



Plenary sitting

B8-1346/2015

9.12.2015

MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-1111/2015

pursuant to Rule 128(5) of the Rules of Procedure

on the protection of the Virunga National Park in the Democratic Republic of
Congo
(2015/2728(RSP))

Linda McAvan

on behalf of the Committee on Development

European Parliament resolution on the protection of the Virunga National Park in the Democratic Republic of Congo (2015/2728(RSP))

The European Parliament,

- having regard to the Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted on 16 November 1972 in Paris by the General Conference of UNESCO,
 - having regard to the designation by UNESCO of the Virunga National Park (VNP) as a World Heritage Site in 1979 and as a World Heritage Site in Danger in 1994,
 - having regard to the Convention on Biological Diversity, adopted at the Earth Summit in Rio de Janeiro on 5 June 1992,
 - having regard to the Convention on Wetlands of International Importance especially as Waterfowl Habitat, adopted in Ramsar in 1971,
 - having regard to the OECD Guidelines for Multinational Enterprises adopted in 1976, (and to its updates) and to the UN Guiding Principles on Business and Human Rights adopted in 1971,
 - having regard to the ‘Final Statement following agreement reached in complaint from WWF International against SOCO International plc’ of July 2014,
 - having regard to the legal and contractual framework for the hydrocarbons sector in the Democratic Republic of Congo (DRC), including the ‘Ordonnance-Loi n° 81-013 portant législation générale sur les mines et les hydrocarbures’, the ‘Code minier’ and any future ‘Code congolais des hydrocarbures’, as well as the ‘Contrats de Partage et de Production des hydrocarbures’ (CPPs),
 - having regard to the question to the Commission on the protection of the Virunga National Park in the Democratic Republic of Congo (O-000108/2015 – B8-1111/2015),
 - having regard to the motion for a resolution of the Committee on Development,
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the VNP, located in the Provinces of North-Kivu and ‘Province Orientale’ of the DRC on the border with Rwanda and Uganda, is Africa’s oldest national park and a UNESCO World Heritage Site, and is globally renowned for its unique habitats and rich biodiversity, making it the most biodiverse park in Africa; whereas the park is, in particular, renowned for its mountain gorillas, a critically endangered species listed in Appendix I of the 1973 Convention on International Trade in Endangered Species (CITES);
- B. whereas, according to the Convention on Biological Diversity, which has been signed

and ratified by the DRC, the conservation of biological diversity is a common concern of humankind and is an integral part of the development process; whereas the Convention is legally binding, obliging its signatories to implement its provisions;

- C. whereas the VNP is also protected by the Ramsar Convention and DRC national law; whereas the European Commission and some EU Member States have been supporting the conservation of the park for the last 25 years;
- D. whereas the VNP is one of the DRC's three Ramsar sites (No 787); whereas under the Ramsar Convention the DRC has a number of obligations regarding the sites included on the Ramsar list, such as to formulate and subsequently implement its planning to promote the conservation of the wetlands included in the list, and as far as possible, the wise use of wetlands in its territory (Article 3, paragraph 1 of the Ramsar Convention);
- E. whereas, according to the 2013 WWF report entitled 'The economic value of Virunga park', the Virunga National Park currently has an annual economic value of USD 48.9 million; whereas, in a stable situation, the park could contribute to growth in the economy and in tourism, and could have a value of USD 1 billion per year and create 45 000 jobs;
- F. whereas, despite its status as protected wilderness, the park has been under threat for decades by armed groups that engage in poaching, deforestation and other forms of unsustainable and illegal resource exploitation; whereas, as a result, Virunga has been included on the List of World Heritage Sites in Danger; whereas an oil rush in a context of mass poverty, a weak state, poor governance and regional insecurity would have severe social and environmental destabilising effects;
- G. whereas, in December 2007, the DRC Government granted oil concessions covering 85 % of the park; whereas SOCO International plc (SOCO) is so far the only company to have explored the park;
- H. whereas despite the DRC's law prohibiting environmentally harmful activities in protected areas, SOCO's exploration licence exploits an exemption in that law that allows for 'scientific activities' in protected areas;
- I. whereas the responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate, as reiterated in the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises;
- J. whereas violent conflict has taken place in and around the VNP for over two decades; whereas illegal mining, illegal exploitation of its natural resources (timber, charcoal, etc.) and poaching of endangered animals, as well as other illegal trade in natural resources in particular, have funded both the rebels and the official army forces, while exploration and exploitation of potential oil reserves will most likely fuel further violence and serious breaches of human rights and generate pollution in the area;
- K. whereas the most critical environmental risks associated with oil development in areas that lack good governance include large-scale clearance of vegetation, the introduction of invasive plants, fragmentation of habitats, the increased likelihood of poaching and

pollution from oil spills, gas flaring and waste dumping; whereas the risk of an ‘oil curse’ could result in worsening poverty and inequality indicators, as illustrated by case studies such as that of the Niger Delta;

- L. whereas sustainable management of Virunga’s land, water and wildlife will have direct and indirect economic benefits for communities that rely heavily on the park’s natural resources; whereas, according to the WWF, mountain gorilla tourism alone could generate USD 30 million per year and create thousands of jobs;
 - 1. Stresses the absolute need to prevent irreversible damage to the VNP, which was designated by UNESCO as a World Heritage Site in 1979 and as a World Heritage Site in Danger in 1994;
 - 2. Deplores the fact that the VNP has also become one of the most dangerous places in the world when it comes to wildlife conservation; notes with deep concern that armed groups have been involved in illegal exploitation of the park’s natural resources through mining activities and charcoal production used both to sustain their military operations and for personal gain; deplores, also, the fact that armed groups have been involved in large-scale poaching for food purposes and for war-sustaining trade in ivory and bush meat; notes with concern, furthermore, that poor discipline, irregular pay and lack of food have resulted in military personnel becoming increasingly involved in illegal activities, including artisanal mining, charcoal production and wildlife poaching; notes that while the park is an area of great wilderness, its two million acres (790 000 hectares) have huge protection problems, especially with limited government funding; notes that on 15 April 2014 the Chief Warden of the Park, Belgian Prince Emmanuel de Merode, was seriously injured by three gunmen and that more than 140 rangers have been killed in the park on active service in the past decade;
 - 3. Emphasises that irreversible damage to the VNP could occur as a result of the exploration and exploitation of oil or other illegal activities; deems it unacceptable that oil concessions in the VNP were granted in 2007 to the French oil company TOTAL and the British oil company SOCO International, in violation of the Paris Convention on the Protection of World Cultural and Natural Heritage, the 1992 Convention on Biological Diversity, the Ramsar Convention and Congolese law, recalls that, while TOTAL agreed never to explore within the boundaries of the VNP (even if the Congolese Government decides to change the boundaries), SOCO International has carried out oil exploration in the VNP and concluded a seismic survey in July 2014, the results of which are expected to be handed over soon to the Congolese Government, which will then decide whether to explore further;
 - 4. Takes note of the agreement reached in June 2014 between SOCO International and the conservation group WWF, in relation to WWF’s complaint to the UK National Contact Point (NCP) on SOCO’s lack of compliance with the OECD Guidelines for Multinational Enterprises, according to which the company commits not to undertake or commission any exploratory or other drilling within Virunga National Park unless UNESCO and the DRC Government agree that such activities are not incompatible with its World Heritage Status; notes that such conditional agreement offers no guarantees as to the cessation of any oil-related activity in the park; points out that the ambiguous position of SOCO International leaves the door open to the park being fully or partially

- declassified for oil drilling; observes that the concession that SOCO has been exploring is located in and around Lake Edward, an area which is home to dozens of iconic (and some endangered) species, including chimpanzees, elephants, crocodiles and lions; calls, therefore, on SOCO International plc and its DRC-registered company to stop all exploration and exploitation within Virunga permanently and to respect the park's current boundaries; calls also on the DRC Government to cancel the oil exploration permits granted within the property of Virunga National Park, as requested by the World Heritage Committee;
5. Stresses that fishing in Lake Edward generates an estimated USD 30 million per year to the benefit of the local community which lives near the Virunga National Park and, moreover, according to an independent study commissioned by the WWF, over 50 000 families rely on the lake for their fresh water supplies;
 6. Points out that, according to a Global Witness report published in September 2014, in *Der Spiegel*, the *Telegraph* and the *New York Times*, there are allegations that SOCO International and its contractors have made illicit payments, appear to have paid off armed rebels and have benefited from fear and violence fostered by government security forces in eastern DRC as they have sought access to Africa's oldest national park for oil exploration;
 7. Commends the Strategic Environmental Assessment (SEA) of oil exploration/exploitation in the Northern Albertine Rift region, including in the VNP; considers that, on the basis of that assessment, the governments concerned, including the DRC Government, should be able to take informed decisions based on proper analysis of the impact of oil exploration and exploitation; regrets, however, that the SEA process has been greatly delayed and that oil exploration has already started in the VNP, even though the SEA process has not yet been finalised;
 8. Stresses that the issue of oil exploitation in the DRC is marked by an inadequate and ineffective legislative and regulatory system; calls on the DRC Government to uphold and respect DRC law and regulations that prohibit environmentally harmful activities such as oil exploration and exploitation in protected areas including Virunga, and to close existing loopholes in the draft hydrocarbon and conservation laws that allow for the exploration and exploitation of natural resources in national parks and World Heritage Sites;
 9. Commends the management authorities within the park for their efforts to ensure a sustainable income from natural solar and hydro energy generation, which improves the income of much of the local population without destroying the natural area, and which is within the permitted development activities for a World Heritage site;
 10. Points out that, since the early 1990s, conflicts with armed guerrillas who live inside and around the park have resulted in serious breaches of human rights and much of the violence; points out that the Democratic Forces for the Liberation of Rwanda (FDLR), a group of guerrillas accused of committing atrocities during the genocide that took place in Rwanda in the spring of 1994 and that also spread to eastern DRC, has been living in the park since 1996 and is still hiding out across the border in Virunga, while Mai-Mai militias are also reported to have killed, raped and injured many people, and to have destroyed villages, within the boundaries of the park; urges the DRC Government to

disarm rebels and restore security in the park region; regrets, furthermore, that the repression of human rights activists and journalists in the DRC has increased; calls once more on the DRC Government to recognise and respect freedom of the press and media and to uphold the rule of law and human rights;

11. Recalls that, according to the Paris Convention on the Protection of World Cultural and Natural Heritage, oil exploration and exploitation are not compatible with World Heritage Site status; stresses, furthermore, that the VNP is home to many endangered species, such as the iconic mountain gorillas (which are among the last on the planet) and the okapis, and that the habitats of endangered species should be strictly protected; welcomes the decision of the DRC Government to create a special anti-poaching brigade, but calls on the government to identify and take additional legal action in cooperation with the CITES secretariat to combat criminal networks involved in the illegal traffic; urges the DRC Government, more broadly, to strengthen the role of the park rangers and to punish illegal activities committed in the park;
12. Stresses that the issue of VNP boundary change is reported to have been raised between the Congolese Government and SOCO International, with a view to declassifying parts of the VNP, or Virunga as a whole, in order to legally allow drilling for oil wells, even though it does not appear that the government has officially asked UNESCO about such a change at this stage;
13. Calls on the European External Action Service to coordinate a diplomatic response from the EU Member States and other potential donors active in the DRC, with a view to helping the DRC Government reject oil exploration and exploitation within the boundaries of the park, and in the other Congolese UNESCO World Heritage Sites, and to reject changes to, and the reduction of, the park's boundaries;
14. Calls on the Commission and the Member States to uphold the integrity of the park, for example by increasing its commitment to funding sustainable conservation and economic development and diversification of the surrounding region; calls, in particular, on the EU to support the DRC Government in developing sustainable energy and economic alternatives to extractive industries, in improving the mobilisation of domestic resources, especially through fair and progressive tax systems, in governance, and in combating poaching, illegal logging, illegal mining and corruption, which are persistent factors that could cause irreversible damage to the park;
15. Calls on the Commission and the Member States to take all the appropriate measures to make the SEA project a real decision-making tool;
16. Stresses that EU Member States have a duty under international and European human rights law to ensure that companies operating within their jurisdiction do not cause or contribute to human rights abuses, directly or indirectly, through their business activities and that they act in line with adopted codes of conduct detailing social and environmental performance standards, as well as instruments such as ILO Convention 169, the OECD Guidelines for Multinational Enterprises and the Guiding Principles of the United Nations on Business and Human Rights; calls on the Commission and the Member States to take legally binding measures to effectively hold accountable companies that have been proven to circumvent national laws and international treaties;

17. Calls on the Commission and the Member States to take effective action to further address the root causes of armed conflicts and corruption, and to support sustainable development and peace-building strategies and projects in the VNP and in the surrounding region;
18. Urges the Commission, the Member States, the Democratic Republic of Congo and the oil companies interested in drilling for oil to protect the current borders and neighbouring areas of the VNP from the exploitation of fossil fuels;
19. Calls on the European External Action Service to take all necessary initiatives to persuade the DRC Government to investigate acts of violence against human rights defenders active in the DRC, especially in the VNP and including VNP wardens, and to encourage it to do its utmost to prevent the repetition of such acts of cruelty;
20. Urges the European External Action Service to take all necessary measures to ensure that SOCO International plc and its DRC-registered company SOCO Exploration and Production DRC SPRL (SOCO) make a public undertaking to permanently terminate all exploration and exploitation of resources within the VNP;
21. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the Governments and Parliaments of the Member States and of the Democratic Republic of Congo, the Republic of Uganda and the Republic of Rwanda, the World Heritage Committee established within UNESCO, the United Nations Environment Programme and the Ramsar Convention Secretariat.