

**AFRICA**

**SELOUS GAME RESERVE**

**TANZANIA**

# WORLD HERITAGE MINOR BOUNDARY MODIFICATION PROPOSAL – IUCN TECHNICAL EVALUATION

## SELOUS GAME RESERVE (TANZANIA) – ID No. 199

### 1. BACKGROUND INFORMATION

This report is on a resubmission of the proposed minor boundary modification of Selous Game Reserve (SGR) that was considered by the Committee at its 35<sup>th</sup> Session, and which was previously evaluated by IUCN. Covering over 5,000,000 ha, SGR is one of the largest remaining wilderness areas in Africa. The property, located in Southern Tanzania, harbours one of the most significant concentrations of Elephant, Black Rhinoceros, Cheetah, Giraffe, Hippopotamus and Crocodile, amongst many other species. The reserve contains a great diversity of habitats including Miombo woodlands, open grasslands, rivers and accompanying gallery forests and swamps, making it a valuable laboratory for on-going and relatively undisturbed ecological and biological processes at a very large scale. The property was inscribed in 1982 under natural criteria (ix) and (x).

Following the previous submission, the IUCN World Heritage Panel concluded that the requirements for approval as a minor boundary modification of the property were not met and thus recommended that the Committee not accept the proposal. The Committee adopted a revised decision that referred the minor boundary modification and requested a number of points to be addressed, as outlined in Decision 35COM 8B.46.

The decision also requested an advisory mission to the property, which was undertaken in September 2011 by two independent experts who were recommended and facilitated by IUCN, including specific expertise in assessment of the impacts of uranium mining, and with consideration of the Terms of Reference jointly with and approval by the State Party. The mission was undertaken on an independent basis and the findings represent the professional views of the experts contracted by the State Party. As noted in the agreed brief for the mission, and its final report, the views expressed did not constitute an IUCN statement on the proposal, as IUCN provides formal advice on matters requested by the World Heritage Committee only through its World Heritage Panel. The mission report was provided to both the State Party and the IUCN World Heritage Panel.

IUCN has maintained a constant dialogue with the State Party during the process, including via the preparation of the Advisory Mission, exchanges of letters and direct discussions. IUCN is grateful to the State Party for the interaction that has been possible since the 35<sup>th</sup> Session of the Committee.

### 2. BRIEF SUMMARY OF PROPOSAL

The revised proposal for minor boundary modification for SGR was submitted by the State Party to the World Heritage Centre on 31<sup>st</sup> January 2012 and transmitted to IUCN in early February 2012. The new proposal is differently configured, and is also in total for a larger area. It comprises what appears to be the same area referred to as SML PL4700-Nyota Prospect of 19,794 ha that was the principal subject of the previous proposal and is the area covered by a mining license for extraction of uranium, and an additional buffer zone of 21,492 ha to provide protection to the World Heritage property. Both the mining area and the buffer zone would be removed from the property, resulting in the excision of 41,286 ha of land, and a reduction in area of c.0.8% of the current area of the property, according to the information provided in the proposal. (The total area proposed for removal from the property in the earlier proposal, which also included a buffer zone, was 34,532ha).

### 3. IMPLICATIONS FOR OUTSTANDING UNIVERSAL VALUE

In providing advice to the Committee, IUCN's World Heritage Panel has carefully considered the nature of the modification, recalling that the Operational Guidelines provide two options for a State Party to propose a modification to the boundaries of a property. These are firstly the minor boundary modification process (paragraphs 163, 164 and Annex 11 of the Operational Guidelines) and secondly the process for significant modification of boundaries, which requires a new nomination (paragraph 165). IUCN noted that there were different interpretations of the intent of decision 8B.46 regarding which process should be applied to the proposed boundary modification, and sought further advice on this point from the World Heritage Centre. Whilst acknowledging the different interpretations of Decision 8B.46, the IUCN World Heritage Panel considered that the appropriate procedure to be followed would be for the resubmission of the proposal as a significant modification of boundaries. IUCN wrote to the State Party immediately following the first meeting of the Panel in early December 2011 to advise that was the view of the World Heritage Panel.

The subsequent submission of the revised proposal by the State Party on 31<sup>st</sup> January 2012 clearly refers to the proposal being requested as a minor boundary modification by the State Party. As a minor boundary modification the language of the Operational Guidelines

regarding requirements is clear, as per paragraph 163 of the Operational Guidelines, viz:

*163. A minor modification is one which has not a significant impact on the extent of the property nor affects its Outstanding Universal Value.*

In relation to the impact on the extent of the property, as per the above figures, this represents a small percentage of the extremely large property. Nevertheless the area is a relatively large tract of land of over 40,000 ha: according to a preliminary analysis more than 50 of the 211 natural World Heritage properties currently included on the World Heritage List are smaller in area than the area proposed for excision from the property. As noted below the final version of the Environmental Impact Statement (EIS) submitted by the State Party in January 2012 also concludes that the reduction in size of the property is a significant impact.

In relation to the impact on Outstanding Universal Value, it would appear clear that an excision of a 40,000 ha area to create a uranium mine inside the current boundary of a World Heritage property could not be considered to “not affect” Outstanding Universal Value, since there inevitably would be some reduction in the values and the integrity of the property through direct, secondary and cumulative impacts. IUCN has noted that it considers that boundary modifications to World Heritage Sites, as defined in the *Operational Guidelines* to the Convention, should not be proposed for the purpose of facilitating mineral and oil/gas exploration and exploitation projects, and/or associated infrastructure, within or affecting a site. Any proposed changes to the boundaries of a World Heritage Site should be subject to procedures at least as rigorous as those involved in the nomination of the Site, as required under the *Operational Guidelines* to the Convention. IUCN also recalls the advice provided on this issue in the most recent World Heritage Centre / IUCN mission to the property in 2008, recommending that any amendment to the boundaries of the property be considered in the context of the Selous ecosystem, and in relation to Outstanding Universal Value. The IUCN Panel also noted that the Committee had explicitly indicated in decision 35COM 8B.46 that boundary modifications related to mining activities should be considered through the procedure for significant modifications of boundaries.

IUCN has taken note, within the available time for its evaluation, of a number of lines of information regarding the impacts of the proposal, including the final Environmental Impact Statement (EIS) related to the proposed mining activity, the mission report documenting the independent advisory mission (both of which are included in the State Party’s submission of the proposal of 31<sup>st</sup> January 2012) and voluntary reviews from IUCN’s professional networks.

The advisory mission to the property reached several key conclusions regarding the preparation of the

Environmental Impact Statement related to the proposal (to which reference was made in the Committee’s previous decision). The draft impact statement (version as of September 2011) was reviewed by the advisory mission, which, *inter alia*, concluded that that draft EIS at that time was an inadequate and insufficient basis for decision making, and that a revised EIS was needed, and which would require another review to ensure that the necessary revisions have been put in place.

In terms of OUV, the mission report considered that direct impacts of the proposed mine appeared likely to be minor, provided that appropriate mitigation and management measures were effectively implemented, with some potential benefits to SGR. IUCN concludes that this indicates that there would be an impact, and an assessment would need to be made of the eventual mitigation and management measures that would be applied to determine its extent. Such an evaluation can only be made by IUCN once the EIS has been completed and approved. IUCN notes that a minor negative impact would still not correspond to the requirements of paragraph 163 of the Operational Guidelines in relation to consideration of the proposal as a minor boundary modification.

A revised EIS was submitted to the World Heritage Centre on 31<sup>st</sup> January 2012 and transmitted to IUCN as part of the minor boundary modification request. IUCN sought information from the State Party regarding whether the newly submitted EIS had been subjected to a further independent review. The State Party confirmed that this had not been done, and subsequently commissioned a rapid independent review of the EIS which was transmitted to IUCN at the start of April 2012. This was therefore provided both after the required deadline for supplementary information that IUCN is required to observe (paragraph 148h of the Operational Guidelines), but also arrived after the final meeting of the IUCN World Heritage Panel, so there was no practical possibility to consider this in the provision of IUCN’s advice to the Committee. IUCN concludes that the EIS submission remains an incomplete process in relation to the provision of advice to the 36<sup>th</sup> Session of the Committee.

Thus, following the recommendations of the advisory mission, at the time of concluding the present report for the 36<sup>th</sup> Session, IUCN still awaits the conclusions of the further independent review which is needed before proceeding with substantive analysis of the EIS. As a substantial and detailed document, the evaluation of such a report would also require adequate time for consideration. However the unreviewed EIS does form part of the submission received in February 2012, and IUCN also notes that the submitted EIS contains a section explicitly related to Outstanding Universal Value. This enumerates a range of impacts on the Outstanding Universal Value of SGR, and proposes a range of measures that would seek to address them. IUCN notes that the EIS does comment upon the specific issue of size in its chapter on Outstanding Universal Value thus

*“with regards to the potential size of the SGR WHS, the proposed boundary modification will reduce the size of the SGR in effect by 0.8%. This may seem an insignificant amount, however, when one of the main features of the OUV of the SGR is the size of SGR itself, it thus may be considered a significant impact.”* As a *prima facie* statement this appears to provide support to a conclusion that the proposal does not correspond to the requirement for a minor boundary modification regarding size.

IUCN notes that the 35<sup>th</sup> Session of the Committee (Decision 35COM 8B.46) welcomed the commitment of the State Party to secure and enhance the continued effectiveness of the Selous-Niassa corridor as a key feature to maintaining the long-term integrity of the property and to make proposals for the inclusion into the property of additional land to the effect of further maintaining and enhancing the Outstanding Universal Value of the property. In the decision on the State of Conservation of the property at the 35<sup>th</sup> Session, the Committee also strongly encouraged the State Party to provide an appropriate protection status to the Selous-Niassa corridor as its inclusion within the property is vital to the long-term integrity of the property and the corridor is progressively fragmented. The proposal of the State Party indicates its support for the conservation of the Selous-Niassa Corridor. It also indicates that it has decided to add the Undendeule Forest to the property, but provides no specific details, and this addition is clearly not part of the proposal as it is currently presented for evaluation. The proposal does not therefore, at the present time, provide a clear position regarding the commitments made by the State Party that were noted by the 35<sup>th</sup> Session of the World Heritage Committee in Committee decision 35COM 8B.46.

IUCN has also sought input from its network on the proposal, and received several reviews of the revised proposal, although it should be noted there has not been adequate time since the submission of the proposal to complete an adequate review process. The reviews received to date broadly support the conclusion that a fully mitigated amendment to boundaries, including additional areas that provide more significant values than the excluded areas, might not eventually impact on Outstanding Universal Value, provided that all the necessary mitigation measures are defined and implemented. However, based on the reviews received to date it is also difficult to have complete confidence that all key impacts have been considered and some responses assert there has not been adequate consultation of all key stakeholders. For example IUCN has received reports from stakeholders in the Mbarang'andu Wildlife Management Area, who do not consider they have been consulted, and who might lose income as the project will impact on wildlife based revenue opportunities. Such matters would need to be considered as part of the further review of the completed and approved EIS.

The views of reviewers vary but the most positive also note that it would be necessary for the Undendeule area to be included in the property, and that greatly strengthened conservation measures in the Selous-Niassa corridor would be required if the proposal were to be acceptable. A range of concerns are noted that require more time for consultation. These include the adequacy of the consultation process, the setting of precedents within the Convention, and the potential supplementary impacts of the proposal in the wider region, including the Selous-Niassa corridor. Superimposed on these concerns are significant points regarding the impacts of mining on the local communities of the area.

In terms of the potential for a revised boundary to be resubmitted as a significant boundary modification, IUCN reiterates its concerns that this is a complex matter with potentially significant negative impacts if the proposal is not strictly planned, regulated and implemented. The proposal requires a full evaluation to consider the property as a whole, and the issues affecting its overall state of conservation. It would need to be demonstrated that a revised boundary, including any areas proposed for addition to the property, would benefit Outstanding Universal Value. A modification would also need to support the more effective protection and management of the property as a whole, and assure and enhance protection of critical adjoining areas, notably the Selous-Niassa Corridor, as well as protect the property from impacts from any proposed mining and other development and use outside its boundaries. These and other relevant matters such as monitoring and issues related to communities would need to be addressed through thorough review and consideration, which is the practical reason why the process for significant modification of boundaries is foreseen for such situations.

In conclusion, all the lines of evidence available to support the evaluation of the excision of over 40,000 ha of Selous Game Reserve to facilitate uranium mining, indicate clearly that it would have some impact on Outstanding Universal Value of the existing property. The views on the scale of that impact and the potential to mitigate it vary. Based on the conclusions of the most recent EIS the specific issue of the reduction of the size of the property may also be considered a “significant impact” given the size of Selous Game Reserve is an integral part of its Outstanding Universal Value. IUCN therefore concludes that neither of the requirements of paragraph 163 of the Operational Guidelines are met by the proposal, and thus the proposal may not be approved via the minor boundary modification process. IUCN concludes that, if it is to be considered further, the proposal should be dealt with through the procedure for significant boundary modifications, allowing the full and appropriate review process to be undertaken, and advice provided accordingly to the State Party and the World Heritage Committee.

IUCN considers that the proposal does not meet the requirements for approval as a minor boundary modification of the property.

#### 4. OTHER COMMENTS

None.

#### 5. RECOMMENDATION

IUCN recommends that the World Heritage Committee adopt the following draft decision:

The World Heritage Committee,

1. Having examined Documents WHC-12/36.COM/8B and WHC-12/36.COM/INF.8B2;

2. Recalling decisions 33COM 7B.8, 34COM 7B.3, 35COM 7B.6 and 35COM 8B.46;

3. Takes note that a revised proposal for modification of the boundary of the property has been submitted by the State Party of Tanzania for consideration via the minor boundary modification procedures;

4. Considers that this proposal cannot be approved through the minor boundary modification procedure, as the excision of an area of c.40,000 ha to facilitate mining inside the present boundary of the property clearly has some impact on Outstanding Universal Value, and thus does not conform to the requirements set out in the Operational Guidelines for a minor modification;

5. Takes note of the progress in considering the potential environmental and social impacts of the proposed

modification, and also takes note that the actions requested in its 35COM decision have not yet been completed;

6. Requests the State Party to consider, at its own discretion, resubmitting any proposal to amend the boundaries of the property through the established process for consideration of significant modification of boundaries, taking account of the need to:

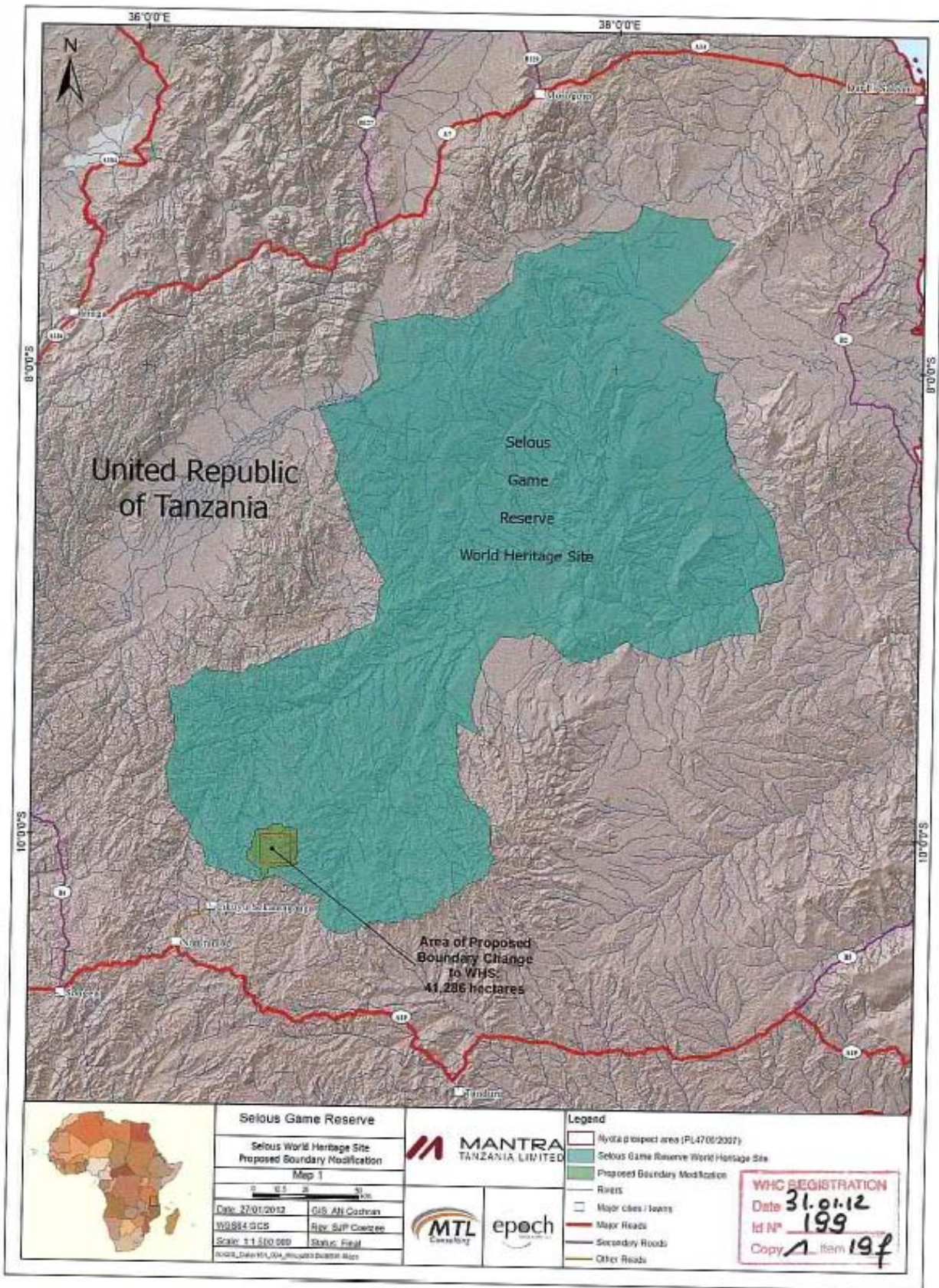
a) complete the independent review of the revised Environmental Impact Statement for the proposal, and the associated proposal for mining development, prior to further assessment by IUCN;

b) develop firm plans to address the impacts of any amendment to the boundaries of the property, to assure the Outstanding Universal Value of the property is maintained and effectively protected;

c) ensure that the Environmental Impact Statement has been fully consulted and agreed on with the involvement of all relevant stakeholders;

d) ensure that any revision to the boundaries of the property is in line with the previous decisions of the Committee, including the commitments of the State Party, welcomed by the 35th Session of the Committee, to enhance the continued effectiveness of the Selous-Niassa corridor as a key feature to maintaining the long-term integrity of the property, and also to make proposals for the inclusion into the property of additional land to the effect of further maintaining and enhancing the Outstanding Universal Value of the property.

**Map 1:** World Heritage Property and area of proposed boundary modification



**Map 2:** Proposed boundary modification

