site, the Selous-Niassa ecosystem, the downstream Rufiji delta ecosystem and all that rely on these ecosystems for their survival – communities, wildlife and flora. Many wildlife species in the Selous, such as the African savanna elephant, the black rhino and African wild dog, are endangered and already facing significant other threats. These views have been shared by the World Heritage Committee in its previous decisions regarding the property, most notably Decision 43 COM 7A.16.

Of great concern is the role of Egypt, a State Party to the World Heritage Convention and a current World Heritage Committee Member, in the ongoing construction of the JHNPP against the recommendation of the World Heritage Committee, in direct contravention of Decision 40 COM 7 and in direct contravention of its obligations in terms of Article 6.3 of the World Heritage.

With the State Party of Tanzania unwilling to consider the development of a new World Heritage nomination, the likelihood of restoring and maintain the integrity of the property is, in EIA's view, minimal. The 'interest' of the State Party in developing the Kidunda dam outside the property is a further significant potential threat to the integrity of the property. With insufficient information provided in the executive summary of the State of Conservation Report submitted by the State Party, it is unclear how the upgrading of 62 per cent of the property to national park status will strengthen the protection and management of the property.

Whatever the outcome for the World Heritage status of the property, EIA urges the State Party to more effectively protect the remaining critical habitat and counter the threats facing the property's elephant, black rhino, and wild dog populations.

EIA welcomes the State Party's view that a Selous-Niassa Corridor Transboundary Nomination may be feasible. It is understood this would potentially cover the region proposed as the Niassa-Selous Corridor Transfrontier Conservation Area (TFCA). This TFCA will be one of the largest in southern Africa and will provide an important biological link between these two reserves, supporting the conservation of one of the largest elephant ranges globally. Currently, this TFCA has not been formally established via Treaty. It is strongly recommended that the State Parties of Mozambique and Tanzania prioritise the planning and development of the governance and management regime that will be required for both the proposed TFCA and proposed transboundary World Heritage Site, prior to submitting any nominations to the World Heritage Committee. In particular, the two Parties are strongly urged to strengthen coordination and cooperation against elephant poaching and ivory trafficking, as well as other forms of illicit wildlife trade.

In the event that the Selous Game Reserve remains on the List of World Heritage in Danger, EIA urges other Parties to the Convention to offer their technical and financial support to the State Party and the World Heritage Committee to develop a Desired State of Conservation for the Removal of the property from the List of World Heritage in Danger and a set of corrective actions specifically addressing the significant long-term impacts of the JHNPP in accordance with Decision 39 COM 11 and the Operational Guidelines.

## Recommendations

- **EIA recommends the World Heritage Committee SUPPORTS Draft Decision 45 COM 7A.14**
- **EIA recommends that the State of Conservation of the Selous Game Reserve be included on the List of State of Conservation Reports proposed for Discussion at the 46th Session of the World Heritage Committee**
- **EIA calls on the investors and their shareholders of the JHNPP and the contractors Elsewedy Electrics and Sinohydro/PowerChina to divest their interests and sign on to the UNESCO 'No-Go' commitment**

- **EIA calls on Tanzania to urgently put in place stringent long-term protection, management and operational measures to secure and improve the remaining ecological integrity of the property and downstream environment**
- **EIA calls on Egypt to recall its duty in terms of Article 6.3 of the World Heritage Convention to not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage situated on the territory of other States Parties**
- **EIA urges Tanzania, with the support of the World Heritage Centre, the Advisory Bodies and other State Parties, to develop an updated Desired State of Conservation for the Removal of the property from the List of World Heritage in Danger, including robust, timebound and costed corrective measures**
- **EIA encourages the State Parties of Tanzania and Mozambique to finalise the Treaty establishing the Niassa-Selous Corridor TFCA and to put in place robust governance and management measures to ensure the long-term protection of the TFCA and vital populations of elephants, black rhino and wild dog.**

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**WHC/23/45.COM/7B/4: State of Conservation of World Heritage Properties Inscribed on the World Heritage List: Okavango Delta (Botswana) (N 1432)**

EIA fully endorses the recommendations contained in the draft decision relating to the Okavango Delta World Heritage Site.

The Okavango Delta and the wider Kavango-Zambezi Transfrontier Conservation Area (KAZA TFCA) is one of the last remaining true wildernesses in Africa and provides critical habitat to numerous endangered species, not least the African savanna elephant and white and black rhinos. As acknowledged by Botswana in its latest State of Conservation report on the Okavango Delta,<sup>6</sup> elephants are under huge poaching pressure throughout most of their range. The population in Botswana is therefore vital to the survival of the species and, ideally, the large elephant population in Botswana could be spread out over the Kavango-Zambezi landscape through restored connectivity between protected areas in neighbouring countries, but these movement routes are currently disrupted by human activities, including developments and poaching pressure. Similarly, rhinos continue to be significantly targeted by poachers across the Okavango and KAZA region.

EIA notes the completion of a feasibility study of a serial extension to the Okavango Delta World Heritage Site in March 2023 by the State Party, Namibia and Angola, as well as the initiation of a process to develop the Cubango-Okavango River Basin Strategic Environmental Assessment (SEA) by OKACOM.

While EIA supports the potential extension of the property to a transboundary serial property on the grounds of securing critical ecological connectivity and improved protection and management for species such as elephant and rhino, such extension should not proceed until such time as the ongoing oil and gas exploration in the Kavango Basin by companies such as ReconAfrica Energy Africa Ltd (ReconAfrica) has been permanently halted and a permanent moratorium against extractive industries is secured.

As recorded in WHC/23/45.COM/7B/4, the World Heritage Centre has sent numerous letters to Namibia requesting a copy of an Environmental Impact Assessment and an Environment Management Plan (EMP) for a seismic survey of a petroleum exploration license within the Okavango River basin, reportedly underway, in addition to the existing two test well sites; however, it is unclear whether the State Party of Namibia has complied with this request. Despite well-documented claims of procedural irregularity and insufficiency of the Environmental Impact Assessment and the stakeholder engagement process in Namibia,<sup>7</sup> ReconAfrica was awarded an Environmental Clearance Certificate (ECC) in 2020 and commenced operations in 2021. Of great concern is the approval by the Namibian Minister of Environment, Forestry and Tourism in July 2023 of the ECC for ReconAfrica to drill a further 12 wells in the Kavango Basin.<sup>8</sup>

The granting of the ECC's by Namibia for Petroleum Exploration Licence 73 and the granting of Exploration Licence 001/2020 by Botswana to ReconAfrica is, in EIA's view, in contravention of Article 6 of the World Heritage Treaty, as well as Decision 37 COM 7, where States Parties to the Convention and leading industry stakeholders were urged to respect the 'No-Go' Commitment by not permitting extractive activities within World Heritage properties and by making every effort to ensure that extractives companies located in their territory cause no damage to World Heritage properties.

With the proposed SEA, OKACOM and the State Parties have a strategically significant opportunity to clearly identify and commit to no-go areas for extractive and other types of industry, infrastructure and developments that are not compatible with World Heritage Status, and thus to secure in part the long-term protection and management of this critical river basin and landscape.

## Recommendations

- **EIA recommends the World Heritage Committee SUPPORTS Draft Decision 45.COM 7B.4**
- **EIA urges Botswana to withdraw its approval for Exploration Licence 001/2020 issued to ReconAfrica**
- **EIA urges Namibia to withdraw its approval for the ECCs issued to ReconAfrica in respect of Petroleum Exploration Licence 73**
- **EIA calls on ReconAfrica to halt its activities and to mitigate as far as possible the impacts of its activities. ReconAfrica is further urged to sign on to the UNESCO No Go Commitment**
- **EIA calls on the Parties of Namibia, Angola and Botswana to commit to a permanent moratorium on oil and gas exploration and development in the Cubango-Okavango River Basin and to clearly delineate the No-Go areas in the proposed SEA for the Basin.**

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### **WHC/23/45.COM/7B.Add/ 77: State of Conservation of World Heritage Properties Inscribed on the World Heritage List: Mana Pools National Park, Sapi and Chewore Safari Areas (Zimbabwe) (N 302)**

EIA fully endorses the recommendations contained in the draft decision relating to the Mana Pools National Park, Sapi and Chewore Safari Areas. EIA welcomes the news from the State Party that there are no serious poaching problems within the property and that elephant poaching has decreased by at least 0.055 elephants per year.<sup>9</sup>

With the MoU signed for the establishment of the Lower Zambezi Mana Pools Transfrontier Conservation Area (LOZAMAP TFCA), there is now a unique opportunity for Zambia and Zimbabwe to strengthen coordination and cooperation and to pool resources on a range of matters, including strengthening anti-poaching, intelligence sharing and joint law enforcement activities to address illegal wildlife trade issues.

Pending the finalisation of the Treaty formally establishing the TFCA, the Parties are encouraged to use this opportunity to develop a strong governance model that ensures alignment and synergy between the two different national legal frameworks.

There is a clear need for alignment between the protection afforded to protected areas from mining and other extractive industries. It is strongly recommended that the Parties acknowledge and recognise that mining and other extractive industries are not compatible with the principles and objectives of the TFCA, including the core TFCA goal of biodiversity conservation and sustainable development.<sup>10</sup>

The proposed Kanguwui Copper Mine in Zambia is, in EIA's view, strongly incompatible with the objectives of TFCAs and Biosphere Reserves. Furthermore, the activity is also clearly a significant threat to the Mana Pools, Sapi and Chewore World Heritage property and the Mana Pools RAMSAR site. It is also important to note that the proposed establishment of the Lower Zambezi Escarpment Biosphere Reserve (LZEBR) has also been delayed due to the presence of the mine. At a 2022 Stakeholders Consultative Meeting with UNESCO Experts about the Biosphere Reserve, it was made very clear that mining is not compatible with a Biosphere designation.<sup>11</sup>

EIA welcomes the statement of the Zimbabwean Minister of Environment, Mangaliso Ndlovu that there will not be any mining in the Mana Pools in response to a mining application submitted by Shalom Mining Corporation. Zimbabwe has clearly stated its commitment to the World Heritage Convention: 'Our policy as a government is very clear that in our protected areas, we do not do mining exploration, better still in a place like Mana Pools, which is a UNESCO-protected site'.<sup>12</sup>

At present, the Zambian Environmental Management Authority has issued a compliance notice against the licence-holder, Mwembeshi Resources, suspending its activities due to violations of several environmental conditions pertaining to the mine. It is understood that Mwembeshi Resources has been instructed to submit additional environmental impact assessment studies relating to its activities.

EIA echoes the call from the World Heritage Centre and Advisory Bodies to Zambia to ensure that the studies for the Kanguwui mine and all other potential mining activities in the LOZAMAP TFCA are conducted in accordance with the UNESCO Guidance and Toolkit for Impact Assessments in a World Heritage Context and are submitted to the World Heritage Centre and Advisory Bodies for assessment prior to making any further decisions regarding the future of the Kanguwui Copper Mine.

## Recommendations

- **EIA recommends the World Heritage Committee SUPPORTS Draft Decision 40 CPM 7B.77**
- **EIA urges Zambia and Zimbabwe to ensure that the future governance arrangements of the LOZAMAP TFCA explicitly identify mining and extractive industries as unacceptable activities**
- **EIA urges Zambia to engage with the World Heritage Centre and the Advisory Bodies to keep them informed and updated on the issue of mining in the Lower Zambezi National Park**
- **EIA calls on Zambia to recall its duty in terms of Article 6.3 of the World Heritage Convention to not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage situated on the territory of other States Parties.**

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