

# GCWIHABA RESOURCES (PTY) LIMITED

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5<sup>th</sup> January 2022

To: Honourable Lefoko M. Moagi  
The Minister of Mineral Resources, Green Technology and Energy Security  
Ministry of Mineral Resources, Green Technology and Energy Security (MMGE)  
Private Bag 0018 – Gaborone, Botswana

To: Mr. Ofentse Ditsele  
Director of the Department of Mines  
Ministry of Mineral Resources, Green Technology and Energy Security  
Private Bag 0018 – Gaborone, Botswana

**Re: Review of World Heritage Documents with Respect to the Okavango Delta property (core zone) and Prospecting Licenses particularly PL020/2018 license renewal**

Since our previous submissions on December 6<sup>th</sup> and 20<sup>th</sup>, 2021 and due to the urgency of the matter and the need for an early resolution, Gcwihaba Resources (Pty) Ltd. (“Gcwihaba” or the “Company”) has reviewed the public documents on file with UNESCO’s World Heritage Committee (WHC) with respect to the Okavango Delta World Heritage (WH) property (core zone).

Ahead of our points in regard to the WHC documents discussion below. Gcwihaba wants to mention that it understands the government’s responsibility to manage all of its natural resources in a responsible manner, and that there is a need to strike a balance between the various interests, such as commercial, and environmental. The Company is willing to work with the Minister to achieve a resolution that allows the Company to relinquish the ground in the buffer zone but in a manner where the project is moved forward with the MDCB. Achieving a resolution in this manner enables the Company to explain the relinquishment of a ~\$6.8 billion USD resource to its shareholders and stakeholders that we have had and continue to have good title to.

The attached document sets forth the pertinent parts of the WH documents on file that impact PL020/2018. The purpose of this submission is not to be argumentative or set forth a legal position but rather set forth the facts as they are contained in the record to assist in a resolution of this matter.

**Points**

- A designated buffer zone is not part of a World Heritage (WH) property as is clearly stated and defined in the WH Operational Guidelines. **By definition and agreement of the parties, only the core zone is defined as the property. The buffer zone is an area outside the property and is not or never was considered to be part of the property.**
- The Company has been operating in a manner consistent with the WH Nomination Dossier (2014) which states that exploration is permitted in the buffer zone. The

document goes on to state that “*Should an application to mine within the buffer zone arise, and Environmental Impact Study (EIA) will be required as part of Botswana’s EIA Act, which would address concerns relating to the World Heritage property” (core zone).*

- There is no prohibition by legal agreement, treaty or other between the Botswana Government (State Party) and the World Heritage Committee (WHC) to prevent prospecting licenses or mining licenses in the designated buffer zone.
- PL020/2018 was submitted for renewal according to the requirements of Section 17 of the Mines and Minerals Act. A portion of PL020/2018 is within the buffer zone.
- **Contained in the documents filed with WHC by the State Party is an acknowledgment that the State Party cannot unilaterally take or fail to renew a prospecting license in the buffer zone according to the Mines and Minerals Act or Botswana law in general.**
- For whatever the reason, it is clear from the actual record that there was no attempt to consult with Gcwihaba during the designation process as was done with other companies. Had there been, the buffer zone could have been adjusted to accommodate us as it was for those companies located in the Kalahari copper belt.
- The record on file with WHC clearly shows that the WHC was given false and misleading information concerning Gcwihaba’s licenses practically from the start of the designation process. The reasons for the filing of misinformation will most likely never be known but it clearly took place and continues to date.
- Gcwihaba produced an inferred resource report in 2014 that valued the iron resource in the buffer zone in the billions of USD. Said report was filed with the Ministry in 2014 and discussed numerous times with sitting Ministers since that date. Exploration activity and promising results had been discussed with Ministers and the Ministry since 2008.
- A review of the attached presentation and the documentation filed with the WHC by the State Party clearly state that prospecting and mining licenses are not prohibited in the buffer zone. This is what guided the Ministry under Honourable Ministers Ponatshego H. K. Kedikilwe, Onkokame K. Mokaila, and Eric M. Molale when the said licenses were duly issued and renewed in 2008, 2012, 2016, and 2018.
- It has been 6 months since a renewal application for PL020/2018 was filed and the Company has been working diligently with Department of Mines (DOM) officials where there was a meeting of minds where there was an understanding that only by working together could we achieve a mutually beneficial solution. The Company had worked closely with the Department of Mines (DOM) in October 2021 to achieve a resolution of the issues. As a result, 4 of the 5 licenses were approved by the Ministry with only PL020/2018 pending approval.
- PL020/2018 is an integral part of the project and includes 441 Mt of an inferred iron resource, with a current in-situ value of approximately \$18.4 Billion USD of which 164 Mt (\$6.8 billion USD) is within the buffer zone.
- Towards the end of September when the licenses were not issued in regular order, the market took the failure to announce the license renewals as a negative and since October 1, 2021 the Company’s market value as decreased by C \$20,000,000.
- The Company and its JV partner has spent in excess of \$25,000,000 USD evaluating resources on licenses that were granted and renewed, repeatedly.

## Summary

- The buffer zone only became an issue during the renewal of PL020/2018 in 2021.
- The Company had worked closely with the Department of Mines (DOM) in October 2021 to achieve a resolution of the issues.
- However, the matter has not been concluded as PL020/2018 is still pending renewal.
- We look forward to a quick and final resolution of this matter as we have a duty to inform our investors and the investing public the status with respect to PL020/2018. As a license holding billions of dollars' worth of resource it is clearly material.
- It is clear that the Company has been monetarily damaged and will continue to be damaged until a resolution is achieved, hence why we are looking for an expedited resolution.
- The facts are not at issue and we are certain a satisfactory result can be achieved in short order.
- We are willing to proffer solutions which allow both parties to achieve their objectives.
- We want to partner with the MDCB and develop this project without undermining the integrity of the Okavango Delta environment and find a solution to this end.

We thank and rely on the Minister's wisdom to resolve this matter, we are available at your convenience and seek a meeting soonest to achieve a resolution.

Regards,

James M. Bruchs  
Managing Director  
Gcwihaba Resources (Pty) Ltd

Attachments: UNESCO WH Documents\_All\_Dec 2021\_Final

Note: All public domain documents including, Nomination Dossier, State of Conservation reports, WH Committee Decisions, and WH Operational Guidelines discussed in the attachment are listed here: <http://whc.unesco.org/en/list/1432/documents/>

Okavango Delta World Heritage Property (core zone)

## Documentations 2014 to 2021

<http://whc.unesco.org/en/list/1432/documents/>

## Index:

1. Okavango Delta World Heritage Nomination Dossier: Nomination dossier to UNESCO for inscription into the World Heritage List: 2013 / Filed 2014 =
  - <http://whc.unesco.org/uploads/nominations/1432.pdf>
2. Advisory Body Evaluation (IUCN) - WORLD HERITAGE NOMINATION – IUCN TECHNICAL EVALUATION OKAVANGO DELTA (BOTSWANA) – ID No. 1432 (2014)
  - <http://whc.unesco.org/document/152665>
3. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 38TH SESSION (DOHA, 2014)
  - <http://whc.unesco.org/document/152665>
4. STATE OF CONSERVATION REPORT OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA (N1432), 2015
  - <http://whc.unesco.org/document/139371>
5. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 40TH SESSION (Istanbul, 2016)
  - <http://whc.unesco.org/en/decisions/6743>
6. STATE OF CONSERVATION REPORT OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA (N1432), 2017
  - <http://whc.unesco.org/document/165141>
7. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 42TH SESSION (Manama, 2018)
  - <http://whc.unesco.org/en/decisions/7318>
8. STATE OF CONSERVATION REPORT OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA (N1432), 2020
  - <http://whc.unesco.org/document/181463>
9. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 44TH SESSION (Fuzhou China, 2021)
  - <http://whc.unesco.org/en/decisions/7796>
10. Operational Guidelines for the Implementation of the World Heritage Convention - UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION – 2021
  - <https://whc.unesco.org/document/190976>

## Definitions:

**“Property”** means Core Zone only. This is because in the World Heritage (WH) Operational Guidelines it is clearly stated that the “buffer zone” is not part of the property. To help make this clear, we have added **“Property” = (Core Zone)** in parenthesis in areas where the word property is written in the documents.

**Buffer Zone** is not part of property and is clearly stated and defined as such in the WH Operational Guidelines.

## Comment Notes:

1. All Comments in Yellow are Comments on what is set forth in the official documentation.
2. All Comments in Blue are miss-statements of fact, false or incorrect statements with respect to Gcwihaba Resources and its prospecting licenses that were issued and re-issued at various points in time.

Emphasis Added:

Emphasis added by using red and underlined.

# Document 1:

## Okavango Delta

### World Heritage Nomination Dossier

Nomination dossier to UNESCO for inscription into the World Heritage List

2013 / Filed 2014

<http://whc.unesco.org/uploads/nominations/1432.pdf>

# Okavango Delta

World Heritage Nomination Dossier

Nomination dossier to UNESCO for inscription into the World Heritage List



2013  
Republic of Botswana

**1. Page 107: Threats from mineral exploitation**

The Ministry of Energy, Mineral and Water Resources has issued several mineral prospecting licenses to exploration companies for concession areas within the buffer zone of the site. No licenses have been issued within the core zones of the property (core zone). Should an application to mine within the buffer zone arise, and Environmental Impact Study (EIA) will be required as part of Botswana's EIA Act, which would address concerns relating to the World Heritage property (core zone). Also the matter would be referred to the World Heritage Centre (WHC) for their advice.

1. Saying that you can mine in buffer zone, need to submit an EIA

**2. Page 397: Revision of the boundaries of the core and buffer zones of the proposed Okavango Delta World Heritage Site & a focus on the role of the buffer zone**

The original proposal identified a core area of approximately 1,650,000ha, with a buffer of approximately 3,480,000ha. Following the revision these areas were adjusted, with an increase in the size of the core area to 2,023,590ha, but a reduction in the size of the buffer zone to 2,286,630ha. The buffer zone was reduced in size to the west of the Delta, while maintained to the east of the Delta. Specific concerns about the alignment of the buffer to the west of the Delta were raised in relation to the prevalence of prospecting licenses for mining in the far northeast, but also in terms of potentially unjustified limitations posed by the very extensive buffer proposed elsewhere along the west and south of the Delta. The extension of the buffer zone to the International Boundary with Namibia was justifiable as there were limited restrictions on development activities and the overlap of the Buffer with important migratory wildlife corridors.

2. Buffer zone was moved to allow for the Kalahari Copper Belt mining

**3. Page 405: REPORT ON THE STATUS OF MINERAL CONCESSIONS WITHIN THE OKAVANGO DELTA**

Prospecting Licenses (PLs) found in the Core and those overlapping the Core and Buffer Zones are mainly Metal Minerals, which is Base and Precious Metals. They are eleven (11) in total. There is one prospecting license that is in the Core Area and it is expiring on the 31st March 2015. The rest of the ten (10) Prospecting Licenses are overlapping the Core and Buffer Zone, seven (7) have expired, while three (3) are active and expires on the 30<sup>th</sup> September 2014.

The government of Botswana through the Ministry of Minerals, Energy and Water Resources has taken a position that it will not issue any new mineral concessions within the Core area of the delta. The Ministry will further engage with the holders of the few existing licenses within the Core area of the delta with a view to eventually expunge those portions of the licenses which overlap the core. Regarding the buffer area, stringent environmental protocols and practices will be adhered to, to protect the integrity of the Delta.

3. Can work in buffer zone with "stringent environmental protocols and practices" in place

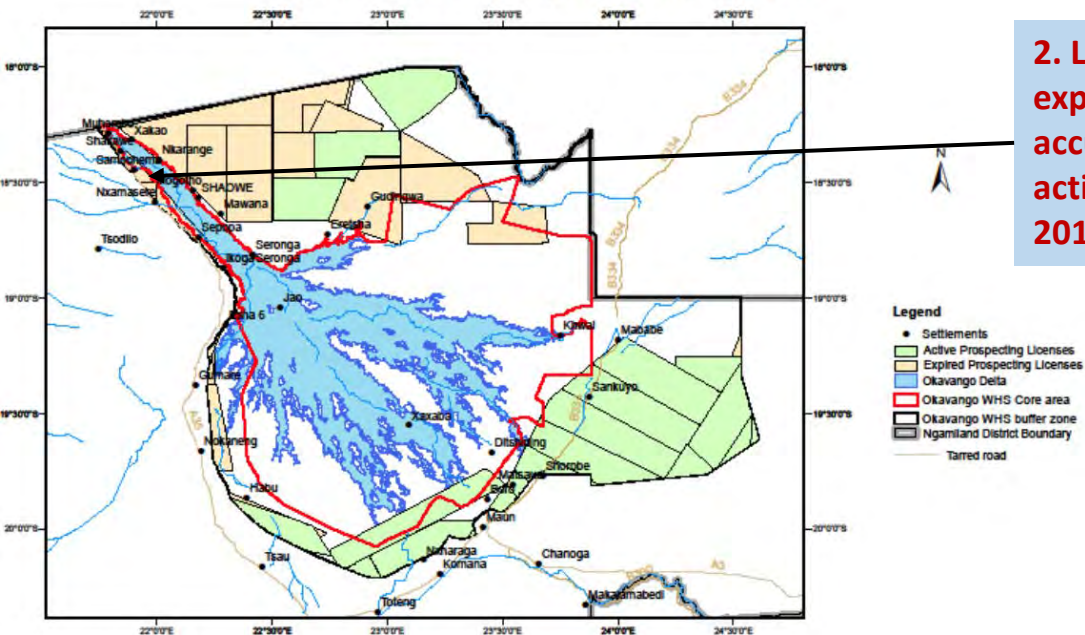
**PROSPECTING LICENSES (PLs) IN THE CORE AND THOSE OVELAPPING THE CORE AND BUFFER ZONE**

No.	PROSPECTING LICENCES	EXPIRY DATE	STATUS EXPIRED/ACTIVE	MINERAL	LOCATION	COMPANY
1.	PL098/2012	31 <sup>st</sup> March 2015	Active	Base and Precious Metals	Core	Zhong Gan
2.	PL590/2009	30 <sup>th</sup> June 2012	Expired	Base and Precious Metals	Core & Buffer	Gcwihaba Resources
3.	PL115/2010	31 <sup>st</sup> March 2013	Expired	Base and Precious Metals	Core & Buffer	Cambow
4.	PL592/2009	30 <sup>th</sup> June 2013	Expired	Base and Precious Metals	Core & Buffer	Gcwihaba Resources
5.	PL386/2008	31 <sup>st</sup> December 2013	Expired	Base and Precious Metals	Core & Buffer	Gcwihaba Resources
6.	PL388/2008	31 <sup>st</sup> December 2013	Expired	Base and Precious Metals	Core & Buffer	Gcwihaba Resources
7.	PL390/2008	31 <sup>st</sup> December 2013	Expired	Base and Precious Metals	Core & Buffer	Gcwihaba Resources
8.	PL393/2008	31 <sup>st</sup> December 2013	Expired	Base and Precious Metals	Core & Buffer	Gcwihaba Resources

**1. Page 406. Our licenses were listed incorrectly as Expired, they were active and renewed in 2016 and 2018.**

10.	PL305/2009	30 <sup>th</sup> September 2014	Active	Base and Precious Metals	Core & Buffer	New Hana
11.	PL570/2009	30 <sup>th</sup> September 2014	Active	Base and Precious Metals	Core & Buffer	New Hana





2. Licenses are shown as expired, this is not accurate as they were active and renewed in 2016 and 2018.

**Page 397: Quotations “Summary Document: Revision of the boundaries of the core and buffer zones of the proposed Okavango Delta World Heritage Site & a focus on the role of the buffer zone**

The revision of the Boundaries

A revision of the boundaries of the proposed Okavango Delta World Heritage Site was undertaken because of concerns raised over the alignment of the originally proposed core and buffer zone boundaries, which may potentially undermine the capacity of the site to preserve the Outstanding Universal Value of the Delta. Specific issues of concern which were raised include; the exclusion of particular habitats and areas important for hydrological processes, the exclusion of dry land areas around the Delta on which many wildlife populations in the Delta depend, the inclusion of large settlements within the core, the alignment of the buffer which may conflict with developments such as mining, and a concern about the transparency and robustness of the process used to align the original boundaries.

4. Buffer zone was moved to allow for the Kalahari Copper Belt mining

A multi-criteria GIS-based analytical approach was used to overcome the issues of transparency and to ensure all of the critical habitats, wetland systems and channels are included within the core and buffer zones. Using the selected features a multi-criteria evaluation embedded within a GIS allowed for a transparent process to identify those areas of the system that are most important to preserve the stated Outstanding Universal Value and those areas that are most vulnerable to the key negative driving forces affecting the system.

The process included preparation of GIS base data, structured consultation with a broad range of stakeholders within the region, incorporation of stakeholder feedback into the analysis, a stakeholder review workshop, development of site delineation rules, and development of proposed boundaries derived from the analysis and stakeholder inputs. The boundaries were validated by expert and government stakeholders, with the latter process being facilitated by the Department of National Museum & Monuments. The process resulted in revised WHS core and buffer areas, with a clear justification for the boundaries. The original proposal identified a core area of approximately 1,650,000ha, with a buffer of approximately 3,480,000ha. Following the revision these areas were adjusted, with an increase in the size of the core area to 2,023,590ha, but a reduction in the size of the buffer zone to 2,286,630ha. The buffer zone was reduced in size to the west of the Delta, while maintained to the east of the Delta. Specific concerns about the alignment of the buffer to the west of the Delta were raised in relation to the prevalence of prospecting licenses for mining in the far northeast, but also in terms of potentially unjustified limitations posed by the very extensive buffer proposed elsewhere along the west and south of the Delta. The extension of the buffer zone to the International Boundary with Namibia was justifiable as there were limited restrictions on development activities and the overlap of the Buffer with important migratory wildlife corridors.”

5. Buffer zone was moved to allow for the Kalahari Copper Belt mining

### The revision of the Boundaries

The operational guidelines provide guidance in terms of necessary boundary alignment for effective protection of the property (core zone):

- a. Boundaries should be drawn to ensure the full expression of the Outstanding Universal Value and the integrity and/or authenticity of the property (core zone).
- b. For properties nominated under criteria (vii) - (x), boundaries should reflect the spatial requirements of habitats, species, processes or phenomena that provide the basis for their inscription on the World Heritage List. The boundaries should include sufficient areas immediately adjacent to the area of Outstanding Universal Value in order to protect the property's (core zone) heritage values from direct effect of human encroachments and impacts of resource use outside of the nominated area.
- c. The boundaries of the nominated property (core zone) may coincide with one or more existing or proposed protected areas.

**6. Buffer zones are not part of the World Heritage Site (WHS),** but have restrictions, restrictions to protect property (core zone) so as long as the main WHS Outstanding Universal Value (OUV) is protected activities are permitted.

**The Operational Guidelines also provide guidance on buffer zones, which are not in themselves part of the WHS, but which surround the nominated property (core zone) and have restrictions placed on their use and development to give the property (core zone) effective protection.**

The Operational Guidelines specify that:

- a. **A buffer zone is required wherever it is necessary for the protection of the property (core zone).**
- b. They should include the immediate setting of the nominated property (core zone), important views and other areas or attributes that are functionally important as a support to the property (core zone) and its protection.
- c. The area constituting the buffer zone should be determined in each case through appropriate mechanisms.

Based on the above guidance it was clear that:

- a. The delineation of the property (core zone) needs to be specifically linked to the features and processes which are the basis for its Outstanding Universal Value.
- b. The boundaries need to be sufficient to fully include areas necessary for these features and processes.
- c. The buffer area needs to be sufficient to protect the core area from unacceptable impacts.
- d. The basis for determining the boundaries needs to be robust, transparent and clearly explained.

NB: Refer to document annexed on Boundary Revision Outline for the rationale and justification for revising the boundaries.”

## 2. Advisory Body Evaluation (IUCN) - WORLD HERITAGE NOMINATION (2014)

IUCN TECHNICAL EVALUATION OKAVANGO DELTA (BOTSWANA) – ID No. 1432

International Union for Conservation of Nature (IUCN)

Botswana – Okavango Delta

### **WORLD HERITAGE NOMINATION – IUCN TECHNICAL EVALUATION OKAVANGO DELTA (BOTSWANA) – ID No. 1432**

**IUCN RECOMMENDATION TO WORLD HERITAGE COMMITTEE:** To inscribe the property under natural criteria.

**Key paragraphs of Operational Guidelines:**

Paragraph 77: Nominated property meets natural World Heritage criteria.

Paragraph 78: Nominated property meets conditions of integrity and protection and management requirements.

#### 1. DOCUMENTATION

**reconnecting ecosystems allow long-distance  
mammal migrations to resume? A case study of a**

Page 10. Mining presents one of the more significant potential threats to the Delta as a number of concessions overlap the nominated area and buffer zone. Additional information provided by the State Party shows that a number of mining prospecting licenses (41 in total) are located within and surrounding the property (core zone) covering base metal, precious stones, petroleum and radioactive materials. Of these, 11 licenses overlap with either the nominated property (core zone) and/or buffer zone; however only one is wholly in the nominated area and will expire in March 2015. Only three other licenses remain active in the nominated property (core zone) / buffer zone and these expire in September 2014. Nevertheless there are 12 active licenses in the buffer zone including a petroleum license active until September 2016. The six radioactive licenses in the buffer zone have all expired. Positive written assurances have been given by the Ministry of Minerals, Energy and Water Resources that the overlapping prospecting licenses will be permanently extinguished and not renewed on their expiry in 2014 or early 2015. The State Party also confirms that no new mining licenses will be issued within the property (core zone). In order to comply with the requirements of the World Heritage Convention that extractive industry is incompatible with World Heritage Site status, it will be vital that these commitments are fully implemented and that no prospecting or mining activity whatsoever takes place within the nominated property (core zone). Similar assurances have not been given for mining in the buffer zone. In conclusion it is clear that mining does represent a potential threat to the nominated property (core zone), particularly within the adjoining buffer zone and given the potential for long range mining impacts via the complex hydrological systems. It is not clear to what degree mining is occurring or proposed in neighboring Namibia and Angola which are upstream from the nominated property (core zone).

7. This says prospecting in the buffer zone is allowed as long as they are monitored to avoid impacts on the property (core zone) and hydrological systems.

A variety of other threats is described in the nomination dossier including those of invasive alien vegetation, possible spraying for renewed tsetse fly control, climate change, pollution, fire and earthquakes. There are no other significant past developments affecting the integrity of the property (core zone). In conclusion, despite concerns regarding potential threats and various aspects of the property's (core zone) management, IUCN considers that the nominated property (core zone) meets the conditions of integrity as outlined in the Operational Guidelines.

3. Gcwihaba licenses were not due to expire and were renewed in 2016 and 2018

Page 12. Mining activities including prospecting will not be permitted within the property (core zone). Furthermore, potential impacts from mining including concessions in the buffer zone and outside the buffer zone need to be carefully monitored and managed to avoid direct and indirect impacts to the property (core zone), including water pollution. The State Party should also work with State Parties upstream from the Delta to monitor any potential impacts, including from potential diamond mining in Angola, which could impact water flow or water quality in the Delta.

8. Potential mining in the buffer zone needs to be monitored. What this means is that mining is allowed in buffer zone as long as it is monitored.

Page 13: Ongoing vigilance is critical to ensure mining developments do not adversely impact the property (core zone). Past mining prospecting licences have been extinguished, and will not be renewed or extended. No extractive activity is undertaken in the property (core zone), and no new licenses will be issued within the property (core zone). The State Party should implement rigorous environmental impact assessment procedures for mining activities outside the property (core zone) but which have the potential to negatively impact on its Outstanding Universal Value, to avoid such impacts.

9. Mining is allowed in the buffer zone but not on the main property (core zone). Remember the Operational Guidelines state the buffer zone is not part of the property.

Page 13:

Requests the State Party to:

- a) continue efforts to develop, in partnership with Universities, NGOs and wildlife experts, a coordinated and systematic wildlife monitoring programme to establish population baselines for key species and to track long term trends;
- b) continue efforts to rationalize veterinary cordon fencing, removing it when its effectiveness for disease control has become questionable or where more holistic approaches to animal sanitation and disease control are possible;
- c) ensure no extractive industry activity is permitted in the property (core zone), and permanently extinguish all the few remaining mineral prospecting concessions, which are scheduled to expire in 2014, without awarding any timeframe extensions and not issue any new concessions within the property (core zone);
- d) carefully monitor and manage mining in areas outside of the property (core zone) so as to avoid any adverse impacts to the property (core zone);
- e) expand and strengthen programmes which accommodate traditional resource use for livelihoods, user access rights, cultural rights and access to opportunities to participate in the tourism sector, in keeping with the property's (core zone) Outstanding Universal Value; and

10. No mining on the property (core zone), but remember that the Operational Guidelines state that the buffer zone is not part of the property, so mining is allowed in buffer zone as long as its monitored closely according to the World Heritage Council Operational Guidelines.



# 3. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 38TH SESSION (DOHA, 2014)



United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

**World Heritage**

**38 COM**

**WHC-14/38.COM/16**

**Doha, 7 July 2014**

**Original: English / French**

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF  
THE WORLD CULTURAL AND NATURAL HERITAGE**

**WORLD HERITAGE COMMITTEE**

**Thirty-eighth session**

**Doha, Qatar  
15 - 25 June 2014**

**DECISIONS ADOPTED  
BY THE WORLD HERITAGE COMMITTEE  
AT ITS 38<sup>TH</sup> SESSION (DOHA, 2014)**

Page 158: Mining activities including prospecting will not be permitted within the property (core zone). Furthermore, potential impacts from mining including concessions in the buffer zone and outside the buffer zone need to be carefully monitored and managed to avoid direct and indirect impacts to the property (core zone), including water pollution. The State Party should also work with State Parties upstream from the Delta to monitor any potential impacts, including from potential diamond mining in Angola, which could impact water flow or water quality in the Delta.

11. Potential mining in the buffer zone needs to be monitored. What this means is that mining is allowed in buffer zone as long as it is monitored.

Page 158: Ongoing vigilance is critical to ensure mining developments do not adversely impact the property (core zone). Past mining prospecting licences have been extinguished, and will not be renewed or extended. No extractive activity is undertaken in the property (core zone), and no new licenses will be issued within the property (core zone). The State Party should implement rigorous environmental impact assessment procedures for mining activities outside the property (core zone) but which have the potential to negatively impact on its Outstanding Universal Value, to avoid such impacts.

Page 159: Requests the State Party to:

- a) continue efforts to develop, in partnership with Universities, NGOs and wildlife experts, a coordinated and systematic wildlife monitoring programme to establish population baselines for key species and to track long term trends,
- b) continue efforts to rationalize veterinary cordon fencing, removing it when its effectiveness for disease control has become questionable or where more holistic approaches to animal sanitation and disease control are possible,
- c) ensure no extractive industry activity is permitted in the property (core zone), and permanently extinguish all the few remaining mineral prospecting concessions, which are scheduled to expire in 2014, without awarding any timeframe extensions and not issue any new concessions within the property (core zone),
- d) carefully monitor and manage mining in areas outside of the property (core zone) so as to avoid any adverse impacts to the property (core zone),
- e) expand and strengthen programmes which accommodate traditional resource use for livelihoods, user access rights, cultural rights and access to opportunities to participate in the tourism sector, in keeping with the property's (core zone) Outstanding Universal Value, and
- f) continue efforts to address a range of other protection and management issues including governance, stakeholder empowerment, management planning, management capacity and control of alien invasive species;

12. No mining on the property (core zone), but remember that the Operational Guidelines state that the buffer zone is not part of the property, so mining is allowed in buffer zone as long as its monitored closely according to the World Heritage Council Operational Guidelines.

# 4. STATE OF CONSERVATION REPORT OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA (N1432), 2015

**STATE OF CONSERVATION REPORT  
OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA  
(N1432)**



**BY THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA  
DEPARTMENT OF NATIONAL MUSEUM & MONUMENTS  
MINISTRY OF ENVIRONMENT, WILDLIFE & TOURISM**

Report Developed by State Party of Botswana with the support of USAID, Southern African  
Regional Environmental Program (SAREP)

NOVEMBER 2015



Since inscription, the State Party has made the following progress:

1. Continued to implement the Okavango Delta Management Plan in order to maintain the Outstanding Universal Value of the property (core zone).
2. Developed protocols for wildlife monitoring in the Okavango Delta through the support of SAREP, including a web-based portal for analyzing the data.
3. Relinquished all the prospecting licenses in the core area and has not renewed most licenses in the buffer zone except 9, of which 2 of these are folios (at application stage).
4. Continued and expanded implementation of livelihoods programmes in the Delta.
5. Progress has been made in consulting the indigenous peoples on cultural heritage related issues.
6. Addressing the governance, stakeholder and coordination issues for the effective management of the property (core zone).
7. Continued with control and monitoring of alien invasive species within the property (core zone).

Challenges include:

1. Little progress has been made in establishing population baseline for key species and this is now earmarked for 2016/17.
2. Limited resources (financial and human resources) for implementing conservation programmes as outlined in the ODMP.
3. Challenge of dealing with outstanding prospecting licenses in buffer zone, which can be renewed up to 7 years, in terms of the existing laws.
4. New developments in the implementation of CBNRM, which take away the privileges local communities used to have under the old arrangement.
5. Coordination for the implementation of the management plan is still a challenge due to lack of capacity and resources.

13. This states clearly that under the laws of Botswana that removal of PL's is difficult as there is no law that says it can be done without the involvement and negotiation with the holder of the PL clearly acknowledging that any *taking* is not permitted under Botswana or International law

FACTORS AFFECTING PROPERTY (core zone) IDENTIFIED IN PREVIOUS REPORTS (WHC 38 COM 8B.5)

1. Need to establish population baselines for key species and to track long term trends;
2. Need to rationalize veterinary cordon fencing,
3. Existence of extractive industry activity in the property (core zone) and the need to permanently extinguish all the few remaining mineral prospecting concessions, as well as not issue any new concessions within the property (core zone),
4. Monitoring and managing mining in areas outside of the property (core zone) so as to avoid any adverse impacts to the property (core zone),
5. Traditional resource use for livelihoods, user access rights, cultural rights and access to opportunities for local communities in keeping with the property's (core zone) Outstanding Universal Value,

14. No mining on the property (core zone), but remember that the Operational Guidelines state that the buffer zone is not part of the property, so mining is allowed in buffer zone as long as its monitored closely according to the World Heritage Council Operational Guidelines.

## **Extractive industry activity**

**Ensure no extractive industry activity is permitted in the property (core zone), and permanently extinguish all the few remaining mineral prospecting concessions, which are scheduled to expire in 2014, without awarding any timeframe extensions and not issue any new concessions within the property (core zone).**

15. No mining on the property (core zone), but remember that the Operational Guidelines state that the buffer zone is not part of the property, so mining is allowed in buffer zone as long as its monitored closely according to the World Heritage Council Operational Guidelines.

At the time of inscription, it was realized that there were prospecting licenses issued in both the core area and the buffer zone. The State Party, in its submission of supplementary information committed that it will not allow mining in the core area and that it will expunge all prospecting licenses in the core and buffer once they expire and will not issue any new licenses in the core and buffer zone.

Since 2014, the State Party has not issued any new licenses and neither is there any mining in the core area. The State Party will continue to monitor any illegal prospecting that might take place in the core area. The State Party has made considerable progress in relinquishing and not renewing the licenses in the buffer zone once they expire. Out of 41 prospecting licenses, only 9 licenses are remaining. DOM is in the process of resolving the 9 outstanding prospecting licenses in the buffer zone. It is important to note that there are challenges in this process given that the duration of the prospecting licenses is 7 years and negotiable with the respective companies who may have invested heavily in the process over the years. However, the State Party has not been issuing new licenses in the buffer zone at all. Below is a table that summarizes this progress;

16. This states clearly that under the laws of Botswana that removal of PL's is difficult as there is no law that says it can be done without the involvement and negotiation with the holder of the PL clearly acknowledging that any taking is not permitted under Botswana or International law.

**Status of Prospecting licenses at the time of inscription**

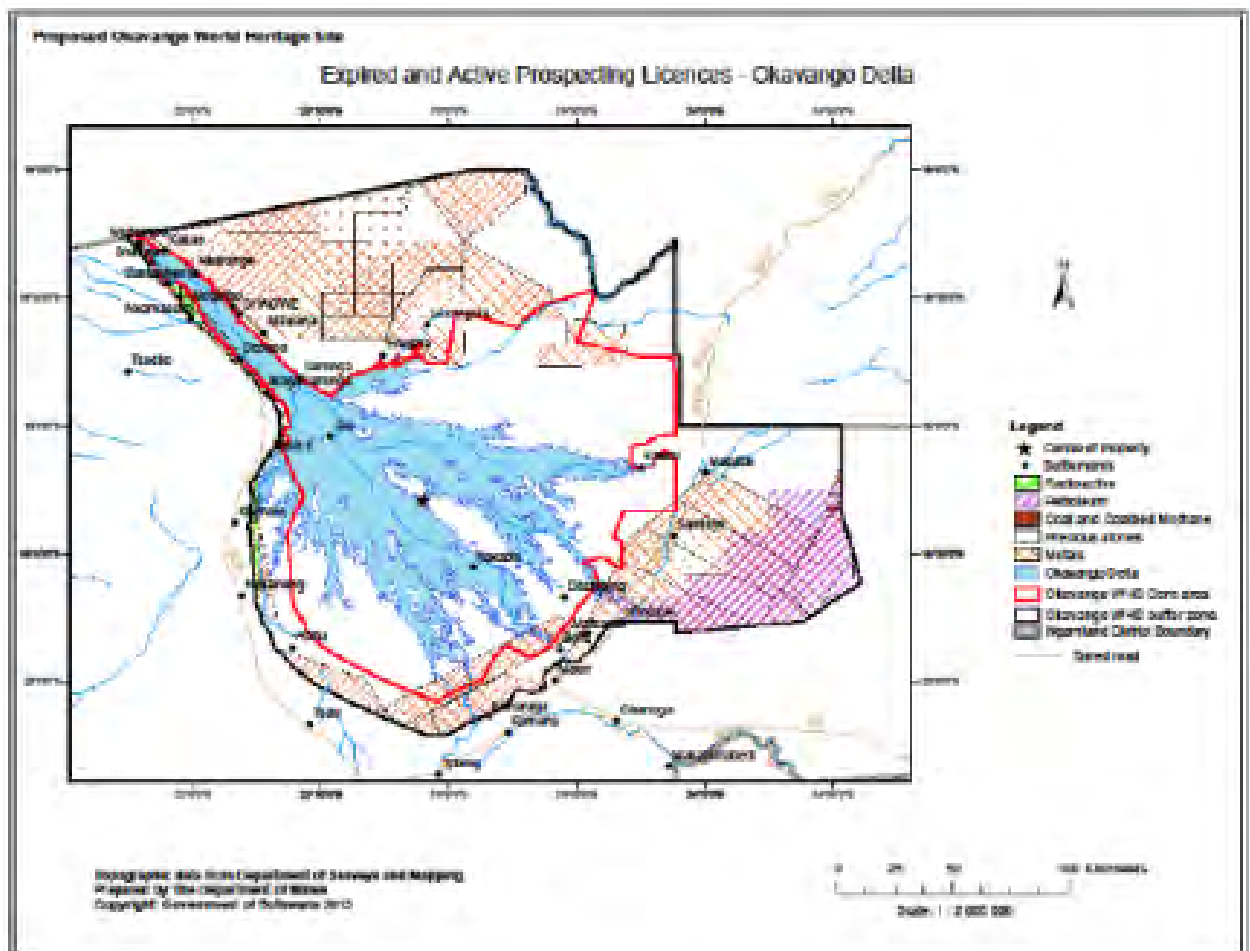
NO	PROSPECTING LICENSES	EXPIRY DATE	STATUS AT TIME OF INSCRIPTION	MINERAL	LOCATION	COMPANY	CURRENT STATUS
1.	PL703/2009	30 <sup>th</sup> Sept 2012	Expired	Coal & CBM	Buffer	Greatways	Expired
2.	PL154/2012	30 <sup>th</sup> Sept 2016	Active	Petroleum	Buffer	Baobab Resources	Active
3.	PL 641/2009	30 <sup>th</sup> Sept 2012	Expired	Precious Stones	Buffer	Gewihaba Resources	Expired, Not renewed
4.	PL 642/2009	30 <sup>th</sup> Sept 2012	Expired	Precious Stones	Buffer	Gewihaba Resources	Expired, Not renewed
5.	PL046/2011	31 <sup>st</sup> Dec 2013	Expired	Radioactive	Buffer	Gewihaba Resources	Expired, Not renewed
6.	PL 047/2011	31 <sup>st</sup> Dec 2013	Expired	Radioactive	Buffer	Gewihaba Resources	Expired, Not renewed
7.	PL 050/2010	30 <sup>th</sup> June 2013	Expired	Radioactive	Buffer	Gewihaba Resources	Expired, Not renewed
8.	PL 046/2009	31 <sup>st</sup> Dec 2011	Expired	Radioactive	Buffer	Namenco Energy	Expired, Not renewed
9.	PL 047/2009	31 <sup>st</sup> Dec 2011	Expired	Radioactive	Buffer	Namenco Energy	Expired, Not renewed
10.	PL 048/2009	31 <sup>st</sup> Dec 2011	Expired	Radioactive	Buffer	Namenco Energy	Expired, Not renewed
11.	PL 100/2012	31 <sup>st</sup> March 2015	Active	Metals	Buffer	Zhing gan	Expired, Not renewed
12.	PL 099/2012	31 <sup>st</sup> March 2015	Active	Metals	Buffer	Zhing gan	Expired, Not renewed
13.	PL 109/2012	31 <sup>st</sup> March 2015	Active	Metals	Buffer	Midgel	Expired, Not renewed
14.	PL 571/2009	30 <sup>th</sup> Sept 2014	Active	Base & Precious Metals	Buffer	New Hana	Expired, Not renewed
15.	PL 570/2009	30 <sup>th</sup> Sept 2014	Active	Base & Precious Metals	Buffer & Core	New Hana	Expired, Not renewed
16.	PL 569/2009	30 <sup>th</sup> Sept 2014	Active	Base & Precious Metals	Buffer & Core	New Hana	Expired, Not renewed
17.	PL 568/2009	30 <sup>th</sup> Sept 2014	Active	Base & Precious Metals	Buffer & Core	New Hana	Expired, Not renewed
18.	PL567/2009	30 <sup>th</sup> Sept 2014	Active	Base & Precious Metals	Buffer	New Hana	Expired, Not renewed
19.	PL 566/2009	30 <sup>th</sup> Sept 2014	Active	Base & Precious Metals	Buffer	New Hana	Expired, Not renewed
20.	PL185/2013	30 <sup>th</sup> Sept 2016	Active	Base & Precious Metals	Buffer	Hana Ghanzi	Active
21.	PL 098/2012	11 <sup>th</sup> March	Active	Base & Precious	Core	Zhong Gan	Expired, Not renewed

		2015		Metals			
22.	PL 264/2012	30 <sup>th</sup> Sept 2015	Active	Base & Precious Metals	Buffer	Zhong Gan	Expired, Not renewed
23.	PL040/2012	31 <sup>st</sup> Dec 2014	Active	Base & Precious Metals	Buffer	Tripop	Expired, Not renewed
24.	PL059/2010	31 <sup>st</sup> March 2013	Expired	Base & Precious Metals	Buffer	Manica	Expired, Not renewed
25.	PL 062/2011	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Buffer	Pinette	Expired, Not renewed
26.	PL 392/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Buffer	Pinette	Expired, Not renewed
27.	PL 392/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Buffer	Gwihaba Resources	Expired, Not renewed
28	PL 390/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Core & Buffer	Gwihaba Resources	Expired, Not renewed
29.	PL 388/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Core & Buffer	Gwihaba Resources	Expired, Not renewed
30	PL 387/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Buffer	Gwihaba Resources	Expired, Not renewed
31	PL 386/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Core & Buffer	Gwihaba Resources	Expired, Not renewed
32	PL 393/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Core & Buffer	Gwihaba Resources	<b>Expired, Under negotiations</b>
33	PL 394/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Buffer	Gwihaba Resources	Expired, Not renewed
34	PL 395/2008	31 <sup>st</sup> Dec 2013	Expired	Base & Precious Metals	Buffer	Gwihaba Resources	<b>Expired, Under negotiations</b>
35	PL 095/2012	30 <sup>th</sup> June 2012	Expired	Base & Precious Metals	Buffer	Gwihaba Resources	<b>Expired, Under negotiations</b>
36	PL 097/2012	31 <sup>st</sup> March 2015	Active	Base & Precious Metals	Buffer	Gwihaba Resources	<b>Expired, Under negotiations</b>
37	PL 096/2012	31 <sup>st</sup> March	Active	Base & Precious	Buffer	Gwihaba Resources	<b>Expired, Under</b>

**4. Our licenses were listed incorrectly as Expired, they were active and renewed in 2016 and 2018.**

		2015		Metals				<b>negotiations</b>
38	PL 115/2010	31 <sup>st</sup> March 2013	Expired	Base & Precious Metals	Core & Buffer		Gewihaba Resources	Expired, Not renewed
39	PL 590/2009	30 <sup>th</sup> June 2012	Expired	Base & Precious Metals	Core & Buffer		Gewihaba Resources	Expired, Not renewed
40	PL 592/2009	30 <sup>th</sup> June 2012	Expired	Base & Precious Metals	Core & Buffer		Gewihaba Resources	Expired, Not renewed
41	PL 588/2009	31 <sup>st</sup> Dec 2012	Expired	Base & Precious Metals	Buffer		Gewihaba Resources	<b>Expired Under negotiations</b>

*Table 1: Status of Prospecting Licences in the buffer zone as of November 2015;  
Source: Department of Mines*





**Current status of prospecting licenses; outstanding 9 Prospecting Licenses**

The table below shows the current prospecting licenses in the buffer zone of the property (core zone). Six of the licenses have expired and are from one company, Gcwihaba resources. One of the prospecting licenses is expiring in September 2016, while Folio 16c and 16d are applications which the department will make a decision not to approve. As indicated earlier, prospecting licenses can be extended up to 7 years. Therefore their review is a complex task that has to consider companies who have heavily invested in the prospecting process. As such, the State Party is still engaging the companies with a view of not renewing these licenses. Progress in this regard will be submitted as supplementary evidence either before or as part of SOC.

NO	PROSPECTING LICENSES	EXPIRY DATE	MINERAL	LOCATION	COMPANY
1.	PL 154/2012	30 <sup>th</sup> September 2016	Petroleum	Buffer	Baobab Resources
2.	PL 097/2012	31 <sup>st</sup> December 2013	Base & Precious Metals	Buffer	Gewihaba Resources
3.	PL 586/2008	31 <sup>st</sup> December 2012	Base & Precious Metals	Buffer	Gewihaba Resources
4.	PL 096/2012	31 <sup>st</sup> March 2015	Base & Precious Metals	Buffer	Gewihaba Resources
5.	PL 095/2012	30 <sup>th</sup> June 2012	Base & Precious Metals	Buffer	Gewihaba Resources
6.	PL 393/2008	31 <sup>st</sup> December 2013	Base & Precious Metals	Buffer	Gewihaba Resources
7.	PL 395/2008	31 <sup>st</sup> December 2013	Base & Precious Metals	Buffer	Gewihaba Resources
8.	Folio 16c				
9.	Folio 16d				

*Table2: Status of outstanding Prospecting Licenses in the buffer zone as of November 2015.  
Source: Department of Mines*

17. This states clearly that under the laws of Botswana that removal of PL's is difficult as there is no law that says it can be done without the involvement and negotiation with the holder of the PL clearly acknowledging that any taking is not permitted under the Mines and Minerals Act, Botswana or International law.

It would also appear to indicate that the State's intent was to let companies spend money on exploration while intending to prevent them from advancing their projects, this was all done without disclosing this policy to companies.

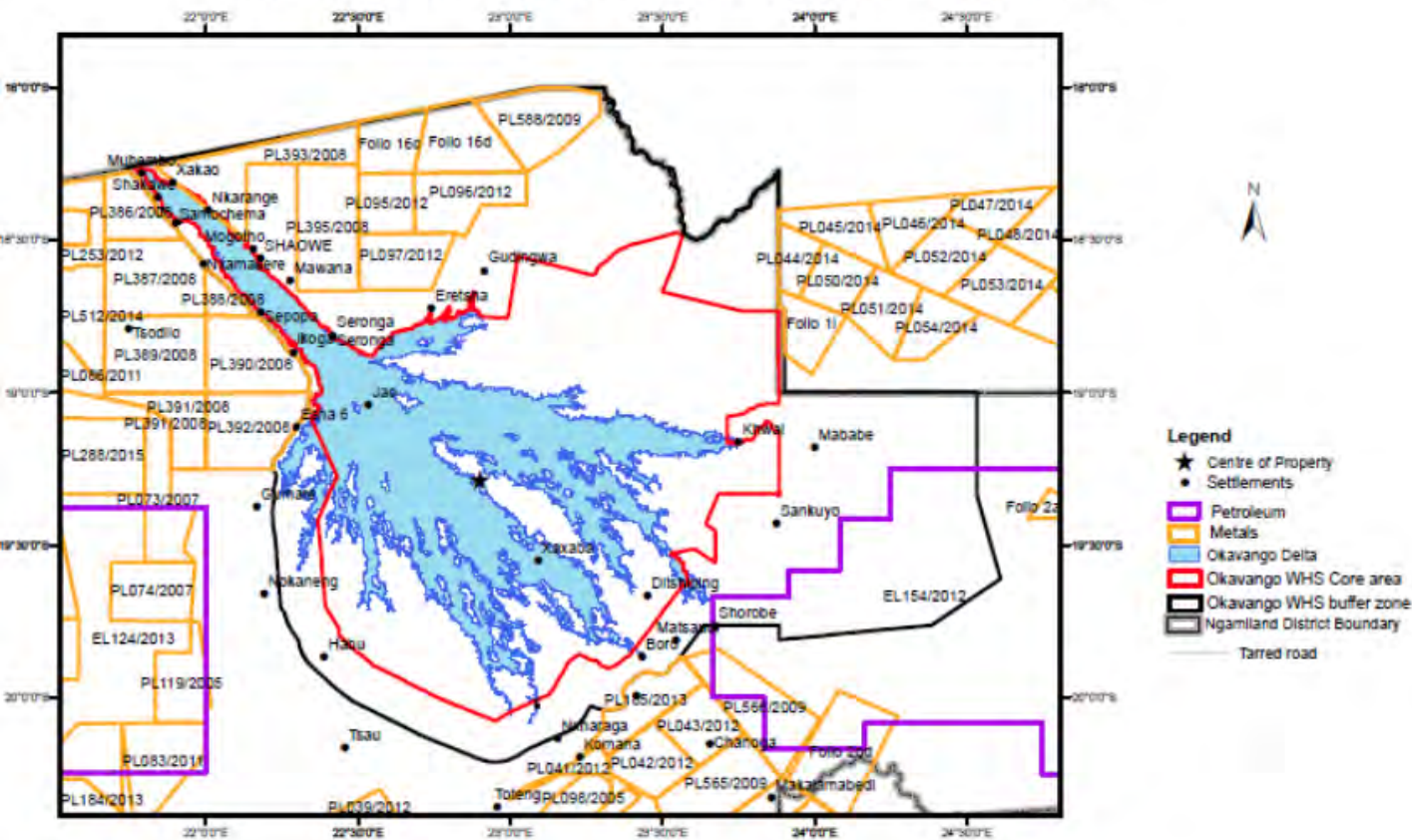
Page 12:

7.4 Monitor and manage mining in areas outside of the property (core zone). Carefully monitor and manage mining in areas outside of the property (core zone) so as to avoid any adverse impacts to the property (core zone). At the time of inscription it was noted that there were prospecting licenses in areas outside the property (core zone) and that these may develop into mines in the near future. The State Party committed that it will continue monitoring mining outside the property (core zone) through development of EIAs and monitoring by the relevant departments, Department of Environmental Affairs (DEA) and Department of Mines (DOM) and Department of Waste Management & Pollution Control (DWMPC).

The current status of extractive industries in the Delta shows that there are prospecting licenses and mining operations outside the buffer zone for metals and petroleum, including the 9 remaining licenses in the buffer zone which the department is still engaging with the companies with a view not to renew. It is also important to note the prospecting licenses for metal in the buffer zone, (the Panhandle area in the east) are too close to the core area, while those in the west of the Panhandle (outside the buffer zone) are also considered very close to the buffer zone and the core area which is only 2 kilometers from the buffer. The State Party notes the threat this might have on the integrity of the site in the long term. As part of mitigation, the State Party, through the Department of Mines, and in consultation with the Ministry of Energy & Water Resources are currently discussing this issue. The basis of this discussion is the recommendations of the SEA Report of the Okavango Delta Ramsar site (ODRS) which recommended “a 15km no mining buffer zone from the core area”. It is important to note that at the time of inscription, the prospecting licenses outside the buffer zone were not included in the submission but the State Party is trying to be proactive in managing mining areas outside the property (core zone) to avoid adverse impacts to the property (core zone). Progress in this regard will be submitted as supplementary evidence either before or as part of next SOC report in order to give all the involved parties, including the extractive industry itself an opportunity to agree on a reasonable distance from both the core area and buffer zone.

18. This states clearly that areas outside of the property (core zone) which include the buffer zone, as the Operational Guidelines state that the buffer zone is outside of the property need to be monitored. It does not say that activities are not permitted - just they need to be monitored!

## Prospecting Licences (PLs) for Base Metals and Petroleum in the Buffer



Topographic data from Department of Surveys and Mapping  
 Prepared by The Department of Mines  
 Copyright: Government of Botswana 2015

0 25 50 100 Kilometers  
 Scale: 1 : 2 000 000

5. Note: these PL boundaries for our Licenses PL386-392/2008 are incorrectly draw, where it appears that the parts in the buffer zone that were issued in 2012, 2016 and 2018 have *magically disappeared*



The State Party would like the World Heritage Committee and Advisory Bodies to note the progress made in the implementation of the Decision WHC 38 COM 8B.5 and the ODMP in the overall. Since inscription, the State Party has made the following progress; (i) continued to implement the Okavango Delta Management Plan in order to maintain the Outstanding Universal Value of the property (core zone), (ii) developed protocols for wildlife monitoring in the Okavango Delta through the support of SAREP, including a web-based portal for analyzing the data, **(iii) relinquished all the prospecting licenses in the core area and has not renewed most licenses in the buffer zone except 9, of which 2 of these are folios (at application stage)**, (iv) continued and expanded implementation of livelihoods programmes in the Delta, (v) progress made in consulting the indigenous peoples on cultural heritage related issues, (vi) progress made in addressing the governance, stakeholder and coordination issues for the effective management of the property (core zone), and (vii) the continued control and monitoring of alien invasive species within the property (core zone).

**6. This says that most, but not all PL's have in the buffer zone have not been renewed. It does not state that they will definitely not be renewed. Also our licenses were renewed in 2016 and 2018.**

The State Party would also like the World Heritage Committee and Advisory Bodies to note the following challenges; (i) little progress made in establishing population baseline for key species due to lack of resources but this is now earmarked for 2016/17, (ii) limited resources (financial and human resources) for implementing conservation programmes as outlined in the ODMP, **(iii) challenge of dealing with outstanding prospecting licenses in buffer zone, which can be renewed up to 7 years, in terms of the existing laws**, (iv) new developments in the implementation of CBNRM, which seems to take away the privileges local communities used to have under the old arrangement, and (v), the ineffective coordination for the implementation of the management plan which is still a challenge due to lack of capacity and resources. The State Party looks forward to continue working with all national and international partners in maintaining the outstanding universal value of ODWHS.

**19. This states clearly that under the laws of Botswana that removal of PL's is difficult as there is no law that says it can be done without the involvement and negotiation with the holder of the PL.**

# 5. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 40TH SESSION (Istanbul, 2016)



United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

**World Heritage**

**40 COM**

**WHC/16/40.COM/19**

**Paris, 15 November 2016**

**Original: English**

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF  
THE WORLD CULTURAL AND NATURAL HERITAGE**

**WORLD HERITAGE COMMITTEE**

**Fortieth session**

**Istanbul, Turkey  
10 - 17 July 2016**

**UNESCO Headquarters, Paris, France  
24-26 October 2016**

**Report of the Decisions adopted  
during the 40th session  
of the World Heritage Committee  
(Istanbul/UNESCO, 2016)**

The decisions adopted during the continuation of the 40th session of the World Heritage Committee at the UNESCO Headquarters from 24 to 26 October 2016 are followed by an asterisk (\*)

Decision: 40 COM 7B.78 The World Heritage Committee,

1. Having examined Document WHC/16/40.COM/7B,
2. Recalling Decision 38 COM 8B.5, adopted at its 38th session (Doha, 2014),
3. Commends the progress made by the State Party in terminating mineral prospecting licenses in the property (core zone), and requests the State Party to conclude negotiations with remaining licensees to terminate all prospecting activities within the property's buffer zone, and to continue monitoring and managing prospecting licenses and mining operations outside the buffer zone so as to avoid any adverse impacts on the property (core zone);
4. Reiterates its position that mineral exploration or exploitation is incompatible with World Heritage status, which is supported by the International Council of Mining and Metals' (ICMM) Position Statement of not undertaking such activities within World Heritage properties;
5. Welcoming the progress made in developing wildlife monitoring protocols, also requests the State Party to integrate these protocols in the systematic wildlife monitoring programme, which should include replicable aerial surveys across the entire property (core zone) to establish population baselines for key species and to track long-term trends;

20. The WH Committee requests, but does not insist, that the State Party conclude negotiations with remaining licensees to remove prospecting from the buffer zones. (Note that the WH committee also understand that removal of licenses from a holder is a negotiation and not a right by the State Party!). It is clear that there could not be a taking or confiscation of a prospecting license.

# 6. STATE OF CONSERVATION REPORT OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA (N1462), 2017

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STATE OF CONSERVATION REPORT  
OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA  
(N1462)



BY THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA  
DEPARTMENT OF NATIONAL MUSEUM & MONUMENTS  
MINISTRY OF ENVIRONMENT, NATURAL RESOURCES CONSERVATION &  
TOURISM

Report Developed by State Party of Botswana

NOVEMBER 2017

### Page 3: State of Conservation Report – Okavango Delta Natural World Heritage Site, Botswana (N1432) November 2017

Regarding prospecting licenses in the core and buffer zone of the property, the State Party has made progress in addressing the issue. Currently there are no prospecting licenses in the core zone. Negotiations with companies holding prospecting licenses within the buffer zone have been concluded and the company Gcwihaba Resources (Pty) Ltd had agreed in principle to relinquish all the prospecting licenses in the buffer zone and others that are outside the buffer zone. Currently there are no prospecting licenses in the buffer zone. The State Party will continue to monitor prospecting and mining activities outside the buffer zone to ensure that they do not impact on the OUV of the property (core zone).

7. This is an incorrect statement about the negotiations with Gcwihaba, and also is not true as our licenses were renewed in 2018.

#### Introduction

This report serves to address the issues and recommendations raised by the WHC Decision 40 COM 7B.78 and specifically paragraph 9 that requested Botswana to submit an updated report on the state of conservation of the property (core zone). Okavango Delta, located in north-west of Botswana was inscribed on the World Heritage list in June 2014 under natural criteria; (vii), (ix) & (x). The Okavango Delta Management Plan guides the management of the site.

21. The State Party is saying that it will conclude negotiations with remaining license holders in the buffer zone. Note again the State Part acknowledges that it is a negotiation and the State Party does not have the right to terminate *sua sponte* or unilaterally licenses legally held!

#### WHC Decision 40 COM 7B.78

Para 3: Conclude negotiations with remaining licenses to terminate all prospecting activities within the property's buffer zone. Continue monitoring and managing prospecting licenses and mining operations outside the buffer zone so as to avoid any adverse impacts on the property (core zone).

As stated in the state of conservation report of November 2015, there were ten (10) prospecting licenses for various mineral commodities within the buffer zone. The licenses were held by Baobab Resources (Pty) Ltd, Hana Ghanzi Copper (Pty) Ltd and Gcwihaba Resources (Pty) Ltd as per the table below. Currently there are no prospecting licenses in the core zone.

PL No.	Expiry Date	Status	Commodity	Location	Company	Remarks
EL154/2012	30 Sep 2016	Expired	Petroleum	Buffer	Baobab	Expired
185/2013	30 Sep 2016	Expired	Metals	Buffer	Hana	Relinquished
393/2008	30 Jun 2018	Active	Metals	Buffer	Gcwihaba	To be relinquished
394/2008	30 Jun 2018	Active	Metals	Buffer	Gcwihaba	To be relinquished
395/2008	30 Jun 2018	Active	Metals	Buffer	Gcwihaba	To be relinquished
093/2012	31 Mar 2015	Expired	Metals	Buffer	Gcwihaba	To be relinquished
094/2012	31 Mar 2015	Expired	Metals	Buffer	Gcwihaba	To be relinquished
095/2012	31 Mar 2015	Expired	Metals	Buffer	Gcwihaba	To be relinquished
096/2012	31 Mar 2015	Expired	Metals	Buffer	Gcwihaba	To be relinquished
097/2012	31 Mar 2015	Expired	Metals	Buffer	Gcwihaba	To be relinquished

8. This is an incorrect statement as it makes no reference to PL386-392/2008 which were renewed including parts in buffer zone in 2016 and again in 2018 as PL 020-026.



Page 4: Most of the prospecting licenses held by Gcwihaba Resources (Pty) Ltd ("Gcwihaba") have expired, but the company had lodged applications for renewal. The renewal applications were however delayed due to uncertainty over existence of prospecting licenses over the World Heritage property (core zone).

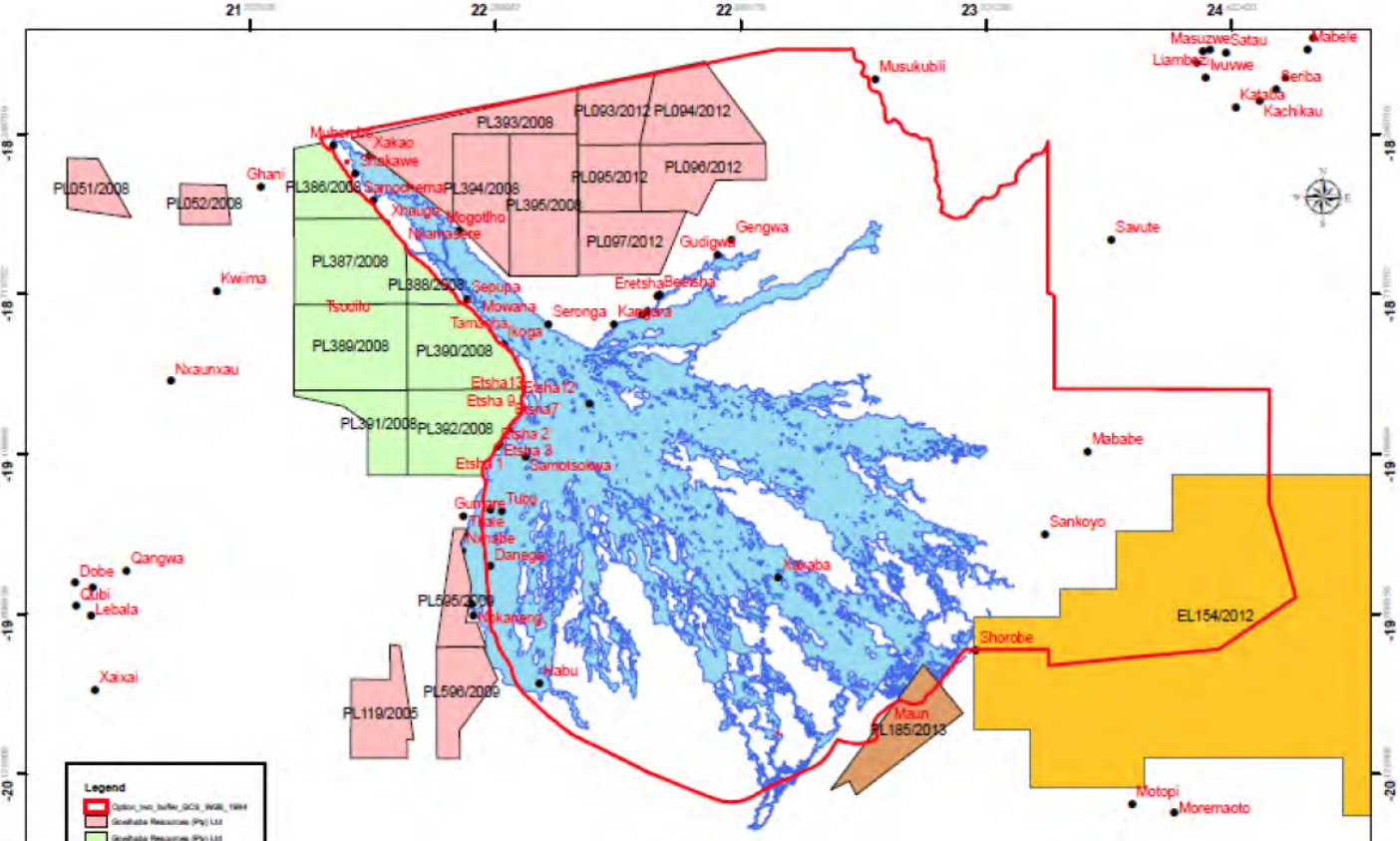
We have had discussions with Gcwihaba with regards to the licenses that sit within the buffer zone, and Gcwihaba has agreed in principle to relinquish all the licenses in the buffer zone and others that are outside the buffer zone. In The spirit of fairness and compromise, Gcwihaba has proposed that the other Prospecting licenses that are located to the south--west of the pan--handle, where there is an auspicious deposit of magnetite, be renewed in their entirety with a new lease of life with effect from 1<sup>st</sup> January 2018. The Department of Mines is amenable to the proposal by Gcwihaba, and all the licenses in the buffer zone will be removed (see attached map).

9. This makes false claims about the negotiations with Gcwihaba, and also is not true as our licenses in the buffer zone were renewed in 2018.

Map summary:

- Gcwihaba licences in Pink – all to be relinquished.
- Gcwihaba licences in Green – all to be renewed effective January 2018.

This effectively means that in January 2018, there will be no prospecting licenses in the buffer zone.



10. Note: these PL boundaries for our Licenses PL386-392/2008 continue to be incorrectly draw, where it appears that the parts in the buffer zone are incorrectly missing as these parts were issued in 2016 and 2018.

# 7. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 42TH SESSION (Manama, 2018)



United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

**World Heritage**

**42 COM**

**WHC/18/42.COM/18**

**Manama, 4 July 2018**

**Original: English**

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF  
THE WORLD CULTURAL AND NATURAL HERITAGE**

**WORLD HERITAGE COMMITTEE**

**Forty-second session  
Manama, Bahrain  
24 June – 4 July 2018**

**Decisions adopted  
during the 42nd session  
of the World Heritage Committee  
(Manama, 2018)**

The World Heritage Committee,

1. Having examined Document WHC/18/42.COM/7B,
2. Recalling Decisions 38 COM 8B.5 and 40 COM 7B.78, adopted at its 38th (Doha, 2014) and 40th (Istanbul/UNESCO, 2016) sessions, respectively,
3. Welcomes the cancellation of all petroleum and metals prospecting licenses in the buffer zone and the State Party's commitment to continue monitoring the activities, but noting the location of the alternative licensing zones close to the buffer zone and the property (core zone), requests the State Party to ensure that an Environmental Impact Assessment (EIA), including an assessment of potential impacts on the Outstanding Universal Value (OUV) of the property (core zone), is undertaken before any exploration activity is initiated, and submit it to the World Heritage Centre for review by IUCN;
4. Appreciates the collaboration between the States Parties of Botswana, Angola and Namibia through the Permanent Okavango River Basin Water Commission (OKACOM) to ensure any proposed major development within the Okavango watershed is subject to an EIA, and that there is a coordinated mechanism to notify each State Party of activities that can have transnational impacts;
5. Taking into account the potential impact on the property's OUV of any development leading to water abstraction within the watershed and the complexity and the extent of the basin, urges the States Parties of Botswana, Angola and Namibia to assess impacts of any development at the strategic level and at the landscape scale through a comprehensive Strategic Environmental Assessment (SEA), in line with IUCN's World Heritage Advice Note on Environmental Assessment;
6. Notes with appreciation the initiation of the review of the Okavango Delta Management Plan in order to reflect the property's World Heritage status, to improve the effectiveness of the institutional arrangements and to address outstanding conservation and management issues, and reiterates its request to the State Party to continue its efforts to: a) Expand and strengthen programmes, which accommodate traditional resource use for livelihoods, user access rights, cultural rights and access to opportunities to participate in the tourism sector, in keeping with the property's OUV, b) Address a range of other protection and management issues including governance, stakeholder empowerment, management planning, management capacity, and control of invasive alien species;
7. Notes with concern that an EIA for the veterinary cordon fences and aerial wildlife surveys could not be undertaken due to financial constraints, and also requests the State Party to provide further financial support to the conservation of the property;
8. Further noting that the construction of a cable-stayed bridge across the panhandle area of the property and hardening of the associated approach road has begun at Mohembo based on a 2009 EIA, considers that the measures identified in the EIA are insufficient as they do not take into account the property's World Heritage status, and further requests the State Party to revise the EIA, in line with the IUCN Advice Note, prior to continuing the work, in order to include an assessment of the potential impacts of the construction and use of the bridge and the road on the property's OUV, and submit it to the World Heritage Centre for review by IUCN;
9. Requests furthermore the State Party to submit to the World Heritage Centre, by 1 December 2019, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 44th session in 2020.

11. This makes a false statement about the cancelation of all prospecting licenses in the buffer zone as our licenses were renewed that included parts in the buffer zone in 2018.



# 8. STATE OF CONSERVATION REPORT OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA (N1462), 2020

STATE OF CONSERVATION REPORT  
OKAVANGO DELTA NATURAL WORLD HERITAGE SITE, BOTSWANA  
(N1462)



BY THE GOVERNMENT OF THE REPUBLIC OF BOTSWANA  
DEPARTMENT OF NATIONAL MUSEUM & MONUMENTS  
MINISTRY OF ENVIRONMENT, NATURAL RESOURCES CONSERVATION &  
TOURISM

Report Developed by State Party of Botswana

MARCH 2020

### Page 3: State of Conservation Report – Okavango Delta Natural World Heritage Site, Botswana (N1432) March 2020

Regarding prospecting licenses in the core and buffer zone of the property, the State Party has made progress in addressing the issue. Currently there are no prospecting licenses in the core zone. Negotiations with companies holding prospecting licenses within the buffer zone have been concluded and the company Gcwihaba Resources (Pty) Ltd had agreed in principle to relinquish all the prospecting licenses in the buffer zone and others that are outside the buffer zone. Currently there are no prospecting licenses in the buffer zone. The State Party will continue to monitor prospecting and mining activities outside the buffer zone to ensure that they do not impact on the OUV of the property (core zone).

12 This makes false statement about the negotiations with Gcwihaba, and cancelation of all prospecting licenses in the buffer zone as our licenses were renewed including those parts in the buffer zone in 2018.

#### Introduction

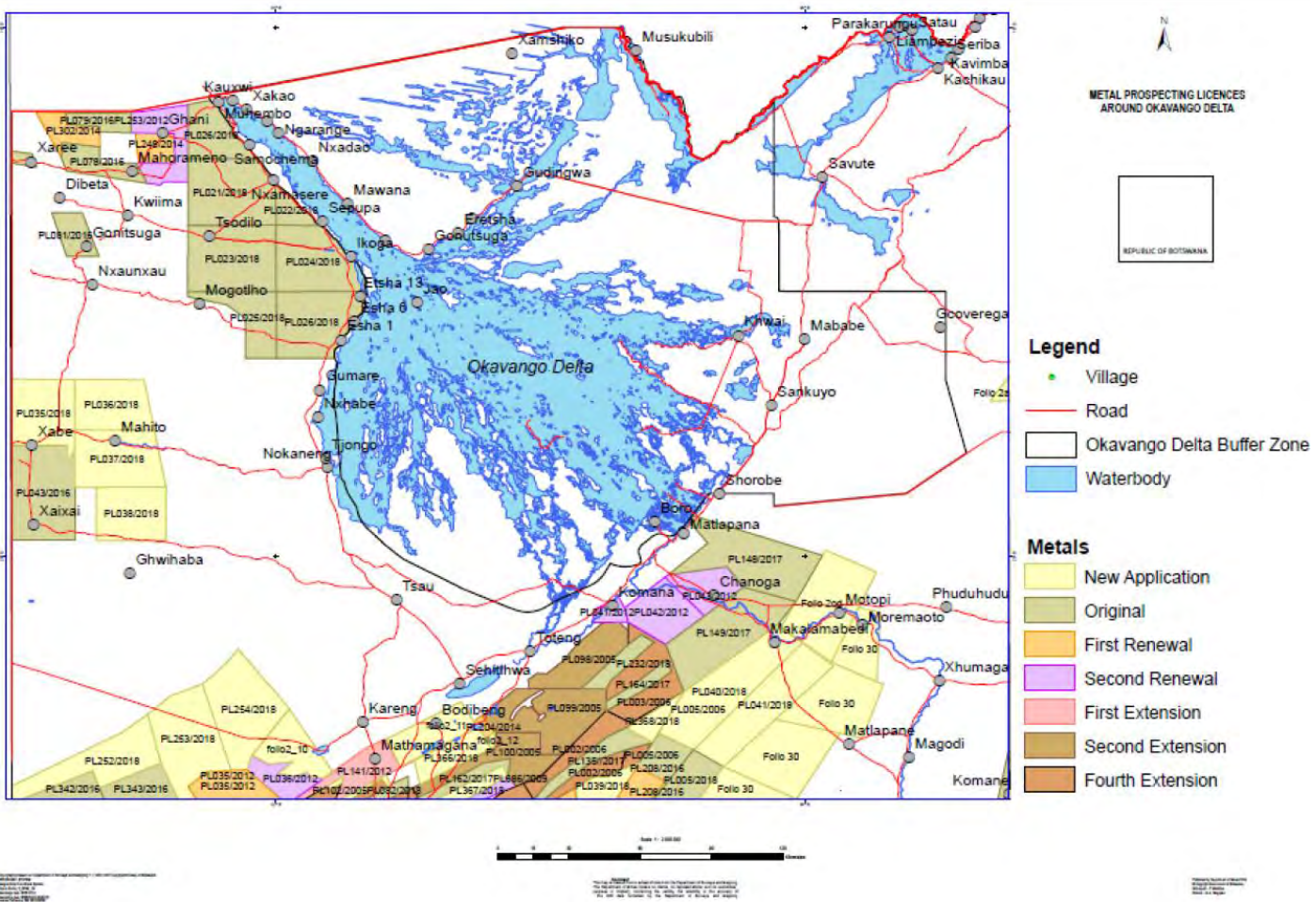
WHC Decision 40 COM 7B.89

Para 3: Welcomes the cancellation of all petroleum and metals prospecting licenses in the buffer zone and the State Party's commitment to continue monitoring the activities, but noting the location of the alternative licensing zones close to the buffer zone and the property, requests the State Party to ensure that an Environmental Impact Assessment (EIA), including an assessment of potential impacts on the outstanding Universal Value (OUV) of the property, is undertaken before any exploration activity is initiated, and submit it to the World Heritage Centre for review by IUCN.

Page 4: As indicated in the State of Conservation report of November 2017, that effective January 2018, there will be no prospecting licenses in the buffer zone, the State Party has managed to cancel all the prospecting licenses in the buffer zone and are closely monitoring exploration activities of the alternative licensing zones close to the buffer zone.

Below is a map which shows the current status of prospecting licenses outside the buffer zone of the property.

13. This is a false statement about cancelation of all prospecting licenses in the buffer zone as our licenses were renewed that included parts in the buffer zone in 2018.



**14. Note: these PL boundaries for our Licenses PL020-026/2018 continue to be incorrectly drawn, where it appears that the parts in the buffer zone have been removed incorrectly that were issues in 2018.**

# 9. DECISIONS ADOPTED BY THE WORLD HERITAGE COMMITTEE AT ITS 44TH SESSION (Fuzhou China, 2021)



**World Heritage**

**44 COM**

**WHC/21/44.COM/18**  
Paris, 31 July 2021  
Original: English / French

**UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF  
THE WORLD CULTURAL AND NATURAL HERITAGE**

**WORLD HERITAGE COMMITTEE**

**Extended forty-fourth session**

**Fuzhou (China) / Online meeting  
16 - 31 July 2021**

**Decisions adopted  
during the extended 44th session  
of the World Heritage Committee  
(Fuzhou (China) / Online meeting, 2021)**

The World Heritage Committee,

1. Having examined Document WHC/21/44.COM/7B,
2. Recalling Decisions 38 COM 8B.5 and 42 COM 7B.89, adopted at its 38th (Doha, 2014) and 42nd (Manama, 2018) sessions respectively,
3. Warmly welcomes the increased cooperation between the States Parties of Botswana, Angola and Namibia through the Permanent Okavango River Basin Water Commission (OKACOM), in particular the initiation of the process to conduct a comprehensive Strategic Environmental Assessment (SEA) in order to assess impacts of developments in the Cubango-Okavango River Basin (CORB) at the strategic level and at the landscape scale, as was requested by the Committee, and the development of a basin wide Environmental Monitoring Framework;
4. Encourages the States Parties of Angola, Botswana and Namibia on their initiative to review the feasibility of a transboundary or -national extension of the property (core zone) to include key areas of the CORB, which would contribute to a better protection of the Outstanding Universal Value (OUV) and in particular the integrity of the property (core zone);
5. Reiterates the importance of an adequate protection of the CORB to ensure the long term survival of the property (core zone) and considers that any development in the watershed, which would lead to significant water abstraction or pollution, has a high potential to impact the OUV of the property (core zone);
6. Expresses concern about the granting of oil exploration licenses in environmentally sensitive areas within the Okavango river basin in northwestern Botswana and northeastern Namibia that could result in potential negative impact on the property (core zone) in case of spills or pollution;
7. Urges the States Parties of Botswana and Namibia to ensure that potential further steps to develop the oil project, which include the use of new exploration techniques, are subject to rigorous and critical prior review, including through Environmental Impact Assessment (EIA) that corresponds to international standards, including an assessment of social impacts and a review of potential impacts on the World Heritage property (core zone), in line with the IUCN World Heritage Advice Note on Environmental Assessment, and requests that all such assessments are submitted to the World Heritage Centre, for review by IUCN;
8. Appreciates the efforts to revise the Okavango Delta Management Plan (ODMP) and its submission to the World Heritage Centre, and also requests the State Party to finalise the plan following IUCN's review;
9. Also appreciates the on-going efforts to control invasive alien species that threaten the ecological integrity of the property (core zone), and further requests the State Party to include control strategies and a comprehensive monitoring plan in the revised ODMP;
10. Also recalling that veterinary cordon fences create a major impediment to wildlife migrations, expresses its concern that an EIA has not yet been undertaken in this regard, and reiterates its request to the State Party to continue efforts to rationalize veterinary cordon fencing, removing them when possible;
11. Also reiterates its requests to the State Party to:
  - a. Complement the EIA for the Mohembo bridge project with a specific assessment of the potential impacts of the construction and use of the bridge and the road on the property's (core zone) OUV, and submit it to the World Heritage Centre for review by IUCN,
  - b. Submit the results of the 2019 aerial wildlife surveys to the World Heritage Centre and set up a regular monitoring programme of wildlife populations using the 2019 data as a baseline,
  - c. Take measures to ensure that all wastewater generating facilities in the property (core zone) comply with national wastewater pollution standards and avoid any effluent disposal methods that could impact the OUV of the property (core zone), ensuring regular monitoring of water quality;
12. Requests furthermore the State Party to submit to the World Heritage Centre, by 1 February 2022, an updated report on the state of conservation of the property (core zone) and the implementation of the above, for examination by the World Heritage Committee at its 45th session.



# 10. Operational Guidelines for the Implementation of the World Heritage Convention - UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION – 2021

WHC.21/01  
31 July 2021

## **Operational Guidelines for the Implementation of the *World Heritage Convention***

UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANIZATION

INTERGOVERNMENTAL COMMITTEE  
FOR THE PROTECTION OF THE  
WORLD CULTURAL AND NATURAL HERITAGE



WORLD HERITAGE CENTRE

### Boundaries for effective protection

99. The delineation of boundaries is an essential requirement in the establishment of effective protection of nominated properties. Boundaries should be drawn to incorporate all the attributes that convey the Outstanding Universal Value and to ensure the integrity and/or authenticity of the property (core zone).
100. For properties nominated under criteria (i) - (vi), boundaries should be drawn to include all those areas and attributes which are a direct tangible expression of the Outstanding Universal Value of the property (core zone), as well as those areas which, in the light of future research possibilities, offer potential to contribute to and enhance such understanding.
101. For properties nominated under criteria (vii) - (x), boundaries should reflect the spatial requirements of habitats, species, processes or phenomena that provide the basis for their inscription on the World Heritage List. The boundaries should include sufficient areas immediately adjacent to the area of Outstanding Universal Value in order to protect the property's (core zone) heritage values from direct effects of human encroachments and impacts of resource use outside of the nominated area.
102. The boundaries of the nominated property (core zone) may coincide with one or more existing or proposed protected areas, such as national parks or nature reserves, biosphere reserves or protected cultural or historic districts or other areas and territories. While such established areas for protection may contain several management zones, only some of those zones may satisfy requirements for inscription.

### Buffer Zone

103. Wherever necessary for the proper protection of the property (core zone), an adequate buffer zone should be provided.
104. For the purposes of effective protection of the nominated property (core zone), a buffer zone is an area surrounding the nominated property (core zone) which has complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the property (core zone). This should include the immediate setting of the nominated property (core zone), important views and other areas or attributes that are functionally important as a support to the property (core zone) and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms. Details on the size, characteristics and authorized uses of a buffer zone, as well as a map indicating the precise boundaries of the property (core zone) and its buffer zone, should be provided in the nomination.
105. A clear explanation of how the buffer zone protects the property (core zone) should also be provided.
106. Where no buffer zone is proposed, the nomination should include a statement as to why a buffer zone is not required.
107. Although buffer zones are not part of the nominated property (core zone), any modifications to or creation of buffer zones subsequent to inscription of a property (core zone) on the World Heritage List should be approved by the World Heritage Committee using the procedure for a minor boundary modification (see paragraph 164 and Annex 11). The creation of buffer zones subsequent to inscription is normally considered to be a minor boundary modification \*5.

\*5: With regards to transnational/transboundary properties, any modification will need the agreement of all States Parties concerned.

22. This states clearly that buffer zones are “not part of the nominated property”

III.I Modifications to the boundaries, to the criteria used to justify inscription or to the name of a World Heritage property (core zone).

### **Minor modifications to the boundaries**

163. A minor modification is one which does not have a significant impact on the extent of the property (core zone) nor affects its Outstanding Universal Value.

164. If a State Party wishes to request a minor modification to the boundaries of a property (core zone) already on the World Heritage List, it must be prepared in compliance with the format of Annex 11 and must be received by 1 February 10 by the Committee through the Secretariat, which will seek the evaluation of the relevant Advisory Bodies on whether this can be considered a minor modification or not. The Secretariat shall then submit the Advisory Bodies' evaluation to the World Heritage Committee. The Committee may approve such a modification, or it may consider that the modification to the boundary is sufficiently significant as to constitute a significant boundary modification of the property (core zone), in which case the procedure for new nominations will apply.