

recommendations of the 2013 mission, as well as on progress in the environmental and social impact studies linked to mining exploitation, for examination by the World Heritage Committee at its 38th session in 2014;

13. ***Decides to maintain the Mount Nimba Strict Nature Reserve (Côte d'Ivoire) on the List of World Heritage in Danger.***

Note : the following reports on the World Heritage properties of the Democratic Republic of the Congo (DRC) are to be read in conjunction with Item 9 of the present document.

4. Virunga National Park (Democratic Republic of the Congo) (N 63)

Year of inscription on the World Heritage List
1979

Criteria
(vii) (viii) (x)

Year(s) of inscription on the List of World Heritage in Danger
1994 to present

Application of the Reinforced Monitoring Mechanism since 2007 (31 COM 7A.32)

Threats for which the property was inscribed on the List of World Heritage in Danger

- a) Increased poaching of wildlife
- b) Incapability of staff to patrol the 650 km long boundary of the Park
- c) Massive influx of 1 million refugees occupying adjacent parts of the Park
- d) Widespread depletion of forests in the lowlands.

Desired state of conservation for the removal of the property from the List of World Heritage in Danger
Adopted, see page <http://whc.unesco.org/en/decisions/4338>

Corrective measures identified
Adopted, see page <http://whc.unesco.org/en/decisions/4338>

Timeframe for the implementation of the corrective measures
Adopted, see page <http://whc.unesco.org/en/decisions/4338>

Previous Committee Decisions
See page <http://whc.unesco.org/en/list/63/documents/>

International Assistance
Total amount granted: USD 268 560
For details, see page <http://whc.unesco.org/en/list/63/assistance/>

UNESCO extra-budgetary funds
Total amount granted: USD 1,731,000 from the United Nations Foundation and the Governments of : Italy, Belgium and Spain, and the French-speaking Community of Belgium as well as the Rapid Response Facility (RRF)

Previous monitoring missions
April 1996: World Heritage Centre reactive monitoring mission; March 2006: World Heritage Centre monitoring mission; August 2007: joint World Heritage Centre/IUCN reinforced monitoring mission; December 2010: World Heritage Centre reactive monitoring mission.

Factors affecting the property identified in previous reports
a) Armed conflict, lack of security and political instability;

- b) Attribution of a petroleum exploration permit inside the property;
- c) Poaching by the army and armed groups;
- d) Encroachment;
- e) Extension of illegal fishing areas;
- f) Deforestation and cattle grazing.

Illustrative material

See page <http://whc.unesco.org/en/list/63>
and <http://whc.unesco.org/en/soc>

Current conservation issues

On 25 February 2013, the State Party submitted a comprehensive report on the state of conservation of the property. This report highlights the important degradation in security since April 2012, the difficulty the management authority experiences in ensuring the surveillance of the property and in implementing the corrective measures adopted at the 35th session of the World Heritage Committee. Since April 2012, the property has been the battlefield between the Congolese Army (FARDC) and different rebel groups, notably those of the armed group Movement of 23 March (M23). They occupy the Mikeno sector of the property that contains an important population of mountain gorillas, while the FARDC are based in the Rwindi sector. The State Party also notes the appearance of new opportunist militia that have also taken advantage of current insecurity to occupy areas in the Park and its periphery. This situation has made the work of the management authority of the Park extremely difficult. The report informs that two guards of the Congolese Institute for the Conservation of Nature (ICCN) were killed during two attacks in the Park.

a) Impact of the security crisis on the property

The report notes that the management authority has signalled its neutrality in the conflict, which allows it to maintain its teams on the ground, avoid looting of equipment and infrastructures and minimize large-scale poaching. The State Party indicates that the illegal exploitation of the natural resources and the fauna in particular has worsened since the crisis. The report mentions the poaching of 19 elephants and 16 hippopotamus as well as the traffic of baby gorillas. ICCN seized three baby gorillas at Bukavu, Goma and the Nairobi airport respectively and three persons were arrested and handed over to the justice.

The State Party indicates that after a total loss of control of the Mikeno sector for seven months, the surveillance staff were able to access the area in December 2012, enabling them to monitor the gorilla population and to dismantle the traps. Thus, the report notes an increase of almost 9% in the number of resident gorillas as there were eight births during the seven months when access to the sector was impossible, increasing their number from 92 to 100 gorillas in December 2012.

However, the report indicates that the number of patrols has diminished by 35% during 2012, from 5546 in 2011 to 3607 in 2012 due to the difficulty in accessing certain parts of the Park under the control of armed groups. The patrolling and awareness raising efforts have been concentrated in the Lake Edward zone as it is the most vulnerable sector of the Park due to the presence of armed groups and activities of illegal exploitation of natural resources.

The management authority has equipped itself with bloodhounds to track down the poachers and seized nine fire arms, dismantled 1064 traps, seized 225 canoes and destroyed more than 500 poachers' camps.

b) Implementation of the corrective measures

In this unstable and extremely complex context, the implementation of the corrective measures has not progressed as expected. The management authority has attempted to establish the urgent actions to protect the lives of the staff and to avoid an irreversible loss of the Outstanding Universal Value of the property.

The State Party indicates that the conflict situation has had a negative impact on the dialogue initiated by UN-HABITAT and the Park authorities with the local populations for the peaceful resolution of encroachment issues. The illegal occupation of the property and the illegal exploitation of the natural resources have increased in 2012 despite guard patrols. The local populations can no longer enjoy the financial benefits generated from tourism as they have been suspended since May 2012, whereas the entrance numbers were high in 2011 and in the first quarter of 2012.

In the framework of the project "Preservation of the biodiversity in armed conflict zones", funded by Belgium, UNESCO and the International Organization for Migration (OIM), have implemented a project for the peaceful delocalization of the State administrations illegally established in the property at Lubiriha/Kasindi. This support has enabled the restoration of the presence of the Park authority thanks to the strong signal given to the populations illegally installed in the two sectors (west sector and Kilolirwe), demonstrating that measures have been taken to enforce respect for the Park.

The community conservation activities have continued despite the context, and the construction of the hydroelectric power station at Mutwanga is progressing. A system for the canalization of water was established at Rumangabo in July 2012 and the Rumangabo-Bukima road has been repaired. The report indicates that the renewable energy programme has continued with the production and distribution of briquettes at Goma and reforestation activities are underway.

c) Petroleum exploration

The report informs that since obtaining the Certificate of Environmental Acceptability, the SOCO Company has carried out missions in the Park to install the teams to conduct the campaign for the gathering of aeromagnetic and aerogravimetric data. However, the overflying of the Park by helicopter for the acquisition of the data has not yet begun due to the conflict. The State Party report indicates that the TOTAL Company, having acquired exploration rights for Block III that also overlaps a part of the property, has not yet contacted the Park authorities. The World Heritage Centre and IUCN note that the Internet site for TOTAL indicates that a campaign for the acquisition of aeromagnetic and aerogravimetric data was carried out in August 2012 in the northern part of the Block, outside the Park.

The World Heritage Centre wrote, in October 2012, to the Ministry of Hydrocarbons of the DRC, to SOCO and to TOTAL, to transmit Decision **36 COM 7A.4** and specifically the appeal of the Committee that requested TOTAL and SOCO to subscribe to the commitments, already undertaken by SHELL, not to undertake any mining or oil explorations or exploitations within the boundaries of World Heritage properties. To date, the World Heritage Centre has received no response from TOTAL. Only the SOCO Company responded, in December 2012, to inform that it already applied its own "Ethical code and conduct of business" and that its activities in the Park were authorized by the Congolese Government.

The report provides no information on the decisions taken at State level regarding the exclusion from the Park of the oil authorizations attributed to these two companies. Moreover, the World Heritage Centre and IUCN note that the project for the new Hydrocarbons Code could permit petroleum exploration in protected areas, including World Heritage properties.

In addition, the Minister of Environment, Nature Conservation and Tourism (MECNT), in a press release dated 8 August 2012, indicated that petroleum exploration was necessary for the RDC to dispose of reliable information on the exploitable oil resources in the sub-soil of the Park. He also informed that based on these results, the Congolese Government would take the decision of degazetting a part of the Park for oil exploitation or renounce all exploitation in the Park.

The World Heritage Centre has not officially received the scope study, a preliminary study defining the terms of reference of the Strategic Environmental Assessment (SEE), that was

presented by the mandated experts to the MECN in October 2012. This study has not yet been approved by the Congolese authorities, which will engender delays in beginning the SEE and the recommendations that guide a decision regarding petroleum exploitation.

Conclusion

The World Heritage Centre and IUCN recommend that the World Heritage Committee express, once again, its deep concern regarding the degradation of the security situation that has serious repercussions on the state of conservation of the property, with notably the loss of control of a part of the property invaded by armed militia, the increase in poaching, and the illegal occupation of several parts of the Park. They consider that if security is not reestablished there is a risk that the progress accomplished over the last years by the management authority in the implementation of the corrective measures is completely lost. They note the courage of the staff who ensure the surveillance of the Park, often endangering their lives. They recall the commitments undertaken by the Congolese Government in the Kinshasa Declaration in January 2011, in respect of the security situation of the sites and the operational capacity of the ICCN.

The World Heritage Centre and IUCN also recommend that the Committee reiterate its deep concern that the State Party has not yet revised the authorization of petroleum exploration permits in the Park, as requested in its Decision **36 COM 7A.4** and as regards the declaration of the Minister of Environment indicating that the government envisages degazetting a part of the Park for petroleum exploitation. They note that the delisting of a part of the property would have an irreversible and serious impact on its Outstanding Universal Value and could contribute to its removal from the World Heritage List.

Finally, the World Heritage Centre and IUCN consider that the security situation and the pursuit of petroleum exploration emphasize the fact that the Outstanding Universal Value of the property remains extremely threatened despite the important efforts of the management authority to ensure the conservation of the property. Consequently, they recommend maintaining the property on the List of World Heritage in Danger and request the application of the Reinforced Monitoring Mechanism.

Draft Decision: **37 COM 7A.4**

The World Heritage Committee,

1. *Having examined Document WHC-13/37.COM/7A.Add,*
2. *Recalling Decision **36 COM 7A.4** adopted at its 36th session (Saint-Petersburg, 2012),*
3. *Addresses its most sincere condolences to the families of the guards killed in operations for the protection of the Park;*
4. *Expresses its grave concern as to the degradation of the security situation that has serious repercussions on the state of conservation of the property, notably the loss of control of a part of the property, the increase in organized and armed poaching, and the illegal occupation of several parts of the property with the risk of cancelling the progress accomplished in the implementation of the corrective measures;*
5. *Recalls the commitments taken by the Congolese Government in the Kinshasa Declaration of January 2011, notably regarding the security of the World Heritage properties and the strengthening of ICCN operational capacities;*

6. *Reiterates its deep concern* that the State Party has not yet revised the authorizations for petroleum exploration in the Park, as requested in its Decision **36 COM 7A.4**, and on the consequences of the declaration of the Minister of Environment indicating that the government envisaged de-zatting a part of the Park for petroleum exploitation;
7. *Expresses its serious concern* regarding the project for a new Hydrocarbons Code that would allow petroleum exploitation in protected areas, including World Heritage properties, and *requests* the State Party to renounce this project;
8. *Reiterates its request* to the State Party to cancel all the oil exploitation permits granted within the property and *recalls* the incompatibility of oil and mining exploitation and exploration with World Heritage status;
9. *Also recalls* its appeal to the TOTAL and SOCO companies to subscribe to the commitments already accepted by SHELL and ICMM (International Council on Mining and Metals) not to undertake petroleum or mining exploration or exploitation within World Heritage properties, and its request to States Parties to the Convention to do their utmost to ensure that the mining or petroleum companies established on their territories do not damage World Heritage properties, in accordance with Article 6 of the Convention;
10. *Also requests* the State Party to invite a joint World Heritage Centre/IUCN reactive monitoring mission to assess the state of conservation of the property and notably the status of the petroleum exploration projects and the impact of the security situation on the property and, if necessary, to revise the corrective measures and their timetable;
11. *Further requests* the State Party to submit to the World Heritage Centre, **by 1 February 2014**, a detailed report on the state of conservation of the property, including an update of the progress accomplished in the implementation of the corrective measures, for examination by the World Heritage Committee at its 38th session in 2014;
12. *Decides* to continue the application of the Reinforced Monitoring Mechanism of the property;
13. ***Also decides to retain Virunga National Park (Democratic Republic of the Congo) on the List of World Heritage in Danger.***

8. Okapi Wildlife Reserve (Democratic Republic of the Congo) (N 718)

Year of inscription on the World Heritage List

1996

Criteria

(x)

Year(s) of inscription on the List of World Heritage in Danger

1997 to present

Threats for which the property was inscribed on the List of World Heritage in Danger

- a) Impact of the conflict : looting of the infrastructures, poaching of elephants;
- b) Presence of mining sites inside the property.