

**MARIPE J.**

**IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA  
HELD AT MAUN**

**Case No. MAHMN-000075-22**

In the matter between:

**GQWIHABA RESOURCES (PTY) LTD**

Applicant

And

**MINISTER OF MINERALS AND ENERGY**

1<sup>st</sup> Respondent

**ATTORNEY GENERAL**

2<sup>nd</sup> Respondent

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**FILING NOTICE**

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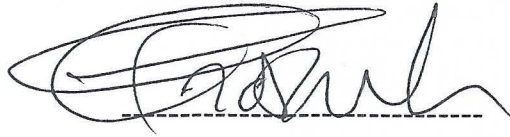
**BE PLEASED TO TAKE NOTICE THE FOLLOWING IS FILED HEREWITH:**

1. Notice of Motion (Application for Condonation);
2. Supporting Affidavit;
3. Draft Order;
4. Answering Affidavit.

**DATED AT GABORONE ON THIS <sup>21<sup>st</sup></sup>..... DAY OF FEBRUARY 2023**

Received in Court on  
28 February 2023 by  
Madunwane, G. at  
08:55

MAUN HIGH COURT PRIVATE BAG 30, MAUN CENTRAL DISTRICT	
24 FEB 2023	
DOCUMENTS RECEIVED	
TIME: 11:31	SIGNATURE: 



**G.I. BEGANE**

For/ Respondents  
Attorney General's Chambers  
Civil Litigation Division  
Government Enclave  
Private Bag 009

**GABORONE**

**TO: REGISTRAR OF HIGH COURT**

High Court

**MAUN**

**AND TO: COLLINS CHILISA CONSULTANTS**

Applicant's Attorneys  
Chambers Plot 4858, Lecha Close  
Off Marakanelo Way  
P. O. Box 45136

**GABORONE**

**MARIPE J.**

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**NOTICE OF MOTION**

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**BE PLEASED TO TAKE NOTICE** that the above named Applicant/Respondent intends to make an application to the above Honourable Court on the ..... day of ..... 2023 at **09h00** or soon thereafter as counsel may be heard for an order in the following terms:

1. That the applicants (respondents in the main application) be allowed to file their answering papers to the respondent's (applicant in the main application) Founding Affidavit.
2. Further and / or alternative relief.

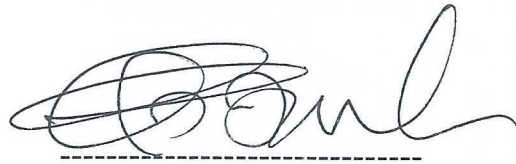
**TAKE NOTICE FURTHER** that the Affidavit of OFENTSE DITSELE shall be used in support hereof. Kindly place the matter on the roll for hearing accordingly.



**TAKE NOTICE FURTHER THAT** if you intend opposing this application you are requested:

- a) To notify the Applicants/Respondents' attorneys in writing within five (5) days of the service of this application upon you.
- b) Within 14 days of the service of this application upon you, to file your answering affidavit, if no such notice of intention to oppose is given, the application will be made on the ..... day of ..... 2023 at ..... Am/pm.

**DATED AT GABORONE ON THIS..... DAY OF NOVEMBER 2022**



**G.I. BEGANE**

For/ Respondents  
Attorney General's Chambers  
Civil Litigation Division  
Government Enclave  
Private Bag 009

**GABORONE**

**TO: REGISTRAR OF HIGH COURT**  
High Court  
**MAUN**

**AND TO: COLLINS CHILISA CONSULTANTS**

Applicant's Attorneys

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**GABORONE**

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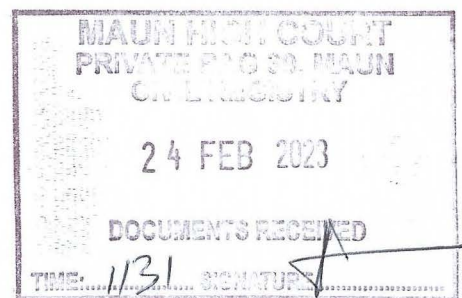
**AFFIDAVIT IN SUPPORT OF APPLICATION FOR CONDONATION OF LATE  
FILING**

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I, the undersigned,

OFENTSE DITSELE

do hereby make oath and state that:



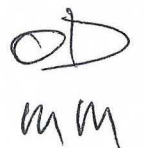
1. I am an adult male of full legal capacity resident in Gaborone. My address for purposes hereof is that of the respondents' attorneys, Attorney General Chambers, Private Bag 009, Gaborone.

  
MM  
Page 6

2. I am the Director of Department of Mines in the Ministry of Minerals and Energy stationed in Gaborone.
3. By virtue of my position, I am duly authorised to depose hereto.
4. The facts contained herein are within my personal knowledge and unless the context indicates otherwise, are to the best of my knowledge and belief both true and correct.
5. Where I make submissions of law, I do so on the strength of legal advice obtained by me from my legal representatives in this matter, which advice I verily believe to be true and correct.
6. This is an application for leave that the applicants (respondents in main application) be given an opportunity to file their Application for Condonation of Late Filing of Leave to Appeal out of time. This application is motivated by the following reasons:
7. The Applicants filed their supplementary affidavit upon receipt of the record of proceedings on 1 December 2022 and delivered a letter of proposal for settlement dated 19 December 2022.
8. The Attorney General subsequently referred the supplementary affidavit and letter to me which I also forwarded to the Minister for consideration.
9. The applicants (respondents) file their response to the founding and supplementary affidavit late due to a number of challenges:

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- 9.1 The officers who was assigned to respond to the Supplementary Affidavit from the Applicant is not familiar with the process, and as a result the draft response he had put together could not be of much use.
- 9.2 The Director of Mines, myself, who could have assisted was for the most part out of office on other pressing official assignments and was only able to work on a response upon his return to the office.
10. The applicants have considered both the founding and supplementary affidavits from the respondent (applicant in the main application) and are, notwithstanding the failure to file as ordered by the court, desirous of doing so and therefore, seek the Honourable Court's leave to file an answering affidavit out of time.
11. Failure to file in terms of the Rules of Court is neither deliberate nor aimed at defying court orders. It was on account of the honest difficulties hereinabove mentioned.
12. I urge the Court to consider the importance of the matter which raises novel issues in this jurisdiction, In 2014, the Okavango Delta was declared a World Heritage Site by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). By virtue of this status the Delta was subject to protection from activities that could compromise the property, including exploration and mining activities. When the Delta was nominated for registration as a world Heritage site, a buffer zone was established around the delta.
13. In terms of the Operational Guidelines for the Implementation of the World Heritage Convention, all prospecting and mining activities are prohibited within the core of the Okavango Delta World Heritage Site. The buffer zone around core zone of a World Heritage Site is intended to provide effective protection of the property, and

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should have complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the core.

14. After the declaration of the Okavango Delta World Heritage site it was noted that some mineral concessions which were already granted fell within the buffer of the World Heritage Site. Then, the Ministry through the Department of Mines started engagements with companies that held mineral concessions within the Okavango World Heritage Site and/or its buffer zone, including Gcwihaba Resources. The engagements were aimed at getting the companies holding Mineral Concessions to agree to voluntarily relinquish portions of the license areas that fell within the Okavango World Heritage Site and/or its buffer zone. As a matter of public interest, allegations arising should be fully ventilated as the case involves matters of public interest and economy of the country.
15. When such serious economic issues of the country ensue, it is in the interest of justice that a proper and full hearing for all the sides involved should be conducted.
16. By reason of the foregoing I state that the balance of convenience favours the granting of condonation.
17. I hereby urge the Honourable Court to exercise its unfettered discretion and grant the reliefs herein sought.
18. I file herewith the answering affidavit which clearly demonstrates that the applicants (respondents in the main application) have strong and reasonable prospects of success.



WHEREFORE I pray for the granting of the reliefs herein sought.

*[Handwritten Signature]*

DEPONENT

THUS done and Signed Before Me at Gaborone on the 23<sup>rd</sup> day of February 2023 at 0835 AM/PM, The Deponent having Acknowledged that he understands the Contents of this Affidavit and has no objection to taking the prescribed oath.

*[Handwritten Signature]*

**COMMISSIONER OF OATHS**

**NAME** MONTHUSI MAZEBEDI

**RANK** SERGEANT



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1<sup>st</sup> Respondent

**ATTORNEY GENERAL**

2<sup>nd</sup> Respondent

---

**DRAFT ORDER**

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**BEFORE JUSTICE** ..... at Court of  
Appeal on this ..... day of ..... 2021 at 0930

Upon hearing Mr Attorney ..... for the Applicants and Mr Attorney  
..... for the Respondents and having read the documents filed on record:

**IT IS THIS DAY ORDERED AS FOLLOWS:**

1. That the Applicants be allowed to file their application for leave to appeal out of time;
2. Further and / or alternative relief.



**REGISTRAR OF COURT APPEAL**

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**ORDER OF COURT**

**MARIPE J.**

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**ATTORNEY GENERAL**

2<sup>nd</sup> Respondent

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**ANSWERING AFFIDAVIT**

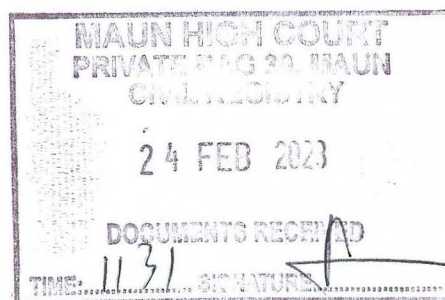
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I, the undersigned,

*LEFORO M. MOAGI*

do hereby make oath and state that:

1. I am an adult male of full legal capacity resident in Ramotswa. My address for purposes hereof is that of the respondents' attorneys, Attorney General Chambers, Private Bag 009, Gaborone.



*LM*  
Page 13

2. I am the Honourable Minister of Minerals and Energy of the Government of Botswana.
3. By virtue of my position, I am duly authorised to depose hereto.
4. The facts contained herein are within my personal knowledge and unless the context indicates otherwise, are to the best of my knowledge and belief both true and correct.
5. Where I make submissions of law, I do so on the strength of legal advice obtained by me from my legal representatives in this matter, which advice I verily believe to be true and correct.
6. I have read and understood the contents of the founding and supplementary affidavits of MOAGI NTUKUNUNU on behalf of the applicant and I hereby respond thereto as follows below:
7. AD PARAGRAPHS 1 – 7

The contents therein are admitted.

8. AD PARAGRAPHS 8 – 8.1

Renewal of Prospecting License No. 020/2018 has been a subject of contentions between the Ministry of Minerals and Energy, Department of Mines and Gcwihaba Resources. The contentious issue has been that the Prospecting License boundary encroaches into the Okavango Delta Heritage Site buffer

  
Page 14

zone, which is against the government deliberate decision to restrict prospecting and mining activities within the core and buffer zones of the delta, for protection of the World heritage site against adverse impact on the outstanding universal value of the property.

#### 9. AD PARAGRAPHS 8.1.1 – 8.2

The Department and Ministry's position is that in line with Operational Guidelines for the Implementation of the World Heritage Convention, prospecting and mining activities are prohibited within the buffer zone of the Okavango Delta World Heritage Site, and if permitted, they are to be subjected to the stringent Environmental Impact Assessment Measures in accordance with the Environmental Assessment Act and Environmental Regulations. Further, the Environmental Assessment Act and Environmental Regulations stipulates that extractive and associated industries, which includes prospecting and mining must undertake Environmental Impact Assessment, especially when considering undertaking such activity in an areas with wet lands, or containing rare or endangered flora and fauna.

#### 10. AD PARAGRAPHS 8.3 – 8.5

In the year 2008, the Minister of the then Ministry of Minerals, Energy and Water Resources granted to Gcwihaba Resources, seven (7) contiguous Prospecting Licenses Nos. 386/2008 to 392/2008 for metals in terms of the Mines and Minerals Act. The Prospecting Licenses were valid for an initial term of three (3) years and were subsequently renewed a number of times.

*L.M.N*

## 11.AD PARAGRAPH 8.6 – 8.8

- i) In 2014, the Okavango Delta was declared a World Heritage Site by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). By virtue of this status the Delta was subject to protection from activities that could compromise the property, including exploration and mining activities. When the Delta was nominated for registration as a world Heritage site, a buffer zone was established around the delta.
- ii) In terms of the Operational Guidelines for the Implementation of the World Heritage Convention, all prospecting and mining activities are prohibited within the core of the Okavango Delta World Heritage Site. The buffer zone around core zone of a World Heritage Site is intended to provide effective protection of the property, and should have complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the core.
- iii) After the declaration of the Okavango Delta World Heritage site it was noted that some mineral concessions which were already granted fell within the buffer of the World Heritage Site. Then, the Ministry through the Department of Mines started engagements with companies that held mineral concessions within the Okavango World Heritage Site and/or its buffer zone, including Gcwihaba Resources. The engagements were aimed at getting the companies holding Mineral Concessions to agree to voluntarily relinquish portions of the license areas that fell within the Okavango World Heritage Site and/or its buffer zone.



## 12.AD PARAGRAPH 8.9 – 8.11

12.1 As a result of the engagements, at a meeting on the 14<sup>th</sup> December 2015, Gcwihaba Resources agreed to give up Mineral Concessions or portions thereof, which fell within the Okavango World Heritage Site and/or its buffer zone. The Department agreed with Gcwihaba Resources that the company will move out of the Delta and its buffer zone, and in return the company will be compensated by being granted new areas outside the buffer zone and in addition, the remaining licenses or portions were to be granted fresh licenses with a longer, three year tenure, instead of the usual two year renewal tenure (See record of resolution carried in the Department's letter of 15 December 2015, reference no. CP337 XII (11). Gcwihaba Resources later reneged on what was agreed and insisted that some of their Prospecting License remain within the Okavango Delta World Heritage Site Buffer Zone (See Gcwihaba Resources letter of 16 December 2015).

12.2 The Department and the Ministry have continued to engage Gcwihaba Resources on giving up portions of the Mineral Concessions within the Okavango World Heritage Site and/or its buffer zone. Gcwihaba Resources has been reluctant to move their license areas outside the buffer zone as evidenced by their relinquishment of license areas or portions in a piecemeal manner, rather than addressing all the encroachment areas at once.

12.3 As a compromise and to compensate Gcwihaba Resources for areas lost through relinquishments to move away from the Delta, the Ministry issued to Gcwihaba Resources new Prospecting Licenses nos. 020/2018 to 026/2018 in replacement of licenses nos. 386/2008 to 392/2008. The new licenses had a longer three (3) years tenure, compared to the normal two

year renewal. Despite the compromise by the Ministry, Gcwihaba Resources still insisted on some of these new licenses being in the buffer zone of the Delta, and eventually the Ministry obliged.

### 13.AD PARAGRAPHS 8.12 - 13

13.1 On 2 July 2021, Gcwihaba Resources submitted an application for renewal of Prospecting Licenses Nos. 020/2018 to 024/2018 and proposed to relinquish all of Prospecting Licenses Nos. 025/2018 and 026/2018. (See correspondence from Gcwihaba Resources dated 30 June 2021 and submitted to the Department of Mines on 2<sup>nd</sup> July 2021). The Department of Mines advised that the areas applied for encroached into the Okavango Delta Heritage Site Buffer (See Prospecting License Application Checklist of 2 July 2021). The company revised the application coordinates and the boundaries of Prospecting Licenses Nos. 021/2018 to 024/2018 fell outside the buffer zone and consequently renewal of the licenses was granted by the Minister on 30<sup>th</sup> November 2021. The revised coordinates for Prospecting License No. 020/2018 continued to encroach into the buffer zone and the Department continued to engage with Gcwihaba Resources with a view to convince the company to realign the boundaries of the license with those of the buffer zone.

13.2 Noting that Gcwihaba Resources was insisting on retaining license no. 020/2018 with a portion of it within the buffer zone, eventually the Department of Mines made recommendations to the Minister to give Gcwihaba Resources a written notice as to why he is unable to renew the license. (See Department of Mines Correspondences, one dated 10 December 2021, reference no. CP 215 XIV (11) and the other dated 14 April 2022, reference CP 215 XIV (21)).

13.3 The Minister issued a letter to Gcwihaba Resources, citing the reasons why he is unable to renew the license (See letter of 26 April 2022, reference no. CMMGE 7/3/56 III(11)). This letter is not intended to be a rejection letter, but rather its purpose is to give Gcwihaba an opportunity to remedy their application, to enable grant of renewal.

13.4 Further engagements were held with Gcwihaba Resources, whereupon the company at some points indicated willingness to give up the portion of the license within the buffer zone, but they raised conditions that the Department of Mines and Ministry were not agreeable to. (See Gcwihaba Resources letters of 21 December 2021 and 19 May 2022). The Minister responded to Proposals by Gcwihaba Resources, in which he indicated willingness to renew, but disagreed with the conditions set forth by the company. (See letter of 7<sup>th</sup> June 2022, reference no. CMMGE 7/3/56 I (2)). Again this letter is not intended to be a rejection of the application: the aim is for the issue of the buffer zone and the conditions to be agreed upon before the renewal can be granted.

13.5 The Ministry's position currently is that continuation of encroachment of Gcwihaba Resources' Prospecting License has gone on for too long and it exposes Botswana to risks of adverse publicity from International Environmental Pressure Groups, possible sanctions or boycotts as a result of possible perception that Botswana Government is flouting guidelines for protection of World Heritage Sites by continuing to license prospecting activities within the buffer zone without an approved Environmental Assessment Statement.

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13.6 Further, the Ministry's position is bolstered by the fact all these years that since the declaration of the Okavango Delta as World Heritage site, while Gcwihaba Resources has insisted on keeping Prospecting Licenses within the delta's buffer zone, the company has not undertaken an Environmental Impact Assessment study for the licenses falling within the buffer as per requirement of the guidelines. This causes further concern that the company wants to retain a Prospecting License that it is not doing any prospecting work on, but rather the license is possibly only kept for speculative purposes or raising funds from investors who are not aware of the location of the license and the implications thereof.

13.7 As Gcwihaba Resources admits, from engagements with Department of Mines, the company has previously relinquished some licenses that fell within the Delta's buffer zone, and it has been adjusting the coordinates of the boundaries of Prospecting License No. 020/2018. It is the Ministry's view that the company has to do one final adjustment so that all the licenses are completely outside the Delta and its buffer zone, to ensure full compliance by Botswana with World Heritage Site requirements.

13.8 Delays in granting of renewals of Prospecting Licenses have for the most part been caused by attempts by the Ministry and the Department of Mines to engage with Gcwihaba Resources in attempts to get the company to relinquish portions of Prospecting Licenses within the delta's buffer zone, where likely the company was not doing any prospecting work. This is currently the case with renewal of Prospecting License No. 020/2018.

13.9 It may be worth pointing out that at this point, the Minister of Minerals and Energy has not yet rejected the application for renewal of Prospecting

*L.M.V.*  
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License No. 020/2018 as per Mines and Minerals Act. Rather, the Minister's position is that he is prepared to grant the renewal as long as Gcwihaba Resources can submit coordinates of application area, falling outside the delta's buffer zone. Gcwihaba Resources still has opportunity to get the renewal granted if they could meet the condition of realignment of the boundary of the area.

#### RESPONSE TO APPLICANT'S SUPPLEMENTARY AFFIDAVIT

##### 14. AD PARAGRAPH 1 - 5

The contents therein are admitted.

##### 15. AD PARAGRAPH 6 - 9.

16. The contents therein are admitted.

##### 17. AD PARAGRAPH 10

It is worth noting that the letter of 15<sup>th</sup> December 2015 from Department of Mines labelled "SUP1" captures what were resolutions from the meeting of 14<sup>th</sup> December 2015, between a representative of the Department of Mines, Mr. Tebogo Segwabe and Director and Chief Operating Officer of Gcwihaba Resources, Dr. Michael C. J. de Wit. The letter does not specify which side (East or West) of the Delta panhandle were the licenses to be relinquished, but rather it conveyed the understanding from the meeting that Gcwihaba Resources were willing to relinquish all licenses areas that fell within the buffer zone of the Okavango Delta World Heritage Site, and these were to be replaced with areas outside the buffer zone. The Department had offered, in addition to new areas outside the buffer zone, to grant the Prospecting Licenses as

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new (with a longer tenure of three (3) years) as opposed to renewals which will have a shorter tenure of two (2) years. From the response letter of the 16 December 2015, labelled "SUP2", clearly the author, Dr. Michael C. J. de Wit, had a change of position after having discussions with Chairman and Chief Executive Officer of Tsodilo Resources Limited, the owner of Gcwihaba Resources, on the outcome of the 14 December 2015 meeting with Department of Mines. The issue of giving up rights to only licenses on the eastern part of the panhandle was only introduced by Gcwihaba Resources through their letter of 16 December 2015. Clearly at times there were signs of misalignment between the Dr. Michael C. J. de Wit and Mr. James M. Bruchs, when Dr. Michael C. J. de Wit went into engagement meetings with the Department he will agree to things, and later Mr. James M. Bruchs will query decisions reached in engagement meetings.

18. AD PARAGRAPH 11

The letter of 16<sup>th</sup> December 2015, authored by Dr. Michael C. J. de Wit, labelled "SUP2", conveyed a change of position from what was agreed during the 14 December 2015 meeting, following discussions with Chairman and Chief Executive Officer of Tsodilo Resources Limited. The understanding from the initial meeting of 14 December 2015 was that Gcwihaba Resources were willing to relinquish all licenses areas that fell within the buffer zone, not just those on the eastern panhandle.

19. AD PARAGRAPH 12

The parties did not reach an agreement in 2015, however, engagements on the relinquishment of areas of Prospecting Licenses lying within the buffer zone continued, and typically engagements peaked around times of renewal of the licenses.

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20. AD PARAGRAPH 13 -14

The contents therein are noted.

21. AD PARAGRAPH 14.1

The Department issued the license in January 2018 with the areas reduced on the understanding at the time of submission of the application that Gcwihaba Resources were willing to move the license areas outside the buffer zone in exchange for the licenses being issued as new, with a three (3) year tenure instead of the normal two years for renewal. It is noted that when the Managing Director learnt of the arrangement, he queried the decision and demanded that the licenses be restored to their original boundaries. It may be worthy to point out that while the Gcwihaba Resources was interested in the three year tenure, and the Ministry obliged, they enjoyed the longer tenure but at the same time they were not willing to relinquish all the areas falling within the buffer. As evidence of engagements and convergence during discussions, Gcwihaba Resources were relinquishing portions of some licenses falling within the buffer, albeit relinquishing piece meal, and not all at once.

22. AD PARAGRAPH 14.2

Noted. However, the Directors based in Botswana who were submitting applications were aware of the arrangement of trimming the licenses that overlapped with the buffer zone in exchange for a longer tenure period. Since this process began, engagements would happen between Botswana based Directors and the Department of Mines and things will be agreed only for the Managing Director to later query the decisions taken and demand restoration of original license area.: This is typified in the letters of 2015 labelled "SUP1" and "SUP2" as well as the issuance of the licences in 2018.

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*MM*

23. AD PARAGRAPH 14.3

The letter was intended to convey the message that it was not the intention of the Department to remove Gcwihaba Resources' licenses from the buffer zone by force.

24. AD PARAGRAPH 14.4

The letter labelled "SUP3" is proof that engagements continued beyond 2015, as the letter refers to an agreement between the Company and the Department on relinquishment of licenses. As per "SUP4", the Department obliged upon realizing that Gcwihaba Resources was going back on its earlier position of relinquishment, since the Department's intention was not to forcefully remove the licenses from the buffer zone, but rather to get to an agreement whereby Gcwihaba Resources will willingly give up areas in the buffer zone.

25. AD PARAGRAPH 14.5

The Department obliged on realizing that Gcwihaba Resources was reneging on its earlier position, since the Department's approach was not to force things.

26. AD PARAGRAPH 14.6

The contents therein are noted.

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## 27. AD PARAGRAPH 14.7

The Department has never had intentions to forcefully remove the licences from the buffer zone, but rather to get to an agreement where Gcwihaba will willingly move its licences out of the buffer zone. Departments obliged upon realizing that Gcwihaba Resources had changed its earlier position of relinquishment.

## 28. AD PARAGRAPH 15 -26

As indicated in Paragraph 10, the Department's letter of 15<sup>th</sup> December 2015 labelled "SUP1" captures what had been resolved during the meeting between a representative of the Department of Mines, Mr. Tebogo Segwabe and Director and Chief Operating Officer of Gcwihaba Resources, Dr. Michael C. J. de Wit. The letter does not specify which side (East or West) of the Delta panhandle were the licences to be relinquished, but rather it conveyed the understanding from the meeting that Gcwihaba Resources were willing to relinquish all licences areas that fell within the buffer zone of the Okavango Delta World Heritage Site, and these were to be replaced with areas outside the buffer zone. The Department had offered, in addition to new areas outside the buffer zone, to grant the Prospecting Licences as new (with a longer tenure of three (3) years) as opposed to renewals which will have a shorter tenure of two (2) years. The letter of the 16 December 2015, by Gcwihaba Resources' Dr. Michael C. J. de Wit, "SUP2", indicates a change of position after having discussions with Mr. James M. Bruchs, Chairman and Chief Executive Officer of Tsodilo Resources Limited, on the outcome of the 14 December 2015 meeting with Department of Mines. Further, during process of engagements, Gcwihaba Resources will relinquish portions of some licences falling within the buffer zone, but they did not relinquish all the licences. As promised during engagements, the Department has in fact granted the three year tenure and offered areas outside the buffer area, but Gcwihaba Resources along the way reneged on its promises to leave the buffer zone.

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#### 29.AD PARAGRAPH 16

Gcwihaba Resources have agreed to voluntarily relinquish mineral concessions falling within the buffer zone of the Okavango World Heritage Property as evidenced by the recent application for renewal in 2021 in which they revised in their application, coordinates of boundaries of Prospecting Licences Nos. 021/2018 to 024/2018 to fall outside the buffer zone and consequently renewal of the licences was granted by the Minister on 30th November 2021. While Gcwihaba Resources insist that they will not relinquish its prospecting rights in the buffer zone, unfortunately they are not willing to abide by the guidelines intended for protection of a heritage site against adverse impact or potential danger on the Outstanding Universal Value of the property. Gcwihaba Resources has not undertaken any Environmental Impact Assessment measures as required in a World Heritage Site despite holding licences in the site over several years.

#### 30.AD PARAGRAPH 17

The Ministry of Minerals and Energy has never embarked on a mission to disseminate false information to UNESCO. The information shared with UNESCO at the time reflected that the licences had been removed from the buffer and the licences had been cropped and removed from the buffer as agreed was as per agreement

#### 31.AD PARAGRAPH 18

Noted. However, there are stringent Environmental Impact Assessment Measures which are required in accordance with the Environmental Assessment Act and Environmental Regulations and in line with Operational Guidelines for the Implementation of the World Heritage Convention (WHC.21/01 2021). These stringent measures are to restrict/prohibit prospecting and mining activities within the core and buffer zones of the Okavango Delta, for protection of the World heritage site against

L.M.M

Page 26

adverse impact or potential danger on the Outstanding Universal Value of the property. It may be worth noting that since engagements started in 2015 between the Department of Mines and Gcwihaba Resources regarding encroachment into the World Heritage Site buffer zone by the licenses held by the company, it has not undertaken any Environmental Impact Assessment measures as required. This is despite the fact that the company insists that it will not relinquish its prospecting rights in the buffer zone.

32. The Department of Mines processes applications for mineral concessions on behalf of the Minister responsible for minerals as provided for under the Mines and Minerals Act. Upon making recommendations to the Minister for grant or rejection of an application, all the documents submitted by the applicant are forwarded to the Minister.

### 33. AD PARAGRAPH 18.1

It was an understanding between the Department of Mines and Gcwihaba Resources that Gcwihaba Resources will relinquish licence areas falling within the buffer, in exchange for longer tenure of the licence, through the licences being granted as fresh, instead of renewals. Unfortunately each time, when the Department is ready to proceed to implement that arrangement, after the granting of the licences, Gcwihaba Resources has always reneged on its promises. As evidenced by the three (3) year tenure granted to Gcwihaba Resources in 2018, in line with what was agreed, the Ministry has always moved to fulfill its promises, while on the hand, Gcwihaba has often changed positions on the last minute or when the ministry has already done its part. The licences we granted outside the buffer as per the parties engagements, but later Gcwihaba Resources changed its position and demanded that the licences be restored to their initial boundaries.

*L.M.M*

34. AD PARAGRAPH 18.2

The position of the Ministry is that whatever activity one undertakes in the buffer zone, will likely have an adverse impact or potential danger on the Outstanding Universal Value of the Okavango Delta World Heritage Site.

35. AD PARAGRAPH 19

The Ministry's position on renewal of Prospecting Licence No. 020/2018 is that prospecting activities by Gcwihaba Resources will likely have an adverse impact on the Outstanding Universal Value of the World Heritage Site. Concerns about Gcwihaba Resources' prospecting activities arise from the fact that the company has held prospecting licences over the buffer zone for several years now, yet they have never undertaken any environmental impact assessment for prospecting activities and gotten it approved by the relevant authority.

36. AD PARAGRAPH 20

The logic and reasoning of the Ministry on the matter of renewal of Prospecting Licence No. 020/2018 is that whatever activity one Gcwihaba wishes to undertake in the buffer, if any, will likely have adverse impact or potential danger on the Outstanding Universal Value of the World Heritage Site. Concerns about Gcwihaba Resources activities arise out the fact that they have held prospecting licences over the buffer zone for several years now, yet they have never undertaken any environmental impact assessment of prospecting activities.

L. N. M  
MM

37. AD PARAGRAPH 21

Indeed there were engagements between Gcwihaba Resources and the Ministry. However, in the correspondence labelled "SUP11" the proposal by Gcwihaba Resources was disingenuous, in that Gcwihaba Resources wished for the Minister to grant a temporary renewal in order for Gcwihaba Resources to approach and dupe Minerals Development Company Botswana (MDCB) to invest in the Gcwihaba Resources Project, on the basis of resources in the buffer zone that most likely will not be accessibly for mining. The proposal by Gcwihaba Resources was that after receiving the investment funds or getting an investment deal, the portion of the licence in buffer area will be relinquished. The Ministry could not agree to such a scam intended to trick not just MDCB, but other investors, and stakeholders.

38. AD PARAGRAPH 22

Noted. However, the approach to have Minerals Development Company Botswana (MDCB) invest in the Gcwihaba Resources Project, on the basis of resources that most likely will not be accessible for mining and to even go to the extent of relinquishing the area after getting the investment is dishonest.

39. AD PARAGRAPH 23

Noted. However, it is the Ministry's view that investment and renewal decisions should not be tied, as they are not based on the same law.

*L.M.M*  
*MM*

#### 40. AD PARAGRAPH 24

The disingenuous proposal is intended to benefit Gcwihaba Resources at the expense of MDCM and the Government: this is not a win-win situation for all parties.

#### 41. AD PARAGRAPH 25

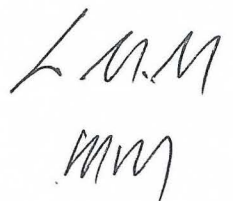
In 2021 when applying for renewal of licences nos. 020 -024/2018, following engagement with the Department, Gcwihaba Resources relinquished rights to portions of prospecting licences Nos. 021/2018; 022/2018; 023/2018 and 024/2018, which fell within the buffer zone: only licence no. 020/2018 remains over the buffer zone.

#### 42. AD PARAGRAPH 26

The Applicant has held prospecting licenses around the Okavango Delta before it was declared a world heritage site and a buffer zone designated around it. That is why the Department of Mines has been engaging with the Applicant to show them the change in status of the area they have licenses over and the implications, and trying to get the Applicant to relinquish freely their portions of the licenses falling within the buffer zone intended to protect the World Heritage Site. Now, the license in question, no. 020/2018 was first granted in the year 2018.

#### 43. AD RELIEFS SOUGHT

43.1 The Orders being sought by the applicant are unreasonable in that 1<sup>st</sup> respondent is not privy to the letter dated 29 June 2022 through which it is


Handwritten signature in black ink, appearing to be 'L.M.M.' with a flourish below it.

said the renewal application for Prospecting License no. 020/2018 was rejected. In fact, the 1<sup>st</sup> respondent has not rejected the application: the 1<sup>st</sup> respondent has issued two letters to the applicant on the matter of the renewal of Prospecting License no. 020/2018, one dated 26 April 2022, and the other dated 7<sup>th</sup> June 2022. In Both letters the 1<sup>st</sup> respondent did not reject the application for renewal of the license, but rather he was engaging with Gcwihaba Resources with a view to get the company to consider moving their license boundaries outside the buffer zone.

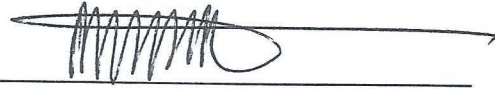
- 43.2 The Applicant is praying for an Order that the effective dates of licenses nos. 020 – 026/2028 be aligned to the renewed validity period for prospecting license no. 020/2018. However, the Applicant (Gcwihaba Resources) in June 2021 on their own, relinquished, without any request from the Ministry, Licenses nos. 025/2018 and 026/2018. As such, these licenses no longer exist.
- 43.3 Gcwihaba Resources has held Prospecting Licence area under licence no. 020/2018 from the time the Delta was declared a World Heritage Site, but they have never attempted to undertake an Environmental Impact Assessment on the area, in line with the Guideline for World Heritage Site.
- 43.4 The damages sought by the Applicant are unreasonable and it is not clear what informs the figure. Gcwihaba Resources has not had any audited statement of expenditure on the specific prospecting license submitted to the Department, and further, the company has not held any mining rights so as to be in a position to claim the value of the mineral resources, since there was no guarantee mining rights will be granted over the area in question.

*L.M.M*  
*mm*

WHEREFORE the respondents pray for the dismissal of the application with costs.

  
.....  
DEPONENT

THUS done and Signed Before Me at Gaborone on the 23<sup>rd</sup> day of February 2023 at 0830 AM/PM, The Deponent having Acknowledged that he understands the Contents of this Affidavit and has no objection to taking the prescribed oath.



**COMMISSIONER OF OATHS**

**NAME** MONTHUSI MAZEBEDI

**RANK** SERGEANT





①

MARIPE J.  
IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA  
HELD AT MAUN

Case No: MAHMN-000075-22

In the dispute between

GCWIHABA RESOURCES (PTY) LTD

Applicant

And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent

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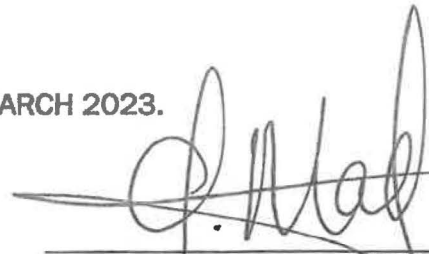
FILING NOTICE

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FILED HEREWITH:

1. Replying Affidavit and Annexures; and
2. Confirmatory Affidavit.

DATED AT GABORONE ON THIS 09<sup>TH</sup> DAY OF MARCH 2023.



**COLLINS CHILISA CONSULTANTS**  
Applicant's Attorneys Gaborone  
Chambers Plot 4858, Lecha  
Close Off Marakanelo Way  
P O Box 45136  
GABORONE

TO: THE REGISTRAR  
High Court  
MAUN



②

AND TO: **ATTORNEY GENERAL**  
G.I. Begane  
For Respondents  
Government  
Enclave  
**GABORONE**

3

MARIPE J.  
IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA  
HELD AT MAUN

Case No: MAHMN-000075-22

In the dispute between

GCWIHABA RESOURCES (PTY) LTD

Applicant

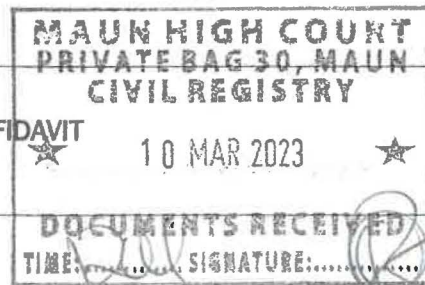
And

MINISTER OF MINERALS AND ENERGY

First Respondent

ATTORNEY GENERAL

Second Respondent



REPLYING AFFIDAVIT

10 MAR 2023

DOCUMENTS RECEIVED

TIME:..... SIGNATURE:.....

I, the undersigned,

MOAGI NTUKUNUNU

do hereby make oath and say that:

1. I am an adult male of full legal capacity resident in Maun and employed by the Applicant as an Office Administrator.
2. I am duly authorised to depose to this affidavit by virtue of the mandate filed of record.
3. The facts set out herein are within my personal knowledge, unless the context states otherwise, and are true and correct to the best of my knowledge and belief. Where I make legal contentions, I do so on the basis of the advice that I have received from the Applicant's legal representatives.
4. I wish to reply at length, to the allegations raised by the Honourable Minister of Minerals and Energy in the Respondent's Answering Affidavit which was filed on 24 February 2023.



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5. The Applicant denies each and every allegation contained in the Respondent's Answering Affidavit which is at variance with what is contained in the Applicant's Founding Affidavit and what follows herein under. Any failure to categorically address any allegation of fact and/ or proposition hereunder ought not to be misconstrued as an admission and/ or acquiescence therewith. To the contrary, any allegations not dealt with by the Applicant in reply shall be categorically denied.

**AD PARAGRAPH 1 – 7**

6. The contents therein are noted.

**AD PARAGRAPH 8** whereat it is noted that:

*"Renewal of Prospecting License No. 020/2018 has been a subject of contentions between the Ministry of Minerals and Energy, Department of Mines and Geology Resources. The contentious issue has been that the Prospecting License boundary encroaches into the Okavango Delta Heritage Site buffer zone is against the government deliberate decision to restrict prospecting and mining activities within the core and buffer zones of the delta, for protection of the World heritage site against adverse impact on the outstanding universal value of the property."*

7. Save to admit that the renewal of the Applicant's Prospecting License No. 020/2018 is a contentious one, at the Government of Botswana's instance, the contents herein are denied.
8. As is demonstrated by the Applicant's Founding and Supplementary Affidavit, it will be noted from the record that there has been a concerted effort by the Department of Mines (DOM) to deprive the Applicant of its lawfully granted licenses.
9. The above referred concerted efforts are evident in that sometime in January 2018, DOM issued the Applicant with the new Prospecting Licenses No. 20 - 26/2018 however, the eastern boundaries of these licenses were not aligned to their erstwhile coordinates as contained in Prospecting Licenses No. 386, 387, 388, 390, 391 and 392/ 2008. This prompted the Applicant, through its Managing Director, to write the letter dated 23 January 2018 which is attached to the Supplementary affidavit and marked "SUP3". For convenience, I reattach same herein and mark it "RA1".

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10. Following RA1, DOM, through "SUP 4" reattached herein and marked RA2, admitted that it had unlawfully reduced the extent of the Applicant's licenses and undertook to realign the new 2018 licenses to the old 2008 licenses.
11. DOM subsequently sought to change its story by "SUP6<sup>1</sup>" reattached herein and marked "RA3" to note that:

"...

7. *We reiterate that the eastern boundaries of prospecting licenses 020 - 026/2018 cannot be extended into the buffer zone of the Okavango Delta. If Gcwihaba accedes to the correction as alluded to in bullet 5 above, the Department will amend prospecting licenses 024/2018 and 026/2018 as proposed."*

12. By "SUP7", reattached herein and marked "RA4". The Applicant, through its Managing Director, wrote to DOM on 13 August 2018 to respond to all their allegations contained in RA3. In particular, to their allegation that the Applicant had agreed in principle to relinquish all of the licenses in the buffer zone and others that were outside the buffer zone, RA4 noted as follows:

**"Facts**

- 1) *After several years of countless meetings with DOM and resulting no actions on several PL's that were languishing in their renewals only to discover that one if not more of these metals licenses were given to a Chinese company, Triprop Holdings, while it was still licensed to Gcwihaba, I then took a conciliatory approach with DOM to get everything resolved as no one including our investors, the public market and ourselves could understand why licenses were not being renewed despite being told repeatedly by DOM over the years that "don't worry next week they will be done."*
- 2) *Gcwihaba proposed a solution and that is set forth in my letter of October 25, 2017 and January 24, 2018. The only difference between*

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<sup>1</sup> Dated 02 August 2018

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the October 2017 discussion letter given to DOM and the January 24, 2018 letter is that we capitulated and gave up our rights to PL's 393, 394 and 395 during discussions with DOM in November and December 2017. We gave up our rights and claims to 14 licenses in their entirety and kept 7 as they currently were. At no time did we ever say that we would give up any areas in PL's 386 - 392 (7 licenses) nor were we ever asked to as part of our agreement with DOM. My offer was accepted by DOM in early December 2017 and we proceeded to relinquish all licenses effective December 29, 2018, in consideration for PL's 386-392 being issued to us with an effective date of January 1, 2018..."

13. Subsequent to **RA4**, a meeting (September 2018) was held with the then Minister, Permanent Secretary ("PS") and the Deputy Permanent Secretary ("DPS"). This meeting resulted in an amicable resolution of the matter wherein it was agreed that the Applicant's 2018 licenses would be re-issued in alignment with the 2008 licenses.
14. Following the above meeting, the Applicant, through its Managing Director, wrote an email to the DPS expressing its thanks for the meeting, and further for reaching an amicable resolution (that the 2018 licenses will be re-issued in alignment with the 2008 licenses). A copy of this email is annexed hereto and marked "**RA5**". To our dismay, the licenses were not promptly re-issued as discussed, rather there was still a back and forth on the Respondents' end. This we got to find out through the Applicant's contracted government liaison Mr. Milton Keeletsang, a professional geologist. A copy of the email rendition between the Applicant's Managing Director and Mr. Milton Keeletsang is annexed hereto and marked "**RA6**" for the Court's appreciation of the above alluded back and forth.
15. On the issue of encroachment by the Applicant's license into the buffer zone, I must emphasise that the universally accepted definition for encroach, encroached, or encroachment as define in the Meriam-Webster or Oxford English Dictionary is, "to enter by gradual steps or by stealth into the possessions or rights of another". Accordingly, it is clear from the record that the license in question has existed since 01 October 2008, thus making it physically, literally, conceptually or any other way impossible for the license to encroach on the buffer zone which was established in

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August 2014. From this assessment, it is clear that it is the buffer zone that encroaches upon the Applicant's license and not the other way round. All usage by the Respondents of the word "encroach" or derivatives thereof are incorrect and purposely so, to mislead this Court. There is no doubt by any measure whatsoever, that the buffer zone established by the Government of Botswana which surrounds the Okavango World Heritage Property ("OWHP"), encroached on PL386 /2008 and its subsequent PLO20/2018.

16. On the issue of the Respondents' refusal to renew the license in issue being by reason of protecting the OWHP against an adverse impact on the outstanding universal value of the property, we note that same is merely but an ill placed afterthought by the Respondents. In fact, it is necessary to record that in a meeting organized by the DPS, Mr. Johannes Tsimako for stakeholders, which took place sometime in April 2022 the then Acting Director for the Department of Mineral Affairs, Mr. Moses Tshetlhane, told the Applicant's representative and the attendees there present, that:

*"we don't care what other Ministers have done since 2014, it is this Minister's policy not to grant you the license in the buffer zone".*

[Paraphrased]

17. It will be noted that the Respondents have renewed and re-issued Prospecting License No. 020/2018, (formerly known as PL386/2008) in issue, a portion of which the buffer zone encroaches upon, since the OWHP designation in August 2014 until 01 October 2021 and at no point was the universal value of the OWHP an issue or a consideration. It will be seen from the record that there has never been any showing by the Respondents that the Applicant's activities within its prospecting areas has, had or will have any adverse impact on the "outstanding universal value of the property". Such statements by the Respondents are hypothetical at best and the Respondents have dismally failed to substantiate such a claim before this Court.

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**AD PARAGRAPH 9** whereat it is noted that:

*"The Department and Ministry's position is that in line with Operational Guidelines for the Implementation of the World Heritage Convention, prospecting and mining activities are prohibited within the buffer zone of the Okavango Delta World Heritage Site, and if permitted, they are to be subjected to the stringent Environmental Impact Assessment Measures in accordance with the Environmental Assessment Act and Environmental Regulations. Further, the Environmental Assessment Act and Environmental Regulations stipulates that extractive and associated industries, which includes prospecting and mining must undertake Environmental Impact Assessment, especially when considering undertaking such activity in an area with wet lands, or containing rare or endangered flora and fauna."*

18. The contents herein are denied in their entirety and the Operational Guidelines for the Implementation of the World Heritage Convention WHC. 13/01 July 2013 ("*Operational Guidelines*") which were in place when the Government of Botswana submitted its application for designation are annexed herein and marked "RA7" in furtherance thereof.
19. We have highlighted the word buffer for easier review in the Operation Guidelines and it will be seen that nowhere in Operation Guidelines is it stated that '*prospecting and mining activities are prohibited within the buffer zone of the Okavango Delta World Heritage Site, and if permitted, they are to be subjected to the stringent Environmental Impact Assessment Measures in accordance with the Environmental Assessment Act and Environmental Regulations*' as contented by the Respondents.
20. What is clear from the Operational Guidelines is that if the State Party (in our case the Government of Botswana) was concerned about the demarcation of the buffer zone and its preserved effect on potential activity, they could submit a proposal for a Minor Modification to the Boundaries of the OWHP.<sup>2</sup> In other words, if the Respondents want the buffer zone to have the protections afforded to the core zone, then the Respondents must apply for the boundaries of the core zone to extend to

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<sup>2</sup> See pages 5, 27, 36, 37, 52, 163, 164 & 168.

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those of the buffer zone. Alternatively, to apply to have the Applicant's licensed area to fall outside the buffer zone.

21. As the area in question (one which the Applicant's license covers) is relatively small (see annexure "RAS<sup>a</sup>") in comparison to the entire buffer and core zone and further that there has been no showing of any adverse impact on the outstanding universal value of the OWHP, the Applicant has suggested numerous times since September 2021, that the Respondents should consider submitting a proposal for a minor boundary modification if there was a concern of the buffer zone's encroachment on its Prospecting License No. 020/2018. To date, the Applicant has not received any response to its suggestion.
22. The Government of Botswana has following the designation of the OWHP, allowed the activities listed in the below table to take place in both the core and buffer zone yet the Respondents continue to obstruct the Applicant's activities absent any showing of any adverse impact on the outstanding universal value of the OWHP. For an understanding of where the Respondents have allowed activity, relative to the Applicant's position in the buffer zone, see annexures "RAS<sup>b</sup>" and "RAS<sup>c</sup>" annexed hereto.

Infrastructure	Date Start	Date End	Location	Comments
Mohembo Bridge	Nov-16	Jun-22	Core zone	Opened to public in June 2022
Shakawe Hospital	April -17	Oct-19	Buffer zone	Staff houses 2015 / Hospital 2017
Shakawe Centre	2017	2019	Buffer zone	Upgrading and expansion
Shakawe Airport	2014	2015	Buffer zone	Major Airport maintenance and extension between 2014 and 2015

23. With respect to the Environmental Impact Assessment ("EIA"), the Applicant denies that one is needed for prospecting activities. The Applicant only agrees that if mining is to be carried out in a buffer zone, an EIA must be conducted and made part of the mining license application and further, that an Environmental Management Plan ("EMP") must be filed before exploration activities are commenced. By reason of the foregoing, the Applicant has always acknowledged that it will be required to submit an EIA as part of its application for a Mining License. Further, the Applicant has stated time after time since 2014, that it agrees 100% with the Government of Botswana's

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representation to UNESCO on page 107 of that its report, a copy of which is annexed hereto and marked "RA9", which states as follow:

*"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." [our emphasis]*

**AD PARAGRAPH 10** whereat it is noted that:

*"In the year 2008, the Minister of the then Ministry of Minerals, Energy and Water Resources granted to Gcwihaba Resources, seven (7) contiguous Prospecting Licenses Nos. 386/2008 to 392/2008 for metals in terms of the Mines and Minerals Act. The Prospecting Licenses were valid for an initial term of three (3) years and were subsequently renewed a number of times."*

24. It is admitted that the Applicant's licenses were granted, renewed, and re-issued as set forth in "RA10" attached herein.

**AD PARAGRAPH 11** whereat it is noted that:

"i) *In 2014, the Okavango Delta was declared a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO). By virtue of this status the Delta was subject to protection from activities that could compromise the property, including exploration and mining activities. When the Delta was nominated for registration as a world Heritage site, a buffer zone was established around the delta.*

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- ii) *In terms of the Operational Guidelines for the Implementation of the World Heritage Convention, all prospecting and mining activities are prohibited within the core of the Okavango Delta World Heritage Site. The buffer zone around core zone of a World Heritage Site is intended to provide effective protection of the property, and should have complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the core.*
  
- iii) *After the declaration of the Okavango Delta World Heritage site it was noted that some mineral concessions which were already granted fell within the buffer of the World Heritage Site. Then, the Ministry through the Department of Mines started engagements with companies that held mineral concessions within the Okavango World Heritage Site and/or its buffer zone, including Gcwihaba Resources. The engagements were aimed at getting the companies holding Mineral Concessions to agree to voluntarily relinquish portions of the license areas that fell within the Okavango World Heritage Site and/or its buffer zone."*

25. It is admitted that the OWHP was officially declared a world heritage site by UNESCO sometime in August 2014 and that by virtue of such status, the OWHP is protected from certain activities such as exploration and mining in the core zone. It is however important to note that these protections only relate to what UNESCO has demarcated as the property. By definition, 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. In particular, paragraph 107<sup>3</sup> of the Operational Guidelines 2013 (RA7) provides as follows:

*"Although buffer zones are not part of the nominated property, any modifications to or creation of buffer zones subsequent to inscription of a property 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*

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<sup>3</sup> At page 26.

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*subsequent to inscription is normally considered to be a minor boundary modification.” [Our emphasis]*

26. It is also admitted that the purpose of a buffer zone is to provide complementary legal and /or customary restrictions which provide an added layer of protection to the OWHP<sup>4</sup>. However, it must be noted that restrictions and prohibitions are not synonymous. What the Respondents seek to do is to elevate the standing of a buffer zone to one which prohibits the Applicant's activities as opposed to placing lawful restrictions/ conditions which the Applicant would have to meet in order to continue with its activities in the buffer zone. To prohibit the Applicant from carrying on with its prospecting activities within the buffer zone as of right per its Prospecting License No. 020/2018 is tantamount to placing an unlawful restriction on the buffer zone contrary to Botswana's undertakings with UNESCO as evidenced by the Operational Guidelines. This is further spelled in the Doha document attached herein and marked "RA7b".

27. It is denied that the Respondents have made efforts to engage the Applicant with the aim of having it relinquish its rights in the buffer zone amicably. Rather, the Respondents have resorted to coercive measures such as refusing to renew the Applicant's license in issue unless and until the Applicant gives up its rights in the buffer zone. These coercive mergers are effectively implemented in bad faith and the intention thereof is to purposefully inflict financial harm on the Applicant until the Applicant involuntarily gives up its rights in the buffer zone.

**AD PARAGRAPH 12.1** whereat it is noted that:

*“As a result of the engagements, at a meeting on the 14th December 2015, Gcwihaba Resources agreed to give up Mineral Concessions or portions thereof, which fell within the Okavango World Heritage Site and/or its buffer zone. The Department agreed with Gcwihaba Resources that the company will move out of the Delta and its buffer zone, and in return the company will be compensated by*

<sup>4</sup> See paragraph 104 of the Operation Guidelines 2013 at page 26.

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*being granted new areas outside the buffer zone and in addition, the remaining licenses or portions were to be granted fresh licenses with a longer, three year tenure, instead of the usual two year renewal tenure (See record of resolution carried in the Department's letter of 15 December 2015, reference no. CP337 XII (11). Gcwihaba Resources later renegeed on what was agreed and insisted that some of their Prospecting License remain within the Okavango Delta World Heritage Site Buffer Zone (See Gcwihaba Resources letter of 16 December 2015)."*

28. The contents herein are denied and the Respondents are put to strict proof thereof. The Applicant further reiterates the contents of paragraph 12 - 14 above which demonstrate that the Applicant has since made it known that it has never agreed to giving up its rights in relation to Prospecting Licenses No. 386 - 392/2008, subsequently Prospecting Licenses No. 020 - 026/2018. It therefore follows that the Applicant has never at any point renegeed on anything. If indeed there was ever such an agreement, then the Respondents would have acted pursuant to same to ensure that the Applicant relinquishes the said rights as alleged. To the extent that this did not happen, it remains clear that any such agreement is a figment of the imagination.
29. The Respondents' statement in this regard is a continuation of the false narrative which they are peddling before this Court and to UNESCO. The truth of the matter is that the Applicant requested the meeting on 10 September 2015 to discuss licenses that were delayed in being renewed. At the meeting held on 15 December 2015, the Applicant's licenses on the east and west side of the panhandle were discussed. At no time, was there any discussion of dropping the areas in the buffer zone of the PL386 - 395/2008 license, quite the contrary, the discussion with respect to PL386 - 395/2008 was renewing them in their entirety as the Applicant had established a 441 Mt inferred resource and the deposit would only get bigger and more important economically to the country and the opportunities to the citizens of Ngamiland. The Director of Mines, Mr. Tshekiso, agreed and the licenses were renewed on 07 June 2016 in their entirety effective from 01 July 2016. See RA10.

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**AD PARAGRAPH 12.2** whereat it is noted that:

*"The Department and the Ministry have continued to engage Gcwihaba Resources on giving up portions of the Mineral Concessions within the Okavango World Heritage Site and/or its buffer zone. Gcwihaba Resources has been reluctant to move their license areas outside the buffer zone as evidenced by their relinquishment of license areas or portions in a piecemeal manner, rather than addressing all the encroachment areas at once."*

30. The contents herein are denied and the sentiments stated above on encroachment are reincorporated herein by reference. It is further re-stated that the Respondents have not made any efforts to engage the Applicant on voluntarily giving up its rights in the buffer zone. All that the Respondents have done is to employ coercive tactics (taking long to renew and not renewing the Applicant's licenses) all in a bid to force the Applicant out of the buffer zone. The record is clear with respect to this, see annexures "RA3<sup>a-c</sup>" and "RA4".

**AD PARAGRAPH 12.3** whereat it is noted that:

*"As a compromise and to compensate Gcwihaba Resources for areas lost through relinquishments to move away from the Delta, the Ministry issued to Gcwihaba Resources new Prospecting Licenses nos. 020/2018 to 026/2018 in replacement of licenses nos. 386/2008 to 392/2008. The new licenses had a longer three (3) years tenure, compared to the normal two-year renewal. Despite the compromise by the Ministry, Gcwihaba Resources still insisted on some of these new licenses being in the buffer zone of the Delta, and eventually the Ministry obliged."*

31. Save to deny that the re-issuance of the 2018 licenses was not a compromise and or compensation for the Applicant moving away from the delta (see paragraph 12 above, whose contents are reincorporated herein by reference) the contents herein are noted.
32. It must also be emphasised that the arrangement was brought about by negotiations between the parties throughout 2017 and concluding at the end of 2017. The licenses that the Applicant gave up to the east of the panhandle may have been the

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most prospective area for copper deposits in all Ngamiland. The history of the negotiations is set forth in RA4 and despite the Director of DOM seeking to renege on the agreement, MME in the form of the then Minister, the Permanent Secretary and the Deputy Permanent Security reviewed the matter in August and September 2018 and the licenses were issued as agreed to by the parties effective 01 October 2018, as an initial grant of 3 years. At the time, both Moses Tshetlhane, current Acting Director, Mineral Affairs and Ofentse Ditsele, current Director DOM, were involved in the deliberations and they voiced no opposition to the licenses being granted.

**AD PARAGRAPH 13.1** whereat it is noted that:

*"On 2 July 2021, Gcwihaba Resources submitted an application for renewal of Prospecting Licenses Nos. 020/2018 to 024/2018 and proposed to relinquish all of Prospecting Licenses Nos. 025/2018 and 026/2018. (See correspondence from Gcwihaba Resources dated 30 June 2021 and submitted to the Department of Mines on 2nd July 2021). The Department of Mines advised that the areas applied for encroached into the Okavango Delta Heritage Site Buffer (See Prospecting License Application Checklist of 2 July 2021). The company revised the application coordinates and the boundaries of Prospecting Licenses Nos. 021/2018 to 024/2018 fell outside the buffer zone and consequently renewal of the licenses was granted by the Minister on 30th November 2021. The revised coordinates for Prospecting License No. 020/2018 continued to encroach into the buffer zone and the Department continued to engage with Gcwihaba Resources with a view to convince the company to realign the boundaries of the license with those of the buffer zone."*

33. It is admitted that the Applicant did submit an application for renewal to the Respondents. An attempt to file the renewal application was made on both the 30 June and 1 July by the Applicant's employee. Said employee was told on both days by a DOM employee Mr. Amar Amar, that there was no one in the office to accept the renewal application. On 2 July a DOM employee was present to accept the application. Applicant was not provided with any Prospecting License Application

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Checklist on July 2, 2021. I attach herein a copy of the employee's report to the Managing Director and mark same as "RA10a".

34. The Applicant inquired about the renewal status in mid-September and was told that the license renewals were not being processed as the person assigned to review the matter was absent for medical reasons. It was at this time that Applicant's staff started working with DOM employees Messrs. Mogomotsi Nyepetsi and Lesego Ungwang. DOM asked the Applicant if it could relinquish areas that were in the buffer and core zone and the Applicant readily agreed to drop areas in the buffer zone that did not hold a pre-established resource or were prospective for further discovery. Accordingly, the areas relinquished were viewed by the Applicant as not being prospective for discovery of any meaningful resource. With respect to PL020/2018, the Applicant reduced the area in the buffer zone to the minutest area to allow for the resource's emplacement.
35. To the best of my knowledge and belief, the 5 licenses as formalized between the Applicant and DOM inclusive of the area in the buffer zone in PL020/2018 were sent to MME for final processing in October 2021.

**AD PARAGRAPH 13.2** whereat it is noted that:

*"Noting that Gcwihaba Resources was insisting on retaining license no. 020/2018 with a portion of it within the buffer zone, eventually the Department of Mines made recommendations to the Minister to give Gcwihaba Resources a written notice as to why he is unable to renew the license. (See Department of Mines Correspondences, one dated 10 December 2021, reference no. CP 215 XIV (11) and the other dated 14 April 2022, reference CP 215 XIV (21))."*

36. The Applicant has no knowledge of the contents herein. All the Applicant knows is that following its renewal application of 30 June 2021, the Respondents only wrote back in 26 April 2022 with respect to concerns about PL020/2018 relationship to the buffer zone.

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**AD PARAGRAPH 13.3** whereat it is noted that:

*"The Minister issued a letter to Gcwihaba Resources, citing the reasons why he is unable to renew the license (See letter of 26 April 2022, reference no. CMMGE 7/3/56 III(11)). This letter is not intended to be a rejection letter, but rather its purpose is to give Gcwihaba an opportunity to remedy their application, to enable grant of renewal"*

37. The contents herein are denied and the Respondents are put to strict proof thereof. The letter dated 26 April 2022 is self-explanatory and for ease, it is reattached herein and marked "RA10b"<sup>5</sup>. In particular, it becomes clear that the Applicant's application was rejected from these following words:

*"3. In light of the above, I am not in a position to renew the Prospecting License for as long as the submitted coordinates fall within the buffer zone of a World Heritage Site."*

38. If the Applicant's application had not been rejected, then the Applicant would be in possession of its Prospecting License No. 020/2018 and would further, be capable of utilizing its license. At this point the Respondents wants to muddy up the waters for this Court by making use of semantics. It is clear that the Applicant is being denied of its rights under the Mines and Minerals Act.

**AD PARAGRAPH 13.4** whereat it is noted that:

*"Further engagements were held with Gcwihaba Resources, whereupon the company at some points indicated willingness to give up the portion of the license within the buffer zone, but they raised conditions that the Department of Mines and Ministry were not agreeable to. (See Gcwihaba Resources letters of 21 December 2021 and 19 May 2022). The Minister responded to Proposals by Gcwihaba Resources, in which he indicated willingness to renew, but disagreed with the conditions set forth by the company. (See letter of 7th June 2022, reference no. CMMGE 7/3/56 I (2)). Again this letter is not intended to be a rejection of the application: the aim*

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<sup>5</sup> Marked as CCC15 in the Founding Affidavit.

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*is for the issue of the buffer zone and the conditions to be agreed upon before the renewal can be granted."*

39. It is admitted that the Applicant has proposed that a resolution could be achieved if the parties were of the mind to seek one. The Applicant provided several proposals and has requested numerous times to meet with the Minister and MME staff but said requests have gone unanswered. The Applicant's view is that if the Respondents want it out of the buffer zone, then the Respondents ought to compensate the Applicant for the net present value of the resource in the buffer zone. With that, the Applicant has taken the liberty to engage Fraser McGill, a mining and minerals advisory firm previously contracted by the Government of Botswana to evaluate the Applicant's Xaudum Iron Formation (XIF) for Mineral Development Company of Botswana ('MDCB'). The Applicant asked Fraser to perform a Net Present Value evaluation study on the XIF resource in PL020/2018. A copy of this valuation report is annexed herein and marked "RA11".
40. It is the fact that the Applicant wants to be compensated that the Respondents have been not agreeable to the Applicant's conditions including in the ongoing settlement talks. A copy of the Applicant's recent proposed settlement is annexed hereto and marked "RA12". Over and above monetary compensation, the Respondents have also refused to compensate the Applicant for the time lost on its concurrent licenses due to the renewal issues and the MDCB investment matter.
41. It is admitted that the Respondents have rejected the Applicant's proposal however, it is denied that such are not intended to be a rejection of the application. This is because the current status quo is that the Applicant's application has been rejected and all talks between the parties are geared towards changing this status quo. Every time the parties fail to change the status quo, the Applicant's renewal application remains rejected.

**AD PARAGRAPH 13.5** whereat it is noted that:

*"The Ministry's position currently is that continuation of encroachment of Gcwihaba Resources' Prospecting License has gone on for too long and it*

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*exposes Botswana to risks of adverse publicity from International Environmental Pressure Groups, possible sanctions or boycotts as a result of possible perception that Botswana Government is flouting guidelines for protection of World Heritage Sites by continuing to license prospecting activities within the buffer zone without an approved Environmental Assessment Statement."*

42. The contents herein are denied for the reasons advanced above in particular relating to encroachment and the need for an EIA.
43. Had the Respondents been truthful with UNESCO since at least 2015, this matter would not have arisen. The Government of Botswana has admitted that it lied, misled and misrepresented the facts to UNESCO about the Applicant's licenses by submitting everything from false narratives to false license coordinates for the purpose of deceiving UNESCO and for what end? I attach and mark as "RA13" email correspondence between the Applicant's Managing Director and the Director-Museum.

AD PARAGRAPH 13.6 whereat it is noted that:

*"Further, the Ministry's position is bolstered by the fact all these years that since the declaration of the Okavango Delta as World Heritage site, while Gcwihaba Resources has insisted on keeping Prospecting Licenses within the delta's buffer zone, the company has not undertaken an Environmental Impact Assessment study for the licenses falling within the buffer as per requirement of the guidelines. This causes further concern that the company wants to retain a Prospecting License that it is not doing any prospecting work on, but rather the license is possibly only kept for speculative purposes or raising funds from investors who are not aware of the location of the license and the implications thereof."*

44. The contents herein are denied. As already stated above, the Applicant is not required to have an EIA in the prospecting stage and the Respondents are put to strict proof thereof.

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45. It is further denied that the Applicant is merely retaining Prospecting License No.020/2018 with no intention to prospect but rather for speculative and fund raising purposes. As evidence by **RA11** above, it is clear that the resource identified by the Applicant falling within the buffer zone has a value and to give up on that value, the Applicant ought to be compensated.
46. To the contrary, the Applicant has gone to great lengths to keep its stakeholders including potential investors kept abreast of the developments in this matter through the company website '<https://tsodiloresources.com/s/MMGE.asp.html>'. In addition, the Applicant has actually failed to secure funds through investors by reason of the fact that the investors are not too keen to invest in a project in which the Government of Botswana is most likely to unlawfully deprive the Applicant of its rights. Investors take a negative look at projects wherein the host government does not respect the legality and sanctity of a company's licenses.

**AD PARAGRAPH 13.7** whereat it is noted that:

*"As Gcwihaba Resources admits, from engagements with Department of I lines, the company has previous relinquished some licenses that fell within the Delta's buffer zone, and it has been adjusting the coordinates of the boundaries of Prospecting License No. 020/2018. It is the Ministry's view that the company has to do one final adjustment so that all the licenses are completely outside the Delta and its buffer zone, to ensure full compliance by Botswana with World Heritage Site requirements."*

47. It is admitted that the Applicant has relinquished some licenses that fell within the buffer zone and has reduced the area in PL020/2018 that the buffer zone encroaches upon to an area containing only the 169Mt resource. It is necessary to note that the Applicant had no issue relinquishing the other portions in the buffer zone because no resource was discovered on them, and they were not deemed to be prospective. The issue with Prospecting License No. 020/2018 is that the Applicant has spent a lot of money to prospect on same and the fruits thereof is the resource that the Applicant has discovered. **RA11** makes it abundantly clear that the discovered resource has a value, and the Applicant is only willing to move if it is compensated for foregoing the NPV of the buffer zone resource or some other agreed to accord.

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**AD PARAGRAPH 13.8** whereat it is noted that:

*"Delays in granting of renewals of Prospecting Licenses have for the most part been caused by attempts by the Ministry and the Department of Mines to engage with Gcwihaba Resources in attempts to get the company to relinquish portions of Prospecting Licenses within the delta's buffer zone, where likely the company was not doing any prospecting work. This is currently the case with renewal of Prospecting License No. 020/2018"*

48. The contents herein are denied. The delays in granting the renewals have been occasioned by the Respondents' desire to pressurise the Applicant out of the buffer zone. By reason of the Applicant's entitlement to a renewal of Prospecting License No. 020/2018, there is no reason as to why it could not be renewed while the Respondents continue to engage the Applicant with a view of it relinquishing its rights.
49. The Applicant effectively filed its renewal application on 30<sup>th</sup> June 2021, the Minister informed the Applicant of his concerns on 12 April 2022. Despite repeated requests by the Applicant to meet to resolve the conflict, all requests went unanswered. The record is clear in that delays were not the result of Applicant's actions.

**AD PARAGRAPH 13.9** whereat it is noted that:

*"It may be worth pointing out that at this point, the Minister of Minerals and Energy has not yet rejected the application for renewal of Prospecting License No. 020/2018 as per Mines and Minerals Act. Rather, the Minister's position is that he is prepared to grant the renewal as long as Gcwihaba Resources can submit coordinates of application area, falling outside the delta's buffer zone. Gcwihaba Resources still has opportunity to get the renewal granted if they could meet the condition of realignment of the boundary of the area."*

50. The contents herein are denied and the Respondents are put to strict proof thereof. As already stated, the Respondents are to exercise the public power bestowed on them to renew the Applicant's license. The Respondents are in bad faith, opting not

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to exercise this power all with the view of pushing the Applicant out of the buffer zone. This is the epitome of abuse of public power.

#### RESPONSE TO SUPPLEMENTARY AFFIDAVIT

#### **AD PARAGRAPH 14 - 16**

51. The contents herein are noted.

#### **AD PARAGRAPH 17** whereat it is noted that:

*"It is worth noting that the letter of 15th December 2015 from Department of Mines labelled "SUP1" captures what were resolutions from the meeting of 14" December 2015, between a representative of the Department of Mines, Nlr. Tebogo Segwabe and Director and Chief Operating Officer of Gcwihaba Resources, Dr. Michael C. 1. de Wit. The letter does not specify which side (East or West) of the Delta panhandle were the licenses to be relinquished, but rather it conveyed the understanding from the meeting that Gcwihaba Resources were willing to relinquish all licenses areas that fell within the buffer zone of the Okavango Delta World Heritage Site, and these were to be replaced with areas outside the buffer zone. The Department had offered, in addition to new areas outside the buffer zone, to grant the Prospecting Licenses as new (with a longer tenure of three (3) years) as opposed to renewals which will have a shorter tenure of two (2) years. From the response letter of the 16 December 2015, labelled "SUP2", clearly the author, Dr. Michael C. J. de Wit, had a change of position after having discussions with Chairman and Chief Executive Officer of Tsodilo Resources Limited, the owner of Gcwihaba Resources, on the outcome of the 14 December 2015 meeting with Department of Mines. The issue of giving up rights to only licenses on the eastern part of the panhandle was only introduced by Gcwihaba Resources through their letter of 16 December 2015. Clearly at times there were signs of misalignment between the Dr. Plichael C. 1. de Wit and Mr. James M. Bruch, when Dr. Michael C. 1. de Wit went into engagement meetings with the Department he will agree*

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to things, and later Mr. James N. Bruchs will query decisions reached in engagement meetings.”

52. It is denied that Dr. Mike de Wit had a change of position. We attach as “RA14<sup>a</sup>” handwritten notes by the said de Wit from the meeting held on 14 December 2015. We further attach an email and mark same as “RA14<sup>b</sup>” wherein the said de Wit re-writes his notes for eligibility purposes.

53. From de Wit’s notes, it becomes clear that the talking points at the meeting of 14 December 2015 were as follows:

*“1. The file was sent to the minister on Friday;*

*2. Minister on leave from today;*

*3. In the buffer zone the permits are going to be issued; and*

*4. However they are receptive to negotiate; us giving up the eastern areas in exchange- for a fresh start of the western licenses.”*

54. It becomes clear from the above that the issue of the licenses to the east of the panhandle had been discussed on 14 December 2015 and the Applicant had not undertaken to relinquish any rights in the buffer zone, hence the permits (licenses) were going to be issued as per the Directors letter of 22 December 2015.

55. The above finds support in that SUP1 specifically notes that:

*“In light of the above, we are currently waiting for the submissions from Gcwihaba Resources indicating those licenses that they wish to release and also to indicate those that they wish to be given as a substitute.”*[Our emphasis]

56. It therefore follows that there was no misalignment from the Applicant’s representatives and any perceived misalignments were on the part of the Respondent’s representatives. The Respondents are yet again knowingly submitting false narratives to the Court, and the statements are knowingly false because the Respondents have possession of the same official record as the Applicant.

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**AD PARAGRAPH 18** whereat it is noted that:

*"The letter of 16th December 2015, authored by Dr. Michael C. J. de Wit, labelled "SUP2", conveyed a change of position from what was agreed during the 14 December 2015 meeting, following discussions with Chairman and Chief Executive Officer of Tsodilo Resources Limited. The understanding from the initial meeting of 14 December 2015 was that Gcwihaba Resources were willing to relinquish all licenses areas that fell within the buffer zone, not just those on the eastern panhandle."*

57. The contents herein are denied. As already demonstrated above, there was no change of position by Mr. de Wit. Any understanding by the Respondents' representatives was misconceived. The Applicant's position on which licenses are to be given up was fully ventilated in SUP2 dated 16 December 2015. It must be noted that the Respondents failed to respond to SUP2 until sometime in either 2017 or 2018. SUP2 speaks for itself and Respondent's calculated misrepresentation of the facts that they clearly have in their possession is a continuation of Respondent's failure to accept the veracity of the documentary record itself. The dispute between the parties with respect to Prospecting License No. 020/ 2018 has never been a he said / he said dispute as the truth of the matter rests solely in the Respondents' documentary record including its filings with UNESCO.

**AD PARAGRAPH 19 - 20**

58. The contents herein are noted.

**AD PARAGRAPH 21** whereat it is noted that:

*"The Department issued the license in January 2018 with the areas reduced on the understanding at the time of submission of the application that Gcwihaba Resources were willing to move the license areas outside the buffer zone in exchange for the licenses being issued as new, with a three (3) year tenure instead*

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*of the normal two years for renewal. It is noted that when the Managing Director learnt of the arrangement, he queried the decision and demanded that the licenses be restored to their original boundaries. It may be worthy to point out that while the Gcwihaba Resources was interested in the three-year tenure, and the Ministry obliged, they enjoyed the longer tenure but at the same time they were not willing to relinquish all the areas falling within the buffer. As evidence of engagements and convergence during discussions, Gcwihaba Resources were relinquishing portions of some licenses falling within the buffer, albeit relinquishing piece meal, and not all at once."*

59. The contents herein are vehemently denied. As already noted, the understanding by the Respondents was a one-sided understanding and this is evidenced by the fact that there is no and was no agreement to back up this understanding. In any event, the letter of 16 December 2015 annexed to the record as SUP2 and the 18 August 2018 letter with- its attachments contained in annexure RA 4 (SUP7) dispel any such understanding. However, this notwithstanding, the Respondents unilaterally proceeded in January 2018 to issue the Applicant with licenses whose boundaries had been reduced.
60. For reasons aforesaid, the Applicant denies that it was relinquishing its licenses that fell within the buffer zone in a piecemeal manner. The Applicant relinquished as and when an agreement had been concluded between it and the Respondents. For those portions that have not been relinquished, such as that which is covered by Prospecting License No 020/2018, no agreement has been reached as between the parties. Frustrated by this fact, the Respondents have resorted to strong arming the Applicant into submission.

**AD PARAGRAPH 22** whereat it is noted that:

*"Noted. However, the Directors based in Botswana who were submitting applications were aware of the arrangement of trimming the licenses that overlapped with the buffer zone in exchange for a longer tenure period. Since this process began, engagements would happen between Botswana based Directors and the Department of*

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*Mines and things will be agreed only for the Managing Director to later query the decisions taken and demand restoration of original license area.: This is typified in the letters of 2015 labelled "SUP1" and "SUP2" as well as the issuance of the licences in 2018."*

61. The contents herein are vehemently denied. The record will demonstrate clearly that whenever there is an agreement with the Respondents, same is captured and recorded in some document. The Respondents have failed to produce any document that speaks to the fact that the Applicant had agreed to this supposed trimming of its Prospecting License No 020/2018. It is not honourable for the First Respondent to suggest that Botswana based Directors had made any such agreements without the evidence to support it, in any event, the First Respondent was not the Minister at the alleged time, therefore he is not privy or aware of such engagements which led to the alleged agreements. The Respondents must desist from trying to disparage and use the Applicant's directors as escape goats. In any event, in 2018, the Managing Director, was very often in Botswana and it is he who would attend meetings with DOM as well as stencil correspondence. The Applicant's Managing Director's restoration demands only came as a result of the Respondents acting *sua sponte* without any agreement with the Applicant.
62. All that SUP1 and SUP2 typify is the Respondents attitude towards the renewal of the Applicant's Prospecting License No. 020/2018.

**AD PARAGRAPH 23** whereat it is noted that:

*"The letter was intended to convey the message that it was not the intention of the Department to remove Gcwihaba Resources' licenses from the buffer zone by force."*

63. For reasons aforestated, the contents herein are denied.
64. It would be remiss of me not to state that what the Respondents are doing is tantamount to using force. They state that it is not their intention to remove the Applicant from the buffer zone by force, but as things currently stand, the Applicant

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is not in the buffer zone which means the Applicant has been illegally removed by force.

**AD PARAGRAPH 24** whereat it is noted that:

*"The letter labelled "SUP3" is proof that engagements continued beyond 2015, as the letter refers to an agreement between the Company and the Department on relinquishment of licenses. As per "SUP4", the Department obliged upon realizing that Gcwihaba Resources was going back on its earlier position of relinquishment, since the Department's intention was not to forcefully remove the licenses from the buffer zone, but rather to get to an agreement whereby Gcwihaba Resources will willingly give up areas in the buffer zone."*

65. For reasons mentioned above, the contents herein are denied.

**AD PARAGRAPH 25** whereat it is noted that:

*"The Department obliged on realizing that Gcwihaba Resources was renegeing on its earlier position, since the Department's approach was not to force things"*

66. For reasons mentioned above, the contents herein are denied.

**AD PARAGRAPH 26**

67. Noted.

**AD PARAGRAPH 27** whereat it is noted that:

*"The Department has never had intentions to forcefully remove the licences from the buffer zone, but rather to get to an agreement where Gcwihaba*

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*will willingly move its licences out of the buffer zone. Departments obliged upon realizing that Gcwihaba Resources had changed its earlier position of relinquishment."*

68. The sentiments already stated above are re-echoed hereunder in denial of the contents herein.

**AD PARAGRAPH 28** whereat it is noted that:

*"As indicated in Paragraph 10, the Department's letter of 15th December 2015 labelled "SUP1" captures what had been resolved during the meeting between a representative of the Department of Mines, Mr. Tebogo Segwabe and Director and Chief Operating Officer of Gcwihaba Resources, Dr. Michael C. 1. de Wit. The letter does not specify which side (East or West) of the Delta panhandle were the licences to be relinquished, but rather it conveyed the understanding from the meeting that Gcwihaba Resources were willing to relinquish all licences areas that fell within the buffer zone of the Okavango Delta World Heritage Site, and these were to be replaced with areas outside the buffer zone. The Department had offered, in addition to new areas outside the buffer zone, to grant the Prospecting Licences as new (with a longer tenure of three (3) years) as opposed to renewals which will have a shorter tenure of two (2) years. The letter of the 16 December 2015, by Gcwihaba Resources' Dr. Michael C. 1. de Wit, "SUP2", indicates a change of position after having discussions with Mr. James N. Bruchs, Chairman and Chief Executive Officer of Tsodilo Resources Limited, on the outcome of the 14 December 2015 meeting with Department of Mines. Further, during process of engagements, Gcwihaba Resources will relinquish portions of some licences falling within the buffer zone, but they did not relinquish all the licences. As promised during engagements, the Department has in fact granted the three year tenure and offered areas outside the buffer area, but Gcwihaba Resources along the way renege on its promises to leave the buffer zone."*

69. The sentiments already stated above are re-echoed hereunder in denial of the

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contents herein.

**AD PARAGRAPH 29** whereat it is noted that:

*“Gcwihaba Resources have agreed to voluntarily relinquish mineral concessions falling within the buffer zone of the Okavango World Heritage Property as evidenced by the recent application for renewal in 2021 in which they revised in their application, coordinates of boundaries of Prospecting Licences Nos. 021/2018 to 024/2018 to fall outside the buffer zone and consequently renewal of the licences was granted by the Minister on 30th November 2021. While Gcwihaba Resources insist that they will not relinquish its prospecting rights in the buffer zone, unfortunately they are not willing to abide by the guidelines intended for protection of a heritage site against adverse impact or potential danger on the Outstanding Universal Value of the property. Gcwihaba Resources has not undertaken any Environmental Impact Assessment measures as required in a World Heritage Site despite holding licences in the site over several years.”*

70. The contents herein are denied by reason of sentiments already noted above. It is however worth restating that the Applicant has not refused to vacate the buffer zone, its main gripe, as will be seen from all discussions with the Respondents is that the Applicant be compensated in one way or the other. The Respondents do not want to compensate the Applicant for giving up on the discovered resource as valued per the Frazer Report (RA11) and further they do not want the Applicant to continue its work with the discovered resource.

**AD PARAGRAPH 30** whereat it is noted that:

*“The Ministry of Minerals and Energy has never embarked on a mission to disseminate false information to UNESCO. The information shared with UNESCO at the time reflected that the licences had been removed from the*

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*buffer and the licences had been cropped and removed from the buffer as agreed was as per agreement"*

71. As demonstrated in the Founding Affidavit, the Respondents' reports to UNESCO are littered with mistruths. The removal of the Applicant's licenses from the buffer were because of the Respondents' erasing of the actual record. There can be no reflection as described by the Respondents as the premise is false and knowingly so. The contents herein are therefore denied. The information Respondents provided to UNESCO in February 2022 to the effect that "*Currently there are no prospecting licenses in the core zone and negotiations with companies holding prospecting licenses within the buffer zone have been concluded. In this regard, it has been agreed that the company, Gcwihaba Resources (Pty) Ltd will relinquish all the prospecting licenses within the buffer zone*" is a bold face lie and it doesn't become true by repeating it. See Okavango Delta World Heritage Site Botswana (N1432) page 5 annexed herein and marked "RA 15". There is no one other than Respondents who believe that if you repeat an untruth 100 times it will somehow then become the truth. Again, the record speaks for itself.

**AD PARAGRAPH 31** whereat it is noted that:

*"Noted. However, there are stringent Environmental Impact Assessment Measures which are required in accordance with the Environmental Assessment Act and Environmental Regulations and in line with Operational Guidelines for the Implementation of the World Heritage Convention (WHC.21/01 2021). These stringent measures are to restrict/prohibit prospecting and mining activities within the core and buffer zones of the Okavango Delta, for protection of the World heritage site against adverse impact or potential danger on the Outstanding Universal Value of the property. It may be worth noting that since engagements started in 2015 between the Department of Mines and Gcwihaba Resources regarding encroachment into the World Heritage Site buffer zone by the licenses held by the company, it has not undertaken any Environmental Impact Assessment measures as required. This is despite the fact that the*

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*company insists that it will not relinquish its prospecting rights in the buffer zone."*

72. The contents herein are denied.
73. As already mentioned, the Applicant need not do an EIA until an application for a mining license is prepared. Further, the Respondents have never asked the Applicant to do an EIA ever since 2014, this solidifies the Applicant's position that one need not be done. If the Respondents want one to be done, then they must say so because the law is otherwise clear. Again, the use of encroachment by the Respondents is misplaced.

**AD PARAGRAPH 32** whereat it is noted that:

*"The Department of Mines processes applications for mineral concessions on behalf of the Minister responsible for minerals as provided for under the Mines and Minerals Act. Upon making recommendations to the Minister for grant or rejection of an application, all the documents submitted by the applicant are forwarded to the Minister."*

74. The contents herein are noted, however, it must be added that at the end of the day, it is the Minister who bares the statutory duty of renewal and he must do so after applying his mind to the facts as is required by law. To do otherwise would be a failure on the Minister's part and it would be an abuse of power. We have no knowledge of what has been transmitted but in order to be transparent, Applicant has created a landing page containing the records in its possession.

<https://tsodiloresources.com/s/MMGE.asp.html>

**AD PARAGRAPH 33** whereat it is noted that:

*"It was an understanding between the Department of Mines and Gcwihaba Resources that Gcwihaba Resources will relinquish licence areas falling within the buffer, is exchange for longer tenure of the licence, through the licences being granted as fresh, instead of renewals. Unfortunately each time, when the Department is ready to proceed to implement that*

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arrangement, after the granting of the licences, Gcwihaba Resources has always reneged on its promises. As evidenced by the three (3) year tenure granted to Gcwihaba Resources in 2018, in line with what was agreed, the Ministry has always moved to fulfill its promises, while on the hand, Gcwihaba has often changed positions on the last minute or when the ministry has already done its part. The licences we granted outside the buffer as per the parties engagements, but later Gcwihaba Resources changed its position and demanded that the licences be restored to their initial boundaries."

75. For reasons aforesaid, the contents herein are denied.

**AD PARAGRAPH 34** whereat it is noted that:

*"The position of the Ministry is that whatever activity one undertakes in the buffer zone, will likely have an adverse impact or potential danger on the Outstanding Universal Value of the Okavango Delta World Heritage Site."*

76. The Applicant has no knowledge of what the Ministry's position is. The position is however generally denied. The Government of Botswana has allowed for construction of infrastructure in both the core and buffer zones as detailed below:

Infrastructure	Date Start	Date End	Location	Comments
Mohembo Bridge	Nov-16	Jun-22	Core zone	Opened to public in June 2022
Shakawe Hospital	April -17	Oct-19	Buffer zone	Staff houses 2015 / Hospital 2017
Shakawe Centre	2017	2019	Buffer zone	Upgrading and expansion
Shakawe Airport	2014	2015	Buffer zone	Major Airport maintenance and extension between 2014 and 2015

77. The Ministry's position is one that is taken only when dealing with the Applicant and yet there is no evidence that the Applicant's work in the buffer zone has any adverse effects.

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**AD PARAGRAPH 35** whereat it is noted that:

*"The Ministry's position on renewal of Prospecting Licence No. 020/2018 is that prospecting activities by Gcwihaba Resources will likely have an adverse impact on the Outstanding Universal Value of the World Heritage Site. Concerns about Gcwihaba Resources' prospecting activities arise from the fact that the company has held prospecting licences over the buffer zone for several years now, yet they have never undertaken any environmental impact assessment for prospecting activities and gotten it approved by the relevant authority."*

78. The contents herein are denied. As already stated, the Respondents' position is unfounded and in any event, they have never asked the Applicant for an EIA, which is not required by law for its prospecting activities.

**AD PARAGRAPH 36** whereat it is noted that:

*"The logic and reasoning of the Ministry on the matter of renewal of Prospecting Licence No. 020/2018 is that whatever activity one Gcwihaba wishes to undertake in the buffer, if any, will likely have adverse impact or potential danger on the Outstanding Universal Value of the World Heritage Site. Concerns about Gcwihaba Resources activities arise out the fact that they have held prospecting licences over the buffer zone for several years now, yet they have never undertaken any environmental impact assessment of prospecting activities."*

79. For reasons already mentioned, the contents herein are denied.

**AD PARAGRAPH 37** whereat it is noted that:

*"Indeed there were engagements between Gcwihaba Resources and the Ministry. However, in the correspondence labelled "SUP11" the proposal by*

*Gcwihaba Resources was disingenuous, in that Gcwihaba Resources wished for the Minister to grant a temporary renewal in order for Gcwihaba Resources to approach and dupe Minerals Development Company Botswana (MDCB) to invest in the Gcwihaba Resources Project, on the basis of resources in the buffer zone that most likely will not be accessibly for mining. The proposal by Gcwihaba Resources was that after receiving the investment funds or getting an investment deal, the portion of the licence in buffer area will be relinquished. The Ministry could not agree to such a scam intended to trick not just MDCB, but other investors, and stakeholders."*

80. The contents herein are vehemently denied and the Respondents' allegations are unfounded. On 02 December 2021, Minister Moagi communicated with a Tsodilo shareholder Claudius Nowack, telling him that "Hello Sir, Tsodilo has just renewed some of its licenses, notably expunging the area on the buffer zone. This effectively changes the quantities previously known and therefore needs further relook by our teams". A copy of this communication is annexed hereto and marked "RA16". One can see from the entire conversation that the subject matter concerns MDCB investment in the Applicant. The Minister's statement to Tsodilo's shareholder is not correct as it never happened. However, it does show beyond reasonable doubt that the Minister was thinking about how dropping the resource tonnage in the buffer zone would affect MDCB's decision to invested.
81. It was during a telephonic conference with the Minister on 06 December 2021, that the Applicant told the Minister that relinquishing the portion in the buffer zone might be possible in exchange for other consideration. The Applicant's rationale for making the proposal regarding the buffer zone was based on the communication the Minister had with the Applicant's mother company, Tsodilo Resources Limited four days previous. At the 06 December 2021 meeting, the Minister asked the Applicant to put in writing what had been discussed and that is the letter of 06 December 2021 attached hereto and marked "RA17".
82. On or about 26 January 2022, there was a meeting with MDCB and MME wherein MDCB was instructed to update the analysis that that they had previously completed on or about 20 April 2020. The Applicant worked with MDCB to produce this updated

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analysis which was completed in April 2022. Examples of the work are attached herein and marked "RA18".

83. Accordingly, any representation by the Respondent that Applicant was "duping" MDCB with respect to the buffer zone tonnage has to be given the same credulity as the Respondent's representations that they were telling UNESCO the truth. Given the overwhelming record to the contrary it is difficult to see how someone can attest to the truthfulness of AD PARAGRAPH 37 knowing that they were the party responsible for tasking MDCB to analyze the project with the buffer zone tonnage removed.
84. Applicant is perplexed by the comments in Respondents' answering affidavit herein attested to by the Minister. MDCB's Board and Investment Committee approved the investment in the Applicant's XIF project subject to Ministerial approval after an 18-month due diligence study in December 2020. Based on information and belief the Minister submitted the matter to the President's Cabinet in September or October of 2021. The Minister has been 100% positive about the Applicant's project and MDCB's involvement in the project in both public (BTV) and non-public communications (<https://player.vimeo.com/video/574156067> and see RA16) and it was at the Minister's behest in January 2022, that MDCB and the Applicant reviewed the project again this time with the buffer zone tonnage carved out. So, for the Minister to say that the Applicant duped MDCB is incredulous and the duped party is the Applicant. Applicant does not believe that the Minister has said or can say Applicant duped MDCB as this comment may be more attributed to Ministry staff with respect to MDCB's involvement with Applicant.
85. MME and the Botswana government has voiced an interest in getting involved in the XIF since before the OWHP was established and after see annexure RA19 herein.

**AD PARAGRAPH 38** whereat it is noted that:

*"Noted. However, the approach to have Minerals Development Company Botswana (MDCB) invest in the Gwihaba Resources Project, on the basis of resources that most likely will not be accessible for mining and to even*

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*go to the extent of relinquishing the area after getting the investment is dishonest."*

86. The contents herein are denied. As already stated, the Applicant keeps its stakeholders including potential investors such as MDCB in the know. In fact, with MDCB, an updated study was done with the participation of the Applicant excluding the tonnage of resource located in the buffer zone was done (see RA18). Following this study, based on information and belief MDCB was still willing to invest in the Applicant's XIF project, there clearly is no dishonesty.

**AD PARAGRAPH 39** whereat it is noted that:

*"Noted. However, it is the Ministry's view that investment and renewal decisions should not be tied, as they are not based on the same law."*

87. The Ministry's view is noted.

**AD PARAGRAPH 40** whereat it is noted that:

*"The disingenuous proposal is intended to benefit Gcwihaba Resources at the expense of MDCB and the Government: this is not a win-win situation for all parties."*

88. The contents herein are denied for reasons aforementioned.

**AD PARAGRAPH 41** whereat it is noted that:

*"In 2021 when applying for renewal of licences nos. 020 -024/2018, following engagement with the Department, Gcwihaba Resources relinquished rights to portions of prospecting licences Nos. 021/2018; 022/2018; 023/2018 and 024/2018, which fell within the buffer zone: only licence no. 020/2018 remains over the buffer zone."*

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89. The contents herein are admitted and as already stated, the Applicant will not move out of the buffer zone without being compensated for foregoing the resource it has discovered.

**AD PARAGRAPH 42** whereat it is noted that:

*"The Applicant has held prospecting licenses around the Okavango Delta before it was declared a world heritage site and a buffer zone designated around it. That is why the Department of Mines has been engaging with the Applicant to show them the change in status of the area they have licenses over and the implications and trying to get the Applicant to relinquish freely their portions of the licenses falling within the buffer zone intended to protect the World Heritage Site. Now, the license in question, no. 020/2018 was first granted in the year 2018."*

90. Save to highlight that Prospecting License No. 020/2018 is in essence Prospecting License No. 386/2008, the contents herein are noted against the back drop of the sentiments already shared above.

**AD RELIEFS SOUGHT 43.1 - 43.4**

91. For reasons aforesated, the contents herein are denied.

**CONCLUSION**

92. In view of the forgoing, I plead with this Honourable Court for an order in terms of the draft order filed of record.



**MOAGI NTUKUNUNU**

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THIS SWORN TO AND SIGNED BEFORE ME AT GABORONE ON  
THIS 9<sup>th</sup> DAY OF MARCH 2023 AT 19:29 <sup>LB</sup> AM/PM, THE DEPONENT HAVING  
ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS  
AFFIDAVIT AND HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH WHICH HE  
CONSIDERS BINDING ON HIS CONSCIENCE.

B.

COMMISSIONER OF OATHS

**LESEGO B. BOLOWE**  
09 MAR 2023  
COMMISSIONER OF OATHS  
ATTORNEY AT LAW

MAN  
LOB

GEWIJALAP RESOURCES (PVT) LIMITED

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Co 88/384 / VAT No C00452001111

Mailing Address  
PO Box 3726  
Gaborone, Botswana

Physical Address  
The Office Building #59  
Plot 61547 Fairgrounds Office Park  
Gaborone, Botswana

Registered Address  
Unit G3, Victoria House  
Plot 132, Independence Avenue  
Gaborone, Botswana

TEL / FAX (267) 392-7144

“RAI”

January 23, 2018

Director of the Ministry of Mines

Attention: Mr. Lesego Ungwang  
Acting Assistant Director  
Department of Mines  
The Ministry of Mineral Resources, Green Technology, and Energy Security

Dear Mr Ungwang,

Our Company received the new licences PL 20 -26/2018 earlier this week. I would however like to point out the following:

1. The agreement with you was that the Company would relinquish all licences east of the Okavango river and north of the Delta (PL 393, 394, 395/2008 and PL 093, 094, 095, 096, 097/2012), on which considerable expenses were incurred by the Company during its exploration program, in exchange for new licences replacing the existing ones on the west of the Okavango River (PL 386, 387, 388, 389, 390, 391 & 392/2008).
2. The Company prepared and submitted the applications for new licences, replacing PL 386 - 392/2008 in its entirety, as agreed
3. The following new licences were received: PL 20, 21, 22, 23, 24, 25, and 26/2018,
4. However, it is apparent that the eastern boundaries of PL 20, 21, 22, 24 & 26/2018 are not aligned with that of PL 386, 387, 388, 390 & 392 respectively and were modified by your office without notice or consultation.
5. This might be an error on your behalf or done intentionally, but either way the Company requires that this modification of the licences rectified.
6. If these boundaries were fixed and signed with purpose not to coincide with the old licences, the Company wish to point out that the Iron Ore resource that the Company has outlined will be deflated in value by a large number risking the fact that Ngamiland might never benefit from this resource.
7. If the Ministry is not prepared to change the boundary to that as was agreed, the Company will withdraw its relinquishment and revert back to the old licences, on both sides of the river for which it still has 2 years left and continue with its drilling program.

Yours sincerely,

*[Handwritten signature]*

James M. Bruchs  
Managing Director

MAUN HIGH COURT  
PRIVATE BAG 30, MAUN  
CIVIL REGISTRY  
10 MAR 2018  
DOCUMENTS RECEIVED  
TIME: ... SIGNATURE: ...

RECEIVED  
24 JAN 2018

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Telephone: (267) 369 7000  
Fax No: (267) 369 2141  
Telegraphic Address:  
Mines Gaborone



REPUBLIC OF BOTSWANA

Department of Mines  
Private Bag 0549  
Gaborone  
Botswana

All correspondence to be addressed to the Director

Ref: CP 215 XIII (8)

Date: 16 February 2018

The Managing Director  
Gcwihaba Resources (Pty) Ltd  
PO Box 3726  
Gaborone

Attention: James M. Bruchis

Dear Sir,

**RE: NEW PROSPECTING LICENCES 020-026/2018 ISSUED TO GCWIHABA RESOURCES (PTY) LTD**

1. Your letter dated 23 January 2018 and the meeting of 14 February 2018 with Gcwihaba Resources (Pty) Ltd representatives refer.
2. Please be informed that the Department of Mines is amenable to re-aligning the eastern boundaries of the prospecting licences to coincide with the original eastern boundaries of prospecting licences 386-392/2008.
3. We recognise that the current eastern boundaries have a negative effect on your Fe ore resource and Cu deposits. To that end, the Department will issue amended prospecting licences with re-aligned boundaries.
4. The Department regrets any inconvenience that may have been caused by this oversight. Please do not hesitate to contact our office for any clarifications.

Yours faithfully,

  
Lesego Ungwaga  
For/Director



Visit our Website at, <http://www.mines.gov.bw>

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“RA3” Exhibit 5

Telephone (267) 361 7120  
Fax No (267) 355 2183  
Telegraphic Address  
Mines Gaborone



REPUBLIC OF BOTSWANA

Department of Mines  
Private Bag 15474  
Gaborone  
Botswana

All correspondence to be addressed to the Director

Ref: CP 215 XIII (12)

Date: 02 August 2018

The Managing Director  
Gcwihaba Resources (Pty) Ltd  
PO Box 3726  
Gaborone

Attention: James M. Bruchs

Dear Sir,

**RE: NEW PROSPECTING LICENCES 020-026/2018 ISSUED TO GCWIHABA RESOURCES (PTY) LTD**

1. Your letter dated 12 July 2018 and our letter CP 215 XIII (8) dated 16 February 2018 on the subject matter refer.
2. In 2014, the Okavango Delta was declared a World Heritage Site by UNESCO and the Government of Botswana took a deliberate decision to prohibit any prospecting or mining activities within the core and buffer zones of the Delta. At the time Gcwihaba Resources (Pty) Ltd ("Gcwihaba") had a number of prospecting licences within the buffer zone of the Delta (see Map 1).
3. Gcwihaba agreed in principle to relinquish all the licences in the buffer zone and others that were outside the buffer zone, in the spirit of fairness and compromise. Gcwihaba proposed that the other prospecting licences that were located to the south-west of the pan-handle (see Map 2), 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.

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4. The licences were renewed as shown in the table below (see Map 3):

Original PLs		New PLs		Comments
PL Number	Size (km <sup>2</sup> )	PL Number	Size (km <sup>2</sup> )	
386/2008	570.0	020/2018	458	Cut off from the Buffer Zone
387/2008	964.9	021/2018	925	Cut off from the Buffer Zone
388/2008	317.1	022/2018	152	Cut off from the Buffer Zone
389/2008	978.6	023/2018	978	Unaffected by the Buffer Zone
390/2008	978.6	024/2018	706	Cut off from the Buffer Zone and A35 road
391/2008	454.5	025/2018	455	Unaffected by the Buffer Zone.
392/2008	828.1	026/2018	732	Cut off from the Buffer Zone and A35 road

- On the basis of the above, the only prospecting licences that were to be corrected are 024/2018 and 026/2018 that have been cut off from the Sehitwa – Shakawe road (A35). This correction was to involve moving the eastern boundaries of prospecting licences 024/2018 and 026/2018 from A35 road to the edge of the Buffer Zone (see Map 4).
- Please note that our letter of 16 February 2018 was with regards to the above mentioned two (2) prospecting licences only. It is obvious from your contention that this was erroneously construed to be in reference to all the prospecting licences.
- We reiterate that the eastern boundaries of prospecting licences 020-026/2018 cannot be extended into the buffer zone of the Okavango Delta. If Gcwihaba accedes to the correction as alluded to in bullet 5 above, the Department will amend prospecting licences 024/2018 and 026/2018 as proposed.
- Please do not hesitate to contact our office if there is any clarification sought.

Yours faithfully,

  
Sellinah A. Megojwa  
Director of Mines

Visit our Website at <http://www.mines.gov.bw>

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"RA4"

## GCWIHABA RESOURCES (PTY) LIMITED

Co 88/384 / VAT No C00452001111

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Gaborone, Botswana

**Physical Address**  
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Gaborone, Botswana

**Registered Address**  
Unit G3, Victoria House  
Plot 132, Independence Avenue  
Gaborone, Botswana

TEL / FAX (267) 392-7144

August 13, 2018

Director of the Ministry of Mines

**Attention:** Sellinah A. Mogojwa, Director

Department of Mines (DOM)

The Ministry of Mineral Resources, Green Technology, and Energy Security (MRGE)

### RE: Gcwihaba Resources (Pty) Ltd Prospecting Licenses

Dear Madame Director,

Thank you for your correspondence of August 2, 2018. I have read it over several times, shared it with my colleagues and with counsel and from our standpoint it is neither supported by the documented facts or represents an accurate portrayal of the agreement reached with DOM with respect to our prospecting licenses in Ngamiland. Your letter asks us to accept the credulity of a narrative that is neither accurate or factually supported.

I will address the points you set forth individually and incorporate my letters of October 25, 2017, January 24, 2018 and July 12, 2018 and DOM's letters of February 16, 2018 and August 2, 2018. Your statements as they are set forth in your letter are italicized and Gcwihaba Resources (Pty) Limited's (Gcwihaba) response follows each point.

#### **DOM**

*2. In 2014, the Okavango Delta was declared a World Heritage Site by UNESCO and the Government of Botswana took a deliberate decision to prohibit any prospecting or mining activities within the core and buffer zones of the Delta. At the time Gcwihaba Resources (Pty) Ltd ("Gcwihaba") had a number of prospecting licenses within the buffer zone of the Delta (see Map 1).*

#### **Gcwihaba response:**

##### **Facts:**

- 1) At no time did DOM or MRGE inform Gcwihaba of any such prohibition to prospecting or mining in the areas where we held licenses. If in 2014 a decision to prohibit any prospecting or mining activities was indeed consummated there must be a record of such a public decision and we hereby request a copy of any such

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documentation. We would also request any such record evidencing this prohibition being delivered to us.

- 2) As a stakeholder, we were never consulted or advised with respect to the UNESCO process although I have recently been told by our lawyers that there are references in the UNSECO filings by the government of Botswana that all stakeholders were consulted with. This statement by the government is not accurate with respect to Gcwihaba as no such consultations with Gcwihaba were ever held.
- 3) Starting in 2013 and prior to the OKV designation as a World Heritage site, Minister Onkokame Kitso Mokaila and Permanent Secretary Boikobo Paya informed us on numerous occasions in 2013, 2014, 2015 and 2016 that **"the Botswana government would not allow the placement of any arbitrary boundaries against the development of its natural resources for the benefit of its people"**. In fact, Ministry staff several times commented about the problems that would occur if an Orapa was found in the core zone! More to the point, we were informed by Minister Mokaila that he in fact held high level talks at the end of 2015 with his counterpart, Minister TS Khama at the Ministry of Environment, Natural Resources and Conservation and Minister Mokaila stood firm in his resolve that the buffer zone was not off limits to prospecting or development
- 4) The facts set forth in point 3 are further supported by the fact that on July 1, 2016, two (2) years after the World Heritage designation, the Minister renewed PLs 386, 387, 388, 390 and 392 all of which had parts of them in the buffer zone and PLs 393, 394 and 395 which were entirely in the buffer zone were also renewed. These licenses were all processed by DOM while you were the Director at DOM.
- 5) In 2014, 2015, 2016, 2017, the DOM issued confirmation letters confirming that the licenses in question were in good order. Nowhere in the confirmation letters are there qualifying remarks that impair the licenses which DOM would have to have been stated if in fact what you say is correct.
- 6) I read your letter as an admission that the Ministry intentionally granted licenses knowing full well that they would never allow resource development in a portion or all the area and yet they did not inform the license holder who was spending money on these projects or offer any reparations for this condemnation or impairment. You are effectively saying that there was a constructive taking of the license without notice or compensation.
- 7) Accordingly, only one of the following can be true:
  - a) there was a ban on PLs being awarded in the buffer zone after 2014 in which case we are owed some +25M USD representing the expenditure on these licenses plus the value of the iron deposit because you contend we should not have been awarded these licenses in the first place; or
  - b) Minister Mokaila and PS Paya were correct in their statements and the renewal licenses in 2016 were indeed correct.
  - c) a & b cannot both be correct.

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**DOM**

3. Gcwihaba agreed in principle to relinquish all of the licenses in the buffer zone and others that were outside the buffer zone. In the spirit of fairness and compromise, Gcwihaba proposed the other prospecting licenses that were located to the south-west of the pan-handle (see Map 2), 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.

**Gcwihaba response:**

The supposition of your statement is not supported by the facts so it is hard for me to comment on such inaccuracies.

**Facts**

- 1) After several years of countless meetings with DOM and resulting no actions on several PL's that were languishing in their renewals only to discover that one if not more of these metals licenses were given to a Chinese company, Triprop Holdings, while it was still licensed to Gcwihaba, I then took a conciliatory approach with DOM to get everything resolved as no one including our investors, the public market and ourselves could understand why licenses were not being renewed despite being told repeatedly by DOM over years that "don't worry next week they will be done".
- 2) Gcwihaba proposed a solution and that is set forth in my letter of October 25, 2017 and January 24, 2018. The only difference between the October 2017 discussion letter given to DOM and the January 24, 2018 letter is that we capitulated and gave up our rights to PL's 393, 394 and 395 during discussions with DOM in November and December of 2017. We gave up our rights and claims to 14 licenses in their entirety and kept 7 as they currently were. At no time did we ever say that we would give up any areas in PL's 386 - 392 (7 licenses) nor were we ever asked to as part of our agreement with DOM. My offer was accepted by DOM in early December 2017 and we proceeded to relinquish all licenses effective December 29, 2018 in consideration for PL's 386 - 392 being issued to us with an effective date of January 1, 2018.
- 3) The agreement between Gcwihaba and DOM is set forth in the attached letters and there is no need to repeat what has already been said except to say that Dr de Wit, Milton Keeletsang, Lesego Ungwang (DOM Employee), Mr. Mathule (DOM Employee), and myself will testify under oath to the circumstances and facts surrounding the 21 PL's held by Gcwihaba and the agreement with DOM concerning those licenses and that testimony is not consistent with the facts as you have set forth. As you were not present at the meetings I can only surmise that you have been provided with misinformation as I am confident that the individuals named above and myself will testify truthfully and that testimony is not consistent with what you have set forth.

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**DOM**

4. The licenses were renewed as shown in the table below (see Map 3):  
(table and map excluded - JMB)

**Gcwihaba response:**

**Facts**

- 1) The licenses were not renewed as agreed by the parties as set forth in my letter of January 24, 2018 and DOM's reply letter of February 16, 2018. Point 2 of DOM's February 16, 2018 letter states as follows:  
**"Please be informed that the Department of Mines is amenable to re-aligning the eastern boundaries of the prospecting licences to coincide with the original eastern boundaries of prospecting licences 386-392/2008." (emphasis added)**
- 2) DOM's letter of February 16, 2018 is in response to my correspondence of January 24, 2018 in which I asked DOM to align the 7 licenses to our original licenses as per our agreement. DOM's letter in response apologized for the error and said they would move the 7 licenses to their original co-ordinates. Further to my letter, a meeting was held on February 14, 2018 between Dr Michiel CJ de Wit, Milton Keeletsang and Lesego Ungwang (DOM Employee) and Mr. Mathule (DOM Employee) with respect to the license boundaries.
- 3) To date some 6 months after DOM's letter of February 16, 2018 the boundaries have not been re-aligned.

**DOM**

4. The licences were renewed as shown in the table below (see Map 3):

Original PLs		New PLs		Comments
PL Number	Size (km <sup>2</sup> )	PL Number	Size (km <sup>2</sup> )	
386/2008	570.0	020/2018	458	Cut off from the Buffer Zone
387/2008	964.9	021/2018	925	Cut off from the Buffer Zone
388/2008	317.1	022/2018	152	Cut off from the Buffer Zone
389/2008	978.6	023/2018	978	Unaffected by the Buffer Zone
390/2008	978.6	024/2018	706	Cut off from the Buffer Zone and A35
391/2008	454.5	025/2018	455	Unaffected by the Buffer Zone.
392/2008	828.1	026/2018	732	Cut off from the Buffer Zone and A35
	5091.8		4406	685.8 km <sup>2</sup> reduction by DOM (JMB)

5. On the basis of the above, the only prospecting licenses that were to be corrected are 024/2018 and 026/2018 that have been cut off from the Sehitwa – Shakawe road (A35). This correction was to involve moving the eastern boundaries of prospecting license 024/2018 and 026/2018 from A35 road to the edge of the Buffer Zone (see Map 4).

6. Please note that our letter of 16 February 2018 was with regards to the above

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mentioned two (2) prospecting licences only. It is obvious from your contention that this was erroneously construed to be in reference to all the prospecting licences.

**Gcwihaba response:**

With respect to Point 4, 5 & 6, I again have a difficult time to formulate a coherent response because the facts are not correct.

- 1) DOM's letter of February 16, 2017 refers to 7 licenses, PL386-392 and any assertions that it is referring to 2 licenses are ludicrous and not consistent with either the documented facts nor testimony that will be forthcoming from Gcwihaba employees or DOM employees.
- 2) In Point 5 you state that PL24 & 26 (are) being changed to accommodate our auspicious deposit of magnetite and you accommodate this by changing PLs 24 & 26.
- 3) None of this makes any sense because the magnetite iron deposit is located in old PL386 397 or new PL20 & 21. There was never any discussion about magnetite being in PL24 or PL26 as there is only possible cobalt, copper and gold deposits in these licenses.
- 4) Compounding this problem is that nothing in your points 4, 5 or 6 deal with the issue that DOM said it would fix the eastern boundaries as set forth in DOM's letter of February 16, 2018 which states exactly as follows:

*2. Please be informed that the Department of Mines is amenable to re-aligning the eastern boundaries of the prospecting licences to coincide with the original eastern boundaries of prospecting licences 386-392/2008.*

*3. We recognise that the current eastern boundaries have a negative effect on your Fe ore resource and Cu deposits. To that end, the Department will issue amended prospecting licences with re-aligned boundaries.*

- 5) Simply put, the facts as you state them have no support, they are just unsupported statements of convenience.
- 6) The *sua sponte* changing of the license area has effectively reduced our license area by 659 square kilometres a material amount.

**DOM**

7. *We reiterate that the eastern boundaries of prospecting licenses 020-026/2018 cannot be extended into the buffer zone of the Okavango Delta. If Gcwihaba accedes to the correction as alluded to in bullet 5 above, the Department will amend the prospecting licenses 024/2016 and 026/2018 as proposed.*

**Gcwihaba response:**

Your proposal is not acceptable nor is it consistent with the agreement made with DOM. At the end of the 2017 Financial Year and the First Quarter 2018, I notified the market place, our stakeholders, our shareholders and the regulators that we had after negotiations with DOM relinquished twenty-one license (21) in consideration of our 7 core licenses being renewed in their entirety. This disclosure was with the approval of our auditors Ernst & Young LLP and their approval of the disclosure language was based entirely on DOM's letter of February 16,

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2018 in response to my letter of January 24, 2018, in which DOM confirmed that the licenses would be reconfigured to the correct co-ordinates.

Our Second Quarter Financials are due to be released no later than the 24<sup>th</sup> of August and we need to have this matter resolved prior to that date as I am required to give the specifics of the dispute with DOM over these licenses if the matter is in fact not resolved as previously disclosed.

If we do not resolve this matter then I suggest that the best way forward is to submit this matter to binding arbitration with respect to the issue of damages as I do not believe there is any question as to the facts surrounding this matter as you on behalf of the Botswana government are confiscating at least part of a resource that has a current in situ value of some \$14 billion USD with respect to the Block 1 resource and \$159 to \$223 billion USD if extrapolated to the entire exploration target. We would be agreeable to submit this matter to the International Chamber of Commerce (ICC) to determine damages as First Quantum Minerals did with the Democratic Republic of Congo (DRC) and others when the DRC impaired / confiscated their licenses. First Quantum Minerals were subsequently awarded \$1.25B USD.

We are not asking for anything more than what was agreed to and that which we already had. DOM's breach of the agreement entered into was not only deceitful to Gcwihaba but the effective confiscation of our licenses is not consistent to representations made to UNESCO and I don't believe UNESCO would have approved the designation when they did if they knew that the representations about consultations with stakeholders were not accurate.

Yours sincerely,

James M. Bruchs  
Managing Director

Cc: Permanent Secretary, Cornelius K. Dekop  
Mike de Wit / Blackie Marole / Milton Keeletsang

- Attachments:
- 1) October 25, 2017 letter from James M. Bruchs to Lesego Ungwang
  - 2) January 24, 2018 letter from James M. Bruchs to Lesego Ungwang
  - 3) February 16, 2018 letter from Lesego Ungwang to James M. Bruchs
  - 4) July 12, 2018 letter from James M. Bruchs to Lesego Ungwang
  - 5) August 2, 2018 letters from Director Sellinah A. Mogojwa to James M. Bruchs

BM  
MN

MN  
LBB



"RAS"

49

**From:** James M. Bruchs <jbruchs@tsodiloresources.com>  
**Sent:** Sunday, September 16, 2018 10:55 PM  
**To:** 'nmmolawa@gov.bw' <nmmolawa@gov.bw>  
**Subject:** Tsodilo Resources Limited

Dear Deputy Secretary Mmolawa,

I wanted to thank you for taking the time to see me on Wednesday last week and I appreciated your advice with respect to setting up future meetings and your advice to seek assistance from the Ministry before resolvable issues become problems.

We have been a good and productive corporate citizens in Botswana since 1988 spending tens of millions of USD prospecting for economic minerals resources that would benefit the citizens of Botswana as well as our shareholders.

I believe the issues are self-explanatory and the documents which I have filed set forth the facts of the matter in a chronological fashion. Our objective is to get this matter behind us so we can go forward with our exploration efforts without any issues concerning licensing.

I am available to answer any questions which you or others may have.

Respectfully submitted,

James

James M. Bruchs  
Chairman & CEO  
Tsodilo Resources Limited ([www.TsodiloResources.com](http://www.TsodiloResources.com))  
Canada Trust Tower – BCE Place  
161 Bay Street, Box 508  
Toronto, Ontario M5J 2S1 – Canada  
Telephone: +1 416 572 2033  
Facsimile: +1 416 987 4369

WIN  
LBB

"RA6" 

**After the meeting at the Ministry re: the PL020-026 licenses**

On Thu, Sep 13, 2018 at 1:56 PM James M. Bruchs <[jbruchs@tsodiloresources.com](mailto:jbruchs@tsodiloresources.com)> wrote:

I think you should tell Lesego what the DPS said "There is no prohibition to PLs in the buffer zone"

---

**From:** Milton Keeletsang <[mkeeletsang@gmail.com](mailto:mkeeletsang@gmail.com)>  
**Sent:** Thursday, September 13, 2018 8:29 AM  
**To:** James Bruchs <[JBruchs@tsodiloresources.com](mailto:JBruchs@tsodiloresources.com)>  
**Subject:** Re: Deputy PS contacts

Hi James,

I will do so.

I will keep you updated.

Kind regards,

Milton

---

**From:** James M. Bruchs <[jbruchs@tsodiloresources.com](mailto:jbruchs@tsodiloresources.com)>  
**Sent:** Sunday, September 16, 2018 7:13 AM  
**To:** Milton Keeletsang <[mkeeletsang@gmail.com](mailto:mkeeletsang@gmail.com)>; [milton.keeleletsang@tsodiloresources.com](mailto:milton.keeleletsang@tsodiloresources.com)  
**Subject:** feedback

Milton,  
Any feedback from Moses?  
James

---

**From:** Milton Keeletsang <[mkeeletsang@gmail.com](mailto:mkeeletsang@gmail.com)>  
**Sent:** Sunday, September 16, 2018 7:17 AM  
**To:** James Bruchs <[JBruchs@tsodiloresources.com](mailto:JBruchs@tsodiloresources.com)>  
**Subject:** Re: feedback

He said I should call him tomorrow after they met with DPS and may be with Director of Mines. I will keep you updated.

Kind regards

Milton

---

WN  
LBB

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Tuesday, September 18, 2018 12:52 PM  
To: James M. Bruchs <jbruchs@tsodiloresources.com>  
Subject: Re: permanent secretary

51

OK. We will work on it.

Please note that progress is being slowed by the fatal accident that happened at Orapa mine. I will however pay Moses a visit at his office by Thursday. He is not comfortable discussing on the phone.

How is progress on your side?

Kind regards,

Milton

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Thursday, September 20, 2018 9:16 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Metal Pls - strictly confidential

Hi James,

I met with my friend M as a follow up to my discussion with him last week, and he told me that the DPS has insisted that DOM has to follow the the MMA. If it is not in the act then it does not apply. I then passed by DOM to check my friend Nyeps and he confirmed it. Therefore, you are likely to get your corrections soon. It looks like DOM has been instructed to correct the PLs and you will receive a letter soon. This is still confidential please.

Hope you are winning on my side too. The consultant is in Jo'burg and I have to meet him over the weekend.

Kind regards.

Milton

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Thursday, September 20, 2018 9:24 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: Metal Pls - strictly confidential

Thanks Milton

I am doing my best and expect to have more info on Monday. I am currently in Rabat so it is hard for me to push from here but I am on it .

James

---

WKN  
LBB

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Saturday, September 22, 2018 1:38 PM  
To: James Bruchs <JBruchs@tsodiloresources.com>; Blackie Marole <blackiemarole@gmail.com>  
Subject: Lesego

52

Hi James,

Lesego will be going for a disciplinary hearing on the 27 September regarding appointment of Jefcotte as manager last time. It seems the director is prepared to break relationships with her team. The reversal of the metals Pls issue have also added petrol to the flame. I understand she was trying saying things during the meeting with the DPS.

I wish Lesego the best.

Have a great weekend

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Saturday, September 22, 2018 1:44 PM  
To: Milton Keeletsang <mkeeletsang@gmail.com>; Blackie Marole <blackiemarole@gmail.com>  
Subject: RE: Lesego

Hi Lesego,  
What does this mean. I understand she was trying saying things during the meeting with the DPS.  
James

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Monday, September 24, 2018 4:29 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: Reminder

She was telling the DPS that you and Mike are not working with them properly and you seem to undermine her. She also referred to the bk16 project. She says you are not following the right procedure and as a regulator you left them in the dark.

Regarding metal pls and buffer zones she says mike was briefed many times and now he claims that he does not have know anything.

The self regulation aspect raised.

Regards

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Monday, September 24, 2018 4:32 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: Reminder

M/N  
LBB

53

She's full of s&%t  
And all of the documents please relay that to them

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Monday, September 24, 2018 4:33 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: Reminder

If her story is even remotely true why did she renew the license in the buffer zone in 2016

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Monday, September 24, 2018 5:04 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: Reminder

The DOS is my home boy. So he knows the whole truth.

He told her to give you the pls

Regards

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Friday, September 28, 2018 5:49 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>; milton.keeletsang@tsodiloresources.com  
Subject: any news on the licenses

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Friday, September 28, 2018 11:44 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: any news on the licenses

I spoke to Nyepetse and he said the letter is at director's office for signature. He promised that you will receive it next week.

I will remind him after independence.

Regards

Milton

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Saturday, September 29, 2018 12:42 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: any news on the licenses

WN  
LBB

5A

Thanks in Frankfurt now waiting for my flight to DC

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Saturday, September 29, 2018 1:29 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: any news on the licenses

Do you know if they are putting Jan 1st date or making it all effective October 1/

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Saturday, September 29, 2018 3:40 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: any news on the licenses

I think it's 1st October but will confirm Tuesday because I have to press for it.

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Saturday, September 29, 2018 3:44 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: any news on the licenses

Ok thanks

That would be good and please make sure they copy the old licenses EXACTLY

Thanks

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Saturday, September 29, 2018 5:29 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: any news on the licenses

I will do that.

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Thursday, October 4, 2018 11:32 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Cc: milton.keeletsang@tsodiloresources.com  
Subject: Re: FW: 217

I met Nyepetse and he said I will get the letter Monday. Him and Lesego are meeting tomorrow to incorporate the director's comments (I dont know what are the comments). So, you will get the assurance letter while the PIs are sent to the minister for signature.

I emphasized that the coordinates have to look the same as the original PIs. They have to ensure they check the coordinates before sending to the minister as gis officers can make mistakes.

WN  
LBB

55

So far so good.

Regards

---

From: James M. Bruchs <JBruchs@TsodiloResources.com>  
 Sent: Thursday, October 4, 2018 12:09 PM  
 To: Milton Keeletsang <mkeeletsang@gmail.com>  
 Cc: milton.keeletsang@tsodiloresources.com  
 Subject: RE: FW: 217

Ok thanks

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
 Sent: Friday, October 5, 2018 10:33 AM  
 To: James Bruchs <JBruchs@tsodiloresources.com>  
 Subject: Re: PL217

I am working with Nyepes on the PLs and therefore rest assured that they will be fine this time. Monday letter will say it all.

Regards

Milton

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
 Sent: Friday, October 5, 2018 10:49 AM  
 To: Milton Keeletsang <mkeeletsang@gmail.com>  
 Subject: RE: PL217

Why a letter – we just need the licenses  
 What is the letter to say

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
 Sent: Friday, October 5, 2018 11:00 AM  
 To: James Bruchs <JBruchs@tsodiloresources.com>  
 Subject: Re: PL217

Yes, I understand. Getting the licenses corrected and signed by the minister will obviously take a few days. It also depends on the ministers availability especially now they are running around to bring Chinese investors. However, with Nyepes, we will come up with the anticipated results.

The letter is basically to say, we the Department have decided to correct your Pls as per your discussion with the ministry. Its a bidding document while other steps are being processed.

For now let me handle the issues this side. You will get the Pls.

Regards.

Milton

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
 Sent: Friday, October 5, 2018 11:02 AM

WN  
LBB

To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: PL217

56

Ok thanks

They should all be effective Oct. 1 ?

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Friday, October 5, 2018 11:17 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: PL217

This what we agreed with Nyepes. They wanted to keep the dates and change the coordinates only but I managed to convince him yesterday to make them effective 1 October.

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Tuesday, October 9, 2018 8:31 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Metal Pls

Hi James.

Apology to interrupt your sleep.

Mines is almost complete with correcting of the Pls. Infact, they might be done by the time I reach their office.

They could not give me the letter as I discussed with you.

I therefore pleaded with Mr Nyepetse so that we give you a call and touch base or update you as well as agreeing on all the corrections made. In the morning i gave them the old pls as well as the ones to be corrected. They might get to the minister's office today, but I want all to be okay.

I know you are tired, but please, let's just get this done ones and for all. You can give me a number where I can you in 10 minutes time as I will be in Nyeletse office.

I spoke to the DOS yesterday and he referred me to DOM.

Kind regards,

Milton

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Tuesday, October 9, 2018 8:44 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Pls

Can I call Mike? I am by Nyepetse office.

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>

WIN  
LBB



57

Sent: Tuesday, October 9, 2018 8:52 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: Pls

Yes

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Tuesday, October 9, 2018 8:57 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Subject: RE: Metal Pls

OK I believe it is going OK  
Not a problem  
What is the effective date ?

If you need me

+1 604 979 8888

Room #807

---

From: Milton Keeletsang <mkeeletsang@gmail.com>  
Sent: Tuesday, October 9, 2018 10:13 AM  
To: James Bruchs <JBruchs@tsodiloresources.com>  
Subject: Re: Metal Pls

James,

All is on track. We managed to have a conference call with Mike. It has been agreed to correct the Coordinates and the effective date is 1st October 2018.

The Pls have left DOM for the minister's signature.

Lets hope all goes well

Regards,

Milton

---

From: James M. Bruchs <jbruchs@tsodiloresources.com>  
Sent: Tuesday, October 9, 2018 10:21 AM  
To: Milton Keeletsang <mkeeletsang@gmail.com>  
Cc: mdewit@tsodiloresources.com  
Subject: RE: Metal Pls

Sounds great

**CLOSING**

**Licenses were actually signed October 22 to be effective Oct 1.**

WLN  
LBB

11 RA 711 (58)

WHC.13/01  
July 2013

# Operational Guidelines for the Implementation of the World Heritage Convention

UNITED NATIONS EDUCATIONAL, SCIENTIFIC  
AND CULTURAL ORGANISATION

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



WORLD HERITAGE CENTRE

WIN  
LBB

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The *Operational Guidelines* are periodically revised to reflect the decisions of the World Heritage Committee. Please verify that you are using the latest version of the *Operational Guidelines* by checking the date of the *Operational Guidelines* on the UNESCO World Heritage Centre Web address indicated below.

The *Operational Guidelines* (in English and French), the text of the *World Heritage Convention* (in five languages), and other documents and information concerning World Heritage are available from the World Heritage Centre:

UNESCO World Heritage Centre

7, place de Fontenoy

75352 Paris 07 SP

France

Tel : +33 (0)1 4568 1876

Fax : +33 (0)1 4568 5570

E-mail : [wh-info@unesco.org](mailto:wh-info@unesco.org)

Links : <http://whc.unesco.org/>

<http://whc.unesco.org/en/guidelines> (*English*)

<http://whc.unesco.org/fr/orientations> (*French*)



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## ACRONYMS AND ABBREVIATIONS

DoCoMoMo	International Committee for the Documentation and Conservation of Monuments and Sites of the Modern Movement
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOMOS	International Council on Monuments and Sites
IFLA	International Federation of Landscape Architects
IUCN	International Union for Conservation of Nature and Natural Resources
IUGS	International Union of Geological Sciences
MAB	Man and the Biosphere programme of UNESCO
NGO	Non-governmental organization
TICCIH	International Committee for the Conservation of the Industrial Heritage
UNEP	United Nations Environment Programme
UNEP-WCMC	World Conservation Monitoring Centre (UNEP)
UNESCO	United Nations Educational, Scientific and Cultural Organization

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WIN  
LBB

**I. INTRODUCTION**

**I.A The Operational Guidelines**

1. The *Operational Guidelines for the Implementation of the World Heritage Convention* (hereinafter referred to as the *Operational Guidelines*) aim to facilitate the implementation of the *Convention concerning the Protection of the World Cultural and Natural Heritage* (hereinafter referred to as "the *World Heritage Convention*" or "the *Convention*"), by setting forth the procedure for:

- a) the inscription of properties on the World Heritage List and the List of World Heritage in Danger;
- b) the protection and conservation of World Heritage properties;
- c) the granting of International Assistance under the World Heritage Fund; and
- d) the mobilization of national and international support in favor of the *Convention*.

2. The *Operational Guidelines* are periodically revised to reflect the decisions of the World Heritage Committee.

The historical development of the *Operational Guidelines* is available at the following Web address:  
<http://whc.unesco.org/en/guidelinshistorical>

3. The key users of the *Operational Guidelines* are:

- a) the States Parties to the *World Heritage Convention*;
- b) the Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, hereinafter referred to as "the World Heritage Committee" or "the Committee";
- c) the UNESCO World Heritage Centre as Secretariat to the World Heritage Committee, hereinafter referred to as "the Secretariat";
- d) the Advisory Bodies to the World Heritage Committee ;
- e) site managers, stakeholders and partners in the protection of World Heritage properties.

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**I.B The World Heritage Convention**

4. The cultural and natural heritage is among the priceless and irreplaceable assets, not only of each nation, but of humanity as a whole. The loss, through deterioration or disappearance, of any of these most prized assets constitutes an impoverishment of the heritage of all the peoples of the world. Parts of that heritage, because of their exceptional qualities, can be considered to be of "Outstanding Universal Value" and as such worthy of special protection against the dangers which increasingly threaten them.
5. To ensure, as far as possible, the proper identification, protection, conservation and presentation of the world's heritage, the Member States of UNESCO adopted the *World Heritage Convention* in 1972. The *Convention* foresees the establishment of a "World Heritage Committee" and a "World Heritage Fund". Both the Committee and the Fund have been in operation since 1976.
6. Since the adoption of the *Convention* in 1972, the international community has embraced the concept of "sustainable development". The protection and conservation of the natural and cultural heritage are a significant contribution to sustainable development.
7. The *Convention* aims at the identification, protection, conservation, presentation and transmission to future generations of cultural and natural heritage of Outstanding Universal Value.
8. The criteria and conditions for the inscription of properties on the World Heritage List have been developed to evaluate the Outstanding Universal Value of properties and to guide States Parties in the protection and management of World Heritage properties.
9. When a property inscribed on the World Heritage List is threatened by serious and specific dangers, the Committee considers placing it on the List of World Heritage in Danger. When the Outstanding Universal Value of the property which justified its inscription on the World Heritage List is destroyed, the Committee considers deleting the property from the World Heritage List.

**I.C The States Parties to the *World Heritage Convention***

10. States are encouraged to become party to the *Convention*. Model instruments for ratification/acceptance and accession are included as Annex 1. The original signed version should be sent to the Director-General of UNESCO.
11. The list of States Parties to the *Convention* is available at the following Web address:  
<http://whc.unesco.org/en/statesparties>
12. States Parties to the *Convention* are encouraged to ensure the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, non-governmental organizations (NGOs) and other interested parties and partners in the identification, nomination and protection of World Heritage properties.
13. States Parties to the *Convention* should provide the Secretariat with the names and addresses of the governmental organization(s) primarily responsible as national focal point(s) for the implementation of the *Convention*, so that copies of all official correspondence and documents can be sent by the Secretariat to these national focal points as appropriate. A list of these addresses is available at the following Web address:  
<http://whc.unesco.org/en/statespartiesfocalpoints>  
States Parties are encouraged to publicize this information nationally and ensure that it is up to date.
14. States Parties are encouraged to bring together their cultural and natural heritage experts at regular intervals to discuss the implementation of the *Convention*. States Parties may wish to involve representatives of the Advisory Bodies and other experts as appropriate.
15. While fully respecting the sovereignty of the States on whose territory the cultural and natural heritage is situated, States Parties to the *Convention* recognize the collective interest of the international community to cooperate in the protection of this heritage. States Parties to the *World Heritage Convention*, have the responsibility to:
  - a) ensure the identification, nomination, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage found within their territory, and give help in these tasks to other States Parties that request it;  
Article 4 and 6(2) of the *World Heritage Convention*.
  - b) adopt general policies to give the heritage a function in the life of the community;  
Article 5 of the *World Heritage Convention*.

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- c) integrate heritage protection into comprehensive planning programmes;
- d) establish services for the protection, conservation and presentation of the heritage;
- e) develop scientific and technical studies to identify actions that would counteract the dangers that threaten the heritage;
- f) take appropriate legal, scientific, technical, administrative and financial measures to protect the heritage;
- g) foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the heritage and encourage scientific research in these fields;
- h) not take any deliberate measures that directly or indirectly damage their heritage or that of another State Party to the *Convention*; Article 6(3) of the *World Heritage Convention*.
- i) submit to the World Heritage Committee an inventory of properties suitable for inscription on the World Heritage List (referred to as a Tentative List); Article 11(1) of the *World Heritage Convention*.
- j) make regular contributions to the World Heritage Fund, the amount of which is determined by the General Assembly of States Parties to the *Convention*; Article 16(1) of the *World Heritage Convention*.
- k) consider and encourage the establishment of national, public and private foundations or associations to facilitate donations for the protection of World Heritage; Article 17 of the *World Heritage Convention*.
- l) give assistance to international fund-raising campaigns organized for the World Heritage Fund; Article 18 of the *World Heritage Convention*.
- m) use educational and information programmes to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the *Convention*, and to keep the public informed of the dangers threatening this heritage; Article 27 of the *World Heritage Convention*.
- (n) provide information to the World Heritage Committee on the implementation of the *World Heritage Convention* and state of conservation of properties; and Article 29 of the *World Heritage Convention*. Resolution adopted by the 11th General Assembly of States Parties (1997)

16. States Parties are encouraged to attend sessions of the World Heritage Committee and its subsidiary bodies. *Rule 8.1 of the Rules of Procedure of the World Heritage Committee.*
- I.D The General Assembly of States Parties to the World Heritage Convention**
17. The General Assembly of States Parties to the *World Heritage Convention* meets during the sessions of the General Conference of UNESCO. The General Assembly manages its meetings according to its *Rules of Procedure*, available at the following Web address: <http://whc.unesco.org/en/garules> *Article 8(1), of the World Heritage Convention, Rule 49 of the Rules of Procedure of the World Heritage Committee.*
18. The General Assembly determines the uniform percentage of contributions to the World Heritage Fund applicable to all States Parties and elects members to the World Heritage Committee. Both the General Assembly and General Conference of UNESCO receive a report from the World Heritage Committee on its activities. *Articles 8(1), 16(1) and 29 of the World Heritage Convention and Rule 49 of the Rules of Procedure of the World Heritage Committee.*
- I.E The World Heritage Committee**
19. The World Heritage Committee is composed of 21 members and meets at least once a year (June/July). It establishes its Bureau, which meets during the sessions of the Committee as frequently as deemed necessary. The composition of the Committee and its Bureau is available at the following Web address: <http://whc.unesco.org/en/committeemembers> *The World Heritage Committee can be contacted through its Secretariat, the World Heritage Centre.*
20. The Committee manages its meetings according to its *Rules of Procedure*, available at the following Web address: <http://whc.unesco.org/committeerules>
21. The term of office of Committee members is six years but, in order to ensure equitable representation and rotation, States Parties are invited by the General Assembly to consider voluntarily reducing their term of office from six to four years and are discouraged from seeking consecutive terms of office. *Article 9(1) of the World Heritage Convention.*  
*Article 8(2) of the World Heritage Convention and the Resolutions of the 7th (1989), 12th (1999) and 13th (2001) General Assembly of States Parties to the World Heritage Convention.*
22. A certain number of seats may be reserved for States Parties who do not have a property on the World Heritage List, upon decision of the Committee at the session that precedes the General Assembly. *Rule 14.1 of the Rules of Procedure of the General Assembly of States Parties.*



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23. Committee decisions are based on objective and scientific considerations, and any appraisal made on its behalf must be thoroughly and responsibly carried out. The Committee recognizes that such decisions depend upon:
- a) carefully prepared documentation;
  - b) thorough and consistent procedures;
  - c) evaluation by qualified experts; and
  - d) if necessary, the use of expert referees.
24. The main functions of the Committee are, in co-operation with States Parties, to:
- a) identify, on the basis of Tentative Lists and nominations submitted by States Parties, cultural and natural properties of Outstanding Universal Value which are to be protected under the *Convention* and to inscribe those properties on the World Heritage List; *Article 11(2) of the World Heritage Convention.*
  - b) examine the state of conservation of properties inscribed on the World Heritage List through processes of Reactive Monitoring (see Chapter IV) and Periodic Reporting (see Chapter V); *Articles 11(7) and 29 of the World Heritage Convention.*
  - c) decide which properties inscribed on the World Heritage List are to be inscribed on, or removed from the List of World Heritage in Danger; *Article 11(4) and 11(5) of the World Heritage Convention.*
  - d) decide whether a property should be deleted from the World Heritage List (see Chapter IV);
  - e) define the procedure by which requests for International Assistance are to be considered and carry out studies and consultations as necessary before coming to a decision (see Chapter VII); *Article 21(1) and 21(3) of the World Heritage Convention.*
  - f) determine how the resources of the World Heritage Fund can be used most advantageously to assist States Parties in the protection of their properties of Outstanding Universal Value; *Article 13(6) of the World Heritage Convention.*
  - g) seek ways to increase the World Heritage Fund;
  - h) submit a report on its activities every two years to the General Assembly of States Parties and to the UNESCO General Conference; *Article 29(3) of the World Heritage Convention and Rule 49 of the Rules of procedure of the World Heritage Committee.*

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- i) review and evaluate periodically the implementation of the *Convention*;
- j) revise and adopt the *Operational Guidelines*.

25. In order to facilitate the implementation of the *Convention*, the Committee develops Strategic Objectives; they are periodically reviewed and revised to define the goals and objectives of the Committee to ensure that new threats placed on World Heritage are addressed effectively.

The first 'Strategic Orientations' adopted by the Committee in 1992 are contained in Annex II of document WHC-92/CONF.002/12

26. The current Strategic Objectives (also referred to as "the 5 Cs") are the following:

In 2002 the World Heritage Committee revised its Strategic Objectives. The *Budapest Declaration on World Heritage* (2002) is available at the following Web address: <http://whc.unesco.org/en/budapestdeclaration>

1. Strengthen the **Credibility** of the World Heritage List;
2. Ensure the effective **Conservation** of World Heritage Properties;
3. Promote the development of effective **Capacity-building** in States Parties;
4. Increase public awareness, involvement and support for World Heritage through **Communication**.
5. Enhance the role of **Communities** in the implementation of the *World Heritage Convention*.

Decision 31 COM 13B

**I.F The Secretariat to the World Heritage Committee (World Heritage Centre)**

UNESCO World Heritage Centre  
7, place de Fontenoy  
75352 Paris 07 SP  
France  
Tel: +33 (0) 1 4568 1571  
Fax: +33 (0) 1 4568 5570  
E-mail: [wh-info@unesco.org](mailto:wh-info@unesco.org)  
www: <http://whc.unesco.org/>

27. The World Heritage Committee is assisted by a Secretariat appointed by the Director-General of UNESCO. The function of the Secretariat is currently assumed by the World Heritage Centre, established in 1992 specifically for this purpose. The Director-General designated the Director of the World Heritage Centre as Secretary to the Committee. The Secretariat assists and collaborates with the States Parties and the Advisory Bodies. The Secretariat works in close co-operation with other sectors and field offices of UNESCO.

Article 14 of the *World Heritage Convention*.

Rule 43 of *Rules of Procedure of the World Heritage Committee*.

Circular Letter 16 of 21 October 2003  
<http://whc.unesco.org/circs/circ03-16e.pdf>

28. The Secretariat's main tasks are:

- a) the organization of the meetings of the General Assembly and the Committee;

Article 14.2 of the *World Heritage Convention*.

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- b) the implementation of decisions of the World Heritage Committee and resolutions of the General Assembly and reporting to them on their execution; Article 14.2 of the *World Heritage Convention* and the *Budapest Declaration on World Heritage* (2002)
- c) the receipt, registration, checking the completeness, archiving and transmission to the relevant Advisory Bodies of nominations to the World Heritage List;
- d) the co-ordination of studies and activities as part of the Global Strategy for a Representative, Balanced and Credible World Heritage List;
- e) the organization of Periodic Reporting and co-ordination of Reactive Monitoring;
- f) the co-ordination of International Assistance;
- g) the mobilisation of extra-budgetary resources for the conservation and management of World Heritage properties;
- h) the assistance to States Parties in the implementation of the Committee's programmes and projects; and
- i) the promotion of World Heritage and the *Convention* through the dissemination of information to States Parties, the Advisory Bodies and the general public.

29. These activities follow the decisions and Strategic Objectives of the Committee and the resolutions of the General Assembly of the States Parties and are conducted in close co-operation with the Advisory Bodies.

#### **I.G Advisory Bodies to the World Heritage Committee**

30. The Advisory Bodies to the World Heritage Committee are ICCROM (the International Centre for the Study of the Preservation and Restoration of Cultural Property), ICOMOS (the International Council on Monuments and Sites), and IUCN - the International Union for Conservation of Nature. Article 8.3 of the *World Heritage Convention*

31. The roles of the Advisory Bodies are to:

- a) advise on the implementation of the *World Heritage Convention* in the field of their expertise; Article 13.7 of the *World Heritage Convention*.
- b) assist the Secretariat, in the preparation of the Committee's documentation, the agenda of its meetings and the implementation of the Committee's decisions;

- c) assist with the development and implementation of the Global Strategy for a Representative, Balanced and Credible World Heritage List, the Global Training Strategy, Periodic Reporting, and the strengthening of the effective use of the World Heritage Fund;
- d) monitor the state of conservation of World Heritage properties and review requests for International Assistance;
- e) in the case of ICOMOS and IUCN evaluate properties nominated for inscription on the World Heritage List and present evaluation reports to the Committee; and
- f) attend meetings of the World Heritage Committee and the Bureau in an advisory capacity.

Article 14.2 of the *World Heritage Convention*.

Article 8.3 of the *World Heritage Convention*.

ICCROM

32. ICCROM (the International Centre for the Study of the Preservation and Restoration of Cultural Property) is an international intergovernmental organization with headquarters in Rome, Italy. Established by UNESCO in 1956, ICCROM's statutory functions are to carry out research, documentation, technical assistance, training and public awareness programmes to strengthen conservation of immovable and moveable cultural heritage.

**ICCROM**

Via di S. Michele, 13  
I-00153 Rome, Italy  
Tel : +39 06 585531  
Fax: +39 06 5855 3349  
Email: [iccrom@iccrom.org](mailto:iccrom@iccrom.org)  
<http://www.iccrom.org/>

33. The specific role of ICCROM in relation to the *Convention* includes: being the priority partner in training for cultural heritage, monitoring the state of conservation of World Heritage cultural properties, reviewing requests for International Assistance submitted by States Parties, and providing input and support for capacity-building activities.

ICOMOS

34. ICOMOS (the International Council on Monuments and Sites) is a non-governmental organization with headquarters in Paris, France. Founded in 1965, its role is to promote the application of theory, methodology and scientific techniques to the conservation of the architectural and archaeological heritage. Its work is based on the principles of the 1964 International Charter on the Conservation and Restoration of Monuments and Sites (the Venice Charter).

**ICOMOS**

49-51, rue de la Fédération  
75015 Paris, France  
Tel : +33 (0)1 45 67 67 70  
Fax : +33 (0)1 45 66 06 22  
E-mail: [secretariat@icomos.org](mailto:secretariat@icomos.org)  
<http://www.icomos.org/>

35. The specific role of ICOMOS in relation to the *Convention* includes: evaluation of properties nominated for inscription on the World Heritage List, monitoring the state of

conservation of World Heritage cultural properties, reviewing requests for International Assistance submitted by States Parties, and providing input and support for capacity-building activities.

IUCN

- 36. IUCN – The International Union for Conservation of Nature was founded in 1948 and brings together national governments, NGOs, and scientists in a worldwide partnership. Its mission is to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. IUCN has its headquarters in Gland, Switzerland.

**IUCN - The International Union for Conservation of Nature**

rue Mauverney 28  
CH-1196 Gland, Switzerland  
Tel: + 41 22 999 0001  
Fax: +41 22 999 00 10  
E-Mail: mail@hq.iucn.org  
http://www.iucn.org

- 37. The specific role of IUCN in relation to the *Convention* includes: evaluation of properties nominated for inscription on the World Heritage List, monitoring the state of conservation of World Heritage natural properties, reviewing requests for International Assistance submitted by States Parties, and providing input and support for capacity-building activities.

**I.H Other organizations**

- 38. The Committee may call on other international and non-governmental organizations with appropriate competence and expertise to assist in the implementation of the programmes and projects.

**I.I Partners in the protection of World Heritage**

- 39. A partnership approach to nomination, management and monitoring provides a significant contribution to the protection of World Heritage properties and the implementation of the *Convention*.

- 40. Partners in the protection and conservation of World Heritage can be those individuals and other stakeholders, especially local communities, governmental, non-governmental and private organizations and owners who have an interest and involvement in the conservation and management of a World Heritage property.

**I.J Other Conventions, Recommendations and Programmes**

- 41. The World Heritage Committee recognizes the benefits of closer co-ordination of its work with other UNESCO programmes and their relevant Conventions. For a list of relevant global conservation instruments, Conventions and programmes see paragraph 44.

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42. The World Heritage Committee with the support of the Secretariat will ensure appropriate co-ordination and information-sharing between the *World Heritage Convention* and other Conventions, programmes and international organizations related to the conservation of cultural and natural heritage.
43. The Committee may invite representatives of the intergovernmental bodies under related Conventions to attend its meetings as observers. It may appoint a representative to observe meetings of the other intergovernmental bodies upon receipt of an invitation.
44. **Selected global Conventions and programmes relating to the protection of cultural and natural heritage**

#### **UNESCO Conventions and Programmes**

*Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)*

*Protocol I (1954)*

*Protocol II (1999)*

[http://www.unesco.org/culture/laws/hague/html\\_eng/page1.shtml](http://www.unesco.org/culture/laws/hague/html_eng/page1.shtml)

*Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)*

[http://www.unesco.org/culture/laws/1970/html\\_eng/page1.shtml](http://www.unesco.org/culture/laws/1970/html_eng/page1.shtml)

*Convention concerning the Protection of the World Cultural and Natural Heritage (1972)*

[http://www.unesco.org/whc/world\\_he.htm](http://www.unesco.org/whc/world_he.htm)

*Convention on the Protection of the Underwater Cultural Heritage (2001)*

[http://www.unesco.org/culture/laws/underwater/html\\_eng/convention.shtml](http://www.unesco.org/culture/laws/underwater/html_eng/convention.shtml)

*Convention for the Safeguarding of the Intangible Cultural Heritage (2003)*

<http://unesdoc.unesco.org/images/0013/001325/132540e.pdf>

*Man and the Biosphere (MAB) Programme*

<http://www.unesco.org/mab/>

#### **Other Conventions**

*Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar) (1971)*

[http://www.ramsar.org/key\\_conv\\_e.htm](http://www.ramsar.org/key_conv_e.htm)

*Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973)*

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<http://www.cites.org/eng/disc/text.shtml>

*Convention on the Conservation of Migratory Species of  
Wild Animals (CMS) (1979)*

[http://www.unep-wcmc.org/cms/cms\\_conv.htm](http://www.unep-wcmc.org/cms/cms_conv.htm)

*United Nations Convention on the Law of the Sea (UNCLOS)  
(1982)*

[http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/closindx.htm](http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm)

*Convention on Biological Diversity (1992)*

<http://www.biodiv.org/convention/articles.asp>

*UNIDROIT Convention on Stolen or Illegally Exported  
Cultural Objects (Rome, 1995)*

<http://www.unidroit.org/english/conventions/culturalproperty/c-cult.htm>

*United Nations Framework Convention on Climate Change  
(New York, 1992)*

[http://unfccc.int/essential\\_background/convention/background/items/1350.php](http://unfccc.int/essential_background/convention/background/items/1350.php)

## II. THE WORLD HERITAGE LIST

### II.A Definition of World Heritage

#### Cultural and Natural Heritage

45. Cultural and natural heritage are defined in Articles 1 and 2 of the *World Heritage Convention*.

#### Article 1

*For the purposes of this Convention, the following shall be considered as "cultural heritage";*

- *monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of Outstanding Universal Value from the point of view of history, art or science;*
- *groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of Outstanding Universal Value from the point of view of history, art or science;*
- *sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of Outstanding Universal Value from the historical, aesthetic, ethnological or anthropological points of view.*

#### Article 2

*For the purposes of this Convention, the following shall be considered as "natural heritage":*

- *natural features consisting of physical and biological formations or groups of such formations, which are of Outstanding Universal Value from the aesthetic or scientific point of view;*  
*geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of Outstanding Universal Value from the point of view of science or conservation;*
- *natural sites or precisely delineated natural areas of Outstanding Universal Value from the point of view of science, conservation or natural beauty.*

#### Mixed Cultural and Natural Heritage

46. Properties shall be considered as "mixed cultural and natural heritage" if they satisfy a part or the whole of the definitions



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of both cultural and natural heritage laid out in Articles 1 and 2 of the *Convention*.

#### Cultural landscapes

47. Cultural landscapes are cultural properties and represent the "combined works of nature and of man" designated in Article 1 of the *Convention*. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal. Annex 3

#### Movable Heritage

48. Nominations of immovable heritage which are likely to become movable will not be considered.

#### Outstanding Universal Value

49. Outstanding Universal Value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. The Committee defines the criteria for the inscription of properties on the World Heritage List.
50. States Parties are invited to submit nominations of properties of cultural and/or natural value considered to be of "Outstanding Universal Value" for inscription on the World Heritage List.
51. At the time of inscription of a property on the World Heritage List, the Committee adopts a Statement of Outstanding Universal Value (see paragraph 154) which will be the key reference for the future effective protection and management of the property.
52. The *Convention* is not intended to ensure the protection of all properties of great interest, importance or value, but only for a select list of the most outstanding of these from an international viewpoint. It is not to be assumed that a property of national and/or regional importance will automatically be inscribed on the World Heritage List.
53. Nominations presented to the Committee shall demonstrate the full commitment of the State Party to preserve the heritage concerned, within its means. Such commitment shall take the

form of appropriate policy, legal, scientific, technical, administrative and financial measures adopted and proposed to protect the property and its Outstanding Universal Value.

**II.B A Representative, Balanced and Credible World Heritage List**

- 54. The Committee seeks to establish a representative, balanced and credible World Heritage List in conformity with the four Strategic Objectives adopted by the Committee at its 26th session (Budapest, 2002).

*Budapest Declaration on World Heritage (2002) at <http://whc.unesco.org/en/budapestdeclaration>*

The Global Strategy for a Representative, Balanced and Credible World Heritage List

- 55. The Global Strategy for a Representative, Balanced and Credible World Heritage List is designed to identify and fill the major gaps in the World Heritage List. It does this by encouraging more countries to become States Parties to the *Convention* and to develop Tentative Lists as defined in paragraph 62 and nominations of properties for inscription on the World Heritage List (see <http://whc.unesco.org/en/globalstrategy>)

The report of the Expert Meeting on the "Global Strategy" and thematic studies for a representative World Heritage List (20-22 June 1994) was adopted by the World Heritage Committee at its 18th session (Phuket, 1994).

The Global Strategy was initially developed with reference to cultural heritage. At the request of the World Heritage Committee, the Global Strategy was subsequently expanded to also include reference to natural heritage and combined cultural and natural heritage.

- 56. States Parties and the Advisory Bodies are encouraged to participate in the implementation of the Global Strategy in co-operation with the Secretariat and other partners. Regional and thematic Global Strategy meetings and comparative and thematic studies are organized for this purpose. The results of these meetings and studies are available to assist States Parties in preparing Tentative Lists and nominations. The reports of the expert meetings and studies presented to the World Heritage Committee are available at the following Web address: <http://whc.unesco.org/en/globalstrategy>.
- 57. All efforts should be made to maintain a reasonable balance between cultural and natural heritage on the World Heritage List.
- 58. No formal limit is imposed on the total number of properties to be inscribed on the World Heritage List.

Other measures

59. To promote the establishment of a representative, balanced and credible World Heritage List, States Parties are requested to consider whether their heritage is already well represented on the List and if so to slow down their rate of submission of further nominations by:
- a) spacing voluntarily their nominations according to conditions that they will define, and/or;
  - b) proposing only properties falling into categories still under-represented, and/or;
  - c) linking each of their nominations with a nomination presented by a State Party whose heritage is under-represented; or
  - d) deciding, on a voluntary basis, to suspend the presentation of new nominations.
60. States Parties whose heritage of Outstanding Universal Value is under-represented on the World Heritage List are requested to:
- a) give priority to the preparation of their Tentative Lists and nominations;
  - b) initiate and consolidate partnerships at the regional level based on the exchange of technical expertise;
  - c) encourage bilateral and multilateral co-operation so as to increase their expertise and the technical capacities of institutions in charge of the protection, safeguarding and management of their heritage; and,
  - d) participate, as much as possible, in the sessions of the World Heritage Committee.
61. The Committee has decided to apply the following mechanism:
- a) examine up to two complete nominations per State Party, provided that at least one of such nominations concerns a natural property or a cultural landscape and,
  - b) set at 45 the annual limit on the number of nominations it will review, inclusive of nominations deferred and referred by previous sessions of the

Resolution adopted by the 12th General Assembly of States Parties (1999).

Resolution adopted by the 12th General Assembly of States Parties (1999).

Decisions 24 COM VI.2.3.3, 28 COM 13.1 and 7 EXT.COM 4B.1 29 COM 18A 31 COM 10 35 COM 8B.61

Committee, extensions (except minor modifications of limits of the property), transboundary and serial nominations,

- c) the following order of priorities will be applied in case the overall annual limit of 45 nominations is exceeded:
- i) nominations of properties submitted by States Parties with no properties inscribed on the List;
  - ii) nominations of properties submitted by States Parties having up to 3 properties inscribed on the List,
  - iii) nominations of properties that have been previously excluded due to the annual limit of 45 nominations and the application of these priorities,
  - iv) nominations of properties for natural heritage,
  - v) nominations of properties for mixed heritage,
  - vi) nominations of transboundary/transnational properties,
  - vii) nominations from States Parties in Africa, the Pacific and the Caribbean,
  - viii) nominations of properties submitted by States Parties having ratified the *World Heritage Convention* during the last ten years,
  - ix) nominations of properties submitted by States Parties that have not submitted nominations for ten years or more,
  - x) when applying this priority system, date of receipt of full and complete nominations by the World Heritage Centre shall be used as a secondary factor to determine the priority between those nominations that would not be designated by the previous points.
- d) the States Parties co-authors of a transboundary or transnational serial nomination can choose, amongst themselves and with a common understanding, the State Party which will be bearing this nomination; and

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this nomination can be registered exclusively within the ceiling of the bearing State Party.

The impact of this decision will be evaluated at the Committee's 39th session (2015). This paragraph takes effect on 2 February 2012, in order to ensure a smooth transition period for all States Parties

## **II.C Tentative Lists**

### Procedure and Format

62. A Tentative List is an inventory of those properties situated on its territory which each State Party considers suitable for inscription on the World Heritage List. States Parties should therefore include, in their Tentative Lists, the names of those properties which they consider to be cultural and/or natural heritage of Outstanding Universal Value and which they intend to nominate during the following years. Articles 1, 2 and 11(1) of the *World Heritage Convention*.
63. Nominations to the World Heritage List are not considered unless the nominated property has already been included on the State Party's Tentative List. Decision 24COM para.VI.2.3.2
64. States Parties are encouraged to prepare their Tentative Lists with the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, NGOs and other interested parties and partners.
65. States Parties shall submit Tentative Lists to the Secretariat, at least one year prior to the submission of any nomination. States Parties are encouraged to re-examine and re-submit their Tentative List at least every ten years.
66. States Parties are requested to submit their Tentative Lists in English or French using the standard format in Annex 2, containing the name of the properties, their geographical location, a brief description of the properties, and justification of their Outstanding Universal Value.
67. The original duly signed version of the completed Tentative List shall be submitted by the State Party, to:

**UNESCO World Heritage Centre**  
7, place de Fontenoy  
75352 Paris 07 SP  
France  
Tel: +33 (0) 1 4568 1136  
E-mail: [wh-tentativelists@unesco.org](mailto:wh-tentativelists@unesco.org)

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68. Upon reception of the Tentative Lists from the States Parties, the World Heritage Centre checks for compliance of the documentation with Annex 2. If the documentation is not considered in compliance with Annex 2, the World Heritage Centre refers it back to the State Party. When all information has been provided, the Tentative List is registered by the Secretariat and transmitted to the relevant Advisory Bodies for information. A summary of all Tentative Lists is presented annually to the Committee. The Secretariat, in consultation with the States Parties concerned, updates its records, in particular by removing from the Tentative Lists the inscribed properties and nominated properties which were not inscribed. Decision 7 EXT.COM 4A
69. The Tentative Lists of States Parties are available at the following Web address: <http://whc.unesco.org/en/tentativelists> Decision 27 COM 8A
- Tentative Lists as a planning and evaluation tool
70. Tentative Lists are a useful and important planning tool for States Parties, the World Heritage Committee, the Secretariat, and the Advisory Bodies, as they provide an indication of future nominations.
71. States Parties are encouraged to consult the analyses of both the World Heritage List and Tentative Lists prepared at the request of the Committee by ICOMOS and IUCN to identify the gaps in the World Heritage List. These analyses could enable States Parties to compare themes, regions, geo-cultural groupings and bio-geographic provinces for prospective World Heritage properties. Decision 24 COM para. VI.2.3.2(ii)  
Documents WHC-04/28.COM/13.B I and II  
<http://whc.unesco.org/archive/2004/whc04-28com-13b1e.pdf>  
and  
<http://whc.unesco.org/archive/2004/whc04-28com-13b2e.pdf>
72. In addition, States Parties are encouraged to consult the specific thematic studies carried out by the Advisory Bodies (see paragraph 147). These studies are informed by a review of the Tentative Lists submitted by States Parties and by reports of meetings on the harmonization of Tentative Lists, as well as by other technical studies performed by the Advisory Bodies and qualified organizations and individuals. A list of those studies already completed is available at the following Web address: <http://whc.unesco.org/en/globalstrategy> Thematic studies are different than the comparative analysis to be prepared by States Parties when nominating properties for inscription in the World Heritage List (see paragraph 132).
73. States Parties are encouraged to harmonize their Tentative Lists at regional and thematic levels. Harmonization of Tentative Lists is the process whereby States Parties, with the assistance of the Advisory Bodies, collectively assess their respective Tentative List to review gaps and identify common themes. The outcome of harmonization can result in improved Tentative Lists, new nominations from States Parties and co-operation

amongst groups of States Parties in the preparation of nominations.

Assistance and Capacity-Building for States Parties in the preparation of Tentative Lists

- 74. To implement the Global Strategy, cooperative efforts in capacity-building and training may be necessary to assist States Parties to acquire and/or consolidate their expertise in the preparation, updating and harmonisation of their Tentative List and the preparation of nominations.
- 75. International Assistance may be requested by States Parties for the purpose of preparing, updating and harmonizing Tentative Lists (see Chapter VII).
- 76. The Advisory Bodies and the Secretariat will use the opportunity of evaluation missions to hold regional training workshops to assist under-represented States in the methods of preparation of their Tentative List and nominations.

Decision 24COM VI.2.3.5(ii)

**II.D Criteria for the assessment of Outstanding Universal Value**

These criteria were formerly presented as two separate sets of criteria - criteria (i) - (vi) for cultural heritage and (i) - (iv) for natural heritage. The 6th extraordinary session of the World Heritage Committee decided to merge the ten criteria (Decision 6 EXT.COM 5.1)

- 77. The Committee considers a property as having Outstanding Universal Value (see paragraphs 49-53) if the property meets one or more of the following criteria. Nominated properties shall therefore :
  - (i) represent a masterpiece of human creative genius;
  - (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
  - (iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
  - (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
  - (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it

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has become vulnerable under the impact of irreversible change;

- (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria) ;
- (vii) contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;
- (viii) be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;
- (ix) be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;
- (x) contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of Outstanding Universal Value from the point of view of science or conservation.

78. To be deemed of Outstanding Universal Value, a property must also meet the conditions of integrity and/or authenticity and must have an adequate protection and management system to ensure its safeguarding.

## **II.E Integrity and/or authenticity**

### Authenticity

79. Properties nominated under criteria (i) to (vi) must meet the conditions of authenticity. Annex 4 which includes the Nara Document on Authenticity, provides a practical basis for examining the authenticity of such properties and is summarized below.
80. The ability to understand the value attributed to the heritage depends on the degree to which information sources about this value may be understood as credible or truthful. Knowledge and understanding of these sources of information, in relation to original and subsequent characteristics of the cultural heritage, and their meaning, are the requisite bases for assessing all aspects of authenticity.



81. Judgments about value attributed to cultural heritage, as well as the credibility of related information sources, may differ from culture to culture, and even within the same culture. The respect due to all cultures requires that cultural heritage must be considered and judged primarily within the cultural contexts to which it belongs.
82. Depending on the type of cultural heritage, and its cultural context, properties may be understood to meet the conditions of authenticity if their cultural values (as recognized in the nomination criteria proposed) are truthfully and credibly expressed through a variety of attributes including:
- form and design;
  - materials and substance;
  - use and function;
  - traditions, techniques and management systems;
  - location and setting;
  - language, and other forms of intangible heritage;
  - spirit and feeling; and
  - other internal and external factors.
83. Attributes such as spirit and feeling do not lend themselves easily to practical applications of the conditions of authenticity, but nevertheless are important indicators of character and sense of place, for example, in communities maintaining tradition and cultural continuity.
84. The use of all these sources permits elaboration of the specific artistic, historic, social, and scientific dimensions of the cultural heritage being examined. "Information sources" are defined as all physical, written, oral, and figurative sources, which make it possible to know the nature, specificities, meaning, and history of the cultural heritage.
85. When the conditions of authenticity are considered in preparing a nomination for a property, the State Party should first identify all of the applicable significant attributes of authenticity. The statement of authenticity should assess the degree to which authenticity is present in, or expressed by, each of these significant attributes.
86. In relation to authenticity, the reconstruction of archaeological remains or historic buildings or districts is justifiable only in exceptional circumstances. Reconstruction is acceptable only on the basis of complete and detailed documentation and to no extent on conjecture.

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Integrity

87. All properties nominated for inscription on the World Heritage List shall satisfy the conditions of integrity. Decision 20 COM IX.13
88. Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes. Examining the conditions of integrity, therefore requires assessing the extent to which the property:
- a) includes all elements necessary to express its Outstanding Universal Value;
  - b) is of adequate size to ensure the complete representation of the features and processes which convey the property's significance;
  - c) suffers from adverse effects of development and/or neglect.

This should be presented in a statement of integrity.

89. For properties nominated under criteria (i) to (vi), the physical fabric of the property and/or its significant features should be in good condition, and the impact of deterioration processes controlled. A significant proportion of the elements necessary to convey the totality of the value conveyed by the property should be included. Relationships and dynamic functions present in cultural landscapes, historic towns or other living properties essential to their distinctive character should also be maintained. Examples of the application of the conditions of integrity to properties nominated under criteria (i) - (vi) are under development.
90. For all properties nominated under criteria (vii) - (x), bio-physical processes and landform features should be relatively intact. However, it is recognized that no area is totally pristine and that all natural areas are in a dynamic state, and to some extent involve contact with people. Human activities, including those of traditional societies and local communities, often occur in natural areas. These activities may be consistent with the Outstanding Universal Value of the area where they are ecologically sustainable.
91. In addition, for properties nominated under criteria (vii) to (x), a corresponding condition of integrity has been defined for each criterion.

92. Properties proposed under criterion (vii) should be of Outstanding Universal Value and include areas that are essential for maintaining the beauty of the property. For example, a property whose scenic value depends on a waterfall, would meet the conditions of integrity if it includes adjacent catchment and downstream areas that are integrally linked to the maintenance of the aesthetic qualities of the property.
93. Properties proposed under criterion (viii) should contain all or most of the key interrelated and interdependent elements in their natural relationships. For example, an "ice age" area would meet the conditions of integrity if it includes the snow field, the glacier itself and samples of cutting patterns, deposition and colonization (e.g. striations, moraines, pioneer stages of plant succession, etc.); in the case of volcanoes, the magmatic series should be complete and all or most of the varieties of effusive rocks and types of eruptions be represented.
94. Properties proposed under criterion (ix) should have sufficient size and contain the necessary elements to demonstrate the key aspects of processes that are essential for the long term conservation of the ecosystems and the biological diversity they contain. For example, an area of tropical rain forest would meet the conditions of integrity if it includes a certain amount of variation in elevation above sea level, changes in topography and soil types, patch systems and naturally regenerating patches; similarly a coral reef should include, for example, seagrass, mangrove or other adjacent ecosystems that regulate nutrient and sediment inputs into the reef.
95. Properties proposed under criterion (x) should be the most important properties for the conservation of biological diversity. Only those properties which are the most biologically diverse and/or representative are likely to meet this criterion. The properties should contain habitats for maintaining the most diverse fauna and flora characteristic of the bio-geographic province and ecosystems under consideration. For example, a tropical savannah would meet the conditions of integrity if it includes a complete assemblage of co-evolved herbivores and plants; an island ecosystem should include habitats for maintaining endemic biota; a property containing wide ranging species should be large enough to include the most critical habitats essential to ensure the survival of viable populations of those species; for an area containing migratory species, seasonal breeding and

nesting sites, and migratory routes, wherever they are located, should be adequately protected.

## II.F Protection and management

96. Protection and management of World Heritage properties should ensure that their Outstanding Universal Value, including the conditions of integrity and/or authenticity at the time of inscription, are sustained or enhanced over time. A regular review of the general state of conservation of properties, and thus also their Outstanding Universal Value, shall be done within a framework of monitoring processes for World Heritage properties, as specified within the *Operational Guidelines*<sup>1</sup>.
97. All properties inscribed on the World Heritage List must have adequate long-term legislative, regulatory, institutional and/or traditional protection and management to ensure their safeguarding. This protection should include adequately delineated boundaries. Similarly States Parties should demonstrate adequate protection at the national, regional, municipal, and/or traditional level for the nominated property. They should append appropriate texts to the nomination with a clear explanation of the way this protection operates to protect the property.

### Legislative, regulatory and contractual measures for protection

98. Legislative and regulatory measures at national and local levels should assure the survival of the property and its protection against development and change that might negatively impact the Outstanding Universal Value, or the integrity and/or authenticity of the property. States Parties should also assure the full and effective implementation of such measures.

### 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 ensure the full expression of the Outstanding Universal Value and the integrity and/or authenticity of the property.
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

<sup>1</sup> The processes of monitoring specified in the *Operational Guidelines* are Reactive Monitoring (see paragraphs 169-176) and Periodic Reporting (see paragraphs 199-210).

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Value of the property, 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 heritage values from direct effect of human encroachments and impacts of resource use outside of the nominated area.
102. The boundaries of the nominated property may coincide with one or more existing or proposed protected areas, such as national parks or nature reserves, biosphere reserves or protected historic districts. While such established areas for protection may contain several management zones, only some of those zones may satisfy criteria for inscription.

#### Buffer zones

103. Wherever necessary for the proper protection of the property, an adequate buffer zone should be provided.
104. For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property 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 and its buffer zone, should be provided in the nomination.
105. A clear explanation of how the buffer zone protects the property 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, any modifications to or creation of buffer zones subsequent to inscription of a property 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

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to inscription is normally considered to be a minor boundary modification.<sup>2</sup>

#### Management systems

108. Each nominated property should have an appropriate management plan or other documented management system which must specify how the Outstanding Universal Value of a property should be preserved, preferably through participatory means.
109. The purpose of a management system is to ensure the effective protection of the nominated property for present and future generations.
110. An effective management system depends on the type, characteristics and needs of the nominated property and its cultural and natural context. Management systems may vary according to different cultural perspectives, the resources available and other factors. They may incorporate traditional practices, existing urban or regional planning instruments, and other planning control mechanisms, both formal and informal. Impact assessments for proposed interventions are essential for all World Heritage properties.
111. In recognizing the diversity mentioned above, common elements of an effective management system could include:
  - a) a thorough shared understanding of the property by all stakeholders;
  - b) a cycle of planning, implementation, monitoring, evaluation and feedback;
  - c) the monitoring and assessment of the impacts of trends, changes, and of proposed interventions;
  - d) the involvement of partners and stakeholders;
  - e) the allocation of necessary resources;
  - f) capacity-building; and
  - g) an accountable, transparent description of how the management system functions.
112. Effective management involves a cycle of short, medium and long-term actions to protect, conserve and present the nominated property. An integrated approach to planning and

<sup>2</sup> In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

management is essential to guide the evolution of properties over time and to ensure maintenance of all aspects of their Outstanding Universal Value. This approach goes beyond the property to include any buffer zone(s), as well as the broader setting.

113. Moreover, in the context of the implementation of the *Convention*, the World Heritage Committee has established a process of Reactive Monitoring (see Chapter IV) and a process of Periodic Reporting (see Chapter V).
114. In the case of serial properties, a management system or mechanisms for ensuring the co-ordinated management of the separate components are essential and should be documented in the nomination (see paragraphs 137 -139).
115. In some circumstances, a management plan or other management system may not be fully in place at the time when a property is nominated for the consideration of the World Heritage Committee. The State Party concerned should then indicate when the management plan or system will be fully in place, and how it proposes to mobilize the resources required to achieve this. The State Party should also provide documentation which will guide the management of the site until the management plan or system is finalized fully in place.
116. Where the intrinsic qualities of a property nominated are threatened by action of man and yet meet the criteria and the conditions of authenticity or integrity set out in paragraphs 78-95, an action plan outlining the corrective measures required should be submitted with the nomination file. Should the corrective measures submitted by the nominating State Party not be taken within the time proposed by the State Party, the property will be considered by the Committee for delisting in accordance with the procedure adopted by the Committee (see Chapter IV.C).
117. States Parties are responsible for implementing effective management activities for a World Heritage property. State Parties should do so in close collaboration with property managers, the agency with management authority and other partners, and stakeholders in property management.
118. The Committee recommends that States Parties include risk preparedness as an element in their World Heritage site management plans and training strategies. Decision 28 COM 10B.4

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Sustainable use

119. World Heritage properties may support a variety of ongoing and proposed uses that are ecologically and culturally sustainable and which may contribute to the quality of life of communities concerned. The State Party and its partners must ensure that such sustainable use or any other change does not impact adversely on the Outstanding Universal Value of the property. For some properties, human use would not be appropriate. Legislations, policies and strategies affecting World Heritage properties should ensure the protection of the Outstanding Universal Value, support the wider conservation of natural and cultural heritage, and promote and encourage the active participation of the communities and stakeholders concerned with the property as necessary conditions to its sustainable protection, conservation, management and presentation.



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### **III. PROCESS FOR THE INSCRIPTION OF PROPERTIES ON THE WORLD HERITAGE LIST**

#### **III.A Preparation of Nominations**

120. The nomination document is the primary basis on which the Committee considers the inscription of the properties on the World Heritage List. All relevant information should be included in the nomination document and it should be cross-referenced to the source of information.
121. Annex 3 provides guidance to States Parties in preparing nominations of specific types of properties.
122. Before States Parties begin to prepare a nomination of a property for inscription on the World Heritage List, they should become familiar with the nomination cycle, described in Paragraph 168. It is desirable to carry out initial preparatory work to establish that a property has the potential to justify Outstanding Universal Value, including integrity or authenticity, before the development of a full nomination dossier which could be expensive and time-consuming. Such preparatory work might include collection of available information on the property, thematic studies, scoping studies of the potential for demonstrating Outstanding Universal Value, including integrity or authenticity, or an initial comparative study of the property in its wider global or regional context, including an analysis in the context of the Gap Studies produced by the Advisory Bodies. Such work will help to establish the feasibility of a possible nomination at an early stage and avoid use of resources on nominations that may be unlikely to succeed. States Parties are invited to contact the Advisory Bodies and the World Heritage Centre at the earliest opportunity in considering nominations to seek information and guidance.
123. Participation of local people in the nomination process is essential to enable them to have a shared responsibility with the State Party in the maintenance of the property. States Parties are encouraged to prepare nominations with the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, NGOs and other interested parties.
124. Preparatory Assistance, as described in Chapter VII.E, may be requested by States Parties for the preparation of nominations.
125. States Parties are encouraged to contact the Secretariat, which can provide assistance throughout the nomination process.

126. The Secretariat can also provide:
- a) assistance in identifying appropriate maps and photographs and the national agencies from which these may be obtained;
  - b) examples of successful nominations, of management and legislative provisions;
  - c) guidance for nominating different types of properties, such as Cultural Landscapes, Towns, Canals, and Heritage Routes (see Annex 3)
  - d) guidance for nominating serial and transboundary properties (see paragraphs 134-139).
127. States Parties may submit draft nominations to the Secretariat for comment and review at any time during the year. However, States Parties are strongly encouraged to transmit to the Secretariat by **30 September** of the preceding year (see paragraph 168) the draft nominations that they wish to submit by the 1 February deadline. This submission of a draft nomination should include maps showing the boundaries for the proposed site. Draft nominations could be submitted either in electronic format or in printed version (only in 1 copy without annexes except for maps). In both cases they should be accompanied by a cover letter.
128. Nominations may be submitted **at any time during the year**, but only those nominations that are "complete" (see paragraph 132) and received by the Secretariat on or before **1 February**<sup>3</sup> will be considered for inscription on the World Heritage List by the World Heritage Committee during the following year. Only nominations of properties included in the State Party's Tentative List will be examined by the Committee (see paragraphs 63 and 65).

### **III.B Format and content of nominations**

129. Nominations of properties for inscription on the World Heritage List should be prepared in accordance with the format set out in Annex 5.
130. The format includes the following sections:

<sup>3</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday.

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1. Identification of the Property
2. Description of the Property
3. Justification for Inscription
4. State of conservation and factors affecting the property
5. Protection and Management
6. Monitoring
7. Documentation
8. Contact Information of responsible authorities
9. Signature on behalf of the State Party(ies)

131. Nominations to the World Heritage List are evaluated on content rather than on appearance.

132. For a nomination to be considered as "complete", the following requirements (see format in Annex 5) are to be met:

1. Identification of the Property

The boundaries of the property being proposed shall be clearly defined, unambiguously distinguishing between the nominated property and any buffer zone (when present) (see paragraphs 103-107). Maps shall be sufficiently detailed (see Explanatory Note of section 1.e in Annex 5) to determine precisely which area of land and/or water is nominated. Officially up-to-date published topographic maps of the State Party annotated to show the property boundaries and any buffer zone (when present) shall be provided if available in printed version. A nomination shall be considered "incomplete" if it does not include clearly defined boundaries.

2. Description of the Property

The Description of the property shall include the identification of the property, and an overview of its history and development. All component parts that are mapped shall be identified and described. In particular, where serial nominations are proposed, each of the component parts shall be clearly described.

The History and Development of the property shall describe how the property has reached its present form and the significant changes that it has undergone. This information shall provide the important facts needed to support and give substance to the argument that the property meets the criteria of Outstanding Universal Value and conditions of integrity and/or authenticity.

3. Justification for Inscription

This section shall indicate the World Heritage criteria (see Paragraph 77) under which the property is proposed, together with a clearly stated argument for the use of each criterion.

The comparative analyses prepared by States Parties when nominating properties for inscription in the World

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Based on the criteria, a proposed Statement of Outstanding Universal Value (see paragraphs 49-53 and 155) of the property prepared by the State Party shall make clear why the property is considered to merit inscription on the World Heritage List. A comparative analysis of the property in relation to similar properties, whether or not on the World Heritage List, both at the national and international levels, shall also be provided. The comparative analysis shall explain the importance of the nominated property in its national and international context. Statements of integrity and/or authenticity shall be included and shall demonstrate how the property satisfies the conditions outlined in paragraphs 78-95.

Heritage List should not be confused with the thematic studies prepared by the Advisory Bodies at the request of the Committee (paragraph 148 below)

Decision 7 EXT.COM 4A

#### 4. State of conservation and factors affecting the property

This section shall include accurate information on the present state of conservation of the property (including information on its physical condition of the property and conservation measures in place). It shall also include a description of the factors affecting the property (including threats). Information provided in this section constitutes the baseline data which are necessary to monitor the state of conservation of the nominated property in the future.

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#### 5. Protection and management

Protection: Section 5 shall include the list of the legislative, regulatory, contractual, planning, institutional and/ or traditional measures most relevant to the protection of the property and provide a detailed analysis of the way in which this protection actually operates. Legislative, regulatory, contractual planning and/or institutional texts, or an abstract of the texts, shall also be attached in English or French.

Management: An appropriate management plan or other management system is essential and shall be provided in the nomination. Assurances of the effective implementation of the management plan or other management system are also expected. Sustainable development principles should be integrated into the management system.

A copy of the management plan or documentation of the management system shall be annexed to the nomination. If the management plan exists only in a language other than English or French, an English or French detailed description of its provisions shall be annexed.

A detailed analysis or explanation of the management plan or a documented management system shall be provided.

A nomination which does not include the above-mentioned documents is considered incomplete unless other documents guiding the management of the property until the finalization of the management plan are provided as outlined in paragraph 115.

#### 6. Monitoring

States Parties shall include the key indicators in place and/or proposed to measure and assess the state of conservation of the property, the factors affecting it, conservation measures at the property, the periodicity of their examination, and the identity of the responsible authorities.

#### 7. Documentation

All documentation necessary to substantiate the nomination shall be provided. In addition to what is indicated above, this shall include a) images of a quality suitable for printing (digital photographs at 300 dpi minimum, and, if possible, 35 mm slides, and if essential, supplementary film, video or other audio visual material; and b) image/audiovisual inventory and authorization form (see Annex 5, point 7.a). The text of the nomination shall be transmitted in printed form as well as in electronic format (Word and/or PDF format preferred).

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8. Contact Information of responsible authorities

Detailed contact information of responsible authorities shall be provided.

9. Signature on behalf of the State Party

The nomination shall conclude with the original signature of the official empowered to sign it on behalf of the State Party.

10. Number of printed copies required (including maps annexed)

- Nominations of cultural properties (excluding cultural landscapes): 2 identical copies
- Nominations of natural properties and cultural landscapes: 3 identical copies
- Nominations of mixed properties: 4 identical copies

11. Paper and electronic format

Nominations shall be presented on A4-size paper (or "letter"); and in electronic format (Word and/or PDF format).

12. Sending

States Parties shall submit the nomination in English or French duly signed, to:

**UNESCO World Heritage Centre**

7, place de Fontenoy

75352 Paris 07 SP

France

Tel: +33 (0) 1 4568 1136

Fax: +33 (0) 1 4568 5570

E-mail: wh-nominations@unesco.org

133. The Secretariat will retain all supporting documentation (maps, plans, photographic material, etc.) submitted with the nomination.

**III.C Requirements for the nomination of different types of properties**

Transboundary properties

134. A nominated property may occur:

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- a) on the territory of a single State Party, or

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b) on the territory of all concerned States Parties having adjacent borders (transboundary property).

135. Wherever possible, transboundary nominations should be prepared and submitted by States Parties jointly in conformity with Article 11.3 of the *Convention*. It is highly recommended that the States Parties concerned establish a joint management committee or similar body to oversee the management of the whole of a transboundary property.

136. Extensions to an existing World Heritage property located in one State Party may be proposed to become transboundary properties.

Serial properties

137. Serial properties will include two or more component parts related by clearly defined links:

a) Component parts should reflect cultural, social or functional links over time that provide, where relevant, landscape, ecological, evolutionary or habitat connectivity.

b) Each component part should contribute to the Outstanding Universal Value of the property as a whole in a substantial, scientific, readily defined and discernible way, and may include, inter alia, intangible attributes. The resulting Outstanding Universal Value should be easily understood and communicated.

c) Consistently, and in order to avoid an excessive fragmentation of component parts, the process of nomination of the property, including the selection of the component parts, should take fully into account the overall manageability and coherence of the property (see paragraph 114).

and provided it is the series as a whole – and not necessarily the individual parts of it – which are of Outstanding Universal Value.

138. A serial nominated property may occur :

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a) on the territory of a single State Party (serial national property); or

b) within the territory of different States Parties, which need not be contiguous and is nominated with the consent of all States Parties concerned (serial transnational property)

W/N  
LBB

- 139. Serial nominations, whether from one State Party or multiple States, may be submitted for evaluation over several nomination cycles, provided that the first property nominated is of Outstanding Universal Value in its own right. States Parties planning serial nominations phased over several nomination cycles are encouraged to inform the Committee of their intention in order to ensure better planning.

**III.D Registration of nominations**

- 140. On receipt of nominations from States Parties, the Secretariat will acknowledge receipt, check for completeness and register nominations. The Secretariat will forward complete nominations to the relevant Advisory Bodies for evaluation. The Secretariat will request any additional information from the State Party and when required by Advisory Bodies. The timetable for registration and processing of nominations is detailed in paragraph 168.

- 141. The Secretariat establishes and submits at each Committee session a list of all nominations received, including the date of reception, an indication of their status "complete" or "incomplete", as well as the date at which they are considered as "complete" in conformity with paragraph 132.

Decisions 26 COM 14 and  
28 COM 14B.57

- 142. A nomination passes through a cycle between the time of its submission and the decision by the World Heritage Committee. This cycle normally lasts one and a half years between submission in February of Year 1 and the decision of the Committee in June of Year 2.

**III.E. Evaluation of nominations by the Advisory Bodies**

- 143. The Advisory Bodies will evaluate whether or not properties nominated by States Parties have Outstanding Universal Value, meet the conditions of integrity and/or authenticity and meet the requirements of protection and management. The procedures and format of ICOMOS and IUCN evaluations are described in Annex 6.
- 144. Evaluations of cultural heritage nominations will be carried out by ICOMOS.
- 145. Evaluations of natural heritage nominations will be carried out by IUCN.
- 146. In the case of nominations of cultural properties in the category of 'cultural landscapes', as appropriate, the evaluation will be carried out by ICOMOS in consultation with IUCN. For mixed properties, the evaluation will be carried out jointly by ICOMOS and IUCN.

w/N  
LBB



147. As requested by the World Heritage Committee or as necessary, ICOMOS and IUCN will carry out **thematic studies** to evaluate proposed World Heritage properties in their regional, global or thematic context. These studies should be informed by a review of the Tentative Lists submitted by States Parties and by reports of meetings on the harmonization of Tentative Lists, as well as by other technical studies performed by the Advisory Bodies and qualified organizations and individuals. A list of those studies already completed may be found in section III of Annex 3, and on the Web addresses of the Advisory Bodies. These studies should not be confused with the **comparative analysis** to be prepared by States Parties in nominating properties for inscription on the World Heritage List (see paragraph 132).

ICOMOS:  
<http://www.icomos.org/studies/>

IUCN:  
<http://www.iucn.org/themes/wcpa/pubs/Worldheritage.htm>

148. The following principles must guide the evaluations and presentations of ICOMOS and IUCN. The evaluations and presentations should:

Decision 28 COM 14B.57.3

- a) adhere to the *World Heritage Convention* and the relevant *Operational Guidelines* and any additional policies set out by the Committee in its decisions;
- b) be objective, rigorous and scientific in their evaluations;
- c) be conducted to a consistent standard of professionalism;
- d) comply to standard format, both for evaluations and presentations, to be agreed with the Secretariat and include the name of the evaluator(s) who conducted the site visit;
- e) indicate clearly and separately whether the property has Outstanding Universal Value, meets the conditions of integrity and/or authenticity, a management plan/system and legislative protection;
- f) evaluate each property systematically according to all relevant criteria, including its state of conservation, relatively, that is, by comparison with that of other properties of the same type, both inside and outside the State Party's territory;
- g) include references to Committee decisions and requests concerning the nomination under consideration;
- h) not take into account or include any information submitted by the State Party after **28 February**, as evidenced by the postmark, in the year in which the nomination is considered. The State Party should be informed when information has arrived after the

Decision 30 COM 13.13

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deadline and is not being taken into account in the evaluation. This deadline should be rigorously enforced; and

- i) provide a justification for their views through a list of references (literature) consulted, as appropriate.

**149.** The Advisory Bodies are requested to forward to States Parties by **31 January** of each year any final question or request for information that they may have after the examination of their evaluation. Decision 7 EXT.COM 4B.1

**150.** Letters from the concerned States Parties, submitted in the appropriate form in Annex 12, detailing the factual errors that might have been identified in the evaluation of their nomination made by the Advisory Bodies, must be received by the World Heritage Centre no later than 14 days before the opening of the session of the Committee with copies to the relevant Advisory Bodies. The letters shall be made available as an annex to the documents for the relevant agenda item, and no later than the first day of the Committee session. The World Heritage Centre and the Advisory Bodies may add their comments to the letters, in the relevant section of the form, before they are made available. Decision 7 EXT.COM 4B.1

**151.** ICOMOS and IUCN make their recommendations under three categories:

- a) properties which are **recommended for inscription** without reservation;
- b) properties which are **not recommended** for inscription;
- c) nominations which are recommended for **referral or deferral**.

### **III.F Withdrawal of nominations**

**152.** A State Party may **withdraw** a nomination it has submitted at any time prior to the Committee session at which it is scheduled to be examined. The State Party should inform the Secretariat in writing of its intention to withdraw the nomination. If the State Party so wishes it can resubmit a nomination for the property, which will be considered as a new nomination according to the procedures and timetable outlined in paragraph 168.

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### III.G Decision of the World Heritage Committee

153. The World Heritage Committee decides whether a property should or should not be inscribed on the World Heritage List, referred or deferred.

#### Inscription

154. When deciding to inscribe a property on the World Heritage List, the Committee, guided by the Advisory Bodies, adopts a Statement of Outstanding Universal Value for the property.
155. The Statement of Outstanding Universal Value should include a summary of the Committee's determination that the property has Outstanding Universal Value, identifying the criteria under which the property was inscribed, including the assessments of the conditions of integrity or authenticity, and of the protection and management in force and the requirements for protection and management. The Statement of Outstanding Universal Value shall be the basis for the future protection and management of the property.
156. At the time of inscription, the Committee may also make other recommendations concerning the protection and management of the World Heritage property.
157. The Statement of Outstanding Universal Value (including the criteria for which a specific property is inscribed on the World Heritage List) will be set out by the Committee in its reports and publications.

#### Decision not to inscribe

158. If the Committee decides that a property should **not be inscribed** on the World Heritage List, the nomination may not again be presented to the Committee except in exceptional circumstances. These exceptional circumstances may include new discoveries, new scientific information about the property, or different criteria not presented in the original nomination. In these cases, a new nomination shall be submitted.

#### Referral of Nominations

159. Nominations which the Committee decides to **refer** back to the State Party for additional information may be resubmitted to the following Committee session for examination. The additional information must be received by the Secretariat by **1 February**<sup>4</sup> of the year in which examination by the Committee is desired. The Secretariat will immediately

<sup>4</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday.

transmit it to the relevant Advisory Bodies for evaluation. A referred nomination which is not presented to the Committee within three years of the original Committee decision will be considered as a new nomination when it is resubmitted for examination, following the procedures and timetable outlined in paragraph 168.

#### Deferral of Nominations

160. The Committee may decide to **defer** a nomination for more in depth assessment or study, or a substantial revision by the State Party. Should the State Party decide to resubmit the deferred nomination in any subsequent year, it must be received by the Secretariat by **1 February**<sup>5</sup>. These nominations will then be reevaluated (evaluated again by the relevant Advisory Bodies during the course of the full year and a half evaluation cycle according to the procedures and timetable outlined in paragraph 168.

#### **III.H Nominations to be processed on an emergency basis**

161. The normal timetable and definition of completeness for the submission and processing of nominations will not apply in the case of properties which would be in Danger, as a result of having suffered damage or facing serious and specific dangers from natural events or human activities, which would constitute an emergency situation for which an immediate decision by the Committee is necessary to ensure their safeguarding, and which, according to the report of the relevant Advisory Bodies, may unquestionably justify Outstanding Universal Value. Such nominations will be processed on an emergency basis and their examination is included in the agenda of the next Committee session. These properties may be inscribed on the World Heritage List. They shall, in that case, be simultaneously inscribed on the List of World Heritage in Danger (see paragraphs 177-191).
162. The procedure for nominations to be processed on an emergency basis is as follows:
- a) A State Party presents a nomination with the request for processing on an emergency basis. The State Party shall have already included, or immediately include, the property on its Tentative List.
  - b) The nomination shall:
    - i) describe the property and identify precisely its boundaries;

<sup>5</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday.

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- ii) justify its Outstanding Universal Value according to the criteria;
  - iii) justify its integrity and/or authenticity;
  - iv) describe its protection and management system;
  - v) describe the nature of the emergency, and the nature and extent of the damage or specific danger and showing that immediate action by the Committee is necessary to ensure the safeguarding of the property.
- c) The Secretariat immediately transmits the nomination to the relevant Advisory Bodies, requesting an assessment of the qualities of the property which may justify its Outstanding Universal Value, of the nature of the danger and the urgency of a decision by the Committee. A field visit may be necessary if the relevant Advisory Bodies consider it appropriate and if the time allows.
- d) When reviewing the nomination the Committee will also consider:
- i) allocation of International Assistance to complete the nomination; and
  - ii) follow-up missions as necessary by the Secretariat and the relevant Advisory Bodies as soon as possible after inscription to fulfil the Committee's recommendations.

### **III.I Modifications to the boundaries, to the criteria used to justify inscription or to the name of a World Heritage property**

#### Minor modifications to the boundaries

163. A minor modification is one which has not a significant impact on the extent of the property nor affects its Outstanding Universal Value.
164. If a State Party wishes to request a minor modification to the boundaries of a property already on the World Heritage List, it must be received by **1 February**<sup>6</sup> 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

<sup>6</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday.

of the property, in which case the procedure for new nominations will apply.

Significant modifications to the boundaries

- 165. If a State Party wishes to significantly modify the boundary of a property already on the World Heritage List, the State Party shall submit this proposal as if it were a new nomination. This re-nomination shall be presented by **1 February**<sup>7</sup> and will be evaluated in the full year and a half cycle of evaluation according to the procedures and timetable outlined in paragraph 168. This provision applies to extensions, as well as reductions.

Modifications to the criteria used to justify inscription on the World Heritage List

- 166. Where a State Party wishes to have the property inscribed under additional, fewer or different criteria other than those used for the original inscription, it shall submit this request as if it were a new nomination. This re-nomination must be received by **1 February**<sup>8</sup> and will be evaluated in the full year and a half cycle of evaluation according to the procedures and timetable outlined in paragraph 168. Properties recommended will only be evaluated under the new criteria and will remain on the World Heritage List even if unsuccessful in having additional criteria recognized.

Modification to the name of a World Heritage property

- 167. A State Party<sup>9</sup> may request that the Committee authorize a modification to the name of a property already inscribed on the World Heritage List. A request for a modification to the name shall be received by the Secretariat **at least 3 months prior to the meeting of the Committee.**

**III.J Timetable – overview**

**168. TIMETABLE**

**PROCEDURES**

30 September (before Year 1)

Voluntary deadline for receipt of draft nominations from States Parties by the Secretariat.

15 November (before Year 1)

Secretariat to respond to the nominating State Party concerning the completeness of the draft nomination, and, if incomplete, to indicate the missing information required to make the nomination complete.

<sup>7</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday.

<sup>8</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday.

<sup>9</sup> In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

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**1 February Year 1**

Deadline by which complete nominations must be received by the Secretariat to be transmitted to the relevant Advisory Bodies for evaluation.

Nominations shall be received by 17h00 GMT, or, if the date falls on a weekend by 17h00 GMT the preceding Friday.

Nominations received after this date will be examined in a future cycle.

**1 February – 1 March Year 1**

Registration, assessment of completeness and transmission to the relevant Advisory Bodies.

The Secretariat registers each nomination, acknowledges receipt to the nominating State Party and inventories its contents. The Secretariat will inform the nominating State Party whether or not the nomination is complete.

Nominations that are not complete (see paragraph 132) will not be transmitted to the relevant Advisory Bodies for evaluation. If a nomination is incomplete, the State Party concerned will be advised of information required to complete the nomination by the deadline of 1 February of the following year in order for the nomination to be examined in a future cycle.

Nominations that are complete are transmitted to the relevant Advisory Bodies for evaluation.

**1 March Year 1**

Deadline by which the Secretariat informs the State Party of the receipt of a Nomination, whether it is considered complete and whether it has been received by 1 February.

**March Year 1 – May Year 2**

Evaluation by the Advisory Bodies

**31 January Year 2**

If necessary, the relevant Advisory Bodies may request States Parties to submit additional information during the evaluation and no later than 31 January Year 2.

**28 February Year 2**

Deadline by which additional information requested by the relevant Advisory Bodies shall be submitted by the State Party to them via the Secretariat.

Additional information shall be submitted in the same number of copies and electronic formats as specified in Paragraph 132 to the Secretariat. To avoid confusing new and old texts, if the additional

**Six weeks prior to the annual World Heritage Committee session Year 2**

information submitted concerns changes to the main text of the nomination, the State Party shall submit these changes in an amended version of the original text. The changes shall be clearly identified. An electronic version (CD-ROM or diskette) of this new text shall accompany the paper version.

The relevant Advisory Bodies deliver their evaluations and recommendations to the Secretariat for transmission to the World Heritage Committee as well as to States Parties.

**At least 14 working days before the opening of the annual World Heritage Committee session Year 2**

Correction of factual errors by States Parties

The concerned States Parties can send, at least 14 working days before the opening of the session of the Committee, a letter to the Chairperson, with copies to the Advisory Bodies, detailing the factual errors they might have identified in the evaluation of their nomination made by the Advisory Bodies.

**Annual session of the World Heritage Committee (June/July) Year 2**

The Committee examines the nominations and makes its decisions.

**Immediately following the annual session of the World Heritage Committee**

Notification to the States Parties

The Secretariat notifies all States Parties whose nominations have been examined by the Committee of the relevant decisions of the Committee.

Following the decision of the World Heritage Committee to inscribe a property on the World Heritage List, the Secretariat writes to the State Party and site managers providing a map of the area inscribed and the Statement of Outstanding Universal Value (to include reference to the criteria met).

**Immediately following the annual session of the World Heritage Committee**

The Secretariat publishes the updated World Heritage List every year following the annual session of the Committee.

The name of the States Parties having nominated the properties inscribed on the World Heritage List are presented in the published form of the List under the following heading: "Contracting State having submitted the nomination of the property in accordance with the *Convention*".

**In the month following the closure of the annual session of the World Heritage Committee**

The Secretariat forwards the published report of all the decisions of the World Heritage Committee to all States Parties.



**IV. PROCESS FOR MONITORING THE STATE OF CONSERVATION OF WORLD HERITAGE PROPERTIES**

**IV.A Reactive Monitoring**

Definition of Reactive Monitoring

169. Reactive Monitoring is the reporting by the Secretariat, other sectors of UNESCO and the Advisory Bodies to the Committee on the state of conservation of specific World Heritage properties that are under threat. To this end, the States Parties shall submit by **1 February** to the Committee through the Secretariat, specific reports and impact studies each time exceptional circumstances occur or work is undertaken which may have an effect on the state of conservation of the property. Reactive Monitoring is also foreseen in reference to properties inscribed, or to be inscribed, on the List of World Heritage in Danger as set out in paragraphs 177-191. Reactive Monitoring is foreseen in the procedures for the eventual deletion of properties from the World Heritage List as set out in paragraphs 192-198.

Objective of Reactive Monitoring

170. When adopting the process of Reactive Monitoring, the Committee was particularly concerned that all possible measures should be taken to prevent the deletion of any property from the List and was ready to offer technical co-operation as far as possible to States Parties in this connection.

Article 4 of the *Convention*:

*"Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State..."*

171. The Committee recommends that States Parties co-operate with the Advisory Bodies which have been asked by the Committee to carry out monitoring and reporting on its behalf on the progress of work undertaken for the preservation of properties inscribed on the World Heritage List.

Information received from States Parties and/or other sources

172. The World Heritage Committee invites the States Parties to the *Convention* to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the *Convention* major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any

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decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.

173. The World Heritage Committee requests that reports of missions to review the state of conservation of the World Heritage properties include: Decision 27 COM 7B.106.2

- a) an indication of threats or significant improvement in the conservation of the property since the last report to the World Heritage Committee;
- b) any follow-up to previous decisions of the World Heritage Committee on the state of conservation of the property;
- c) information on any threat or damage to or loss of Outstanding Universal Value, integrity and/or authenticity for which the property was inscribed on the World Heritage List.

174. When the Secretariat receives information that a property inscribed has seriously deteriorated, or that the necessary corrective measures have not been taken within the time proposed, from a source other than the State Party concerned, it will, as far as possible, verify the source and the contents of the information in consultation with the State Party concerned and request its comments.

Decision by the World Heritage Committee

175. The Secretariat will request the relevant Advisory Bodies to forward comments on the information received.

176. The information received, together with the comments of the State Party and the Advisory Bodies, will be brought to the attention of the Committee in the form of a state of conservation report for each property, which may take one or more of the following steps:

- a) it may decide that the property has not seriously deteriorated and that no further action should be taken;
- b) when the Committee considers that the property has seriously deteriorated, but not to the extent that its restoration is impossible, it may decide that the property be maintained on the List, provided that the State Party takes the necessary measures to restore the property within a reasonable period of time. The Committee may also decide that technical co-operation be provided

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under the World Heritage Fund for work connected with the restoration of the property, proposing to the State Party to request such assistance, if it has not already been done;

- c) when the requirements and criteria set out in paragraphs 177-182 are met, the Committee may decide to inscribe the property on the List of World Heritage in Danger according to the procedures set out in paragraphs 183-189;
- d) when there is evidence that the property has deteriorated to the point where it has irretrievably lost those characteristics which determined its inscription on the List, the Committee may decide to delete the property from the List. Before any such action is taken, the Secretariat will inform the State Party concerned. Any comments which the State Party may make will be brought to the attention of the Committee;
- e) when the information available is not sufficient to enable the Committee to take one of the measures described in a), b), c) or d) above, the Committee may decide that the Secretariat be authorized to take the necessary action to ascertain, in consultation with the State Party concerned, the present condition of the property, the dangers to the property and the feasibility of adequately restoring the property, and to report to the Committee on the results of its action; such measures may include the sending of a fact-finding or the consultation of specialists. In case an emergency action is required, the Committee may authorize its financing from the World Heritage Fund through an emergency assistance request.

#### IV.B The List of World Heritage in Danger

##### Guidelines for the inscription of properties on the List of World Heritage in Danger

177. In accordance with Article 11, paragraph 4, of the *Convention*, the Committee may inscribe a property on the List of World Heritage in Danger when the following requirements are met:
- a) the property under consideration is on the World Heritage List;
  - b) the property is threatened by serious and specific danger;
  - c) major operations are necessary for the conservation of the property;

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- d) assistance under the *Convention* has been requested for the property; the Committee is of the view that its assistance in certain cases may most effectively be limited to messages of its concern, including the message sent by inscription of a property on the List of World Heritage in Danger and that such assistance may be requested by any Committee member or the Secretariat.

Criteria for the inscription of properties on the List of World Heritage in Danger

178. A World Heritage property - as defined in Articles 1 and 2 of the *Convention* - can be inscribed on the List of World Heritage in Danger by the Committee when it finds that the condition of the property corresponds to at least one of the criteria in either of the two cases described below.

179. In the case of cultural properties:

a) ASCERTAINED DANGER - The property is faced with specific and proven imminent danger, such as:

- i) serious deterioration of materials;
- ii) serious deterioration of structure and/or ornamental features;
- iii) serious deterioration of architectural or town-planning coherence;
- iv) serious deterioration of urban or rural space, or the natural environment;
- v) significant loss of historical authenticity;
- vi) important loss of cultural significance.

b) POTENTIAL DANGER - The property is faced with threats which could have deleterious effects on its inherent characteristics. Such threats are, for example:

- i) modification of juridical status of the property diminishing the degree of its protection;
- ii) lack of conservation policy;
- iii) threatening effects of regional planning projects;
- iv) threatening effects of town planning;

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- v) outbreak or threat of armed conflict;
- vi) threatening impacts of climatic, geological or other environmental factors.

180. In the case of **natural properties**:

a) **ASCERTAINED DANGER** - The property is faced with specific and proven imminent danger, such as:

- i) A serious decline in the population of the endangered species or the other species of Outstanding Universal Value for which the property was legally established to protect, either by natural factors such as disease or by man-made factors such as poaching.
- ii) Severe deterioration of the natural beauty or scientific value of the property, as by human settlement, construction of reservoirs which flood important parts of the property, industrial and agricultural development including use of pesticides and fertilizers, major public works, mining, pollution, logging, firewood collection, etc.
- iii) Human encroachment on boundaries or in upstream areas which threaten the integrity of the property.

b) **POTENTIAL DANGER** - The property is faced with major threats which could have deleterious effects on its inherent characteristics. Such threats are, for example:

- i) a modification of the legal protective status of the area;
- ii) planned resettlement or development projects within the property or so situated that the impacts threaten the property;
- iii) outbreak or threat of armed conflict;
- iv) the management plan or management system is lacking or inadequate, or not fully implemented.
- v) threatening impacts of climatic, geological or other environmental factors.

181. In addition, the threats and/or their detrimental impacts on the integrity of the property must be those which are amenable to correction by human action. In the case of cultural properties, both natural factors and man-made factors may be threatening, while in the case of natural properties, most threats will be man-made and only very rarely a natural factor (such as an epidemic disease) will threaten the integrity of the property. In some cases, the threats and/or their detrimental impacts on the integrity of the property may be corrected by administrative or legislative action, such as the cancelling of a major public works project or the improvement of legal status.
182. The Committee may wish to bear in mind the following supplementary factors when considering the inclusion of a cultural or natural property in the List of World Heritage in Danger:
- a) Decisions which affect World Heritage properties are taken by Governments after balancing all factors. The advice of the World Heritage Committee can often be decisive if it can be given before the property becomes threatened.
  - b) Particularly in the case of ascertained danger, the physical or cultural deteriorations to which a property has been subjected should be judged according to the intensity of its effects and analyzed case by case.
  - c) Above all in the case of potential danger to a property, one should consider that:
    - i) the threat should be appraised according to the normal evolution of the social and economic framework in which the property is situated;
    - ii) it is often impossible to assess certain threats - such as the threat of armed conflict - as to their effect on cultural or natural properties;
    - iii) some threats are not imminent in nature, but can only be anticipated, such as demographic growth.
  - d) Finally, in its appraisal the Committee should take into account any cause of unknown or unexpected origin which endangers a cultural or natural property.

Procedure for the inscription of properties on the List of World Heritage in Danger

183. When considering the inscription of a property on the List of World Heritage in Danger, the Committee shall develop, and adopt, as far as possible, in consultation with the State Party

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concerned, a Desired state of conservation for the removal of the property from the List of World Heritage in Danger, and a programme for corrective measures

184. In order to develop the programme of corrective measures referred to in the previous paragraph, the Committee shall request the Secretariat to ascertain, as far as possible in co-operation with the State Party concerned, the present condition of the property, the dangers to the property and the feasibility of undertaking corrective measures. The Committee may further decide to send a mission of qualified observers from the relevant Advisory Bodies or other organizations to visit the property, evaluate the nature and extent of the threats and propose the measures to be taken.
185. The information received, together with the comments as appropriate of the State Party and the relevant Advisory Bodies or other organizations, will be brought to the attention of the Committee by the Secretariat.
186. The Committee shall examine the information available and take a decision concerning the inscription of the property on the List of World Heritage in Danger. Any such decision shall be taken by a majority of two-thirds of the Committee members present and voting. The Committee will then define the programme of corrective action to be taken. This programme will be proposed to the State Party concerned for immediate implementation.
187. The State Party concerned shall be informed of the Committee's decision and public notice of the decision shall immediately be issued by the Committee, in accordance with Article 11.4 of the *Convention*.
188. The Secretariat publishes the updated List of World Heritage in Danger in printed form and is also available at the following Web address: <http://whc.unesco.org/en/danger>
189. The Committee shall allocate a specific, significant portion of the World Heritage Fund to financing of possible assistance to World Heritage properties inscribed on the List of World Heritage in Danger.

Regular review of the state of conservation of properties on the List of World Heritage in Danger

190. The Committee shall review annually the state of conservation of properties on the List of World Heritage in Danger. This review shall include such monitoring procedures and expert missions as might be determined necessary by the Committee.

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191. On the basis of these regular reviews, the Committee shall decide, in consultation with the State Party concerned, whether:
- a) additional measures are required to conserve the property;
  - b) to delete the property from the List of World Heritage in Danger if the property is no longer under threat;
  - c) to consider the deletion of the property from both the List of World Heritage in Danger and the World Heritage List if the property has deteriorated to the extent that it has lost those characteristics which determined its inscription on the World Heritage List, in accordance with the procedure set out in paragraphs 192-198.

**IV.C Procedure for the eventual deletion of properties from the World Heritage List**

192. The Committee adopted the following procedure for the deletion of properties from the World Heritage List in cases:
- a) where the property has deteriorated to the extent that it has lost those characteristics which determined its inclusion in the World Heritage List; and
  - b) where the intrinsic qualities of a World Heritage site were already threatened at the time of its nomination by action of man and where the necessary corrective measures as outlined by the State Party at the time, have not been taken within the time proposed (see paragraph 116).
193. When a property inscribed on the World Heritage List has seriously deteriorated, or when the necessary corrective measures have not been taken within the time proposed, the State Party on whose territory the property is situated should so inform the Secretariat.
194. When the Secretariat receives such information from a source other than the State Party concerned, it will, as far as possible, verify the source and the contents of the information in consultation with the State Party concerned and request its comments.
195. The Secretariat will request the relevant Advisory Bodies to forward comments on the information received.
196. The Committee will examine all the information available and will take a decision. Any such decision shall, in accordance with Article 13 (8) of the *Convention*, be taken by a majority of two-thirds of its members present and voting. The



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Committee shall not decide to delete any property unless the State Party has been consulted on the question.

197. The State Party shall be informed of the Committee's decision and public notice of this decision shall be immediately given by the Committee.
198. If the Committee's decision entails any modification to the World Heritage List, this modification will be reflected in the next updated List that is published.

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**V. PERIODIC REPORTING ON THE IMPLEMENTATION OF THE WORLD HERITAGE CONVENTION**

**V.A Objectives**

199. States Parties are requested to submit reports to the UNESCO General Conference through the World Heritage Committee on the legislative and administrative provisions they have adopted and other actions which they have taken for the application of the *Convention*, including the state of conservation of the World Heritage properties located on their territories.

Article 29 of the *World Heritage Convention* and Resolutions of the 11th session of the General Assembly of States Parties (1997) and the 29th session of the UNESCO General Conference.

200. States Parties may request expert advice from the Advisory Bodies and the Secretariat, which may also (with agreement of the States Parties concerned) commission further expert advice.

201. Periodic Reporting serves four main purposes:

- a) to provide an assessment of the application of the *World Heritage Convention* by the State Party;
- b) to provide an assessment as to whether the Outstanding Universal Value of the properties inscribed on the World Heritage List is being maintained over time;
- c) to provide up-dated information about the World Heritage properties to record the changing circumstances and state of conservation of the properties;
- d) to provide a mechanism for regional co-operation and exchange of information and experiences between States Parties concerning the implementation of the *Convention* and World Heritage conservation.

202. Periodic Reporting is important for more effective long term conservation of the properties inscribed, as well as to strengthen the credibility of the implementation of the *Convention*.

**V.B. Procedure and Format**

203. World Heritage Committee:

Decision 22 COM VI.7

- a) adopted the Format and Explanatory Notes set out in Annex 7;
- b) invited States Parties to submit periodic reports every six years;

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- c) decided to examine the States Parties' periodic reports region by region according to the following table:

Region	Examination of properties inscribed up to and including	Year of Examination by Committee
Arab States	1992	December 2000
Africa	1993	December 2001/July 2002
Asia and the Pacific	1994	June-July 2003
Latin America and the Caribbean	1995	June-July 2004
Europe and North America	1996/1997	June-July 2005/2006

- d) requested the Secretariat, jointly with the Advisory Bodies, and making use of States Parties, competent institutions and expertise available within the region, to develop regional strategies for the periodic reporting process as per the timetable established under c) above.

204. The above-mentioned regional strategies should respond to specific characteristics of the regions and should promote coordination and synchronization between States Parties, particularly in the case of transboundary properties. The Secretariat will consult States Parties with regard to the development and implementation of those regional strategies.

205. After the first six-year cycle of periodic reports, each region will be assessed again in the same order as indicated in the table above. Following the first six-year cycle, there may be a pause for evaluation to assess and revise the periodic reporting mechanism before a new cycle is initiated.

206. The Format for the periodic reports by the States Parties consists of two sections:

- a) **Section I** refers to the legislative and administrative provisions which the State Party has adopted and other actions which it has taken for the application of the *Convention*, together with details of the experience acquired in this field. This particularly concerns the general obligations defined in specific articles of the *Convention*.
- b) **Section II** refers to the state of conservation of specific World Heritage properties located on the territory of the

This Format was adopted by the Committee at its 22nd session (Kyoto 1998) and may be revised following the completion of the first cycle of Periodic Reporting in 2006. For this reason, the Format has not been revised.

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State Party concerned. This Section should be completed for each World Heritage property.

Explanatory Notes are provided with the Format in Annex 7.

- 207. In order to facilitate management of information, States Parties are requested to submit reports, in English or French, in electronic as well as in printed form to :

**UNESCO World Heritage Centre**  
 7, place de Fontenoy  
 75352 Paris 07 SP  
 France  
 Tél: +33 (0)1 45 68 15 71  
 Fax: +33 (0)1 45 68 55 70  
 Email: wh-info@unesco.org

**V.C Evaluation and Follow Up**

- 208. The Secretariat consolidates national reports into Regional State of the World Heritage reports, which are available in electronic format at the following Web address <http://whc.unesco.org/en/publications> and in paper version (series World Heritage Papers).
- 209. The World Heritage Committee carefully reviews issues raised in Periodic Reports and advises the States Parties of the regions concerned on matters arising from them.
- 210. The Committee requested the Secretariat with the Advisory Bodies, in consultation with the relevant States Parties, to develop long-term follow-up Regional Programmes structured according to its Strategic Objectives and to submit them for its examination. These Programmes are adopted as follow up to Periodic Reports and regularly reviewed by the Committee based on the needs of States Parties identified in Periodic Reports. They should accurately reflect the needs of World Heritage in the Region and facilitate the granting of International Assistance. The Committee also expressed its support to ensure direct links between the Strategic Objectives and the International Assistance.

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**VI. ENCOURAGING SUPPORT FOR *THE WORLD HERITAGE CONVENTION***

**VI.A Objectives**

Article 27 of the *World Heritage Convention*

211. The objectives are:

- a) to enhance capacity-building and research;
- b) to raise the general public's awareness, understanding and appreciation of the need to preserve cultural and natural heritage;
- c) to enhance the function of World Heritage in the life of the community; and
- d) to increase the participation of local and national populations in the protection and presentation of heritage.

Article 5(a) of the *World Heritage Convention*

**VI.B Capacity-building and research**

212. The Committee seeks to develop capacity-building within the States Parties in conformity with its Strategic Objectives.

Budapest Declaration on World Heritage (2002)

The Global Training Strategy

213. Recognizing the high level of skills and multidisciplinary approach necessary for the protection, conservation, and presentation of the World Heritage, the Committee has adopted a Global Training Strategy for World Cultural and Natural Heritage. The primary goal of the Global Training Strategy is to ensure that necessary skills are developed by a wide range of actors for better implementation of the *Convention*. In order to avoid overlap and effectively implement the Strategy, the Committee will ensure links to other initiatives such as the Global Strategy for a Representative, Balanced and Credible World Heritage List and Periodic Reporting. The Committee will annually review relevant training issues, assess training needs, review annual reports on training initiatives, and make recommendations for future training initiatives.

Global Training Strategy for World Cultural and Natural Heritage adopted by the World Heritage Committee at its 25th session (Helsinki, Finland, 2001) (see ANNEX X of document WHC-01/CONF.208/24).

National training strategies and regional co-operation

214. States Parties are encouraged to ensure that their professionals and specialists at all levels are adequately trained. To this end, States Parties are encouraged to develop national training strategies and include regional co-operation for training as part of their strategies.

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Research

215. The Committee develops and coordinates international co-operation in the area of research needed for the effective implementation of the *Convention*. States Parties are also encouraged to make resources available to undertake research, since knowledge and understanding are fundamental to the identification, management, and monitoring of World Heritage properties.

International Assistance

216. Training and Research Assistance may be requested by States Parties from the World Heritage Fund (see Chapter VII).

**VI.C Awareness-raising and education**

Awareness-raising

217. States Parties are encouraged to raise awareness of the need to preserve World Heritage. In particular, they should ensure that World Heritage status is adequately marked and promoted on-site.
218. The Secretariat provides assistance to States Parties in developing activities aimed at raising public awareness of the *Convention* and informing the public of the dangers threatening World Heritage. The Secretariat advises States Parties regarding the preparation and implementation of on-site promotional and educational projects to be funded through International Assistance. The Advisory Bodies and appropriate State agencies may also be solicited to provide advice on such projects.

Education

219. The World Heritage Committee encourages and supports the development of educational materials, activities and programmes.

International Assistance

220. States Parties are encouraged to develop educational activities related to World Heritage with, wherever possible, the participation of schools, universities, museums and other local and national educational authorities.

Article 27.2 of the *World Heritage Convention*

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221. The Secretariat, in co-operation with the UNESCO Education Sector and other partners, produces and publishes a World Heritage Educational Resource Kit, "World Heritage in Young Hands", for use in secondary schools around the world. The Kit is adaptable for use at other educational levels.
- "World Heritage in Young Hands" is available at the following Web address  
<http://whc.unesco.org/education/index.htm>
222. International Assistance may be requested by States Parties from the World Heritage Fund for the purpose of developing and implementing awareness-raising and educational activities or programmes (see Chapter VII).

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**VII. THE WORLD HERITAGE FUND AND INTERNATIONAL ASSISTANCE**

**VII.A The World Heritage Fund**

223. The World Heritage Fund is a trust fund, established by the *Convention* in conformity with the provisions of the Financial Regulations of UNESCO. The resources of the Fund consist of compulsory and voluntary contributions made by States Parties to the *Convention*, and any other resources authorized by the Fund's regulations.

Article 15 of the *World Heritage Convention*.

224. The financial regulations for the Fund are set out in document WHC/7 available at the following Web address:  
<http://whc.unesco.org/en/financialregulations>

**VII.B. Mobilization of other technical and financial resources and partnerships in support of the *World Heritage Convention***

225. To the extent possible, the World Heritage Fund should be used to mobilize additional funds for International Assistance from other sources.

226. The Committee decided that contributions offered to the World Heritage Fund for international assistance campaigns and other UNESCO projects for any property inscribed on the World Heritage List shall be accepted and used as international assistance pursuant to Section V of the *Convention*, and in conformity with the modalities established for carrying out the campaign or project.

227. States Parties are invited to provide support to the *Convention* in addition to obligatory contributions paid to the World Heritage Fund. This voluntary support can be provided through additional contributions to the World Heritage Fund or direct financial and technical contributions to properties.

Article 15(3) of the *World Heritage Convention*

228. States Parties are encouraged to participate in international fund-raising campaigns launched by UNESCO and aimed at protecting World Heritage.

229. States Parties and others who anticipate making contributions towards these campaigns or other UNESCO projects for World Heritage properties are encouraged to make their contributions through the World Heritage Fund.

230. States Parties are encouraged to promote the establishment of national, public and private foundations or associations aimed at raising funds to support World Heritage conservation efforts.

Article 17 of the *World Heritage Convention*

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231. The Secretariat provides support in mobilizing financial and technical resources for World Heritage conservation. To this end, the Secretariat develops partnerships with public and private institutions in conformity with the Decisions and the Guidelines issued by the World Heritage Committee and UNESCO regulations.

232. The Secretariat should refer to the "Directives concerning UNESCO's co-operation with private extra-budgetary funding sources" and "Guidelines for mobilizing private funds and criteria for selecting potential partners" to govern external fund-raising in favour of the World Heritage Fund. These documents are available at the following Web address: <http://whc.unesco.org/en/privatefunds>

"Directives concerning UNESCO's co-operation with private extra-budgetary funding sources" (Annex to the Decision 149 EX/Dec. 7.5) and "Guidelines for mobilizing private funds and criteria for selecting potential partners" (Annex to the Decision 156 EX/Dec. 9.4)

**VII.C International Assistance**

233. The *Convention* provides International Assistance to States Parties for the protection of the world cultural and natural heritage located on their territories and inscribed, or potentially suitable for inscription on the World Heritage List. International Assistance should be seen as supplementary to national efforts for the conservation and management of World Heritage and Tentative List properties when adequate resources cannot be secured at the national level.

See Articles 13 (1&2) and 19-26 of the *World Heritage Convention*.

234. International Assistance is primarily financed from the World Heritage Fund, established under the World Heritage Convention. The Committee determines the budget for International Assistance on a biennial basis.

Section IV of the *World Heritage Convention*

235. The World Heritage Committee co-ordinates and allocates types of International Assistance in response to State Party requests. These types of International Assistance, described in the summary table set out below, in order of priority are:

Decision 30 COM 14A

- a) Emergency assistance
- b) Conservation and Management assistance (incorporating assistance for training and research, technical co-operation and promotion and education)
- c) Preparatory assistance.

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#### VII.D Principles and priorities for International Assistance

236. Priority is given to International Assistance for properties inscribed on the List of World Heritage in Danger. The Committee created a specific budget line to ensure that a significant portion of assistance from the World Heritage Fund is allocated to properties inscribed on the List of World Heritage in Danger. *Article 13(1) of the World Heritage Convention.*
237. States Parties in arrears of payment of their compulsory or voluntary contributions to the World Heritage Fund are not eligible for international assistance, it being understood that this provision does not apply to requests for emergency assistance. *Decision 13 COM XII.34*
238. To support its Strategic Objectives, the Committee also allocates International Assistance in conformity with the priorities set out in its decisions and in the Regional Programmes it adopts as a follow up to Periodic Reports (see para. 210). *Decisions 26 COM 17.2, 26 COM 20 and 26 COM 25.3*
239. In addition to the priorities outlined in paragraphs 236-238 above, the following considerations govern the Committee's decisions in granting International Assistance:
- a) the likelihood that the assistance will have a catalytic and multiplier effect ("seed money") and promote financial and technical contributions from other sources;
  - b) when funds available are limited and a selection has to be made, preference is given to: *Decision 31 COM 18B*
    - a Least Developed Country or Low Income Economy as defined by the United Nations Economic and Social Council's Committee for Development Policy, or
    - a Lower Middle Income Country as defined by the World Bank, or
    - a Small Island Developing State (SIDS), or
    - a State Party in a post-conflict situation;
  - c) the urgency of the protective measures to be taken at World Heritage properties;
  - d) whether the legislative, administrative and, wherever possible, financial commitment of the recipient State Party is available to the activity;
  - e) the impact of the activity on furthering the Strategic Objectives decided by the Committee; *Paragraph 26 of Operational Guidelines*

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- f) the degree to which the activity responds to needs identified through the reactive monitoring process and/or the analysis of regional Periodic Reports; Decision 20 COM XII
- g) the exemplary value of the activity in respect to scientific research and the development of cost effective conservation techniques;
- h) the cost of the activity and expected results; and
- i) the educational value both for the training of experts and for the general public.

240. A balance will be maintained in the allocation of resources between cultural and natural heritage and between Conservation and Management and Preparatory Assistance. This balance is reviewed and decided upon on a regular basis by the Committee and during the second year of each biennium by the Chairperson or the World Heritage Committee. 65% of the total International Assistance budget is set aside for cultural properties and 35% for natural properties  
Decision 31 COM 18B

**VII.E Summary Table**

241.

Type of international assistance	Purpose	Budget ceilings per request	Deadline for submission of request	Authority for approval
Emergency Assistance	<p>This assistance may be requested to address ascertained or potential threats facing properties included on the List of World Heritage in Danger and the World Heritage List which have suffered severe damage or are in imminent danger of severe damage due to sudden, unexpected phenomena. Such phenomena may include land subsidence, extensive fires, explosions, flooding or man-made disasters including war. This assistance does not concern cases of damage or deterioration caused by gradual processes of decay, pollution or erosion. It addresses emergency situations strictly relating to the conservation of a World Heritage property (see Decision 28 COM 10B 2.c). It may be made available, if necessary, to more than one World Heritage property in a single State Party (see Decision 6 EXT. COM 15.2). The budget ceilings relate to a single World Heritage property.</p> <p>The assistance may be requested to :</p> <ul style="list-style-type: none"> <li>(i) undertake emergency measures for the safeguarding of the property;</li> <li>(ii) draw up an emergency plan for the property.</li> </ul>	<p>Up to US\$ 5.000</p> <p>Between US\$ 5.001 and 75.000</p> <p>Over US\$ 75.000</p>	<p>At any time</p> <p>At any time</p> <p>At any time before the Committee</p>	<p>Director of the World Heritage Centre</p> <p>Chairperson of the Committee</p> <p>Committee</p>

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<p><b>Preparatory assistance</b></p>	<p>This assistance may be requested to (in order of priority):</p> <ul style="list-style-type: none"> <li>(i) prepare or update national Tentative Lists of properties suitable for inscription on the World Heritage List; a commitment will be required from the State Party to nominate in priority on these lists sites recognized in approved thematic advice, such as the thematic studies prepared by the Advisory Bodies, as corresponding to gaps on the List;</li> <li>(ii) organize meetings for the harmonization of national Tentative Lists within the same geo-cultural area;</li> <li>(iii) prepare nominations of properties for inscription on the World Heritage List (including preparatory work such as collection of basic information, scoping studies of the potential for demonstration of Outstanding Universal Value, including integrity or authenticity, comparative studies of the property in relation to other similar properties (see 3.2 of Annex 5), including analysis in the context of the Gap Studies produced by the Advisory Bodies. Priority will be given to requests for sites recognized in approved thematic advice as corresponding to gaps on the List and/or for sites where preliminary investigations have shown that further inquiries would be justified, especially in the case of States Parties whose heritage is un-represented or under-represented on the World Heritage List;</li> <li>(iv) prepare requests for Conservation &amp; Management assistance for consideration by the World Heritage Committee.</li> </ul>	<p>Up to US\$ 5.000</p> <p>Between US\$ 5.001 and 30.000</p>	<p>At any time</p> <p>31 October</p>	<p>Director of the World Heritage Centre</p> <p>Chairperson of the Committee</p>
<p><b>Conservation and Management Assistance</b> (incorporating Training and Research assistance, Technical co-operation assistance and Promotion and education assistance)</p>	<p>This assistance may be requested for:</p> <ul style="list-style-type: none"> <li>(i) the training of staff and specialists at all levels in the fields of identification, monitoring, conservation, management and presentation of World Heritage, with an emphasis on group training;</li> <li>(ii) scientific research benefiting World Heritage properties;</li> <li>(iii) studies on the scientific and technical problems of conservation, management, and presentation of World Heritage properties.</li> </ul> <p>Note: Requests for support for individual training courses from UNESCO should be submitted on the standard "Application for fellowship" form available from the Secretariat.</p> <ul style="list-style-type: none"> <li>(iv) provision of experts, technicians and skilled labour for the conservation, management, and presentation of properties inscribed on the List of World Heritage in Danger and the World Heritage List;</li> <li>(v) supply of equipment which the State Party requires for the conservation, management, and presentation of properties inscribed on the List of World Heritage in Danger and the World Heritage List;</li> <li>(vi) low-interest or interest-free loans for undertaking activities for the conservation, management, and presentation of properties inscribed on the List of World Heritage in Danger and the World Heritage List, which may be repayable on a long-term basis.</li> <li>(vii) At the regional and international levels for Programmes, activities and the holding of meetings that could:</li> </ul>	<p>Only for requests falling under items (i) to (vi):</p> <p>Up to US\$ 5.000</p> <p>Between US\$ 5.001 and 30.000</p> <p>Over US\$ 30.000</p> <p>Only for requests falling</p>	<p>Only for requests falling under items (i) to (vi):</p> <p>At any time</p> <p>31 October</p> <p>31 October</p>	<p>Only for requests falling under items (i) to (vi):</p> <p>Director of the World Heritage Centre</p> <p>Chairperson of the Committee</p> <p>Committee</p> <p>Only for requests falling</p>

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	<ul style="list-style-type: none"> <li>- help to create interest in the <i>Convention</i> within the countries of a given region;</li> <li>- create a greater awareness of the different issues related to the implementation of the <i>Convention</i> to promote more active involvement in its application;</li> <li>- be a means of exchanging experiences;</li> <li>- stimulate joint education, information and promotional programmes and activities, especially when they involve the participation of young people for the benefit of World Heritage conservation.</li> </ul> <p>(viii) At the national level for:</p> <ul style="list-style-type: none"> <li>- meetings specifically organized to make the <i>Convention</i> better known, especially amongst young people, or for the creation of national World Heritage associations, in accordance with Article 17 of the <i>Convention</i>;</li> <li>- preparation and discussion of education and information material (such as brochures, publications, exhibitions, films, multimedia tools) for the general promotion of the <i>Convention</i> and the World Heritage List and not for the promotion of a particular property, and especially for young people.</li> </ul>	<p>under items (vii) and (viii):</p> <p>Up to US\$ 5,000</p> <p>Between US\$ 5,001 and 10,000</p>	<p>Only for requests falling under items (vii) and (viii):</p> <p>At any time</p> <p>31 October</p>	<p>under items (vii) and (viii):</p> <p>Director of the World Heritage Centre</p> <p>Chairperson of the Committee</p>
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#### VII.F Procedure and format

242. All States Parties submitting requests for international assistance are encouraged to consult the Secretariat and the Advisory Bodies during the conceptualization, planning and elaboration of each request. To facilitate States Parties' work, examples of successful international assistance requests may be provided upon request.
243. The application form for International Assistance is presented in Annex 8 and the types, amounts, deadlines for submission and the authorities responsible for approval are outlined in the summary table in Chapter VII.E.
244. The request should be submitted in English or French, duly signed and transmitted by the National Commission for UNESCO, the State Party Permanent Delegation to UNESCO and/or appropriate governmental Department or Ministry to the following address:

**UNESCO World Heritage Centre**  
 7, place de Fontenoy  
 75352 Paris 07 SP  
 France  
 Tel: +33 (0) 1 4568 1276  
 Fax: +33 (0) 1 4568 5570  
 E-mail: wh-intassistance@unesco.org

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- 245. Requests for international assistance may be submitted by electronic mail by the State Party but must be accompanied by an officially signed hard copy or be filled-in using the online format on the World Heritage Centre's Website at the following address: <http://whc.unesco.org>
- 246. It is important that all information requested in this application form is provided. If appropriate or necessary, requests may be supplemented by additional information, reports, etc.

**VII.G Evaluation and approval of International Assistance requests**

- 247. Provided that a request for assistance from a State Party is complete, the Secretariat, with the assistance of the Advisory Bodies, for requests above US\$ 5,000, will process each request in a timely manner, as follows.
- 248. All requests for international assistance for cultural heritage are evaluated by ICOMOS and ICCROM, except requests up to and including US\$ 5,000. Decision 13 COM XII.34  
Decision 31 COM 18B
- 249. All requests for international assistance for mixed heritage are evaluated by ICOMOS, ICCROM and IUCN, except requests up to and including US\$ 5,000. Decision 31 COM 18B
- 250. All requests for international assistance for natural heritage are evaluated by IUCN, except requests up to and including US\$ 5,000. Decision 31 COM 18B
- 251. The evaluation criteria used by the Advisory Bodies are outlined in Annex 9. Decision 31 COM 18B
- 252. All requests for International Assistance of more than US\$ 5,000, except those of Emergency Assistance, are evaluated by a panel composed of representatives of the World Heritage Centre Regional Desks and the Advisory Bodies, and if possible the Chairperson of the World Heritage Committee or one vice-chairperson, meeting once or twice a year before action by the Chairperson and/or Committee. Requests for Emergency Assistance can be submitted at anytime to the Secretariat and will be submitted to the Chairperson or to the Committee at its next session for decision after comments by the Advisory Bodies and without examination by the panel. Decision 31 COM 18B
- 253. The Chairperson is not authorized to approve requests submitted by his own country. These will be examined by the Committee.

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254. All requests for Preparatory Assistance or Conservation and Management Assistance of more than US\$ 5,000 should be received by the Secretariat on or before **31 October**. Incomplete forms which do not come back duly completed by 30 November will be sent back to the States Parties for submission to a next cycle. Complete requests are examined by a first panel held in January during the meeting between the Secretariat and the Advisory Bodies. Requests for which the panel issues a positive or a negative recommendation will be submitted to the Chairperson/Committee for decision. A second panel may be held at least eight weeks before the Committee session for requests which were revised since the first panel. Requests sent back for a substantial revision will be examined by the panel depending on their date of receipt. Requests requiring only minor revision and no further examination by the panel must come back within the year when they were examined first; otherwise they will be sent again to a next panel. The chart detailing the submission process is attached in Annex 8.

#### **VII.H Contractual Arrangements**

255. Agreements are established between UNESCO and the concerned State Party or its representative(s) for the implementation of the approved International Assistance requests in conformity with UNESCO regulations, following the work plan and budget breakdown described in the originally approved request.

#### **VII.I Evaluation and follow-up of International Assistance**

256. The monitoring and evaluation of the implementation of the International Assistance requests will take place within 3 months of the activities' completion. The results of these evaluations will be collated and maintained by the Secretariat in collaboration with the Advisory Bodies and examined by the Committee on a regular basis.
257. The Committee reviews the implementation, evaluation and follow-up of International Assistance in order to evaluate the International Assistance effectiveness and to redefine its priorities.

VIII. THE WORLD HERITAGE EMBLEM

VIII.A Preamble

258. At its second session (Washington, 1978), the Committee adopted the World Heritage Emblem which had been designed by Mr. Michel Olyff. This Emblem symbolizes the interdependence of cultural and natural properties: the central square is a form created by man and the circle represents nature, the two being intimately linked. The Emblem is round, like the world, but at the same time it is a symbol of protection. It symbolizes the *Convention*, signifies the adherence of States Parties to the *Convention*, and serves to identify properties inscribed in the World Heritage List. It is associated with public knowledge about the *Convention* and is the imprimatur of the *Convention's* credibility and prestige. Above all, it is a representation of the universal values for which the *Convention* stands.

259. The Committee decided that the Emblem proposed by the artist could be used, in any colour or size, depending on the use, the technical possibilities and considerations of an artistic nature. The Emblem should always carry the text "WORLD HERITAGE . PATRIMOINE MONDIAL". The space occupied by "PATRIMONIO MUNDIAL" can be used for its translation into the national language of the country where the Emblem is to be used.



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260. In order to ensure the Emblem benefits from as much visibility as possible while preventing improper uses, the Committee at its twenty-second session (Kyoto, 1998) adopted "Guidelines and Principles for the Use of the World Heritage Emblem" as set out in the following paragraphs.
261. Although there is no mention of the Emblem in the *Convention*, its use has been promoted by the Committee to identify properties protected by the *Convention* and inscribed on the World Heritage List since its adoption in 1978.
262. The World Heritage Committee is responsible for determining the use of the World Heritage Emblem and for making policy prescriptions regarding how it may be used.
263. As requested by the Committee at its 26th session (Budapest, 2002), the World Heritage Emblem, the "World Heritage" name and its derivatives are currently being registered under Article 6ter of the Paris Convention for the Protection of Industrial Property and are therefore protected.
264. The Emblem also has fund-raising potential that can be used to enhance the marketing value of products with which it is associated. A balance is needed between the Emblem's use to further the aims of the *Convention* and optimize knowledge of the *Convention* worldwide and the need to prevent its abuse for inaccurate, inappropriate, and unauthorized commercial or other purposes.
265. The Guidelines and Principles for the Use of the Emblem and modalities for quality control should not become an obstacle to co-operation for promotional activities. Authorities responsible for reviewing and deciding on uses of the Emblem (see below) need parameters on which to base their decisions.

Decision 26 COM 15

### VIII.B Applicability

266. The Guidelines and Principles proposed herein cover all proposed uses of the Emblem by:
- a. The World Heritage Centre;
  - b. The UNESCO Publishing Office and other UNESCO offices;
  - c. Agencies or National Commissions, responsible for implementing the *Convention* in each State Party;
  - d. World Heritage properties;
  - e. Other contracting parties, especially those operating for predominantly commercial purposes.

**VIII.C Responsibilities of States Parties**

267. States Parties to the *Convention* should take all possible measures to prevent the use of the Emblem in their respective countries by any group or for any purpose not explicitly recognized by the Committee. States Parties are encouraged to make full use of national legislation including Trade Mark Laws.

**VIII.D Increasing proper uses of the World Heritage Emblem**

268. Properties inscribed on the World Heritage List should be marked with the emblem jointly with the UNESCO logo, which should, however, be placed in such a way that they do not visually impair the property in question.

Production of plaques to commemorate the inscription of properties on the World Heritage List

269. Once a property is inscribed on the World Heritage List, the State Party should place a plaque, whenever possible, to commemorate this inscription. These plaques are designed to inform the public of the country concerned and foreign visitors that the property visited has a particular value which has been recognized by the international community. In other words, the property is exceptional, of interest not only to one nation, but also to the whole world. However, these plaques have an additional function which is to inform the general public about the *World Heritage Convention* or at least about the World Heritage concept and the World Heritage List.

270. The Committee has adopted the following Guidelines for the production of these plaques:

- a) the plaque should be so placed that it can easily be seen by visitors, without disfiguring the property;
- b) the World Heritage Emblem should appear on the plaque;
- c) the text should mention the property's Outstanding Universal Value; in this regard it might be useful to give a short description of the property's outstanding characteristics. States Parties may, if they wish, use the descriptions appearing in the various World Heritage publications or in the World Heritage exhibit, and which may be obtained from the Secretariat;
- d) the text should make reference to the *World Heritage Convention* and particularly to the World Heritage List and to the international recognition conferred by inscription on

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this List (however, it is not necessary to mention at which session of the Committee the property was inscribed); it may be appropriate to produce the text in several languages for properties which receive many foreign visitors.

271. The Committee proposes the following text as an example:

"(Name of property) has been inscribed upon the World Heritage List of the *Convention concerning the Protection of the World Cultural and Natural Heritage*. Inscription on this List confirms the Outstanding Universal Value of a cultural or natural property which deserves protection for the benefit of all humanity."

272. This text could be then followed by a brief description of the property concerned.

273. Furthermore, the national authorities should encourage World Heritage properties to make a broad use of the Emblem such as on their letterheads, brochures and staff uniforms.

274. Third parties which have received the right to produce communication products related to the *World Heritage Convention* and World Heritage properties must give the Emblem proper visibility. They should avoid creating a different Emblem or logo for that particular product.

#### VIII.E Principles on the use of the World Heritage Emblem

275. The responsible authorities are henceforth requested to use the following principles in making decisions on the use of the Emblem:

- a) The Emblem should be utilized for all projects substantially associated with the work of the *Convention*, including, to the maximum extent technically and legally possible, those already approved and adopted, in order to promote the *Convention*.
- b) A decision to approve use of the Emblem should be linked strongly to the quality and content of the product with which it is to be associated, not on the volume of products to be marketed or the financial return expected. The main criterion for approval should be the educational, scientific, cultural, or artistic value of the proposed product related to World Heritage principles and values. Approval should not routinely be granted to place the Emblem on products that have no, or extremely little, educational value, such as cups, T-

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shirts, pins, and other tourist souvenirs. Exceptions to this policy will be considered for special events, such as meetings of the Committee and ceremonies at which plaques are unveiled.

- c) Any decision with respect to authorizing the use of the Emblem must be completely unambiguous and in keeping with the explicit and implicit goals and values of the *World Heritage Convention*.
- d) Except when authorized in accordance with these principles it is not legitimate for commercial entities to use the Emblem directly on their own material to show their support for World Heritage. The Committee recognizes, however, that any individual, organization, or company is free to publish or produce whatever they consider to be appropriate regarding World Heritage properties, but official authorization to do so under the World Heritage Emblem remains the exclusive prerogative of the Committee, to be exercised as prescribed in these Guidelines and Principles.
- e) Use of the Emblem by other contracting parties should normally only be authorized when the proposed use deals directly with World Heritage properties. Such uses may be granted after approval by the national authorities of the countries concerned.
- f) In cases where no specific World Heritage properties are involved or are not the principal focus of the proposed use, such as general seminars and/or workshops on scientific issues or conservation techniques, use may be granted only upon express approval in accordance with these Guidelines and Principles. Requests for such uses should specifically document the manner in which the proposed use is expected to enhance the work of the *Convention*.
- g) Permission to use the Emblem should not be granted to travel agencies, airlines, or to any other type of business operating for predominantly commercial purposes, except under exceptional circumstances and when manifest benefit to the World Heritage generally or particular World Heritage properties can be demonstrated. Requests for such use should require approval in accordance with these Guidelines and Principles and the concurrence of the national authorities of countries specifically concerned.

The Secretariat is not to accept any advertising, travel, or other promotional considerations from travel



agencies or other, similar companies in exchange or in lieu of financial remuneration for use of the Emblem.

- h) When commercial benefits are anticipated, the Secretariat should ensure that the World Heritage Fund receives a fair share of the revenues and conclude a contract or other agreement that documents the nature of the understandings that govern the project and the arrangements for provision of income to the Fund. In all cases of commercial use, any staff time and related costs for personnel assigned by the Secretariat or other reviewers, as appropriate, to any initiative, beyond the nominal, must be fully covered by the party requesting authorization to use the Emblem.

National authorities are also called upon to ensure that their properties or the World Heritage Fund receive a fair share of the revenues and to document the nature of the understandings that govern the project and the distribution of any proceeds.

- i) If sponsors are sought for manufacturing products whose distribution the Secretariat considers necessary, the choice of partner or partners should be consistent, at a minimum, with the criteria set forth in the "Directives concerning UNESCO's co-operation with private extra-budgetary funding sources" and "Guidelines for mobilizing private funds and criteria for selecting potential partners" and with such further fund-raising guidance as the Committee may prescribe. The necessity for such products should be clarified and justified in written presentations that will require approval in such manner as the Committee may prescribe.

"Directives concerning UNESCO's co-operation with private extra-budgetary funding sources" (Annex to the Decision 149 EX/Dec. 7.5) and "Guidelines for mobilizing private funds and criteria for selecting potential partners" (Annex to the Decision 156 EX/Dec. 9.4)

#### **VIII.F Authorization procedure for the use of the World Heritage Emblem**

##### Simple agreement of the national authorities

276. National authorities may grant the use of the Emblem to a national entity, provided that the project, whether national or international, involves only World Heritage properties located on the same national territory. National authorities' decision should be guided by the Guidelines and Principles.
277. States Parties are invited to provide the Secretariat with the names and addresses of the authorities in charge of managing the use of the Emblem.

Circular letter dated 14 April 1999  
<http://whc.unesco.org/circs/circ99-4e.pdf>

##### Agreement requiring quality control of content

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278. Any other request for authorization to use the Emblem should adopt the following procedure:

- a) A request indicating the objective of the use of the Emblem, its duration and territorial validity, should be addressed to the Director of the World Heritage Centre.
- b) The Director of the World Heritage Centre has the authority to grant the use of the Emblem in accordance with the Guidelines and Principles. For cases not covered, or not sufficiently covered, by the Guidelines and Principles, the Director refers the matter to the Chairperson who, in the most difficult cases, might wish to refer the matter to the Committee for final decision. A yearly report on the authorized uses of the Emblem will be submitted to the World Heritage Committee.
- c) Authorization to use the Emblem in major products to be widely distributed over an undetermined period of time is conditional upon obtaining the manufacturer's commitment to consult with countries concerned and secure their endorsement of texts and images illustrating properties situated in their territory, at no cost to the Secretariat, together with the proof that this has been done. The text to be approved should be provided in either one of the official languages of the Committee or in the language of the country concerned. A draft model to be used by States Parties to authorize the use of the Emblem to third parties appears below.

Content Approval Form:

[Name of responsible national body], officially identified as the body responsible for approving the content of the texts and photos relating to the World Heritage properties located in the territory of [name of country], hereby confirms to [name of producer] that the text and the images that it has submitted for the [name of properties] World Heritage property(ies) are [approved] [approved subject to the following changes requested] [are not approved]

(delete whatever entry does not apply, and provide, as needed, a corrected copy of the text or a signed list of corrections).

Notes:

It is recommended that the initials of the responsible national official be affixed to each page of text.

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The National Authorities are given one month from their acknowledged receipt in which to authorize the content, following which the producers may consider that the content has been tacitly approved, unless the responsible National Authorities request in writing a longer period.

Texts should be supplied to the National Authorities in one of the two official languages of the Committee, or in the official language (or in one of the official languages) of the country in which the properties are located, at the convenience of both parties.

- d) After having examined the request and considered it as acceptable, the Secretariat may establish an agreement with the partner.
- e) If the Director of the World Heritage Centre judges that a proposed use of the Emblem is not acceptable, the Secretariat informs the requesting party of the decision in writing.

#### VIII.G Right of States Parties to exert quality control

279. Authorization to use the Emblem is inextricably linked to the requirement that the national authorities may exert quality control over the products with which it is associated.

- a) The States Parties to the *Convention* are the only parties authorized to approve the content (images and text) of any distributed product appearing under the World Heritage Emblem with regard to the properties located in their territories.
- b) States Parties that protect the Emblem legally must review these uses.
- c) Other States Parties may elect to review proposed uses or refer such proposals to the Secretariat. States Parties are responsible for identifying an appropriate national authority and for informing the Secretariat whether they wish to review proposed uses or to identify uses that are inappropriate. The Secretariat maintains a list of responsible national authorities.

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## **IX. INFORMATION SOURCES**

### **IX.A Information archived by the Secretariat**

280. The Secretariat maintains a database of all documents of the World Heritage Committee and the General Assembly of States Parties to the *World Heritage Convention*. This database is available at the following Web address: <http://whc.unesco.org/en/statutorydoc>
281. The Secretariat ensures that copies of Tentative Lists, World Heritage nominations, including copies of maps and relevant information received from States Parties are archived in hard copy and in electronic format where possible. The Secretariat also arranges for the archiving of relevant information relating to inscribed properties, including evaluations and other documents developed by the Advisory Bodies, any correspondence and reports received from States Parties (including Reactive Monitoring and Periodic Reports) and correspondence and material from the Secretariat and World Heritage Committee.
282. Archived material will be kept in a form appropriate to long-term storage. Provisions will be made for the storage of paper copies and electronic copies, as relevant. Provision will be made for copies to be provided to States Parties as requested.
283. Nominations of those properties inscribed on the World Heritage List by the Committee will be made available for consultation. States Parties are urged to place a copy of the nomination on their own Web addresses and inform the Secretariat of this action. States Parties preparing nominations may wish to use such information as guides for identifying and elaborating nomination of properties within their own territories.
284. Advisory Body evaluations for each nomination and the decision of the Committee concerning each nomination are available at the following Web address : <http://whc.unesco.org/en/advisorybodies>

### **IX.B Specific Information for World Heritage Committee members and other States Parties**

285. The Secretariat maintains two electronic mailing lists: one for Committee members ([wh-committee@unesco.org](mailto:wh-committee@unesco.org)) and one for all States Parties ([wh-states@unesco.org](mailto:wh-states@unesco.org)). States Parties are requested to supply all appropriate email addresses for the establishment of these lists. These electronic mailing lists, which supplement but do not replace the traditional means of



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notifying States Parties, allow the Secretariat to communicate, in a timely manner, announcements about the availability of documents, changes to meeting schedules, and other issues relevant to Committee members and other States Parties.

286. Circular letters to the States Parties are available at the following Web address:  
<http://whc.unesco.org/en/circularletters>  
Another Web address, linked to the public Web address through restricted access, is maintained by the Secretariat and contains specific information targeted at Committee members, other States Parties and Advisory Bodies.
287. The Secretariat maintains also a database of decisions of the Committee and resolutions of the General Assembly of States Parties. These are available at the following Web address:  
<http://whc.unesco.org/en/decisions>

Decision 28 COM 9

#### **IX.C. Information and publications available to the public**

288. The Secretariat provides access to information labelled as publicly available and copyright free on World Heritage properties and other relevant matters, wherever possible.
289. Information on issues related to World Heritage is available at the Secretariat's Web address (<http://whc.unesco.org>), on the Web addresses of the Advisory Bodies and in libraries. A list of databases accessible on the web and links to relevant web addresses can be found in the Bibliography.
290. The Secretariat produces a wide variety of World Heritage publications, including the World Heritage List, the List of World Heritage in Danger, Brief Descriptions of World Heritage properties, World Heritage Papers series, newsletters, brochures and information kits. In addition, other information materials aimed specifically at experts and the general public are also developed. The list of World Heritage publications can be found in the Bibliography or at the following Web address:  
<http://whc.unesco.org/en/publications>.  
These information materials are distributed to the public directly or through the national and international networks established by States Parties or by World Heritage partners.

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## ANNEXES

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MODEL INSTRUMENT OF RATIFICATION / ACCEPTANCE



WHEREAS the Convention concerning the Protection of the World Cultural and Natural Heritage was adopted on 16 November 1972 by the General Conference of UNESCO at its seventeenth session;

NOW THEREFORE the Government of ..... having considered the aforesaid Convention, hereby [ratifies the same and undertake faithfully to carry out [accepts the stipulations therein contained.

IN WITNESS WHEREOF, I have signed and sealed this instrument.

Done at .....this .....day of .....20.....

(Seal) Signature of Head of State, Prime Minister or Minister of Foreign Affairs

- The model instrument of ratification / acceptance is available from the UNESCO World Heritage Centre and at the following Web address: http://whc.unesco.org/en/modelratification
The original signed version of the completed form should be sent, preferably with an official translation in English or French, to: Director-General, UNESCO, 7 place de Fontenoy, 75352 Paris 07 SP, France

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MODEL INSTRUMENT OF ACCESSION



WHEREAS the Convention concerning the Protection of the World Cultural and Natural Heritage was adopted on 16 November 1972 by the General Conference of UNESCO at its seventeenth session;

NOW THEREFORE the Government of ..... having considered the aforesaid Convention, hereby accedes the same and undertake faithfully to carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed and sealed this instrument.

Done at .....this .....day of .....20.....

(Seal)

Signature of Head of State,

Prime Minister or

Minister of Foreign Affairs

- The model instrument of accession is available from the UNESCO World Heritage Centre and at the following Web address: <http://whc.unesco.org/en/modelratification>
- The original signed version of the completed form should be sent, preferably with an official translation in English or French, to: Director-General, UNESCO, 7 place de Fontenoy, 75352 Paris 07 SP, France

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## TENTATIVE LIST SUBMISSION FORMAT



STATE PARTY:

DATE OF SUBMISSION:

Submission prepared by:

Name:

E-mail:

Address:

Fax:

Institution:

Telephone:

NAME OF PROPERTY:

State, Province or Region:

Latitude and Longitude, or UTM coordinates:

DESCRIPTION:

**Justification of Outstanding Universal Value:**

(Preliminary identification of the values of the property which merit inscription on the World Heritage List)

**Criteria met** [see Paragraph 77 of the *Operational Guidelines*]:

(Please tick the box corresponding to the proposed criteria and justify the use of each below)

 (i)    (ii)    (iii)    (iv)    (v)    (vi)    (vii)    (viii)    (ix)    (x)
**Statements of authenticity and/or integrity** [see Paragraphs 78-95 of the *Operational Guidelines*]:**Comparison with other similar properties:**

(The comparison should outline similarities with other properties on the World Heritage List or not, and the reasons that make the property stand out)

- The Tentative List submission format is available from the UNESCO World Heritage Centre and at the following Web address: <http://whc.unesco.org/en/tentativelists>
- Further guidance on the preparation of Tentative Lists can be found in Paragraphs 62-67 of the *Operational Guidelines*.
- An example of a completed Tentative List submission format can be found at the following Web address: <http://whc.unesco.org/en/tentativelists>
- All Tentative Lists submitted by States Parties are available at the following Web address: <http://whc.unesco.org/en/tentativelists>
- The original signed version of the completed Tentative List submission format should be sent in English or French to: UNESCO World Heritage Centre, 7 place de Fontenoy, 75352 Paris 07 SP, France
- States Parties are encouraged to also submit this information in-electronic format (diskette or CD-Rom) or by e-mail to [wh-tentativelists@unesco.org](mailto:wh-tentativelists@unesco.org)

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TENTATIVE LIST SUBMISSION FORMAT FOR SERIAL TRANSNATIONAL AND TRANSBOUNDARY FUTURE NOMINATIONS



STATE PARTY:

DATE OF SUBMISSION:

Submission<sup>10</sup> prepared by:

Name:

E-mail:

Title:

Address:

Fax:

Institution:

Telephone:

1.a Name of the serial transnational / transboundary future nomination<sup>11</sup>:

1.b Other States Parties participating:

1.c Name(s) of the national component part(s):

1.d State, Province or Region:

1.e Latitude and Longitude, or Universal Transverse Mercator (UTM) coordinates:

2.a Brief Description of the serial, transnational / transboundary future nomination<sup>12</sup>:

2.b Description of the component part(s):

3. JUSTIFICATION FOR OUTSTANDING UNIVERSAL VALUE<sup>13</sup> OF THE FUTURE NOMINATION AS A WHOLE

(Preliminary identification of the values of the future nomination as a whole which merit inscription on the World Heritage List)

3.a Criteria met<sup>14</sup> [see Paragraph 77 of the Operational Guidelines]:

(Please tick the box corresponding to the proposed criteria and justify the use of each below)

(i)  (ii)  (iii)  (iv)  (v)  (vi)  (vii)  (viii)  (ix)  (x)

<sup>10</sup> This submission will be valid only when all the States Parties indicated in Section 1.b have sent their submissions.

<sup>11</sup> The text provided in this section should be identical in all submissions of the States Parties involved in the presentation of the same serial, transnational / transboundary future nomination.

<sup>12</sup> In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

<sup>13</sup> In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

<sup>14</sup> In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

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***Tentative List Submission Format for Serial Transnational and Transboundary Future Nominations***

***Annex 2B***

- 3.b Statements of authenticity and/or integrity** [see Paragraphs 79-95 of the *Operational Guidelines*]:
- 3.c.1 Justification of the selection of the component part(s) in relation to the future nomination as a whole:**
- 3.c.2 Comparison with other similar properties<sup>15</sup>:**  
(This comparison should outline the similarities with other properties inscribed or not on the World Heritage List, and the reasons for the exceptional character of the future nomination).

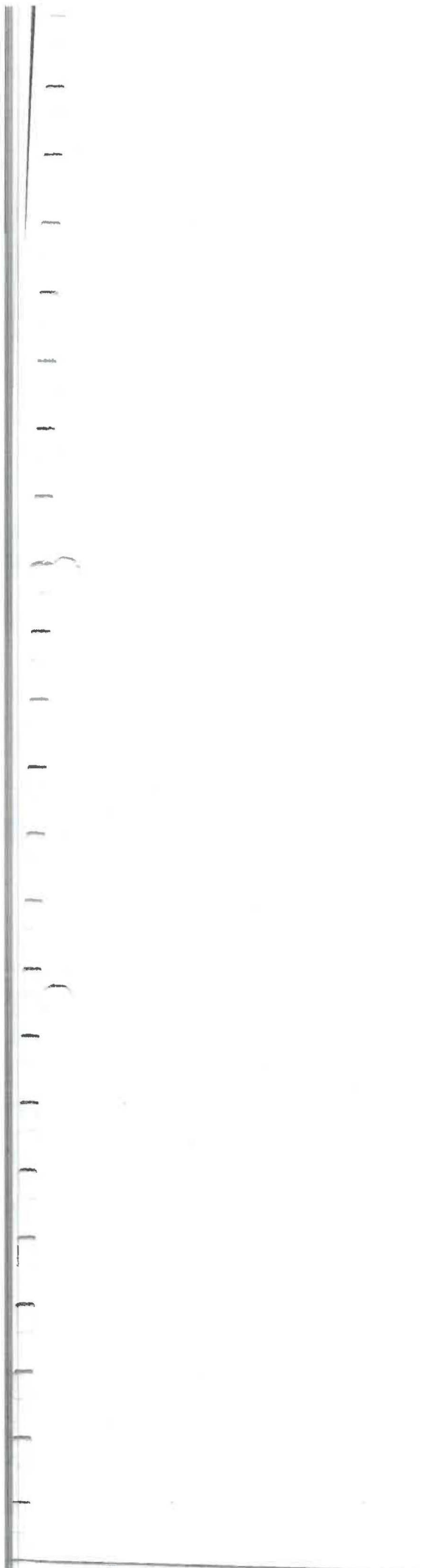
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<sup>15</sup> In case of transnational/transboundary properties any modification will need the agreement of all States Parties concerned.

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GUIDELINES ON THE INSCRIPTION OF SPECIFIC TYPES OF PROPERTIES ON THE WORLD HERITAGE LIST<sup>16</sup>



The ICOMOS List of thematic studies is available at the following address:  
<http://www.icomos.org/studies>

The IUCN List of thematic studies is available at the following address:  
[http://www.iucn.org/about/work/programmes/wcpa\\_worldheritage/wheritage\\_pub/](http://www.iucn.org/about/work/programmes/wcpa_worldheritage/wheritage_pub/)

INTRODUCTION

1. This annex provides information on specific types of properties to guide States Parties in preparing nominations of properties for inscription on the World Heritage List. The following information constitutes guidelines that should be used in association with Chapter II of the *Operational Guidelines*, which contains the criteria for inscription of properties on the World Heritage List.
2. The Committee has endorsed the findings of expert meetings on the subject of cultural landscapes, towns, canals and routes (Part I, below).
3. The reports of other expert meetings requested by the World Heritage Committee, in the framework of the Global Strategy for a representative, balanced and credible World Heritage List, are referred to in Part II.
4. Part III lists various comparative and thematic studies prepared by the Advisory Bodies.

I. CULTURAL LANDSCAPES, TOWNS, CANALS AND ROUTES

5. The World Heritage Committee has identified and defined several specific types of cultural and natural properties and has adopted specific guidelines to facilitate the evaluation of such properties when nominated for inscription on the World Heritage List. To date, these cover the following categories, although it is likely that others may be added in due course:
  - a) Cultural Landscapes;
  - b) Historic Towns and Town Centres;
  - c) Heritage Canals;
  - d) Heritage Routes.

CULTURAL LANDSCAPES<sup>17</sup>

Definition

<sup>16</sup> The Committee may develop additional guidelines for other types of properties in future years.

<sup>17</sup> This text was prepared by an Expert Group on Cultural Landscapes (La Petite Pierre, France, 24 - 26 October 1992) (see document *WHC-92/CONF.202/10/Add*). The text was subsequently approved for inclusion in the *Operational Guidelines* by the World Heritage Committee at its 16th session (Santa Fe 1992) (see document *WHC-92/CONF.002/12*).

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6. Cultural landscapes are cultural properties and represent the "combined works of nature and of man" designated in Article 1 of the *Convention*. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.
7. They should be selected on the basis both of their Outstanding Universal Value and of their representativity in terms of a clearly defined geo-cultural region and also for their capacity to illustrate the essential and distinct cultural elements of such regions.
8. The term "cultural landscape" embraces a diversity of manifestations of the interaction between humankind and its natural environment.
9. Cultural landscapes often reflect specific techniques of sustainable land-use, considering the characteristics and limits of the natural environment they are established in, and a specific spiritual relation to nature. Protection of cultural landscapes can contribute to modern techniques of sustainable land-use and can maintain or enhance natural values in the landscape. The continued existence of traditional forms of land-use supports biological diversity in many regions of the world. The protection of traditional cultural landscapes is therefore helpful in maintaining biological diversity.

#### **Definition and Categories**

10. Cultural landscapes fall into three main categories, namely:
  - (i) The most easily identifiable is the clearly defined **landscape designed and created intentionally by man**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.
  - (ii) The second category is the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:
    - a relict (or fossil) landscape is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
    - a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.
  - (iii) The final category is the **associative cultural landscape**. The inscription of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.

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### **Inscription of Cultural Landscapes on the World Heritage List**

11. The extent of a cultural landscape for inscription on the World Heritage List is relative to its functionality and intelligibility. In any case, the sample selected must be substantial enough to adequately represent the totality of the cultural landscape that it illustrates. The possibility of designating long linear areas which represent culturally significant transport and communication networks should not be excluded.
12. General criteria for protection and management are equally applicable to cultural landscapes. It is important that due attention be paid to the full range of values represented in the landscape, both cultural and natural. The nominations should be prepared in collaboration with and the full approval of local communities.
13. The existence of a category of "cultural landscape", included on the World Heritage List on the basis of the criteria set out in Paragraph 77 of the *Operational Guidelines*, does not exclude the possibility of properties of exceptional importance in relation to both cultural and natural criteria continuing to be inscribed (see definition of mixed properties as set out in Paragraph 46). In such cases, their Outstanding Universal Value must be justified under both sets of criteria.

### **HISTORIC TOWNS AND TOWN CENTRES<sup>18</sup>**

#### **Definition and Categories**

14. Groups of urban buildings eligible for inscription on the World Heritage List fall into three main categories, namely:
  - (i) towns which are **no longer inhabited** but which provide unchanged archaeological evidence of the past; these generally satisfy the criterion of authenticity and their state of conservation can be relatively easily controlled;
  - (ii) **historic towns which are still inhabited** and which, by their very nature, have developed and will continue to develop under the influence of socio-economic and cultural change, a situation that renders the assessment of their authenticity more difficult and any conservation policy more problematical;
  - (iii) **new towns of the twentieth century** which paradoxically have something in common with both the aforementioned categories: while their original urban organization is clearly recognizable and their authenticity is undeniable, their future is unclear because their development is largely uncontrollable.

#### **Inscription of Historic Towns and Town Centres on the World Heritage List**

15. The significance of Historic Towns and Town Centres can be examined under the factors outlined below:
  - (i) **Towns no longer inhabited**

The evaluation of towns that are no longer inhabited does not raise any special difficulties other than those related to archaeological properties in general: the criteria which call for uniqueness or

<sup>18</sup> This text was included in the January 1987 version of the *Operational Guidelines* following the discussion by the Committee at its 8th session (Buenos Aires, 1984) of the conclusions of the Meeting of Experts to Consult on Historic Towns which met in Paris from 5 to 7 September 1984 organized by ICOMOS.

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exemplary character have led to the choice of groups of buildings noteworthy for their purity of style, for the concentrations of monuments they contain and sometimes for their important historical associations. It is important for urban archaeological sites to be listed as integral units. A cluster of monuments or a small group of buildings is not adequate to suggest the multiple and complex functions of a city which has disappeared; remains of such a city should be preserved in their entirety together with their natural surroundings whenever possible.

(ii) **Inhabited historic towns**

In the case of inhabited historic towns the difficulties are numerous, largely owing to the fragility of their urban fabric (which has in many cases been seriously disrupted since the advent of the industrial era) and the runaway speed with which their surroundings have been urbanized. To qualify for inscription, towns should compel recognition because of their architectural interest and should not be considered only on the intellectual grounds of the role they may have played in the past or their value as historical symbols under criterion (vi) for the inscription of cultural properties on the World Heritage List (see Paragraph 77 (vi) of the *Operational Guidelines*). To be eligible for inscription in the List, the spatial organization, structure, materials, forms and, where possible, functions of a group of buildings should essentially reflect the civilization or succession of civilizations which have prompted the nomination of the property. Four categories can be distinguished:

- a) Towns which are typical of a specific period or culture, which have been almost wholly preserved and which have remained largely unaffected by subsequent developments. Here the property to be listed is the entire town together with its surroundings, which must also be protected;
- b) Towns that have evolved along characteristic lines and have preserved, sometimes in the midst of exceptional natural surroundings, spatial arrangements and structures that are typical of the successive stages in their history. Here the clearly defined historic part takes precedence over the contemporary environment;
- c) "Historic centres" that cover exactly the same area as ancient towns and are now enclosed within modern cities. Here it is necessary to determine the precise limits of the property in its widest historical dimensions and to make appropriate provision for its immediate surroundings;
- d) Sectors, areas or isolated units which, even in the residual state in which they have survived, provide coherent evidence of the character of a historic town which has disappeared. In such cases surviving areas and buildings should bear sufficient testimony to the former whole.

Historic centres and historic areas should be listed only where they contain a large number of ancient buildings of monumental importance which provide a direct indication of the characteristic features of a town of exceptional interest. Nominations of several isolated and unrelated buildings which allegedly represent, in themselves, a town whose urban fabric has ceased to be discernible, should not be encouraged.

However, nominations could be made regarding properties that occupy a limited space but have had a major influence on the history of town planning. In such cases, the nomination should make it clear that it is the monumental group that is to be listed and that the town is mentioned only incidentally as the place where the property is located. Similarly, if a building of clearly Outstanding Universal Value is located in severely degraded or insufficiently representative urban surroundings, it should, of course, be listed without any special reference to the town.

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(iii) **New towns of the twentieth century**

It is difficult to assess the quality of new towns of the twentieth century. History alone will tell which of them will best serve as examples of contemporary town planning. The examination of the files on these towns should be deferred, save under exceptional circumstances.

Under present conditions, preference should be given to the inscription in the World Heritage List of small or medium-sized urban areas which are in a position to manage any potential growth, rather than the great metropolises, on which sufficiently complete information and documentation cannot readily be provided that would serve as a satisfactory basis for their inscription in their entirety.

In view of the effects which the inscription of a town on the World Heritage List could have on its future, such entries should be exceptional. Inscription in the List implies that legislative and administrative measures have already been taken to ensure the protection of the group of buildings and its environment. Informed awareness on the part of the population concerned, without whose active participation any conservation scheme would be impractical, is also essential.

**HERITAGE CANALS**

16. The concept of "canals" is discussed in detail in the Report of the Expert Meeting on Heritage Canals (Canada, September 1994)<sup>19</sup>.

**Definition**

17. A canal is a human-engineered waterway. It may be of Outstanding Universal Value from the point of view of history or technology, either intrinsically or as an exceptional example representative of this category of cultural property. The canal may be a monumental work, the defining feature of a linear cultural landscape, or an integral component of a complex cultural landscape.

**Inscription of Heritage Canals on the World Heritage List**

18. Authenticity depends holistically upon values and the relationships between these values. One distinctive feature of the canal as a heritage element is its evolution over time. This is linked to how it was used during different periods and the associated technological changes the canal underwent. The extent of these changes may constitute a heritage element.
19. The authenticity and historical interpretation of a canal encompass the connection between the real property (subject of the *Convention*), possible movable property (boats, temporary navigation items) and the associated structures (bridges, etc) and landscape.
20. The significance of canals can be examined under technological, economic, social, and landscape factors as outlined below:

(i) **Technology**

Canals can serve a variety of purposes: irrigation, navigation, defence, water-power, flood mitigation, land-drainage and water-supply. The following are areas of technology which may be of significance:

<sup>19</sup> Expert meeting on "Heritage Canals" (Canada, 15-19 September 1994) (see document *WHC-94/CONF.003/INF.10*) discussed by the World Heritage Committee at its 19th session (Berlin, Germany, 1995) (see document *WHC-95/CONF.203/16*).

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- a) The lining and waterproofing of the water channel;
- b) The engineering structures of the line with reference to comparative structural features in other areas of architecture and technology;
- c) The development of the sophistication of construction methods; and
- d) The transfer of technologies.

**(ii) Economy**

Canals contribute to the economy in a variety of ways, e.g. in terms of economic development and the conveyance of goods and people. Canals were the first man-made routes for the effective carriage of bulk cargoes. Canals played and continue to play a key role in economic development through their use for irrigation. The following factors are important:

- a) Nation building;
- b) Agricultural development;
- c) Industrial development;
- d) Generation of wealth;
- e) Development of engineering skills applied to other areas and industries; and
- f) Tourism.

**(iii) Social Factors**

The building of canals had, and their operation continues to have, social consequences:

- a) The redistribution of wealth with social and cultural results; and
- b) The movement of people and the interaction of cultural groups.

**(iv) Landscape**

Such large-scale engineering works had and continue to have an impact on the natural landscape. Related industrial activity and changing settlement patterns cause visible changes to landscape forms and patterns.

**HERITAGE ROUTES**

- 21. The concept of "routes" or cultural itineraries was discussed by the expert meeting on "Routes as a Part of our Cultural Heritage" (Madrid, Spain, November 1994)<sup>20</sup>.

**Definition**

- 22. The concept of heritage routes is shown to be a rich and fertile one, offering a privileged

<sup>20</sup> Expert Meeting on "Routes as part of Our Cultural Heritage" (Madrid, 24-25 November 1994) (see document *WHC-94/CONF.003/INF.13*) discussed by the World Heritage Committee at its 19th session (Berlin, 1995) (see document *WHC-95/CONF.203/16*).

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framework in which mutual understanding, a plural approach to history and a culture of peace can all operate.

23. A heritage route is composed of tangible elements of which the cultural significance comes from exchanges and a multi-dimensional dialogue across countries or regions, and that illustrate the interaction of movement, along the route, in space and time.

**Inscription of Heritage Routes on the World Heritage List**

24. The following points should be considered when determining whether a heritage route is suitable for inscription on the World Heritage List:

- (i) The requirement to hold Outstanding Universal Value should be recalled.
- (ii) The concept of heritage routes:
  - is based on the dynamics of movement and the idea of **exchanges**, with **continuity** in space and time;
  - refers to a **whole**, where the route has a worth over and above the sum of the elements making it up and through which it gains its cultural significance;
  - highlights exchange and dialogue **between countries or between regions**;
  - is **multi-dimensional**, with different aspects developing and adding to its prime purpose which may be religious, commercial, administrative or otherwise.
- (iii) A heritage route may be considered as a specific, dynamic type of cultural landscape, just as recent debates have led to their acceptance within the *Operational Guidelines*.
- (iv) The identification of a heritage route is based on a collection of strengths and tangible elements, testimony to the significance of the route itself.
- (v) The conditions of authenticity are to be applied on the grounds of its significance and other elements making up the heritage route. It will take into account the duration of the route, and perhaps how often it is used nowadays, as well as the legitimate wishes for development of peoples affected.

These points will be considered within the natural framework of the route and its intangible and symbolic dimensions.

**II. REPORTS OF REGIONAL AND THEMATIC EXPERT MEETINGS**

25. The World Heritage Committee, in the framework of the Global Strategy for a representative, balanced and credible World Heritage List has requested a number of regional and thematic expert meetings on different types of properties. The results of these meetings may guide States Parties in preparing nominations. The reports of the expert meetings presented to the World Heritage Committee are available at the following Web address: <http://whc.unesco.org/en/globalstrategy>

**III. THEMATIC AND COMPARATIVE STUDIES BY THE ADVISORY BODIES**

26. To fulfil their obligations concerning evaluations of nominations of cultural and natural properties, the Advisory Bodies have undertaken comparative and thematic studies, often

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**Guidelines on the inscription of specific types of properties on the World Heritage List**

**Annex 3**

with partner organizations, in different subject areas in order to provide a context for their evaluations.

These reports, most of which are available on their respective Web addresses, include:

Earth's Geological History - A Contextual Framework for Assessment of World Heritage Fossil Site Nominations (September 1996)

International Canal Monuments List (1996)  
<http://www.icomos.org/studies/canals-toc.htm>

World Heritage Bridges (1996)  
<http://www.icomos.org/studies/bridges.htm>

A Global Overview of Forest Protected Areas on the World Heritage List (September 1997)  
<http://www.unep-wcmc.org/wh/reviews/forests/>

A Global Overview of Wetland and Marine Protected Areas on the World Heritage List (September 1997)  
<http://www.unep-wcmc.org/wh/reviews/wetlands/>

Human Use of World Heritage Natural Sites (September 1997)  
<http://www.unep-wcmc.org/wh/reviews/human/>

Fossil Hominid Sites (1997)  
<http://www.icomos.org/studies/hominid.htm>

The Urban Architectural Heritage of Latin America (1998)  
<http://www.icomos.org/studies/latin-towns.htm>

Les Théâtres et les Amphithéâtres antiques (1999)  
<http://www.icomos.org/studies/theatres.htm>

Railways as World Heritage Sites (1999)  
<http://www.icomos.org/studies/railways.htm>

A Global Overview of Protected Areas on the World Heritage List of Particular Importance for Biodiversity (November 2000)  
<http://www.unep-wcmc.org/wh/reviews/>

Les villages ouvriers comme éléments du patrimoine de l'industrie (2001)  
<http://www.icomos.org/studies/villages-ouvriers.htm>

A Global Strategy for Geological World Heritage (February 2002)

Rock-Art Sites of Southern Africa (2002)  
<http://www.icomos.org/studies/sarockart.htm>

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**AUTHENTICITY IN RELATION  
TO THE WORLD HERITAGE CONVENTION**



**INTRODUCTION**

This Annex reproduces the Nara Document on Authenticity, drafted by the 45 participants to the Nara Conference on Authenticity in Relation to the *World Heritage Convention*, held at Nara, Japan, from 1-6 November 1994. The Nara Conference was organized in co-operation with UNESCO, ICCROM and ICOMOS.

The World Heritage Committee examined the report of the Nara meeting on Authenticity at its 18th session (Phuket, Thailand, 1994) (see document WHC-94/CONF.003/16).

Subsequent expert meetings have enriched the concept of authenticity in relation to the *World Heritage Convention* (see Bibliography of the *Operational Guidelines*).

**I. THE NARA DOCUMENT ON AUTHENTICITY**

**Preamble**

1. *We, the experts assembled in Nara (Japan), wish to acknowledge the generous spirit and intellectual courage of the Japanese authorities in providing a timely forum in which we could challenge conventional thinking in the conservation field, and debate ways and means of broadening our horizons to bring greater respect for cultural and heritage diversity to conservation practice.*
2. *We also wish to acknowledge the value of the framework for discussion provided by the World Heritage Committee's desire to apply the test of authenticity in ways which accord full respect to the social and cultural values of all societies, in examining the outstanding universal value of cultural properties proposed for the World Heritage List.*
3. *The Nara Document on Authenticity is conceived in the spirit of the Charter of Venice, 1964, and builds on it and extends it in response to the expanding scope of cultural heritage concerns and interests in our contemporary world.*
4. *In a world that is increasingly subject to the forces of globalization and homogenization, and in a world in which the search for cultural identity is sometimes pursued through aggressive nationalism and the suppression of the cultures of minorities, the essential contribution made by the consideration of authenticity in conservation practice is to clarify and illuminate the collective memory of humanity.*

**Cultural Diversity and Heritage Diversity**

5. *The diversity of cultures and heritage in our world is an irreplaceable source of spiritual and intellectual richness for all humankind. The protection and enhancement of cultural and heritage diversity in our world should be actively promoted as an essential aspect of human development.*

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6. *Cultural heritage diversity exists in time and space, and demands respect for other cultures and all aspects of their belief systems. In cases where cultural values appear to be in conflict, respect for cultural diversity demands acknowledgment of the legitimacy of the cultural values of all parties.*
7. *All cultures and societies are rooted in the particular forms and means of tangible and intangible expression which constitute their heritage, and these should be respected.*
8. *It is important to underline a fundamental principle of UNESCO, to the effect that the cultural heritage of each is the cultural heritage of all. Responsibility for cultural heritage and the management of it belongs, in the first place, to the cultural community that has generated it, and subsequently to that which cares for it. However, in addition to these responsibilities, adherence to the international charters and conventions developed for conservation of cultural heritage also obliges consideration of the principles and responsibilities flowing from them. Balancing their own requirements with those of other cultural communities is, for each community, highly desirable, provided achieving this balance does not undermine their fundamental cultural values.*

#### **Values and authenticity**

9. *Conservation of cultural heritage in all its forms and historical periods is rooted in the values attributed to the heritage. Our ability to understand these values depends, in part, on the degree to which information sources about these values may be understood as credible or truthful. Knowledge and understanding of these sources of information, in relation to original and subsequent characteristics of the cultural heritage, and their meaning, is a requisite basis for assessing all aspects of authenticity.*
10. *Authenticity, considered in this way and affirmed in the Charter of Venice, appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories.*
11. *All judgements about values attributed to cultural properties as well as the credibility of related information sources may differ from culture to culture, and even within the same culture. It is thus not possible to base judgements of values and authenticity within fixed criteria. On the contrary, the respect due to all cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong.*
12. *Therefore, it is of the highest importance and urgency that, within each culture, recognition be accorded to the specific nature of its heritage values and the credibility and truthfulness of related information sources.*
13. *Depending on the nature of the cultural heritage, its cultural context, and its evolution through time, authenticity judgements may be linked to the worth of a great variety of sources of information. Aspects of the sources may include form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling, and other internal and external factors. The use of these sources permits elaboration of the specific artistic, historic, social, and scientific dimensions of the cultural heritage being examined.*

**Appendix 1: Suggestions for follow-up (proposed by Herb Stovel)**

1. *Respect for cultural and heritage diversity requires conscious efforts to avoid imposing mechanistic formulae or standardized procedures in attempting to define or determine authenticity of particular monuments and sites.*
2. *Efforts to determine authenticity in a manner respectful of cultures and heritage diversity requires approaches which encourage cultures to develop analytical processes and tools specific to their nature and needs. Such approaches may have several aspects in common:*
  - *efforts to ensure assessment of authenticity involve multidisciplinary collaboration and the appropriate utilisation of all available expertise and knowledge;*
  - *efforts to ensure attributed values are truly representative of a culture and the diversity of its interests, in particular monuments and sites;*
  - *efforts to document clearly the particular nature of authenticity for monuments and sites as a practical guide to future treatment and monitoring;*
  - *efforts to update authenticity assessments in light of changing values and circumstances.*
3. *Particularly important are efforts to ensure that attributed values are respected, and that their determination included efforts to build, as far as possible, a multidisciplinary and community consensus concerning these values.*
4. *Approaches should also build on and facilitate international co-operation among all those with an interest in conservation of cultural heritage, in order to improve global respect and understanding for the diverse expressions and values of each culture.*
5. *Continuation and extension of this dialogue to the various regions and cultures of the world is a prerequisite to increasing the practical value of consideration of authenticity in the conservation of the common heritage of humankind.*
6. *Increasing awareness within the public of this fundamental dimension of heritage is an absolute necessity in order to arrive at concrete measures for safeguarding the vestiges of the past. This means developing greater understanding of the values represented by the cultural properties themselves, as well as respecting the role such monuments and sites play in contemporary society.*

**Appendix 2: Definitions**

*Conservation: all efforts designed to understand cultural heritage, know its history and meaning, ensure its material safeguard and, as required, its presentation, restoration and enhancement. (Cultural heritage is understood to include monuments, groups of buildings and sites of cultural value as defined in Article 1 of the World Heritage Convention).*

*Information sources: all material, written, oral and figurative sources which make it possible to know the nature, specifications, meaning and history of the cultural heritage.*

II. CHRONOLOGICAL BIBLIOGRAPHY - ON AUTHENTICITY

Publications which preceded the Nara meeting and which helped prepare the ground for the authenticity discussion which took place in Nara:

Larsen, Knut Einar, *A note on the authenticity of historic timber buildings with particular reference to Japan*, Occasional Papers for the World Heritage Convention, ICOMOS, December 1992.

Larsen, Knut Einar, *Authenticity and Reconstruction: Architectural Preservation in Japan*, Norwegian Institute of Technology, Vols. 1-2, 1993.

Preparatory meeting for the Nara Meeting, held in Bergen, Norway, 31 January - 1 February 1994:

Larsen, Knut Einar and Marstein, Nils (ed.), *Conference on authenticity in relation to the World Heritage Convention Preparatory workshop*, Bergen, Norway, 31 January - 2 February 1994, Tapir Forlag, Trondheim 1994.

The Nara meeting, 1-6 November 1994, Nara, Japan:

Larsen, Knut Einar with an editorial group (Jokilehto, Lemaire, Masuda, Marstein, Stovel), *Nara conference on authenticity in relation to the World Heritage Convention. Conférence de Nara sur l'authenticité dans le cadre de la Convention du Patrimoine Mondial*. Nara, Japan, 1-6 November 1994, Proceedings published by UNESCO - World Heritage Centre, Agency for Cultural Affairs of Japan, ICCROM and ICOMOS, 1994.

The Nara meeting brought together 45 experts from 26 countries and international organizations from around the world. Their papers are contained in the volume cited above, as is the Nara document prepared in a working group of 12 meeting participants and edited by Raymond Lemaire and Herb Stovel. This volume of Proceedings invites members of ICOMOS and others to extend the discussions of the Nara Document issues to other regions of the world.

Significant post-Nara regional meetings (as of January 2005):

*Authenticity and Monitoring, October 17-22, 1995, Cesky Krumlov, Czech Republic, ICOMOS European Conference, 1995.*

The European ICOMOS Conference of 17-22 October, 1995 which took place in Cesky Krumlov, Czech Republic brought together 18 European members of ICOMOS to present national views of the application of authenticity concepts from 14 countries. A synthesis of presentations affirmed the importance of authenticity within the analytical processes we apply to conservation problems as a means of assuring truthful, sincere and honest approaches to conservation problems, and gave emphasis to strengthening the notion of dynamic conservation in order to apply authenticity analysis appropriately to cultural landscapes and urban settings.

*Interamerican symposium on authenticity in the conservation and management of the cultural heritage, US/ICOMOS, The Getty Conservation Institute, San Antonio, Texas 1996.*

This Authenticity meeting which took place in San Antonio, Texas, USA in March 1996, brought together participants from ICOMOS national committees of North, Central and South America to debate the application of the concepts of Nara. The meeting adopted the *Declaration of San Antonio*, which discussed the relationship between authenticity and identity, history, materials, social value, dynamic and static sites, stewardship and economics, and

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contained recommendations extending “proofs” of authenticity to include *reflection of its true value, integrity, context, identity, use and function*, as well as recommendations pertinent to different typologies of sites.

Saouma-Forero, Galia, (edited by), *Authenticity and integrity in an African context: expert meeting, Great Zimbabwe, Zimbabwe, 26-29 May 2000*, UNESCO - World Heritage Centre, Paris 2001.

The Great Zimbabwe meeting organised by the World Heritage Centre (26-29 May 2000) focused attention on both authenticity and integrity in an African context. Eighteen speakers looked at issues arising in management of both cultural and natural heritage properties. The meeting resulted in the publication cited above, which includes a set of recommendations coming from meeting participants. Among recommendations were suggestions to include *management systems, language, and other forms of intangible heritage* among attributes expressing authenticity, and an emphasis given to the place of local communities in the sustainable heritage management process.

Reconstruction discussions in the context of the *World Heritage Convention* (as of January 2005):

*The Riga Charter on authenticity and historical reconstruction in relationship to cultural heritage adopted by regional conference, Riga, 24 October 2000*, Latvian National Commission for UNESCO - World Heritage Centre, ICCROM.

Incerti Medici, Elena and Stovel, Herb, *Authenticity and historical reconstruction in relationship with cultural heritage, regional conference, Riga, Latvia, October 23-24 2000: summary report*, UNESCO - World Heritage Centre, Paris, ICCROM, Rome 2001.

Stovel, Herb, *The Riga Charter on authenticity and historical reconstruction in relationship to cultural heritage, Riga, Latvia, October 2000*, in *Conservation and management of archaeological sites*, Vol. 4, n. 4, 2001.

*Alternatives to historical reconstruction in the World Heritage Cities*, Tallinn, 16-18 May 2002, Tallinn Cultural Heritage Department, Estonia National Commission for UNESCO, Estonia National Heritage Board.



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**Format for the nomination of properties for inscription  
on the World Heritage List**

**Annex 5**



**FORMAT FOR THE NOMINATION OF PROPERTIES FOR INSCRIPTION ON THE  
WORLD HERITAGE LIST**



**This Format must be used for all nominations  
submitted after 2 February 2005**

- The Nomination Format is available at the following Web address: <http://whc.unesco.org/en/nominationform>
- Further guidance on the preparation of nominations can be found in Section III of the *Operational Guidelines*
- The original signed version of the completed Nomination Format should be sent in English or French to  
**UNESCO World Heritage Centre**  
7, place de Fontenoy  
75352 Paris 07 SP  
France  
Telephone: +33 (0) 1 4568 1571  
Fax: +33 (0) 1 4568 5570  
E-mail: [wh-nominations@unesco.org](mailto:wh-nominations@unesco.org)

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**Executive Summary**

**This information, to be provided by the State Party, will be updated by the Secretariat following the decision by the World Heritage Committee. It will then be returned to the State Party confirming the basis on which the property is inscribed on the World Heritage List.**

<b>State Party</b>	
<b>State, Province or Region</b>	
<b>Name of Property</b>	
<b>Geographical coordinates to the nearest second</b>	
<b>Textual description of the boundary(ies) of the nominated property</b>	
<b>A4 (or "letter") size map of the nominated property, showing boundaries and buffer zone (if present)</b>	<b>Attach A4 (or "letter") size map</b>
<b>Criteria under which property is nominated (itemize criteria) (see Paragraph 77 of the <i>Operational Guidelines</i>)</b>	
<b>Draft Statement of Outstanding Universal Value</b> (text should clarify what is considered to be the Outstanding Universal Value embodied by the nominated property, approximately 1-2 page format)	<p>According to the paragraph 155, the Statement of Outstanding Universal Value should be composed of:</p> <ul style="list-style-type: none"> <li>a) Brief synthesis</li> <li>b) Justification for Criteria</li> <li>c) Statement of Integrity (for all properties)</li> <li>d) Statement of authenticity for properties nominated under criteria (i) to (vi)</li> <li>e) Requirements for protection and management</li> </ul> <p>See format in Annex 10</p>
<b>Name and contact information of official local institution/agency</b>	<p>Organization: Address: Tel: Fax: E-mail: Web address:</p>

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**Format for the nomination of properties for inscription on the World Heritage List**

*Annex 5*

**Properties for inscription on the World Heritage List**

Note: In preparing the nomination, States Parties should use this format but delete the explanatory notes.

NOMINATION FORMAT	EXPLANATORY NOTES
<b>1. Identification of the Property</b>	Together with Section 2, this is the most important section in the nomination. It must make clear to the Committee precisely where the property is located and how it is geographically defined. In the case of serial nominations, insert a table that shows the name of the component part, region (if different for different components), coordinates, area and buffer zone. Other fields could also be added (page reference or map number, etc.) that differentiate the several components.
<b>1.a Country (and State Party if different)</b>	
<b>1.b State, Province or Region</b>	
<b>1.c Name of Property</b>	This is the official name of the property that will appear in published material about World Heritage. It should be concise. Do not exceed 200 characters, including spaces and punctuation.  In the case of serial nominations (see Paragraphs <b>Error! Reference source not found.</b> -140 of the <i>Operational Guidelines</i> ), give a name for the <b>ensemble</b> (e.g., <i>Baroque Churches of the Philippines</i> ). Do not include the name of the components of a serial nomination, which should be included in a table as part of 1.d and 1.f.
<b>1.d Geographical coordinates to the nearest second</b>	In this space provide the latitude and longitude coordinates (to the nearest second) or UTM coordinates (to the nearest 10 metres) of a point at the approximate centre of the nominated property. Do not use other coordinate systems. If in doubt, please consult the Secretariat.  In the case of serial nominations, provide a table showing the name of each component part, its region (or nearest town as appropriate), and the coordinates of its centre point. Coordinate format examples: N 45° 06' 05" W 15° 37' 56" or UTM Zone 18 Easting: 545670 Northing: 486750

Id n°	Name of the component part	Region(s) / District(s)	Coordinates of the Central Point	Area of Nominated component of the Property (ha)	Area of the Buffer zone (ha)	Map N°
001						
002						
003						
004						
Etc.						
Total area (in hectares)				ha	ha	

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NOMINATION FORMAT	EXPLANATORY NOTES
<p><b>1.e Maps and plans, showing the boundaries of the nominated property and buffer zone</b></p>	<p>Annex to the nomination, and list below with scales and dates:</p> <p>(i) Original copies of topographic maps showing the property nominated, at the largest scale available which shows the entire property. The boundaries of the nominated property and buffer zone should be clearly marked. The boundaries of zones of special legal protection from which the property benefits should be recorded on maps to be included under the protection and management section of the nomination text. Multiple maps may be necessary for serial nominations (see table in 1.d). The maps provided should be at the largest available and practical scale to allow the identification of topographic elements such as neighbouring settlements, buildings and routes in order to allow the clear assessment of the impact of any proposed development within, adjacent to, or on the boundary line. The choice of the adequate scale is essential to clearly show the boundaries of the proposed site and shall be in relation to the category of site that is proposed for inscription: cultural sites would require cadastral maps, while natural sites or cultural landscapes would require topographic maps (normally 1:25 000 to 1:50 000 scale).</p> <p>Utmost care is needed with the width of boundary lines on maps, as thick boundary lines may make the actual boundary of the property ambiguous.</p> <p>Maps may be obtained from the addresses shown at the following Web address <a href="http://whc.unesco.org/en/mapagencies">http://whc.unesco.org/en/mapagencies</a>.</p> <p>All maps should be capable of being geo-referenced, with a minimum of three points on opposite sides of the maps with complete sets of coordinates. The maps, untrimmed, should show scale, orientation, projection, datum, property name and date. If possible, maps should be sent rolled and not folded.</p> <p>Geographic Information in digital form is encouraged if possible, suitable for incorporation into a GIS (Geographic Information System), however, this may not substitute the submission of printed maps. In this case the delineation of the boundaries (nominated property and buffer zone) should be presented in vector form, prepared at the largest scale possible. The State Party is invited to contact the Secretariat for further information concerning this option.</p> <p>(ii) A Location Map showing the location of the property within the State Party,</p> <p>(iii) Plans and specially prepared maps of the property showing individual features are helpful and may also be annexed.</p> <p>To facilitate copying and presentation to the Advisory Bodies and the World Heritage Committee A4 (or "letter") size reduction and a digital image file of the principal maps should also be included in the nomination text if possible.</p> <p>Where no buffer zone is proposed, the nomination must include a statement as to why a buffer zone is not required for the proper protection of the nominated property.</p>
<p><b>1.f Area of nominated property (ha.) and proposed buffer zone (ha.)</b></p> <p>Area of nominated property: _____ ha</p>	<p>In the case of serial nominations (see Paragraphs 137-140 of the <i>Operational Guidelines</i>), insert a table that shows the name of the component part, region (if different for different components), coordinates, area and buffer zone.</p> <p>The serial nomination table should also be used to show the size of the separate nominated areas and of the buffer zone(s).</p>

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Format for the nomination of properties for inscription on the World Heritage List

Annex 5

NOMINATION FORMAT	EXPLANATORY NOTES
Buffer zone _____ ha	
Total _____ ha	
<b>2. Description</b>	
<b>2.a Description of Property</b>	<p>This section should begin with a description of the nominated property at the date of nomination. It should refer to all the significant features of the property.</p> <p>In the case of a cultural property this section will include a description of whatever elements make the property culturally significant. It could include a description of any building or buildings and their architectural style, date of construction, materials, etc. This section should also describe important aspects of the setting such as gardens, parks etc. For a rock art site, for example, the description should refer to the rock art as well as the surrounding landscapes. In the case of an historic town or district, it is not necessary to describe each individual building, but important public buildings should be described individually and an account should be given of the planning or layout of the area, its street pattern and so on.</p> <p>In the case of a natural property the account should deal with important physical attributes, geology, habitats, species and population size, and other significant ecological features and processes. Species lists should be provided where practicable, and the presence of threatened or endemic taxa should be highlighted. The extent and methods of exploitation of natural resources should be described.</p> <p>In the case of cultural landscapes, it will be necessary to produce a description under all the matters mentioned above. Special attention should be paid to the interaction of man and nature.</p> <p>The entire nominated property identified in section 1 (Identification of the Property) should be described. In the case of serial nominations (see Paragraphs 137-140 of the <i>Operational Guidelines</i>), each of the component parts should be separately described.</p>
<b>2.b History and Development</b>	<p>Describe how the property has reached its present form and condition and the significant changes that it has undergone, including recent conservation history.</p> <p>This should include some account of construction phases in the case of monuments, sites, buildings or groups of buildings. Where there have been major changes, demolitions or rebuilding since completion they should also be described.</p> <p>In the case of a natural property, the account should cover significant events in history or pre-history that have affected the evolution of the property and give an account of its interaction with humankind. This will include changes in the use of the property and its natural resources for hunting, fishing or agriculture, or changes brought about by climatic change, floods, earthquake or other natural causes.</p> <p>Such information will also be required in the case of cultural landscapes, where all aspects of the history of human activity in the area needs to be covered.</p>

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Format for the nomination of properties for inscription on the World Heritage List

Annex 5

NOMINATION FORMAT	EXPLANATORY NOTES
<p><b>3. Justification for Inscription<sup>21</sup></b></p>	<p>The justification should be set out under the following sections.</p> <p>This section must make clear why the property is considered to be of "Outstanding Universal Value".</p> <p>The whole of this section of the nomination should be written with careful reference to the requirements of the <i>Operational Guidelines</i>. It should not include detailed descriptive material about the property or its management, which are addressed in other sections, but should convey the key aspects that are relevant to the definition of the Outstanding Universal Value of the property.</p>
<p><b>3.1.a Brief synthesis</b></p>	<p>The brief synthesis should comprise (i) a summary of factual information and (ii) a summary of qualities. The summary of factual information sets out the geographical and historical context and the main features. The summary of qualities should present to decision-makers and the general public the potential Outstanding Universal Value that needs to be sustained, and should also include a summary of the attributes that convey its potential Outstanding Universal Value, and need to be protected, managed and monitored. The summary should relate to all stated criteria in order to justify the nomination. The brief synthesis thus encapsulates the whole rationale for the nomination and proposed inscription.</p>
<p><b>3.1.b Criteria under which inscription is proposed (and justification for inscription under these criteria)</b></p>	<p>See Paragraph 77 of the <i>Operational Guidelines</i>.</p> <p>Provide a separate justification for each criterion cited.</p> <p>State briefly how the property meets those criteria under which it has been nominated (where necessary, make reference to the "description" and "comparative analysis" sections of the nomination, but do not duplicate the text of these sections) and describe for each criterion the relevant attributes.</p>
<p><b>3.1.c Statement of Integrity</b></p>	<p>The statement of integrity should demonstrate that the property fulfils the conditions of integrity set out in Section II.D of the <i>Operational Guidelines</i>, which describe these conditions in greater detail.</p> <p>The <i>Operational Guidelines</i> set out the need to assess the extent to which the property:</p> <ul style="list-style-type: none"> <li>• includes all elements necessary to express its Outstanding Universal Value;</li> <li>• is of adequate size to ensure the complete representation of the features and processes which convey the property's significance;</li> <li>• suffers from adverse effects of development and/or neglect (Paragraph 88).</li> </ul> <p>The <i>Operational Guidelines</i> provide specific guidance in relation to the various World Heritage criteria, which is important to understand (Paragraphs 89–95).</p>
<p><b>3.1.d Statement of Authenticity (for nominations made under criteria (i) to (vi))</b></p>	<p>The statement of authenticity should demonstrate that the property fulfils the conditions of authenticity set out in Section II.D of the <i>Operational Guidelines</i>, which describe these conditions in greater detail.</p>

<sup>21</sup> See also paragraphs 132 and 133.

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NOMINATION FORMAT	EXPLANATORY NOTES
	<p>This section should summarise information that may be included in more detail in section 4 of the nomination (and possibly in other sections), and should not reproduce the level of detail included in those sections.</p> <p>Authenticity only applies to cultural properties and to the cultural aspects of 'mixed' properties.</p> <p>The <i>Operational Guidelines</i> state that 'properties may be understood to meet the conditions of authenticity if their cultural values (as recognized in the nomination criteria proposed) are truthfully and credibly expressed through a variety of attributes' (Paragraph 82).</p> <p>The <i>Operational Guidelines</i> suggest that the following types of attributes might be considered as conveying or expressing Outstanding Universal Value:</p> <ul style="list-style-type: none"> <li>• form and design;</li> <li>• materials and substance;</li> <li>• use and function;</li> <li>• traditions, techniques and management systems;</li> <li>• location and setting;</li> <li>• language and other forms of intangible heritage;</li> <li>• spirit and feeling; and</li> <li>• other internal/external factors.</li> </ul>
<p><b>3.1.e Protection and management requirements</b></p>	<p>This section should set out how the requirements for protection and management will be met, in order to ensure that the Outstanding Universal Value of the property is maintained over time. It should include both details of an overall framework for protection and management, and the identification of specific long term expectations for the protection of the property.</p> <p>This section should summarise information that may be included in more detail in section 5 of the nomination document (and also potentially in sections 4 and 6), and should not reproduce the level of detail included in those sections.</p> <p>The text in this section should first outline the framework for protection and management. This should include the necessary protection mechanisms, management systems and/or management plans (whether currently in place or in need of establishment) that will protect and conserve the attributes that carry Outstanding Universal Value, and address the threats to and vulnerabilities of the property. These could include the presence of strong and effective legal protection, a clearly documented management system, including relationships with key stakeholders or user groups, adequate staff and financial resources, key requirements for presentation (where relevant), and effective and responsive monitoring.</p> <p>Secondly this section needs to acknowledge any long-term challenges for the protection and management of the property and state how addressing these will be a long-term strategy. It will be relevant to refer to the most significant threats to the property, and to vulnerabilities and negative changes in authenticity and/or integrity that have been highlighted, and to set out how protection and management will address these vulnerabilities and threats and mitigate any adverse changes.</p> <p>As an official statement, recognised by the World Heritage Committee, this section of the Statement of Outstanding Universal Value should convey the most important</p>

NOMINATION FORMAT	EXPLANATORY NOTES
	commitments that the State Party is making for the long-term protection and management of the property.
<b>3.2 Comparative Analysis</b>	<p>The property should be compared to similar properties, whether on the World Heritage List or not. The comparison should outline the similarities the nominated property has with other properties and the reasons that make the nominated property stand out. The comparative analysis should aim to explain the importance of the nominated property both in its national and international context (see Paragraph 132).</p> <p>The purpose of the comparative analysis is to show that there is room on the List using existing thematic studies and, in the case of serial properties, the justification for the selection of the component parts.</p>
<b>3.3 Proposed Statement of Outstanding Universal Value</b>	<p>A Statement of Outstanding Universal Value is the official statement adopted by the World Heritage Committee at the time of inscription of a property on the World Heritage List. When the World Heritage Committee agrees to inscribe a property on the World Heritage List, it also agrees on a Statement of Outstanding Universal Value that encapsulates why the property is considered to be of Outstanding Universal Value, how it satisfies the relevant criteria, the conditions of integrity and (for cultural properties) authenticity, and how it meets the requirements for protection and management in order to sustain Outstanding Universal Value in the long-term.</p> <p>Statements of Outstanding Universal Value should be concise and are set out in a standard format. They should help to raise awareness regarding the value of the property, guide the assessment of its state of conservation and inform protection and management. Once adopted by the Committee, the Statement of Outstanding Universal Value is displayed at the property and on the UNESCO World Heritage Centre's website.</p> <p>The main sections of a Statement of Outstanding Universal Value are the following:</p> <ul style="list-style-type: none"> <li>a) Brief synthesis</li> <li>b) Justification for Criteria</li> <li>c) Statement of Integrity (for all properties)</li> <li>d) Statement of authenticity for properties nominated under criteria (i) to (vi)</li> <li>e) Requirements for protection and management</li> </ul>
<b>4. State of Conservation and factors affecting the Property</b>	
<b>4.a Present state of conservation</b>	<p>The information presented in this section constitutes the base-line data necessary to monitor the state of conservation of the nominated property in the future. Information should be provided in this section on the physical condition of the property, any threats to the Outstanding Universal Value of the property and conservation measures at the property (see Paragraph 132).</p> <p>For example, in a historic town or area, buildings, monuments or other structures needing major or minor repair works, should be indicated as well as the scale and duration of any recent or forthcoming major repair projects.</p> <p>In the case of a natural property, data on species trends or the integrity of eco-systems should be provided. This is important because the nomination will be used in future years for purposes of comparison to trace changes in the condition of the property.</p>

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*Format for the nomination of properties for inscription on the World Heritage List*

*Annex 5*

NOMINATION FORMAT	EXPLANATORY NOTES
	For the indicators and statistical benchmarks used to monitor the state of conservation of the property see section 6 below.
<b>4.b Factors affecting the property</b>	This section should provide information on all the factors which are likely to affect or threaten the Outstanding Universal Value of a property. It should also describe any difficulties that may be encountered in addressing such problems. Not all the factors suggested in this section are appropriate for all properties. They are indicative and are intended to assist the State Party to identify the factors that are relevant to each specific property.
<b>(i) Development Pressures (e.g., encroachment, agriculture, mining) adaptation,</b>	Itemize types of development pressures affecting the property, e.g., pressure for demolition, rebuilding or new construction; the adaptation of existing buildings for new uses which would harm their authenticity or integrity; habitat modification or destruction following encroaching agriculture, forestry or grazing, or through poorly managed tourism or other uses; inappropriate or unsustainable natural resource exploitation; damage caused by mining; the introduction of exotic species likely to disrupt natural ecological processes, creating new centres of population on or near properties so as to harm them or their settings.
<b>(ii) Environmental pressures (e.g., pollution, climate change, desertification)</b>	List and summarize major sources of environmental deterioration affecting building fabric, flora and fauna.
<b>(iii) Natural disasters and risk preparedness (earthquakes, floods, fires, etc.)</b>	Itemize those disasters which present a foreseeable threat to the property and what steps have been taken to draw up contingency plans for dealing with them, whether by physical protection measures or staff training.
<b>(iv) Responsible visitation at World Heritage sites</b>	<p>Provide the status of visitation to the property (notably available baseline data; patterns of use, including concentrations of activity in parts of the property; and activities planned in the future).</p> <p>Describe projected levels of visitation due to inscription or other factors.</p> <p>Define the carrying-capacity of the property and how its management could be enhanced to meet the current or expected visitor numbers and related development pressure without adverse effects.</p> <p>Consider possible forms of deterioration of the property due to visitor pressure and behaviour including those affecting its intangible attributes.</p>
<p><b>(v) Number of inhabitants within the property and the buffer zone</b></p> <p>Estimated population located within:</p> <p>Area of nominated property _____</p> <p>Buffer zone _____</p> <p>Total _____</p>	<p>Give the best available statistics or estimate of the number of inhabitants living within the nominated property and any buffer zone. Indicate the year this estimate or count was made.</p>

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**Format for the nomination of properties for inscription on the World Heritage List**

**Annex 5**

NOMINATION FORMAT	EXPLANATORY NOTES
Year _____	
<b>5. Protection and Management of the Property</b>	This section of the nomination is intended to provide a clear picture of the legislative, regulatory, contractual, planning, institutional and/ or traditional measures (see Paragraph 132 of the <i>Operational Guidelines</i> ) and the management plan or other management system (Paragraphs 108 to 118 of the <i>Operational Guidelines</i> ) that is in place to protect and manage the property as required by the <i>World Heritage Convention</i> . It should deal with policy aspects, legal status and protective measures and with the practicalities of day-to-day administration and management.
<b>5.a Ownership</b>	Indicate the major categories of land ownership (including State, Provincial, private, community, traditional, customary and non-governmental ownership, etc.).
<b>5.b Protective designation</b>	List the relevant legal, regulatory, contractual, planning, institutional and/ or traditional status of the property: For example, national or provincial park; historic monument, protected area under national law or custom; or other designation.  Provide the year of designation and the legislative act(s) under which the status is provided.  If the document cannot be provided in English or French, an English or French executive summary should be provided highlighting the key provisions.
<b>5.c Means of implementing protective measures.</b>	Describe how the protection afforded by its legal, regulatory, contractual, planning, institutional and/ or traditional status indicated in section 5.b. actually works.
<b>5.d Existing plans related to municipality and region in which the proposed property is located (e.g., regional or local plan, conservation plan, tourism development plan)</b>	List the agreed plans which have been adopted with the date and agency responsible for preparation. The relevant provisions should be summarized in this section. A copy of the plan should be included as an attached document as indicated in section 7.b.  If the plans exist only in a language other than English or French, an English or French executive summary should be provided highlighting the key provisions.
<b>5.e Property management plan or other management system</b>	As noted in Paragraphs 132 of the <i>Operational Guidelines</i> , an appropriate management plan or other management system is essential and shall be provided in the nomination. Assurances of the effective implementation of the management plan or other management system are also expected. Sustainable development principles should be integrated into the management system.  A copy of the management plan or documentation of the management system shall be annexed to the nomination, in English or French as indicated in section 7.b.  If the management plan exists only in a language other than English or French, an English or French detailed description of its provisions shall be annexed. Give the title, date and author of management plans annexed to this nomination.  A detailed analysis or explanation of the management plan or a documented management system shall be provided.  A timetable for the implementation of the management plan is recommended.

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<b>NOMINATION FORMAT</b>		<b>EXPLANATORY NOTES</b>
<b>5.f</b>	<b>Sources and levels of finance</b>	Show the sources and level of funding which are available to the property on an annual basis. An estimate could also be given of the adequacy or otherwise of resources available, in particular identifying any gaps or deficiencies or any areas where assistance may be required.
<b>5.g</b>	<b>Sources of expertise and training in conservation and management techniques</b>	Indicate the expertise and training which are available from national authorities or other organizations to the property.
<b>5.h</b>	<b>Visitor facilities and infrastructure</b>	The section should describe the inclusive facilities available on site for visitors and demonstrate that they are appropriate in relation to the protection and management requirements of the property. It should set out how the facilities and services will provide effective and inclusive presentation of the property to meet the needs of visitors, including in relation to the provision of safe and appropriate access to the property. The section should consider visitor facilities that may include interpretation/explanation (signage, trails, notices or publications, guides); museum/exhibition devoted to the property, visitor or interpretation centre; and/or potential use of digital technologies and services (overnight accommodation; restaurant; car parking; lavatories; search and rescue; etc.).
<b>5.i</b>	<b>Policies and programmes related to the presentation and promotion of the property</b>	This section refers to Articles 4 and 5 of the <i>Convention</i> regarding the presentation and transmission to future generations of the cultural and natural heritage. States Parties are encouraged to provide information on the policies and programmes for the presentation and promotion of the nominated property.
<b>5.j</b>	<b>Staffing levels and expertise (professional, maintenance) technical,</b>	Indicate the skills and qualifications available-needed for the good management of the property, including in relation to visitation and future training needs.
<b>6.</b>	<b>Monitoring</b>	This section of the nomination is intended to provide the evidence for the state of conservation of the property which can be reviewed and reported on regularly so as to give an indication of trends over time.
<b>6.a</b>	<b>Key indicators for measuring state of conservation</b>	<p>List in table form those key indicators that have been chosen as the measure of the state of conservation of the whole property (see section 4.a above). Indicate the periodicity of the review of these indicators and the location where the records are kept. They could be representative of an important aspect of the property and relate as closely as possible to the Statement of Outstanding Universal Value (see section 2.b above). Where possible they could be expressed numerically and where this is not possible they could be of a kind which can be repeated, for example by taking a photograph from the same point. Examples of good indicators are the:</p> <ul style="list-style-type: none"> <li>(i) number of species, or population of a keystone species on a natural property;</li> <li>(ii) percentage of buildings requiring major repair in a historic town or district;</li> <li>(iii) number of years estimated to elapse before a major conservation programme is likely to be completed;</li> <li>(iv) stability or degree of movement in a particular building or element of a building;</li> <li>(v) rate at which encroachment of any kind on a property has increased or diminished.</li> </ul>

<b>Indicator</b>	<b>Periodicity</b>	<b>Location of Records</b>

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NOMINATION FORMAT		EXPLANATORY NOTES
<b>6.b</b>	<b>Administrative arrangements for monitoring property</b>	Give the name and contact information of the agency(ies) responsible for the monitoring referenced in 6.a.
<b>6.c</b>	<b>Results of previous reporting exercises</b>	List, with a brief summary, earlier reports on the state of conservation of the property and provide extracts and references to published sources (for example, reports submitted in compliance with international agreements and programmes, e.g., Ramsar, MAB).
<b>7.</b>	<b>Documentation</b>	This section of the nomination is the check-list of the documentation which shall be provided to make up a complete nomination.
<b>7.a</b>	<b>Photographs and audiovisual image inventory and authorization form</b>	<p>States Parties shall provide a sufficient number of recent images (prints, slides and, where possible, electronic formats, videos and aerial photographs) to give a good general picture of the property.</p> <p>Slides shall be in 35mm format and electronic images in jpg format at a minimum of 300 dpi (dots per inch) resolution. If film material is provided, Beta SP format is recommended for quality assurances.</p> <p>This material shall be accompanied by the image inventory and photograph and audiovisual authorization form as set out below.</p> <p>At least one photograph that may be used on the public web page illustrating the property shall be included.</p> <p>States Parties are encouraged to grant to UNESCO, in written form and free of charge, the non exclusive cession of rights to diffuse, to communicate to the public, to publish, to reproduce, to exploit, in any form and on any support, including digital, all or part of the images provided and license these rights to third parties.</p> <p>The non exclusive cession of rights does not impinge upon intellectual property rights (rights of the photographer / director of the video or copyright owner if different) and that when the images are distributed by UNESCO a credit to the photographer / director of the video is always given, if clearly provided in the form.</p> <p>All possible profits deriving from such cession of rights will go to the World Heritage Fund.</p>

**PHOTOGRAPHS AND AUDIOVISUAL IMAGE INVENTORY AND AUTHORIZATION FORM**

<b>Id. No</b>	<b>Format (slide/print/video)</b>	<b>Caption</b>	<b>Date of Photo (mo/yr)</b>	<b>Photographer/Director of the video</b>	<b>Copyright owner (if different than photographer/director of video)</b>	<b>Contact details of copyright owner (Name, address, tel/fax, and e-mail)</b>	<b>Non exclusive cession of rights</b>

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**Format for the nomination of properties for inscription  
on the World Heritage List**

**Annex 5**

<b>NOMINATION FORMAT</b>	<b>EXPLANATORY NOTES</b>
<b>7.b</b> Texts relating to protective designation, copies of property management plans or documented management systems and extracts of other plans relevant to the property	Attach the texts as indicated in sections 5.b, 5.d and 5.e above.
<b>7.c</b> Form and date of most recent records or inventory of property	Provide a straightforward statement giving the form and date of the most recent records or inventory of the property. Only records that are still available should be described.
<b>7.d</b> Address where inventory, records and archives are held	Give the name and address of the agencies holding inventory records (buildings, monuments, flora or fauna species).
<b>7.e</b> Bibliography	List the principal published references, using standard bibliographic format.
<b>8.</b> Contact Information of responsible authorities	This section of the nomination will allow the Secretariat to provide the property with current information about World Heritage news and other issues.
<b>8.a</b> Preparer  Name: Title: Address: City, Province/State, Country: Tel: Fax: E-mail:	Provide the name, address and other contact information of the individual responsible for preparing the nomination. If an e-mail address cannot be provided, the information must include a fax number.
<b>8.b</b> Official Local Institution/Agency	Provide the name of the agency, museum, institution, community or manager locally responsible for the management of the property. If the normal reporting institution is a national agency, please provide that contact information.
<b>8.c</b> Other Local Institutions	List the full name, address, telephone, fax and e-mail addresses of all museums, visitor centres and official tourism offices who should receive the free <i>World Heritage Newsletter</i> about events and issues related to World Heritage.
<b>8.d</b> Official Web address  http:// Contact name: E-mail:	Please provide any existing official web addresses of the nominated property. Indicate if such web addresses are planned for the future with the contact name and e-mail address.
<b>9.</b> Signature on behalf of the State Party	The nomination should conclude with the signature of the official empowered to sign it on behalf of the State Party.

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EVALUATION PROCEDURES OF THE ADVISORY BODIES FOR NOMINATIONS



This Annex includes:

- A. THE ICOMOS PROCEDURE FOR THE EVALUATION OF CULTURAL PROPERTIES
- B. THE IUCN PROCEDURE FOR THE EVALUATION OF NATURAL PROPERTIES
- C. ADVISORY BODY COLLABORATION - PROCEDURE FOR THE EVALUATION OF CULTURAL AND NATURAL PROPERTIES AND OF CULTURAL LANDSCAPES

For further information please also refer to Paragraphs 143-151 of the *Operational Guidelines*.

A. THE ICOMOS PROCEDURE FOR THE EVALUATION OF CULTURAL PROPERTIES

- 1. In carrying out its evaluation of nominations of cultural properties ICOMOS (the International Council of Monuments and Sites) is guided by the *Operational Guidelines*; (see Paragraph 148).
- 2. The evaluation process (see Figure 1) involves consultation of the wide range of expertise represented by the membership of ICOMOS and its National and International Committees, as well as the many other specialist networks with which it is linked. Members are also sent on expert missions to carry out confidential on-site evaluations. This extensive consultation results in the preparation of detailed recommendations that are submitted to the World Heritage Committee at its annual meetings.

Choice of experts

- 3. There is a clearly defined annual procedure for the submission of properties to the World Heritage List. Once new nominations have been checked for completeness by the UNESCO World Heritage Centre and the Advisory Bodies, the nomination dossiers are then delivered to ICOMOS, where they are handled by the ICOMOS World Heritage secretariat. The first action involved is the choice of the experts who are to be consulted. This involves two separate groups. First, there are those who can advise on the "Outstanding Universal Value" of the nominated property. This is essentially a "library" exercise for specialist academics, and may sometimes involve non-ICOMOS members, in cases where there is no adequate expertise within the ICOMOS membership on a specific topic: an example is the occasional nomination of fossil hominid sites, where the services of palaeontologists are required.
- 4. The second group of experts are those with practical experience of the management, conservation, and authenticity aspects of individual properties, who are required to carry out site missions. The process of selecting these experts makes full use of the ICOMOS network. The advice of International Scientific Committees and individual members is sought, as is that of specialist bodies with whom ICOMOS has partnership agreements, such as The International Committee for the Conservation of the Industrial Heritage (TICCIH), the International Federation of Landscape Architects (IFLA), and the International Committee for the Documentation and Conservation of Monuments and Sites of the Modern Movement (DoCoMoMo).

Site missions

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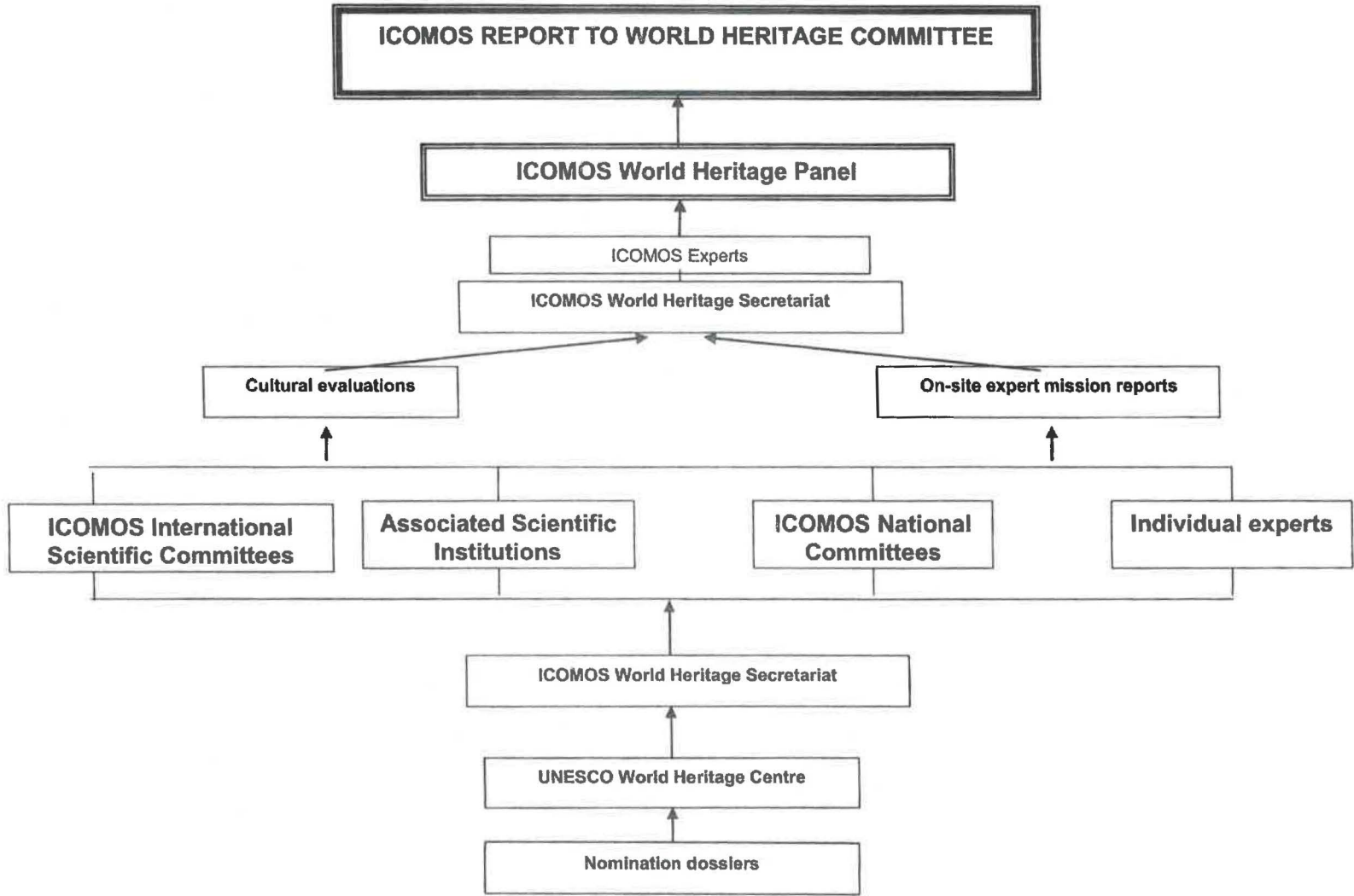
5. In selecting experts to carry out on-site evaluation missions, the policy of ICOMOS is wherever possible to choose someone from the region in which the nominated property is located. Such experts are required to be experienced in heritage management and conservation: they are not necessarily high academic experts in the type of property. They are expected to be able to talk to site managers on a basis of professional equality and to make informed assessments of management plans, conservation practices, visitor handling, etc. They are provided with detailed briefings, which include copies of the relevant information from the dossiers. The dates and programmes of their visits are agreed in consultation with States Parties, who are requested to ensure that ICOMOS evaluation missions are given a low profile so far as the media are concerned. ICOMOS experts submit their reports in confidence to the Executive Committee on practical aspects of the properties concerned, and premature publicity can cause embarrassment both to ICOMOS and to the World Heritage Committee.

#### **World Heritage Panel**

6. The two reports (cultural assessment and site mission report) that emerge from these consultations are received by the ICOMOS secretariat in Paris, and from them a draft evaluation is prepared. This contains a brief description and history of the property, summaries of its legislative protection, management, and state of conservation, comments on these aspects, and recommendations to the World Heritage Committee. Draft evaluations are then presented to a two or three-day meeting of the ICOMOS World Heritage Panel. The Panel comprises the members of the Executive Committee, who come from all parts of the world and who possess a wide range of skills and experience. The Executive Committee members are supplemented by experts in certain categories of heritage that figure on the annual list of nominations but which are not represented on the Committee.
7. Each nominated property is the subject of a 10–15 minute illustrated presentation by a representative of ICOMOS, followed by discussion. Following the objective and exhaustive examination of the nominations, the collective recommendations of ICOMOS are prepared, and the evaluations are revised and printed, for presentation to the World Heritage Committee.

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**B. THE IUCN PROCEDURE FOR THE EVALUATION OF NATURAL PROPERTIES**

8. In carrying out its evaluation of nominations of natural properties, IUCN (the International Union for Conservation of Nature) is guided by the *Operational Guidelines* (see Paragraph 148). The evaluation process (see Figure 2) involves five steps:

- (i) **Data Assembly.** Following receipt of the nomination dossier from the World Heritage Centre, a standardised data sheet is compiled on the property by the UNEP-World Conservation Monitoring Centre (UNEP-WCMC), using the Protected Area database, and verified with the State Party during the field inspection.
- (ii) **External Review.** The nomination is normally sent for desk review to up to 15 experts knowledgeable about the property, primarily members of IUCN's specialist Commissions and networks.
- (iii) **Field Inspection.** One or two IUCN experts visit each nominated property to clarify details about the area, to evaluate site management and to discuss the nomination with relevant authorities and stakeholders. IUCN experts, selected for their global perspective on conservation and natural history as well as their knowledge of the *Convention*, are usually members of the IUCN World Commission on Protected Areas' World Heritage Expert Network or are IUCN secretariat staff. (This field inspection is undertaken jointly with ICOMOS in certain situations - see Part C below)
- (iv) **Other sources of information.** IUCN may also consult additional literature and receive comments from local NGOs and others.
- (v) **IUCN World Heritage Panel Review.** The IUCN World Heritage Panel reviews all field inspection reports, reviewers' comments, the UNEP-WCMC data sheet and other background material before finalising the text of the IUCN evaluation report for each nominated property.

Each evaluation report presents a concise summary of the Outstanding Universal Value of the property nominated, a comparison with other similar sites and a review of integrity and management issues. It concludes with the assessment of the applicability of the criteria, and a clear recommendation to the World Heritage Committee. The UNEP-WCMC data sheets are also made available to the World Heritage Committee.

**The Udvardy biogeographic classification system**

- 9. In the evaluations, IUCN uses Udvardy's "Biogeographical Provinces of the World" (1975) biogeographic classification system. This is a classification system for freshwater and terrestrial areas of the world which enables predictions and assumptions to be made about similar biogeographical regions. The Udvardy system provides an objective means of comparing nominated properties with sites of similar climatic and ecological conditions.
- 10. It is stressed, however, that the Biogeographical Province concept is used as a basis for comparison only and does not imply that World Heritage properties are to be selected solely on this criterion. The guiding principle is that World Heritage properties must be of Outstanding Universal Value. **Systems to identify priority areas for conservation**

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11. IUCN also uses systems which identify priority areas for conservation such as the Worldwide Fund for Nature's (WWF) Global Ecoregions, WWF/IUCN's Centres of Plant Diversity, Conservation International's Biodiversity Hotspots, and Birdlife International's Endemic Bird Areas and Important Bird Areas.

#### Systems to evaluate properties for earth science value

12. In evaluating properties which have been nominated for their geological value, IUCN consults with a range of specialised organisations such as the UNESCO Earth Sciences Division, the International Union of Speleology and the International Union of Geological Sciences (IUGS).

#### Relevant publications used in the evaluation process

13. The evaluation process is aided by the publication of some 20 reference volumes on the world's protected areas published by IUCN, UNEP, UNEP-WCMC, Birdlife International and other publishers. These include:
- (i) Reviews of Protected Area Systems in Oceania, Africa, and Asia;
  - (ii) The four volume directory of Protected Areas of the World;
  - (iii) The World Atlas of Coral Reefs;
  - (iv) The six volume Conservation Atlas series;
  - (v) The four volume "A Global Representative System of Marine Protected Areas";
  - (vi) The three volume Centres of Plant Diversity; and
  - (vii) Important Bird Areas and Endemic Bird Areas of the World
14. These documents together provide system-wide overviews which allow comparison of the conservation importance of protected areas throughout the world. With the development of the Global Strategy work for natural heritage, IUCN is increasingly using its "global overview" papers to identify gaps in natural World Heritage coverage and properties of World Heritage potential. These can be viewed on the IUCN website at <http://iucn.org/themes/wcpa/wheritage/globalstrategy.htm>

#### Evaluation of Cultural Landscapes (see also Annex 3)

15. IUCN has an interest in many cultural properties, especially those nominated as cultural landscapes. For that reason, it will on occasion participate in joint field inspections to nominated cultural landscapes with ICOMOS (see Part C below). IUCN's evaluation of such nominations is guided by an internal paper, "The Assessment of Natural Values in cultural landscapes", available on the IUCN web site at <http://www.iucn.org/themes/wcpa/wheritage/culturallandscape.htm>
16. In accordance with the natural qualities of certain cultural landscapes identified in Annex 3, Paragraph 11, IUCN's evaluation is concerned with the following factors:
- (i) Conservation of natural and semi-natural systems, and of wild species of fauna and flora
  - (ii) Conservation of biodiversity within farming systems;
  - (iii) Sustainable land use;
  - (iv) Enhancement of scenic beauty;
  - (v) Ex-situ collections;
  - (vi) Outstanding examples of humanity's inter-relationship with nature;
  - (vii) Historically significant discoveries

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The following table sets each of the above list in the context of the categories of cultural landscapes in Annex 3, thereby indicating where each consideration is most likely to occur (the absence of a consideration does not mean that it will never occur, only that this is unlikely):

Cultural Landscape type (see also Annex 3)	Natural considerations most likely to be relevant (see Paragraph 16 above)						
Designed landscape						(v)	
Organically evolving landscape - continuous	(i)	(ii)	(iii)	(iv)			
Organically evolving landscape - fossil	(i)					(vi)	
Associative landscape							(vii)

C. ADVISORY BODY COLLABORATION - THE EVALUATION OF MIXED PROPERTIES AND OF CULTURAL LANDSCAPES

Mixed properties

- 17. Properties that are nominated as having both natural and cultural value entail a joint IUCN and ICOMOS mission to the nominated property. Following the mission, IUCN and ICOMOS prepare separate evaluation reports of the property under the relevant criteria (see A, Paragraph 5 and B, Paragraph 9 (iii) above).

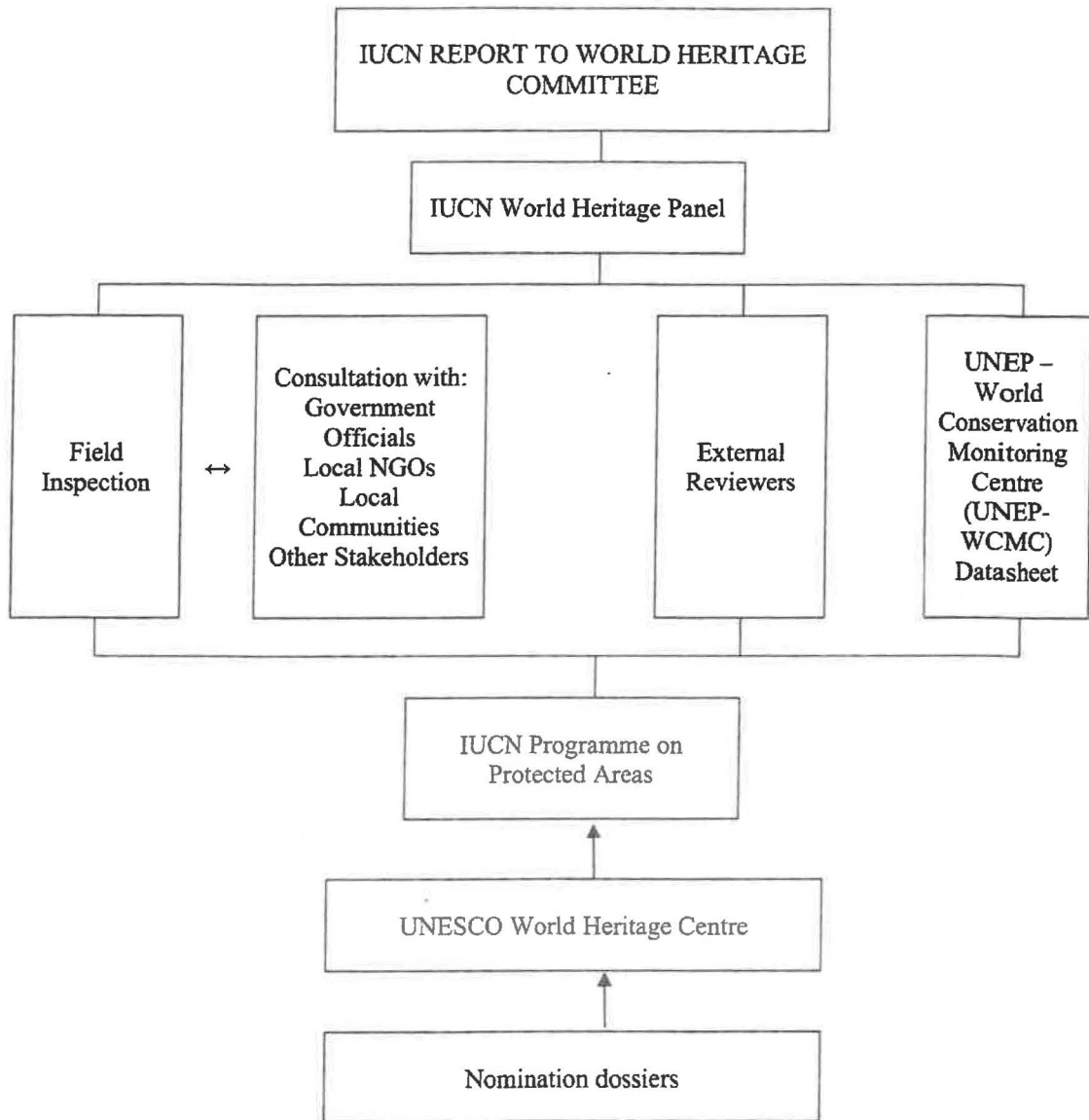
Cultural Landscapes

- 18. Properties nominated as Cultural Landscapes are evaluated by ICOMOS under criteria (i) - (vi) (see Paragraph 77 of the Operational Guidelines). IUCN is called upon by ICOMOS to review the natural values and the management of the nominated property. This has been the subject of an agreement between the Advisory Bodies. In some cases, a joint mission is required.

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FIGURE 2: IUCN EVALUATION PROCEDURE



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**FORMAT FOR THE PERIODIC REPORTING  
ON THE APPLICATION OF  
THE WORLD HERITAGE CONVENTION**



- The Format for Periodic Reporting is available at the following Web address:  
<http://whc.unesco.org/en/periodicreporting>
- Further guidance on Periodic Reporting can be found in Section V of the *Operational Guidelines*
- In order to facilitate management of information, States Parties are requested to submit reports, in English or French, in electronic as well as in printed form to :

**UNESCO World Heritage Centre**  
 7, place de Fontenoy  
 75352 Paris 07 SP  
 France  
 Telephone: +33 (0) 1 4568 1571  
 Fax: +33 (0) 1 4568 5570  
 E-mail through: <http://whc.unesco.org/en/contacts>

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FORMAT

PERIODIC REPORTING ON THE APPLICATION OF THE WORLD HERITAGE CONVENTION

General Requirements

- Information should be as precise and specific as possible. It should be quantified where possible and fully referenced.
Information should be concise. In particular long historical accounts of sites and events which have taken place there should be avoided, especially when they can be found in readily available published sources.
Expressions of opinion should be supported by reference to the authority on which they are made and the verifiable facts which support them.
Periodic reports should be completed on A4 paper (210mm x 297mm), with maps and plans a maximum of A3 paper (297mm x 420mm). States Parties are also encouraged to submit the full text of the periodic reports in electronic form.

SECTION I: APPLICATION OF THE WORLD HERITAGE CONVENTION BY THE STATE PARTY

States Parties are requested to give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field (Article 29.1 of the World Heritage Convention).

I.1 Introduction

- (i) State Party
(ii) Year of ratification or acceptance of the Convention
(iii) Organization(s) or entity(ies) responsible for the preparation of the report
(iv) Date of the report
(v) Signature on behalf of the State Party

I.2 Identification of cultural and natural heritage properties

This item refers in particular to Articles 3, 4 and 11 of the Convention regarding the identification of cultural and natural heritage and the nomination of properties for inscription on the World Heritage List.

(i) National inventories

Inventories of cultural and natural heritage of national significance form the basis for the identification of possible World Heritage properties.

Indicate which institutions are in charge of the preparation and keeping up-to-date of these national inventories and if, and to what extent, inventories, lists and/or registers at the local, state and/or national level exist and have been completed.

(ii) Tentative List

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Article 11 of the *Convention* refers to the submission by States Parties of inventories of property suitable for inscription on the World Heritage List. These tentative lists of cultural and natural properties should be prepared with reference to Paragraphs 62-69 and Annex 2 of the *Operational Guidelines*. States Parties should report on actions taken to implement the decision of the Committee at its twenty-fourth session (Cairns, December 2000) and the twelfth General Assembly of States Parties (UNESCO Headquarters, 1999) whereby tentative lists are to be used as a planning tool to reduce the imbalances in the World Heritage List.

Provide the date of submission of the Tentative List or any revision made since its submission. States Parties are also encouraged to provide a description of the process of preparation and revision of the Tentative List, e.g. has (have) any particular institution(s) been assigned the responsibility for identifying and delineating World Heritage properties, have local authorities and local population been involved in its preparation? If so, provide exact details.

**(iii) Nominations**

The periodic report should list properties that have been nominated for inscription on the World Heritage List. States Parties are encouraged to provide an analysis of the process by which these nominations are prepared, the collaboration and co-operation with local authorities and people, the motivation, obstacles and difficulties encountered in that process and perceived benefits and lessons learnt.

**I.3 Protection, conservation and presentation of the cultural and natural heritage**

This item refers in particular to Articles 4 and 5 of the *Convention*, in which States Parties recognise their duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural World Heritage and that effective and active measures are taken to this effect. Additional guidance on States Parties obligations can be found in Paragraphs 10-16 of the *Operational Guidelines*.

Article 5 of the *Convention* specifies the following measures:

**(i) General policy development**

Provide information on the adoption of policies that aim to give the cultural and natural heritage a function in the life of the community. Provide information on the way the State Party or the relevant authorities has (have) taken steps to integrate the protection of World Heritage properties into comprehensive planning programmes. Areas where improvement would be desirable, and towards which the State Party is working should be indicated.

**(ii) Status of services for protection, conservation and presentation**

Provide information on any services within the territories of the State Party which have been set up or have been substantially improved since the previous periodic report, if applicable. Particular attention should be given to services aiming at the protection, conservation and presentation of the cultural and natural heritage, indicating the appropriate staff and the means to discharge their functions. Areas where improvement would be desirable, and towards which the State Party is working should be indicated.

**(iii) Scientific and technical studies and research**



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Additional guidance on research can be found in Paragraph 215 of the *Operational Guidelines*.

List significant scientific and technical studies or research projects of a generic nature that would benefit World Heritage properties, initiated or completed since the last periodic report. Areas where improvement would be desirable, and towards which the State Party is working should be indicated.

Site specific scientific studies or research projects should be reported upon under Section II.4 of this Format.

**(iv) Measures for identification, protection, conservation, presentation and rehabilitation**

Indicate appropriate legal and administrative measures that the State Party or relevant authorities have taken for the identification, protection, conservation, presentation and rehabilitation of cultural and natural heritage. Particular attention should be given to measures concerning visitor management and development in the region. The State Party is also encouraged to indicate if, on the basis of the experiences gained, policy and/or legal reform is considered necessary. It is also relevant to note which other international conventions for the protection of cultural or natural heritage have been signed or ratified by the State Party and if so, how the application of these different legal instruments is co-ordinated and integrated in national policies and planning.

Indicate relevant scientific, and technical measures that the State Party or relevant institutions within the State have taken for the identification, protection, conservation, presentation and rehabilitation of cultural and natural heritage.

Indicate relevant financial measures that the State Party or relevant authorities have taken for the identification, protection, conservation, presentation and rehabilitation of cultural and natural heritage.

Information on the presentation of the heritage can refer to publications, internet web-pages, films, stamps, postcards, books etc.

Areas where improvement would be desirable, and towards which the State Party is working should be indicated.

**(v) Training**

Additional guidance on training can be found in Paragraphs 213-214 of the *Operational Guidelines*.

Provide information on the training and educational strategies that have been implemented within the State Party for professional capacity building, as well as on the establishment or development of national or regional centres for training and education in the protection, conservation, and presentation of the cultural and natural heritage, and the degree to which such training has been integrated within existing university and educational systems.

Indicate the steps that the State Party has taken to encourage scientific research as a support to training and educational activities.

Areas where improvement would be desirable, and towards which the State Party is working should be indicated.

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**I.4 International co-operation and fund raising**

This item refers particularly to Articles 4, 6, 17 and 18 of the *Convention*. Additional guidance on this issue can be found in Paragraphs 227-231 of the *Operational Guidelines*.

Provide information on the co-operation with other States Parties for the identification, protection, conservation and preservation of the World Heritage located on their territories.

Also indicate which measures have been taken to avoid damage directly or indirectly to the World Heritage on the territory of other States Parties.

Have national, public and private foundations or associations been established for, and has the State Party given assistance to, raising funds and donations for the protection of the World Heritage?

**I.5 Education, information and awareness building**

This item refers particularly to Articles 27 and 28 of the *Convention* on educational programmes. Additional guidance on these matters can be found in Chapter IX of the *Operational Guidelines*.

Indicate steps that the State Party has taken to raise the awareness of decision-makers, property owners, and the general public about the protection and conservation of cultural and natural heritage.

Provide information on education (primary, secondary and tertiary) and information programmes that have been undertaken or are planned to strengthen appreciation and respect by the population, to keep the public broadly informed of the dangers threatening the heritage and of activities carried out in pursuance of the *Convention*. Does the State Party participate in the UNESCO Special Project *Young People's Participation in World Heritage Preservation and Promotion*?

Information on site-specific activities and programmes should be provided under item II.4 concerning management, below.

**I.6 Conclusions and recommended action**

The main conclusions under each of the items of Section I of the report should be summarized and tabulated together with the proposed action(s) to be taken, the agency(ies) responsible for taking the action(s) and the timeframe for its execution:

- (i) Main conclusions
- (ii) Proposed future action(s)
- (iii) Responsible implementing agency(ies)
- (iv) Timeframe for implementation
- (v) Needs for international assistance

States Parties are also encouraged to provide in their first periodic report an analysis of the process by which they ratified the *Convention*, the motivation, obstacles and difficulties encountered in that process and perceived benefits and lessons learnt.

**SECTION II: STATE OF CONSERVATION OF SPECIFIC WORLD HERITAGE PROPERTIES**

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The preparation of periodic state of conservation reports should involve those who are responsible for the day-to-day management of the property. For transboundary properties it is recommended that reports be prepared jointly by or in close collaboration between the agencies concerned.

The first periodic report should update the information provided in the original nomination dossier. Subsequent reports will then focus on any changes that may have occurred since the previous report was submitted.

This section of the periodic report follows, therefore, the format for the nomination dossier.

The state of properties included on the List of World Heritage in Danger are reviewed by the World Heritage Committee at regular intervals, in general once every year. This review concentrates on the specific factors and considerations that led to the inscription of the property on the List of World Heritage in Danger. It will still be necessary to prepare a complete periodic report on the state of conservation of these properties.

This section should be completed for each individual World Heritage property.

**II.1 Introduction**

- (i) State Party
- (ii) Name of the World Heritage property
- (iii) Geographical coordinates to the nearest second
- (iv) Date of inscription on the World Heritage List
- (v) Organization(s) or entity(ies) responsible for the preparation of the report
- (vi) Date of the report
- (vii) Signature on behalf of the State Party

**II.2 Statement of Outstanding Universal Value**

At the time of inscription of a property on the World Heritage List, the World Heritage Committee indicates its Outstanding Universal Value by deciding on the criteria for inscription. Please indicate the justification for inscription provided by the State Party, and the criteria under which the Committee inscribed the property on the World Heritage List.

In the view of the State Party, does the Statement of Outstanding Universal Value adequately reflect the Outstanding Universal Value of the property or is a re-submission necessary? This could be considered, for example, to recognise cultural values of a World Heritage property inscribed for its outstanding natural value, or vice-versa. This may become necessary either due to the substantive revision of the criteria by the World Heritage Committee or due to better identification or knowledge of specific Outstanding Universal Value of the property.

Another issue that might be reviewed here is whether the delimitation of the World Heritage property, and its buffer zone if appropriate, is adequate to ensure the protection and conservation of the Outstanding Universal Value embodied in it. A revision or extension of the boundaries might be considered in response to such a review.

If a Statement of Outstanding Universal Value is not available or incomplete, it will be necessary, in the first periodic report, for the State Party to propose such a statement. The Statement of Outstanding Universal Value should reflect the criterion (criteria) on the basis of which the Committee inscribed the property on the World Heritage List. It should also address questions such as: What does the property represent, what makes the property outstanding, what are the specific values that distinguish the property, what is the relationship of the property with its setting, etc.? Such Statement of Outstanding Universal Value will be examined by the Advisory

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Body(ies) concerned and transmitted to the World Heritage Committee for approval, if appropriate.

**II.3 Statement of authenticity and/or integrity**

Under this item it is necessary to review whether the value on the basis of which the property was inscribed on the World Heritage List, and reflected in the Statement of Outstanding Universal Value under item II.2 above, are being maintained.

This should also include the issue of authenticity and/or integrity in relation to the property. What was the evaluation of the authenticity and/or integrity of the property at the time of inscription? What is the authenticity and/or integrity of the property at present?

Please note that a more detailed analysis of the conditions of the property is required under item II.6 on the basis of key indicators for measuring its state of conservation.

**II.4 Management**

Under this item, it is necessary to report on the implementation and effectiveness of protective legislation at the national, provincial or municipal level and/or contractual or traditional protection as well as of management and/or planning control for the property concerned, as well as on actions that are foreseen for the future, to preserve the value described in the Statement of Outstanding Universal Value under item II.2. Additional guidance on this issue can be found in Section III.D of the *Operational Guidelines*.

The State Party should also report on significant changes in the ownership, legal status and/or contractual or traditional protective measures, management arrangements and management plans as compared to the situation at the time of inscription or the previous periodic report. In such case, the State Party is requested to attach to the periodic report all relevant documentation, in particular legal texts, management plans and/or (annual) work plans for the management and maintenance of the property. Full name and address of the agency or person directly responsible for the property should also be provided.

The State Party could also provide an assessment of the human and financial resources that are available and required for the management of the property, as well as an assessment of the training needs for its staff.

The State Party is also invited to provide information on scientific studies, research projects, education, information and awareness building activities directly related to the property and to comment on the degree to which heritage values of the property are effectively communicated to residents, visitors and the public. Matters that could be addressed are, among other things: is there a plaque at the property indicating that the property is a World Heritage property? Are there educational programmes for schools? Are there special events and exhibitions? What facilities, visitor centre, site museum, trails, guides, information material etc. are made available to visitors? What role does the World Heritage designation play in all these programmes and activities?

Furthermore, the State Party is invited to provide statistical information, if possible on an annual basis, on income, visitor numbers, staff and other items if appropriate.

On the basis of the review of the management of the property, the State Party may wish to consider if a substantive revision of the legislative and administrative provisions for the conservation of the property is required.

**II.5 Factors affecting the property**

W/N  
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Please comment on the degree to which the property is threatened by particular problems and risks. Factors that could be considered under this item are those that are listed in the nomination format, e.g. development pressure, environmental pressure, natural disasters and preparedness, visitor/tourism pressure, number of inhabitants.

Considering the importance of forward planning and risk preparedness, provide relevant information on operating methods that will make the State Party capable of counteracting dangers that threaten or may endanger its cultural or natural heritage. Problems and risks to be considered could include earthquakes, floods, land-slides, vibrations, industrial pollution, vandalism, theft, looting, changes in the physical context of properties, mining, deforestation, poaching, as well as changes in land-use, agriculture, road building, construction activities, tourism. Areas where improvement would be desirable, and towards which the State Party is working should be indicated.

This item should provide up-to-date information on all factors which are likely to affect or threaten the property. It should also relate those threats to measures taken to deal with them.

An assessment should also be given if the impact of these factors on the property is increasing or decreasing and what actions to address them have been effectively taken or are planned for the future.

**II.6 Monitoring**

Whereas item II.3 of the periodic report provides an overall assessment of the maintenance of the Outstanding Universal Value of the property, this item analyses in more detail the conditions of the property on the basis of key indicators for measuring its state of conservation.

If no indicators were identified at the time of inscription of the property on the World Heritage List, this should be done in the first periodic report. The preparation of a periodic report can also be an opportunity to evaluate the validity of earlier identified indicators and to revise them, if necessary.

Up-to-date information should be provided in respect to each of the key indicators. Care should be taken to ensure that this information is as accurate and reliable as possible, for example by carrying out observations in the same way, using similar equipment and methods at the same time of the year and day.

Indicate which partners if any are involved in monitoring and describe what improvement the State Party foresees or would consider desirable in improving the monitoring system.

In specific cases, the World Heritage Committee and/or its Bureau may have already examined the state of conservation of the property and made recommendations to the State Party, either at the time of inscription or afterwards. In such cases the State Party is requested to report on the actions that have been taken in response to the observations or recommendations made by the Bureau or Committee.

**II.7 Summary of conclusions and recommended actions**

The main conclusions under each of the items of the state of conservation report, in particular, whether the Outstanding Universal Value of the property are maintained, should be summarized and tabulated together with:

- (i) Main conclusions regarding the state of the Outstanding Universal Value of the property (see items II.2. and II.3. above)

W/N  
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**Format for the Periodic Reporting on  
the application of the World Heritage Convention**

**Annex 7**

- (ii) Main conclusions regarding the management and factors affecting the property (see Items II.4 and II.5. above)
- (iii) Proposed future action(s)
- (iv) Responsible implementing agency(ies)
- (v) Timeframe for implementation
- (vi) Needs for international assistance

The State Party is also requested to indicate what experience the State Party has obtained that could be relevant to others dealing with similar problems or issues. Please provide names and contact details of organizations or specialists who could be contacted for this purpose.

W/N  
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w/N  
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**INTERNATIONAL ASSISTANCE REQUEST FORM**



- The International Assistance request form is available at the following Web address: <http://whc.unesco.org/en/intassistance> , and can be filled at the same address.
- Further guidance on International Assistance can be found in Section VII of the *Operational Guidelines*
- See attached Explanatory Notes on completing this Request form
- The original signed version of the completed International Assistance request form should be sent in English or French to:

**UNESCO World Heritage Centre**  
7, place de Fontenoy  
75352 Paris 07 SP  
France  
Telephone: +33 (0)1 45 68 12 76  
Fax: +33 (0)1 45 68 55 70  
E-mail: [wh-intassistance@unesco.org](mailto:wh-intassistance@unesco.org)

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1. STATE PARTY

\_\_\_\_\_

2. TITLE OF PROJECT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. TYPE OF ASSISTANCE

	<i>Emergency Assistance</i>	<i>Preparatory Assistance</i>	<i>Conservation and management</i>
Culture			
Nature			
Mixed			

4. PROJECT LOCATION:

a) Will the project be implemented at a World Heritage property?

- yes       - no

If yes, give the name of the property

\_\_\_\_\_  
\_\_\_\_\_

b) Will the project include a field component?

- yes       - no

If yes, where and how?

\_\_\_\_\_  
\_\_\_\_\_

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c) If the project is being implemented at a World Heritage property, indicate whether it will also benefit other World Heritage properties, and if so, which ones and how?

\_\_\_\_\_  
\_\_\_\_\_

**5. TIMEFRAME FOR THE IMPLEMENTATION OF THE PROJECT (indicate whether estimated or fixed)**

Dates: \_\_\_\_\_

Duration: \_\_\_\_\_

**6. THE PROJECT IS:**

- local
- national
- sub-regional involving a few States Parties from a region
- regional involving most States Parties from a region
- international involving States Parties from different regions

If the project is national, sub-regional, regional or international, please indicate the countries/properties which will participate/benefit from the project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. JUSTIFICATION OF THE PROJECT**

a) Explain why this project is needed  
(for Emergency Assistance, please fill in item 8 below instead).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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b) List all supporting documents submitted, if applicable.

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**8. FOR EMERGENCY ASSISTANCE ONLY**

a) Describe the actual or potential threat/danger affecting the property

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b) Indicate how it might affect the property's Outstanding Universal Value

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c) Explain how the proposed project will address the threat/danger

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**9. OBJECTIVES OF THE PROJECT**

Clearly set out the specific objectives of the project

**10. EXPECTED RESULTS**

a) Clearly state the results expected from the project

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b) Define the indicators and means of verification which can be used to assess the achievements of these results:

<i>Expected Results</i>	<i>Indicators</i>	<i>Means of verification</i>

11. **WORK PLAN (including specific activities and timetable)**

<i>Activities</i>	<i>Timeframe (in months)</i>						
Activity							
Activity							
Activity							
Activity							

12. **EVALUATION AND REPORTING (to be submitted to the World Heritage Centre within three months after the project is completed)**

13. **PROFILES OF SPECIALISTS, TRAINERS, TECHNICIANS AND/OR SKILLED LABOUR, IF THE PROJECT FORESEES THE PARTICIPATION OF SUCH PEOPLE (if the identity of the specialists, trainers, technicians, and/or skilled labourers is already known, please state their names and include a brief CV if possible)**

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14. **KEY TARGET AUDIENCES, INCLUDING PROFILES OF TRAINEES / PARTICIPANTS, IF THE PROJECT FORESEES THE PARTICIPATION OF SUCH PEOPLE**

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**15. BUDGET BREAKDOWN**

a) Provide, in the following table (in United States dollars), a detailed breakdown of costs of the individual elements of the project including, if possible, unit costs and show how these will be shared between the different funding sources.

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Items (choose items as applicable to the project)	Detail US\$ (for applicable items)	State Party Funds US\$	Amount requested to the World Heritage Fund US\$	Other sources US\$	Total US\$
<b>Organization</b> <ul style="list-style-type: none"> <li>• venue</li> <li>• office expenses</li> <li>• secretarial assistance</li> <li>• translation</li> <li>• simultaneous interpretation</li> <li>• audio-visual equipment</li> <li>• other</li> </ul>	US\$ __ / day for __ days = US\$ __ US\$ __ US\$ __ / day for __ days - US\$ __ US\$ __ / page for __ pages = US\$ __ US\$ __ / hour for __ hours = US\$ __ US\$ __ / day for __ days = US\$ __ US\$ __				
<b>Personnel / consultancy service (fees)</b> <ul style="list-style-type: none"> <li>• international expert</li> <li>• national expert</li> <li>• coordinator</li> <li>• other</li> </ul>	US\$ __ / week for __ weeks = US\$ __ US\$ __ / week for __ weeks = US\$ __ US\$ __ / week for __ weeks = US\$ __ US\$ __ / week for __ weeks = US\$ __				
<b>Travel</b> <ul style="list-style-type: none"> <li>• international travel cost</li> <li>• domestic travel costs</li> <li>• other</li> </ul>	US\$ __ US\$ __ US\$ __				
<b>Daily subsistence allowance</b> <ul style="list-style-type: none"> <li>• accommodation</li> <li>• board</li> </ul>	US\$ __ / day for __ persons = US\$ __ US\$ __ / day for __ persons = US\$ __				
<b>Equipment</b> <ul style="list-style-type: none"> <li>• .....</li> <li>• .....</li> </ul>	US\$ __ / unit for __ units = US\$ __ / unit for __ units =				
<b>Evaluation, Reporting and Publication</b> <ul style="list-style-type: none"> <li>• evaluation</li> <li>• reporting</li> <li>• editing, layout</li> <li>• printing</li> <li>• distribution</li> <li>• other</li> </ul>	US\$ __ US\$ __ US\$ __ US\$ __ US\$ __ US\$ __				
<b>Miscellaneous</b> <ul style="list-style-type: none"> <li>• visas</li> <li>• other</li> </ul>	US\$ __ for __ participants = US\$ __ US\$ __				
<b>TOTAL</b>					

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- b) Specify whether or not resources from the State Party or other sources are already available or when they are likely to become available.

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**16. IN KIND CONTRIBUTIONS FROM THE STATE PARTY AND OTHER AGENCIES**

- a) National agency(ies)

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- b) Other bi/multi-lateral organizations, donors, etc

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**17. AGENCY(IES) RESPONSIBLE FOR THE IMPLEMENTATION OF THE PROJECT**

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**18. SIGNATURE ON BEHALF OF STATE PARTY**

Full name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**19. ANNEXES**

\_\_\_\_\_ (number of annexes attached to the request)

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**EXPLANATORY NOTES**

	<i>INTERNATIONAL ASSISTANCE APPLICATION FORM</i>	<i>EXPLANATORY NOTES</i>																																																																
<b>1.</b>	<b>STATE PARTY</b>	Name of the State Party presenting the International Assistance request																																																																
<b>2.</b>	<b>TITLE OF THE PROJECT</b>																																																																	
<b>3.</b>	<p><b>TYPE OF ASSISTANCE</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 20%; text-align: center;"><i>Emergency Assistance</i></th> <th style="width: 20%; text-align: center;"><i>Preparatory Assistance</i></th> <th style="width: 40%; text-align: center;"><i>Conservation and Management*</i></th> </tr> </thead> <tbody> <tr> <td>Culture</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Nature</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mixed</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>* Please note that « Conservation and Management » now includes the previous categories :</p> <ul style="list-style-type: none"> <li>- Training, Research Assistance</li> <li>- Technical Cooperation</li> <li>- Assistance for education, information and awareness raising</li> </ul>		<i>Emergency Assistance</i>	<i>Preparatory Assistance</i>	<i>Conservation and Management*</i>	Culture				Nature				Mixed				<p>See Paragraph 241 of the <i>Operational Guidelines</i> for details.</p> <p>Indicate the type of assistance you are requesting, as well as the type of heritage covered by the project.</p> <p>Please, tick only one box in the table. For example:</p> <p>- Training project on rock paintings:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 20%; text-align: center;"><i>Emergency Assistance</i></th> <th style="width: 20%; text-align: center;"><i>Preparatory Assistance</i></th> <th style="width: 40%; text-align: center;"><i>Conservation and Management</i></th> </tr> </thead> <tbody> <tr> <td>Culture</td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> <tr> <td>Nature</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mixed</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>- Preparation of a nomination file for a mixed property:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 20%; text-align: center;"><i>Emergency Assistance</i></th> <th style="width: 20%; text-align: center;"><i>Preparatory Assistance</i></th> <th style="width: 40%; text-align: center;"><i>Conservation and Management</i></th> </tr> </thead> <tbody> <tr> <td>Culture</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Nature</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mixed</td> <td></td> <td style="text-align: center;">X</td> <td></td> </tr> </tbody> </table> <p>- Emergency assistance request following a tropical storm which affected a protected forest area:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 20%; text-align: center;"><i>Emergency Assistance</i></th> <th style="width: 20%; text-align: center;"><i>Preparatory Assistance</i></th> <th style="width: 40%; text-align: center;"><i>Conservation and Management</i></th> </tr> </thead> <tbody> <tr> <td>Culture</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Nature</td> <td style="text-align: center;">X</td> <td></td> <td></td> </tr> <tr> <td>Mixed</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		<i>Emergency Assistance</i>	<i>Preparatory Assistance</i>	<i>Conservation and Management</i>	Culture			X	Nature				Mixed					<i>Emergency Assistance</i>	<i>Preparatory Assistance</i>	<i>Conservation and Management</i>	Culture				Nature				Mixed		X			<i>Emergency Assistance</i>	<i>Preparatory Assistance</i>	<i>Conservation and Management</i>	Culture				Nature	X			Mixed			
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<b>4.</b>	<p><b>PROJECT LOCATION</b></p> <p>a) Will the project be implemented at a World Heritage property?  <input type="checkbox"/> - yes      <input type="checkbox"/> - no            If yes, give the name of the property</p>																																																																	

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	<p>b) Will the project include a field component?  <input type="checkbox"/> - yes      <input type="checkbox"/> - no          If yes, where and how?</p> <p>c) If the project is being implemented at a World Heritage property, indicate whether it will also benefit other World Heritage properties, and if so which ones and how?</p>	
5.	<p><b>TIMEFRAME FOR THE IMPLEMENTATION OF THE PROJECT</b>          (indicate whether estimated or fixed)</p>	<p>Indicate the proposed starting date for the project as well as its duration.</p>
6.	<p><b>THE PROJECT IS:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> local</li> <li><input type="checkbox"/> national</li> <li><input type="checkbox"/> sub-regional involving a few States Parties from a region</li> <li><input type="checkbox"/> regional involving most States Parties from a region</li> <li><input type="checkbox"/> international involving States Parties from different regions</li> </ul> <p>If the project is national, sub-regional, regional or international, please indicate the countries/properties which will participate/benefit from the project.</p>	<p>If other countries benefit from the project, please state whether their support for the project has been obtained. Also note if a transboundary property is involved.</p>
7.	<p><b>JUSTIFICATION OF THE PROJECT</b></p>	
	<p>a) Explain why the project is needed (for Emergency Assistance, please fill in item 8 below <u>instead</u>)</p>	<p>Set out the problems or issues to be discussed/addressed. This should include, where appropriate, the degree of urgency of the activities to be undertaken where appropriate.</p> <p>If relevant, give details, in no more than 2 pages, of ascertained or potential threat to the property(ies).</p> <p>Explain how the project contributes to the implementation of:          - decisions of the World Heritage Committee;</p>

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		<ul style="list-style-type: none"> <li>- recommendations of international expert missions undertaken at the request of the Committee, Chairperson or UNESCO;</li> <li>- recommendations of the Advisory Bodies;</li> <li>- recommendations of UNESCO World Heritage Centre or other UNESCO Divisions;</li> <li>- management plans for the property;</li> <li>- recommendations from previous activities supported by the World Heritage Fund.</li> </ul> <p>Clearly indicate which documents you are referring to (World Heritage Committee's decision number, Mission dates, etc...)</p>
	b) List all supporting documents submitted, if applicable.	Whenever possible, support the justification with documentary evidence, such as reports, photographs, slides, maps, etc...
<b>8.</b>	<b>FOR EMERGENCY ASSISTANCE ONLY</b>	
	a) Describe the actual or potential threat/danger affecting the property	<p>Emergency Assistance funds will not be automatically granted after a major disaster has occurred. This type of assistance will be provided only in cases when an <u>imminent</u> danger related to a <u>natural or human-made</u> disaster is threatening the overall Outstanding Universal Value of a World Heritage property and its authenticity and/or integrity, to prevent or at least significantly mitigate its possible negative impact on the property.</p> <p>Emergency Assistance may also be provided to assess whether or not imminent danger is present, for example as a result of a major disaster.</p> <p>When, on the contrary, due to a disaster, a certain loss of heritage has already taken place, but there is no more imminent threat or risk that needs to be addressed as a matter of urgency, other forms of assistance would appear to be more appropriate (e.g. conservation and management assistance).</p>

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	<p>b) Indicate how it might affect the property's Outstanding Universal Value</p>	<p>In establishing priorities for granting Emergency Assistance, consideration will be given to whether the threat/danger to be addressed has the potential, if not mitigated, to affect the Outstanding Universal Value of the World Heritage property and its authenticity and/or integrity.</p>												
	<p>c) Explain how the proposed project will address the threat/danger</p>	<p>Proposals for funding under the Emergency Assistance programme should set out how the scope of the project and its activities will assess the threat/danger to the World Heritage property and show how it will be effectively mitigated.</p>												
<p>9.</p>	<p><b>OBJECTIVE(S) OF THE PROJECT</b> Clearly set out the specific objectives of the project</p>	<p>What are the objectives you want to achieve through the implementation of this particular project?</p>												
<p>10.</p>	<p><b>EXPECTED RESULTS</b></p>													
	<p>a) Clearly state the results expected from the project proposed.</p>	<p>The expected results should be concrete and measurable. Each expected result will be measured by a set of indicators (see Paragraph 10b).</p>												
	<p>b) Define the indicators and means of verification which can be used to assess the achievements of these results:</p> <table border="1" data-bbox="347 1346 833 1464"> <thead> <tr> <th>Expected Results</th> <th>Indicators</th> <th>Means of verification</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Expected Results	Indicators	Means of verification										<p>Indicators are used to measure the results achieved and to determine the progress towards the objective of the project. They are based on the expected results defined in Paragraph 10, and will serve as the base for the evaluation of the project after its completion.</p> <p>These indicators should be objective, measurable and expressed in quantifiable terms such as numeric values, or percentages.</p> <p>For example:</p> <p><b>Preparatory Assistance</b></p> <p><i>Objective:</i> To prepare a complete nomination file for submission to the World Heritage Centre.</p>
Expected Results	Indicators	Means of verification												

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Expected Results	Indicators	Means of Verification
The completed nomination file submitted to the World Heritage Centre by 1 February 200x.	<ul style="list-style-type: none"> <li>• Nomination submitted by the deadline</li> </ul>	<ul style="list-style-type: none"> <li>• Postal record of sending the file</li> <li>• Report from the WHC/POL to the State Party</li> </ul>
The completed management plan to be submitted along with the nomination file	<ul style="list-style-type: none"> <li>• Management plan submitted by the deadline</li> </ul>	<ul style="list-style-type: none"> <li>• Postal record of sending the file</li> <li>• Report from the WHC/POL to the State Party</li> </ul>
The nomination file is judged complete by the World Heritage Centre and Advisory Bodies	<ul style="list-style-type: none"> <li>• Successful examination by the World Heritage Centre and Advisory Bodies for completeness</li> </ul>	<ul style="list-style-type: none"> <li>• Letter from the World Heritage Centre to the State Party informing them the file is considered complete</li> </ul>

**Emergency Assistance**

*Objective:*  
To stabilize the structure of a building that has just been damaged due to flooding or an earthquake.

Expected Results	Indicators	Means of Verification
The structure of the building would have been stabilized	<ul style="list-style-type: none"> <li>• Emergency structural problems identified</li> <li>• Plans for emergency works finalized</li> <li>• Temporary stabilization measures carried out</li> </ul>	<ul style="list-style-type: none"> <li>• Report of a structural engineer on the emergency state of the structure</li> <li>• Costed proposal for emergency works to be carried out</li> <li>• Final report of the stabilization work implemented</li> </ul>
Plans for further conservation work would have been developed for future implementation	<ul style="list-style-type: none"> <li>• Overall structural analysis carried out</li> <li>• Costed plans for further necessary conservation work prepared</li> </ul>	<ul style="list-style-type: none"> <li>• Report of a structural engineer on the overall state of conservation of the structure</li> <li>• Costed proposal for necessary conservation works to be carried out</li> </ul>

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**Conservation and Management Assistance**

*Objective:*

To improve management at a property inscribed on the World Heritage List with special attention to community involvement

Expected Results	Indicators	Means of Verification
An integrated management plan for the property	<ul style="list-style-type: none"> <li>• Setting up of a management planning team for the development of the management plan with participants from the necessary sectors including the local community</li> <li>• Completion of a Statement of Outstanding Universal Value for the property</li> <li>• Analysis of the conservation and management problems affecting the property</li> <li>• Existence of clear objectives and strategies for achieving them</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly reports of the management planning team meetings</li> <li>• Discussion papers produced by team members of each of the key issues faced in the management of the property</li> <li>• Final management plan document</li> </ul>
A management committee including some members of the local community	<ul style="list-style-type: none"> <li>• Appointment of members of the management committee including at least two members of the local community</li> <li>• At least 3 regular monthly meetings of the Management Committee</li> </ul>	<ul style="list-style-type: none"> <li>• Statutes and rules of procedure for the Management Committee approved by appropriate authorities</li> <li>• Monthly reports of the Management Committee</li> </ul>
Management plan approved with appropriate legal status	<ul style="list-style-type: none"> <li>• Approval by the local government authority</li> </ul>	<ul style="list-style-type: none"> <li>• Decree placed in the "National Gazette" establishing the management plan as a local regulation.</li> </ul>

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<b>11.</b>	<p><b>WORK PLAN</b> (including specific activities and timetable)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;">Activities</th> <th colspan="6">Timeframe (in months)</th> </tr> </thead> <tbody> <tr><td>Activity</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Activity</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Activity</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Activity</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Activities	Timeframe (in months)						Activity							Activity							Activity							Activity							<p>Describe the work plan of the activity(ies) to be undertaken with specific reference to the expected results mentioned in Paragraph 10 above. Indicate dates, duration of each activity. For meetings and training activities, tentative programmes should be provided including the themes, issues and problems to be discussed.</p> <p>For example:</p> <p><i>For Expected Result No. 1:</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;">Activities</th> <th colspan="6">Timeframe (in months)</th> </tr> </thead> <tbody> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> </tbody> </table> <p><i>For Expected Result No. 2:</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;">Activities</th> <th colspan="6">Timeframe (in months)</th> </tr> </thead> <tbody> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> <tr><td>Activity</td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td><td style="background-color: black;"></td></tr> </tbody> </table>	Activities	Timeframe (in months)						Activity							Activity							Activity							Activity							Activities	Timeframe (in months)						Activity							Activity							Activity							Activity						
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<b>12.</b>	<p><b>EVALUATION AND REPORTING</b> (to be submitted to the World Heritage Centre within three months after the implementation of the project is completed)</p>	<p><u>Final Report:</u> The final report should be prepared by the authority/person in charge of the implementation of the project. The final report should be structured according to the expected results defined in Paragraph 10.</p> <p><u>Evaluation:</u> The evaluation should focus on the results achieved and their impact on (for example):</p> <ul style="list-style-type: none"> <li>- the inscription of a property on the World Heritage List following a preparatory assistance,</li> <li>- the Periodic Report and the State of conservation,</li> <li>- the removal of a property from the List of World Heritage in danger following an emergency assistance,</li> <li>- the implementation of the <i>World Heritage Convention</i>, including its</li> </ul>																																																																																																									

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		<p>Strategic Objectives (“4Cs”) and other strategies (e.g. Global Strategy, . . .),</p> <ul style="list-style-type: none"> <li>- the national and/or local institutions,</li> <li>- the capacity building of local staff,</li> <li>- the awareness raising of the general public,</li> <li>- the participants to the project,</li> <li>- attracting other resources,</li> <li>- etc...</li> </ul> <p>Indicate who will be responsible for the evaluation of the project.</p>
13.	<p><b>PROFILES OF SPECIALISTS, TRAINERS, TECHNICIANS AND/OR SKILLED LABOUR, IF THE PROJECT FORESEES THE PARTICIPATION OF SUCH PEOPLE (if the identity of the specialists, trainers, technicians, and/or skilled labourers is already known, please state their names and include a brief CV if possible)</b></p>	<p>Indicate the precise field of specialization and the work to be undertaken by each specialist as well as the duration required. The World Heritage Centre and the Advisory Bodies are available to recommend resource persons / trainers, should the State(s) Party(ies) concerned so request.</p> <p>Please include the names of any specialists, if already known, who will be taking part in the project and send a short CV if possible as an annex to the request form.</p>
14.	<p><b>KEY TARGET AUDIENCES, INCLUDING PROFILES OF TRAINEES / PARTICIPANTS, IF THE PROJECT FORESEES THE PARTICIPATION OF SUCH PEOPLE</b></p>	<p>Indicate the target groups and beneficiaries of the project, their professions, institutions, or field(s) of specialization.</p>
15.	<p><b>BUDGET BREAKDOWN</b></p>	
	<p>a) Provide, in the following table (in United States dollars), a detailed breakdown of costs of the individual elements of the project including, if possible, unit costs and show how these will be shared between the different funding sources:</p>	<p>Indicate in the table the breakdown of all expenses related to the project, also indicating the cost-sharing between the various donors (State Party, World Heritage Fund, others).</p>
	<p>(i) Organization</p>	<p>Items within this section could include the cost of a venue, office expenses, secretarial assistance, translation, simultaneous interpretation, audio-visual equipment, or other organizational costs necessary for the successful implementation of the project.</p>

	(ii) Personnel and Consultancy Services	Items within this section could include the cost of international experts, national experts, a local or international coordinator, or other personnel necessary for the successful implementation of the project.
	(iii) Travel	Items within this section could include the cost of international or domestic travel necessary for the successful implementation of the project.
	(iv) Daily Subsistence Allowance	Items within this section could include the cost of accommodation, meals, and incidentals necessary for the successful implementation of the project.
	(v) Equipment	Items within this section could include any equipment necessary for the successful implementation of the project.
	(vi) Evaluation, Reporting and Publication	Items within this section could include the cost of evaluation, reporting, editing and layout, printing, distribution, and other costs necessary for the successful implementation of the project.
	(vii) Miscellaneous	Items within this section could include the cost of visas or other small costs that are necessary for the successful implementation of the project.
	b) Specify whether or not resources from the State Party or other sources are already available or when they are likely to become available	If the resources are not already available, indicate whether they will be before the beginning of the project.
16.	<b>IN KIND CONTRIBUTIONS FROM THE STATE PARTY AND OTHER AGENCIES</b>	
	a) National agency(ies)	Specify in detail
	b) Other bi/multi-lateral organizations, donors, etc	Specify in detail
17.	<b>AGENCY(IES) RESPONSIBLE FOR THE IMPLEMENTATION OF THE PROJECT</b>	Please provide the name, title, address and all contact details of the person/agency(ies) who will be responsible for the



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		implementation of the project as well as those of any other participating agencies.  Please, indicate whether the legislative and administrative commitment of the State Party is available for the project (see Paragraph 239d of the <i>Operational Guidelines</i> ).
18.	<b>SIGNATURE ON BEHALF OF STATE PARTY</b>	Full name Title Date
19.	<b>ANNEXES</b>	In this section, list the number of annexes attached to the request and titles of each annex.

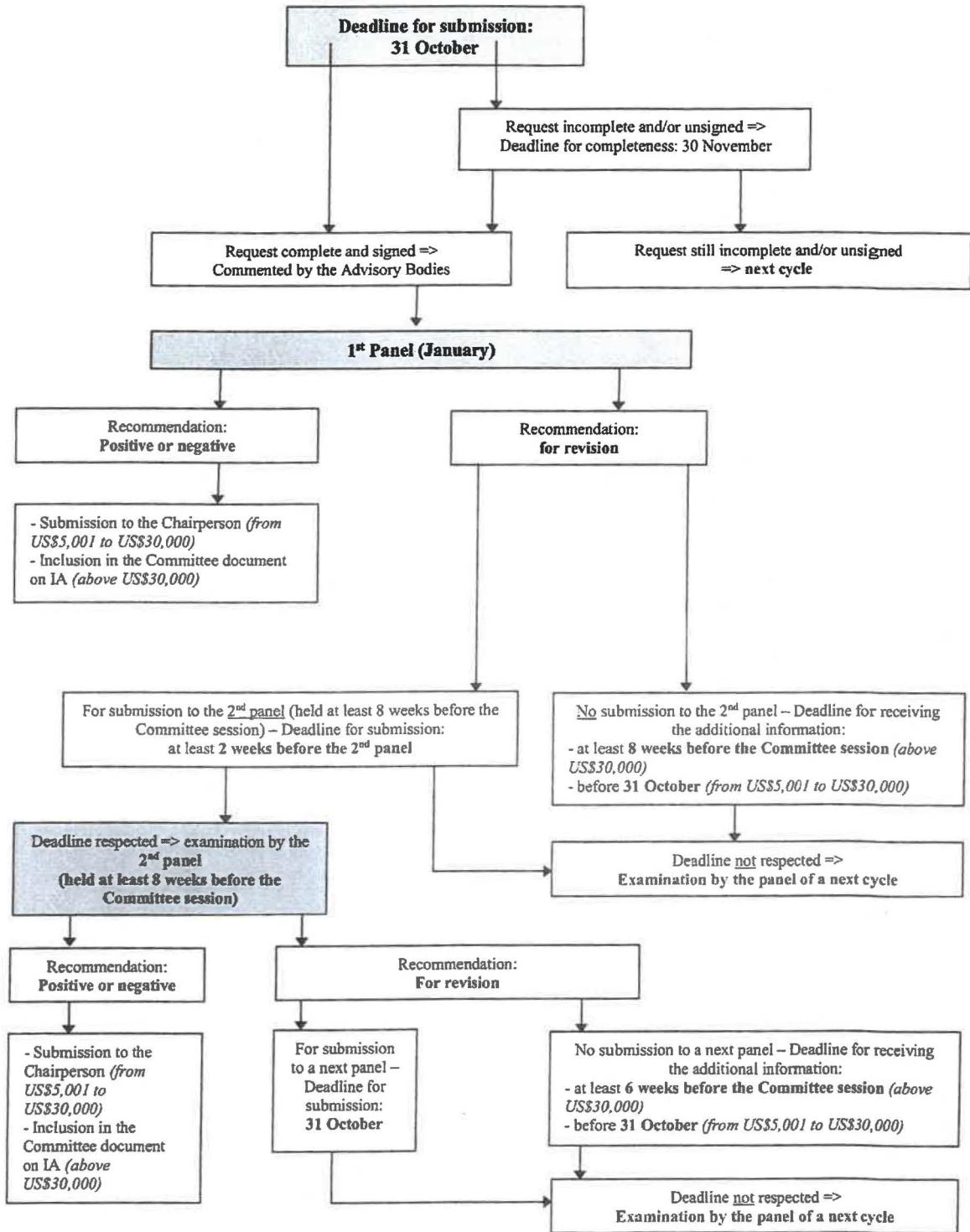
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Process of submission for International Assistance requests for Conservation & Management Assistance and Preparatory Assistance above US\$5,000



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**EVALUATION CRITERIA OF THE ADVISORY BODIES  
FOR INTERNATIONAL ASSISTANCE REQUESTS**



The following considerations are to be taken into account by the Advisory Bodies, World Heritage Centre, and the relevant Decision-maker (the Chairperson of the World Heritage Committee, the World Heritage Committee or the Director of the World Heritage Centre) when assessing International Assistance requests.

These items do not constitute a checklist, and not every item will be applicable to every International Assistance Request. Rather the appropriate items are to be considered together in an integrated manner in making balanced judgments concerning the appropriateness of allocating the limited financial support available through the World Heritage Fund.

**A. Eligibility requirements**

1. Is the State Party in arrears for payment of its contribution to the World Heritage Fund?
2. Is the request coming from an authorized organization/institution of the State Party?

**B. Priority considerations**

3. Is the request from a State Party on the list of the Least Developed Countries (LDCs), Low Income Economies (LIEs), Small Island Developing States (SIDS) or post-conflict countries?
4. Is the property on the List of World Heritage in Danger?
5. Does the request further one or more of the Strategic Objectives of the World Heritage Committee (Credibility, Conservation, Capacity building, and Communication)?
6. Does the request respond to needs identified through the Periodic Reporting process at the property and/or regional levels?
7. Is the request linked to a regional or sub-regional capacity building programme?
8. Is there a capacity building aspect to the activity (no matter what type of assistance sought)?
9. Will the lessons learned from the activity provide benefits to the larger World Heritage system?

**C. Considerations linked to the specific content of the proposed activity**

- 10. Are the objectives of the request clearly stated and achievable?
- 11. Is there a clear work plan for achieving the results, including a timeline for its implementation? Is the work plan reasonable?
- 12. Does the agency/organization responsible for implementing the proposal have the capacity to do so, and is there a responsible person identified for ongoing contacts?
- 13. Are the professionals proposed to be used (whether national or international) qualified to carry out the work being requested? Are there clear terms of reference for them, including adequate period of their involvement?
- 14. Is the involvement of all relevant parties taken into account in the proposal (for example stakeholders, other institutions, etc.)?
- 15. Are the technical requirements clearly expressed and are they reasonable?
- 16. Is there a clear plan for reporting the results and for continued monitoring, including appropriate indicators for success?
- 17. Is there a commitment of the State Party for appropriate follow-up after the activity is completed?

**D. Budgetary / Financial considerations**

- 18. Is the overall budget reasonable for the work that is proposed to be carried out?
- 19. Is the budget detailed sufficiently to ensure that the unit costs are reasonable and in line with local costs and/or UNESCO norms and rules as appropriate?
- 20. Does the request act as a catalyst (multiplier) for other funding (are other sources of funding, either cash or in-kind clearly specified)?

**E. Considerations for specific types of International Assistance**

**a) Emergency Assistance Requests**

- 21. Does the threat or disaster covered by the request conform to the definition of an emergency within the *Operational Guidelines* (unexpected phenomena)?
- 22. Can the proposed intervention be carried out with reasonable safety for those involved with its implementation?
- 23. Does the intervention respond to the most critical issues related to the protection/conservation of the property?

**b) Preparatory Assistance Requests**

For requests for preparation of nomination files

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24. Is the property on the State Party's Tentative List?
25. Does the State Party already have properties inscribed on the World Heritage List? If yes, how many?
26. Is the type of property proposed for World Heritage listing un-represented or under-represented in the World Heritage List?
27. Is sufficient attention paid to necessary elements, such as the preparation of the management plan, comparative analysis, Statement of Outstanding Universal Value, mapping, etc.?
28. Is sufficient attention given to community involvement?

For requests for preparation of Tentative Lists

29. Is the process designed to include all the necessary stakeholders and points of view?
30. Are both natural and cultural heritage professionals proposed to be involved?
31. Is the State Party new to the *World Heritage Convention*?
32. If the request is for harmonization of Tentative Lists, are representatives from all the necessary States Parties in the region or sub-region involved?

For requests for preparation of other types of assistance

33. If the request is for the preparation of a request for other assistance, is the need for the eventual request well documented?

**c) Conservation and Management Assistance Requests**

For requests for conservation work or the preparation of a management plan

34. Is the property on the World Heritage List?
35. Is the work being proposed a priority for protecting or safeguarding the property?
36. Does the work being proposed conform to best practice?

For requests for training activities

37. Is it clearly related to the implementation of the *World Heritage Convention*?
38. Does it take place on a World Heritage property or involve a visit/case study of a World Heritage property?
39. Does it involve those responsible for conservation at a World Heritage property as trainees or resource persons?
40. Does it respond to well-defined training needs?
41. Are the training methods appropriate to ensure that the learning objectives will be met?
42. Does it strengthen a local and/or regional training institution?
43. Is it linked with practical applications in the field?

44. Is there a provision for disseminating results and related training materials to other organizations in the World Heritage system?

For requests related to scientific research

45. Can it be demonstrated that the subject matter is of a priority nature for better protection and safeguarding of World Heritage properties?
46. Can it be demonstrated that the results will be concrete and applicable widely within the World Heritage system?

For requests for educational or awareness activities

47. Will it help make the *World Heritage Convention* better known or create a stronger interest in it amongst the target audience?
48. Will it create a greater awareness of the different issues related to the implementation of the *World Heritage Convention*?
49. Will it promote more involvement in *World Heritage Convention* related activities?
50. Will it be a means of exchanging experiences or stimulate joint educational and information programmes, especially amongst school children?
51. Will it produce appropriate awareness materials for the promotion of the *World Heritage Convention* for use by the target audience?

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**STATEMENT OF OUTSTANDING UNIVERSAL VALUE**



Format of a Statement of Outstanding Universal Value, and of a retrospective Statement of Outstanding Universal Value.

The retrospective Statement of Outstanding Universal Value should be submitted either in English or in French. An electronic version (Word or .pdf format) should also be submitted.

A Statement of Outstanding Universal Value should respect the following format (2 A4 pages max):

- a) Brief synthesis
- b) Justification for Criteria
- c) Statement of integrity (for all sites)
- d) Statement of Authenticity (for sites under criteria i-vi)
- e) Requirements for protection and management

**Deadline**

1 February<sup>22</sup> of the year preceding the one in which the approval of the Committee is requested.

<sup>22</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday

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**MODIFICATIONS TO WORLD HERITAGE PROPERTIES**



**MINOR MODIFICATIONS TO THE BOUNDARIES OF WORLD HERITAGE PROPERTIES**

Boundary modifications should serve better identification of World Heritage properties and enhance protection of their Outstanding Universal Value.

A proposal for a minor boundary modification, submitted by the State Party concerned, is subject to the review of the relevant Advisory Body(ies) and to the approval of the World Heritage Committee.

A proposal for a minor boundary modification can be approved, not approved, or referred by the World Heritage Committee.

**Documentation requested**

- 1) **Area of the property (in hectares):** please indicate a) the area of the property as inscribed and b) the area of the property as proposed to be modified (or the area of the proposed buffer zone). (Note that reductions can be considered as minor modifications only under exceptional circumstances).
- 2) **Description of the modification:** please provide a written description of the proposed change to the boundary of the property (or a written description of the proposed buffer zone).
- 3) **Justification for the modification:** please provide a brief summary of the reasons why the boundaries of the property should be modified (or why a buffer zone is needed), with particular emphasis on how such modification will improve the conservation and/or protection of the property.
- 4) **Contribution to the maintenance of the Outstanding Universal Value:** please indicate how the proposed change (or the proposed buffer zone) will contribute to the maintenance of the Outstanding Universal Value of the property.
- 5) **Implications for legal protection:** please indicate the implications of the proposed change for the legal protection of the property. In the case of a proposed addition, or of the creation of a buffer zone, please provide information on the legal protection in place for the area to be added and a copy of relevant laws and regulations.
- 6) **Implications for management arrangements:** please indicate the implications of the proposed change for the management arrangements of the property. In the case of a proposed addition, or of the creation of a buffer zone, please provide information on the management arrangements in place for the area to be added.
- 7) **Maps:** please submit two maps, one clearly showing both delimitations of the property (original and proposed revision) and the other showing only the proposed revision. In the case of the creation of a buffer zone, please submit a map showing both the inscribed property and the proposed buffer zone.

Please make sure that the maps:

- are either topographic or cadastral;
- are presented at a scale which is appropriate to the size in hectares of the property and sufficient to clearly show the detail of the current boundary and the proposed changes (and, in any case, the largest available and practical scale);

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- have the title and the legend/key in English or French (if this is not possible, please attach a translation);
- mark the boundaries of the property (current and proposed revision) through a clearly visible line that can be distinguished from other features on the maps;
- bear a clearly labeled coordinate grid (or coordinate ticks);
- clearly refer (in the title and in the legend) to the boundary of the World Heritage property (and to the buffer zone of the World Heritage property, if applicable). Please clearly distinguish the boundary of the World Heritage property from any other protected area boundaries.

8) **Additional information:** In the case of a proposed addition, please submit some photographs of the area to be added that provide information on its key values and conditions of authenticity/integrity.

Any other relevant document can be submitted such as thematic maps (e.g. vegetation maps), summaries of scientific information concerning the values of the area to be added (e.g. species lists), and supporting bibliographies.

The above-mentioned documentation should be submitted in English or French in two identical copies (three for mixed properties). An electronic version (the maps in formats such as .jpg, .tif, .pdf) should also be submitted.

**Deadline**

1 February<sup>23</sup> of the year in which the approval of the Committee is requested.

<sup>23</sup> If 1 February falls on a weekend, the nomination must be received by 17h00 GMT the preceding Friday

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FORM FOR THE SUBMISSION OF FACTUAL ERRORS IN THE ADVISORY BODIES EVALUATIONS



(in compliance with Paragraph 150 of the Operational Guidelines)

STATE(S) PARTY(IES):

EVALUATION OF THE NOMINATION OF THE SITE:

RELEVANT ADVISORY BODY'S EVALUATION<sup>24</sup>:

Page, column, line of the Advisory Body Evaluation	Sentence including the factual error (the factual error should be highlighted in bold)	Proposed correction by the State Party	Comment (if any) by the Advisory Body and/or the World Heritage Centre

- The Factual Errors submission form, as well as an example of such a completed form, are available from the UNESCO World Heritage Centre and at the following Web address: <http://whc.unesco.org/en/factuaerrors>.
- Further guidance on the submission of Factual Errors can be found in Paragraph 150 of the *Operational Guidelines*.
- States Parties are requested to immediately submit this information in electronic format or by e-mail to [wh-nominations@unesco.org](mailto:wh-nominations@unesco.org).

The original signed version of the completed Factual Errors submission form should be received in English or French by the UNESCO World Heritage Centre, at the following address: 7 place de Fontenoy, 75352 Paris 07 SP, France, no later than 14 days before the opening of the session of the Committee.

<sup>24</sup> For nominations of mixed sites, if there are errors in both the Evaluations of the Advisory Bodies, separate forms should be submitted for each Advisory Body indicating which Advisory Body's Evaluation each submission is referring to.

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SELECT WORLD HERITAGE BIBLIOGRAPHY



**WORLD HERITAGE CENTRE DOCUMENTS DATABASE**

<http://whc.unesco.org/statutorydoc>

The UNESCO World Heritage Centre "Official Records" searchable online document collection permits the retrieval of information contained in the reports of the World Heritage Committee and General Assembly of States Parties to the *Convention*

**BASIC TEXTS**

UNESCO, *Convention concerning the protection of the world cultural and natural heritage*, adopted by the General Conference at its seventeenth session, Paris, 16 November 1972, WHC-2001/WS/2  
<http://whc.unesco.org/en/conventiontext>

UNESCO, Intergovernmental Committee for the protection of the World Cultural and Natural Heritage, *Rules of Procedure*, WHC.2003/5.  
<http://whc.unesco.org/en/committee>

UNESCO, General Assembly of States Parties to the Convention concerning the protection of the World Cultural and Natural Heritage, *Rules of Procedure*, WHC-03/GA/1 Rev. 2 (as of 15 October 2003).  
<http://whc.unesco.org/en/garules>

UNESCO, Intergovernmental Committee for the protection of the World Cultural and Natural Heritage, *Financial Regulations for the World Heritage Fund*, Paris 1995 (WHC/7, August 1995).  
<http://whc.unesco.org/en/committeerules>

UNESCO, World Heritage Centre, *Properties inscribed on the World Heritage List*  
<http://whc.unesco.org/en/list>

UNESCO, World Heritage Centre, *Brief Descriptions of the 754 properties inscribed on the World Heritage List*.  
<http://whc.unesco.org/briefdescriptions>

Pressouyre, Léon, *The World Heritage Convention, twenty years later*, UNESCO, Paris 1993.

Batisse, Michel and Bolla, Gérard, *L'invention du "patrimoine mondial"*, Les Cahiers de l'Histoire, AAFU, Paris 2003.

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<http://www.iflaonline.org/home.html>

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**World Heritage**

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

**Doha, 7 July 2014**

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

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**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)**

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## NATURAL SITES

### AFRICA

#### New Nominations

##### Decision: 38 COM 8B.5

The World Heritage Committee,

1. Having examined Documents WHC-14/38.COM/8B and WHC-14/38.COM/INF.8B2,
2. Inscribes Okavango Delta, Botswana, on the World Heritage List on the basis of criteria (vii), (ix) and (x);
3. Adopts the following Statement of Outstanding Universal Value:

##### **Brief Synthesis**

The Okavango Delta is a large low gradient alluvial fan or 'Inland Delta' located in north-western Botswana. The area includes permanent swamps which cover approximately 266,165 ha along with up to 1,106,422 ha of seasonally flooded grassland. The inscribed World Heritage property encompasses an area of 2,023,590 ha with a buffer zone of 2,286,630 ha. The Okavango Delta is one of a very few large inland delta systems without an outlet to the sea, known as an endorheic delta, its waters drain instead into the desert sands of the Kalahari Basin. It is Africa's third largest alluvial fan and the continent's largest endorheic delta. Furthermore it is in a near pristine state being a largely untransformed wetland system. The biota has uniquely adapted their growth and reproductive behaviour, particularly the flooded grassland biota, to be timed with the arrival of floodwater in the dry, winter season of Botswana.

The geology of the area, a part of the African Rift Valley System, has resulted in the 'capture' of the Okavango River that has formed the Delta and its extensive waterways, swamps, flooded grasslands and floodplains. The Okavango River, at 1,500kms, is the third largest in southern Africa. The Delta's dynamic geomorphological history has a major effect on the hydrology, determining water flow direction, inundation and dehydration of large areas within the Delta system. The site is an outstanding example of the interplay between climatic, geomorphological, hydrological, and biological processes that drive and shape the system and of the manner in which the Okavango Delta's plants and animals have adapted their lifecycles to the annual cycle of rains and flooding. Subsurface precipitation of calcite and amorphous silica is an important process in creating islands and habitat gradients that support diverse terrestrial and aquatic biota within a wide range of ecological niches.

**Criterion (vii):** Permanent crystal clear waters and dissolved nutrients transform the otherwise dry Kalahari Desert habitat into a scenic landscape of exceptional and rare beauty, and sustain an ecosystem of remarkable habitat and species diversity, thereby maintaining its ecological resilience and amazing natural phenomena. The annual flood-tide, which pulses through the wetland system every year, revitalizes ecosystems and is a critical life-force during the peak of the Botswana's dry season (June/July). The Okavango Delta World Heritage property displays an extraordinary juxtaposition of a vibrant wetland in an arid landscape and the miraculous transformation of huge sandy, dry and brown depressions by winter season floods triggers spectacular wildlife displays: large herds of African Elephant, Buffalo, Red Lechwe, Zebra and other large

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animals splashing, playing, and drinking the clear waters of the Okavango having survived the dry autumn season or their weeks' long migration across the Kalahari Desert.

**Criterion (ix):** The Okavango Delta World Heritage property is an outstanding example of the complexity, inter-dependence and interplay of climatic, geo-morphological, hydrological, and biological processes. The continuous transformation of geomorphic features such as islands, channels, river banks, flood plains, oxbow lakes and lagoons in turn influences the abiotic and biotic dynamics of the Delta including dryland grasslands and woodland habitats. The property exemplifies a number of ecological processes related to flood inundation, channelization, nutrient cycling and the associated biological processes of breeding, growth, migration, colonization and plant succession. These ecological processes provide a scientific benchmark to compare similar and human-impacted systems elsewhere and give insight into the long-term evolution of such wetland systems.

**Criterion (x):** The Okavango Delta World Heritage property sustains robust populations of some of the world's most endangered large mammals such as Cheetah, white and black Rhinoceros, Wild Dog and Lion, all adapted to living in this wetland system. The Delta's habitats are species rich with 1061 plants (belonging to 134 families and 530 genera), 89 fish, 64 reptiles, 482 species of birds and 130 species of mammals. The natural habitats of the nominated area are diverse and include permanent and seasonal rivers and lagoons, permanent swamps, seasonal and occasionally flooded grasslands, riparian forest, dry deciduous woodlands, and island communities. Each of these habitats has a distinct species composition comprising all the major classes of aquatic organisms, reptiles, birds and mammals. The Okavango Delta is further recognized as an Important Bird Area, harbouring 24 species of globally threatened birds, including among others, six species of Vulture, the Southern Ground-Hornbill, Wattled Crane and Slaty Egret. Thirty-three species of water birds occur in the Okavango Delta in numbers that exceed 0.5% of their global or regional population. Finally Botswana supports the world's largest population of elephants, numbering around 200,000: the Okavango Delta is the core area for this species' survival.

#### **Integrity**

The property covers most of the Delta, encompassing a vast area of over 1.37 million ha of substantially undisturbed wetlands and seasonally flooded grasslands. It is of sufficient size to represent all of the delta's main biophysical processes and features and support its communities of plant and animal species. Because of its vast size and difficult access the delta has never been subject to significant development and it remains in an almost pristine condition. Tourism to the inner Delta is limited to small, temporary tented camps with access by air. Facilities are carefully monitored for compliance with environmental standards and have minimal ecological impact. Most importantly, the source of the Okavango Delta's waters in Angola and Namibia remain unaffected by any upstream dams or significant water abstraction and the three riparian states have established a protocol under the Permanent Okavango River Basin Water Commission (OKACOM) for the sustainable management of the entire river system. OKACOM has formally supported the inscription of the Okavango Delta on the World Heritage List. It is imperative that upstream environmental water flows remain unimpeded and that over abstraction of water, the building of dams and the development of agricultural irrigation systems do not impact on the sensitive hydrology of the property.

Concerns have been noted regarding fluctuating populations of large animals. Elephant numbers have been increasing whilst other species are reported as exhibiting significant declines. Data is variable, subject to different survey techniques and uncoordinated

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surveys undertaken by different institutions all contribute to an unclear picture of the Okavango Delta's wildlife. Authorities have initiated efforts to establish a comprehensive and integrated wildlife monitoring system that can accurately track population size and trends for the entire property, however ongoing work is needed to realise this. Causes of decline are attributed to seasonal variability, poaching (for example of giraffe for meat) and veterinary cordon fencing used to manage animal sanitation and control the spread of disease between wildlife and domestic stock.

Mining activities including prospecting will not be permitted within the property. 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, 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.

#### **Protection and management requirements**

The Okavango Delta comprises a mosaic of protected lands. About 40% of the property is protected within the Moremi Game Reserve, and the remainder is composed of 2 Wildlife Management Areas and 18 Controlled Hunting Areas managed by community trusts or private tourism concession-holders. Legal protection is afforded through Botswana's Wildlife Conservation and National Parks Act, 1992 and an associated Wildlife Conservation Policy. The Tribal Land Act of 1968 also applies to the property and the whole of the nominated area (and the buffer zone) is communally-owned Tribal Land under the control of the Tawana Land Board.

As noted above the underlying causes of wildlife population declines are not clear, but an imposed hunting ban will further strengthen conservation measures in the property. The State Party is encouraged to develop a coordinated and systematic wildlife monitoring programme to establish population baselines for key species and to track trends. Veterinary cordon fences are known to cause significant disruption to wildlife at individual, population and species levels. Most of the property's core and buffer zones are free of veterinary cordon fencing and the location of site's boundaries was guided by these considerations. However, the Southern Buffalo Fence defines the southern boundary of the World Heritage property and whilst damage has compromised its effectiveness in disease control, it acts as a locally known demarcation to stop cattle grazing within the property. The Northern Buffalo Fence, also within the alignment of the property buffer zone, is known to disrupt connectivity in particular for the region's Roan and Sable Antelope populations. Veterinary fencing is recognised as a sensitive, multi-dimensional issue. The State Party is encouraged to continue efforts to rationalize 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.

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

The Delta has been inhabited for millennia by small numbers of indigenous people, living a hunter-gatherer existence with different groups adapting their cultural identity and lifestyle to the exploitation of particular resources (e.g. fishing or hunting). This form

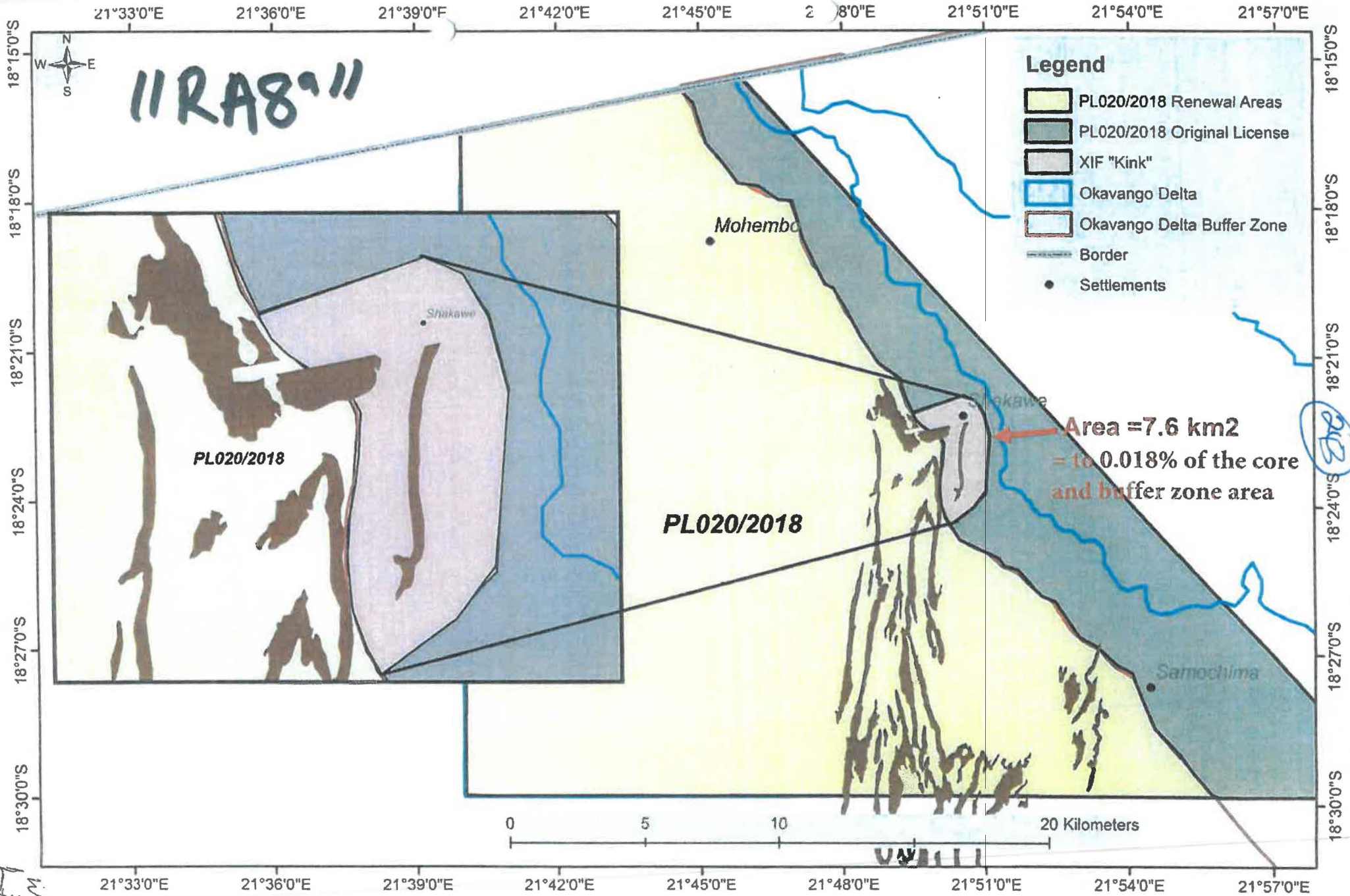
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of low-level subsistence use has had no significant impact on the ecological integrity of the area, and today mixed settlements of indigenous peoples and later immigrants to the area are located around the fringes of the delta, mostly outside the boundaries of the property. Continued special attention is needed to reinforce the recognition of the cultural heritage of indigenous inhabitants of the Delta region. Ongoing efforts should focus upon sensitively accommodating traditional subsistence uses and access rights consistent with the protection of the property's Outstanding Universal Value. Efforts should centre on ensuring that indigenous peoples living in the property are included in all communication about the World Heritage status of the property and its implications, that their views are respected and integrated into management planning and implementation, and that they have access to benefits stemming from tourism.

The State Party is encouraged to address a range of other protection and management issues to improve integrity. These include enhanced governance mechanisms to empower stakeholders in the management of the property; the development of a property specific management plan which harmonizes with planning in the wider landscape; ensuring adequate staffing and funding to build the capacity of the Department of Wildlife and National Parks; and programmes to strengthen the control and elimination of invasive alien species from the property.

4. Commends the efforts and achievements of the State Party and its neighbouring countries for adopting significant measures serving the long term conservation and protection of the property;
5. 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, 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,
  - d) carefully monitor and manage mining in areas outside of the property so as to avoid any adverse impacts to the property,
  - 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 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;
6. Further requests the State Party to submit, by **1 December 2015**, a report, including a 1-page executive summary, on the state of conservation of the property, including confirmation of progress on the issues and actions noted above to ensure effective protection and management of the property, for examination by the World Heritage Committee at its 40th session in 2016.

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- Legend**
- PL020/2018 Renewal Areas
  - PL020/2018 Original License
  - XIF "Kink"
  - Okavango Delta
  - Okavango Delta Buffer Zone
  - Border
  - Settlements

Area = 7.6 km<sup>2</sup>  
 = to 0.018% of the core  
 and buffer zone area

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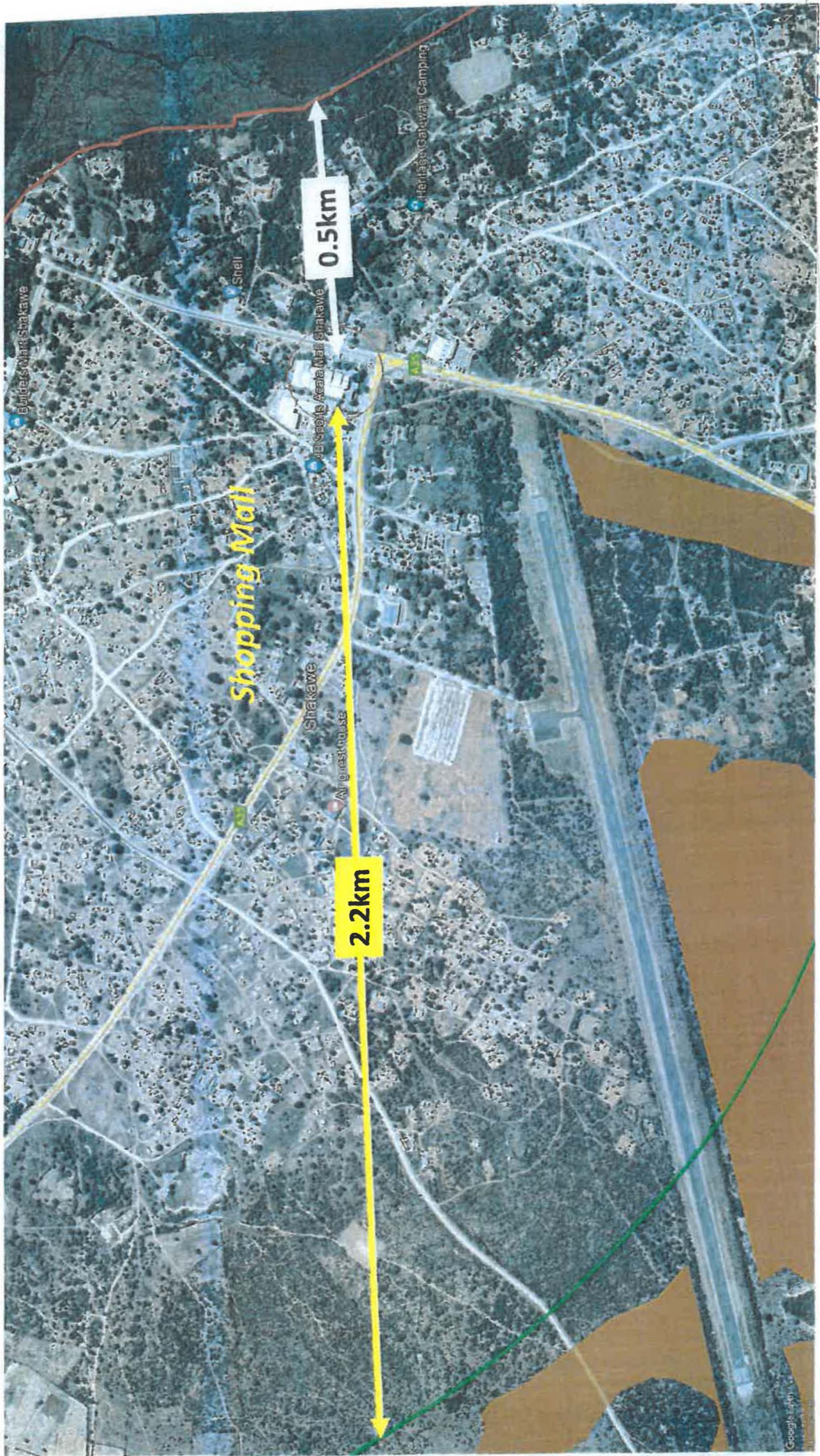
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Okavango  
Delta

World Heritage Nomination Dossier

Nomination dossier to UNESCO for inscription into  
the World Heritage List

 2013  
Republic of Botswana

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<b>Department of National Museum and Monuments (DNMM):</b>	Stephen Mogotsi, Nonofa Mosesane, Gertrude Matswiri, Mohutsiwa Gabadirwe, Matshwenyego Stephen, Babutsi Mosarwa, Dr Neo Mokgolodi, Desmond Hunyepa, Louis Moroka and Ryuichi Ishida (JICA Volunteer).
<b>Okavango Research Institute (ORI):</b>	Anastacia Maketl, Professor Joseph Mbaiwa and Dr Michael Murray-Hudson
<b>Wilderness Foundation/Deutsche Umwelthilfe</b>	Dr Karen S. Ross
<b>Department of Environmental Affairs (DEA):</b>	Sekgoa Motsumi, Dikgang Otsile, Ramogapi Gaborekwe and Phillip Sandawana
<b>Department of Wildlife and National Parks (DWNP):</b>	Bathusi Batsile, Zenzile Mpofo and Tshetiso Kgaditswe
<b>Department of Water Affairs:</b>	Dr Naidoo Kurugundla and Joshua Buru
<b>Department of Geological Surveys:</b>	Ookeditse Seelo and Oduetse Tihako
<b>Department of Tourism:</b>	Oabona Keshogile and Joseph Mangate
<b>Department of Surveys and Mapping:</b>	Lucy Phalaagae, Theresa Sebina and Baboloki Gabalape
<b>Department of Crop Production:</b>	Amos Radiponto
<b>Department of Animal Production:</b>	Kegomoditswe Bula
<b>Department of Veterinary Services:</b>	Tshegofatso Chilume
<b>Botswana Tourism Organization:</b>	Thabang Segaletsho and Keotshephile Mphusu
<b>Tawana Land Board:</b>	Tlamele Tshamekang and Modlegi Rindo
<b>Conservation International:</b>	Hisso Sebina

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**BIOKAVANGO Project:**

Geoffrey Khwarae

**Birdlife Botswana:**

Peter Hancock

Special recognition goes to Mr Edmont Moabi, Permanent Secretary, Ministry of Environment, Wildlife and Tourism (MEWT) for providing the necessary support in making this nomination possible; the Botswana National World Heritage Committee (NWHC) under the leadership of Ms. Rapelang Mojaphoko, Deputy Permanent Secretary, Environmental Affairs (MEWT) and Mr Gaogakwe Phorano, Director of the Department of National Museum and Monuments (DNMM), for their leadership and guidance throughout the whole nomination process.

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### Tsetse Fly control in Botswana

The former presence of tsetse flies in the northern Botswana and the Okavango Delta once caused human and animal trypanosomiasis, which resulted in a long government campaign to eradicate the fly vector. In 1973 - 1991 regular sequential aerial spraying of endosulphan was done, followed by the use of a cocktail of endosulphan and synthetic pyrethroids. Due to the toxic effects of endosulphan on non-target species, particularly fish, sequential aerial spraying was stopped in the early 1990s in favour of the odour baited targets which were used from 1991 - 2000. The odour baited targets were successful in suppressing tsetse fly populations but could not achieve eradication. Moreover they were continuously damaged by elephants and baboons, resulting in high maintenance costs. Consequently, trypanosomiasis had affected over 300 cattle around the Okavango Delta by 1999. In the year 2000, the African Heads of States Meeting of the then Organization of African Unity resolved that the eradication of tsetse fly should be a collective responsibility of all countries. Thus a Pan African Tsetse and Trypanosomiasis Eradication Campaign (PATTEC) was formulated with the mission of eradicating tsetse and trypanosomiasis within the shortest possible time.

With the advent of better environmental awareness and international conventions, and the increasing need to manage and maintain biodiversity, aerial spraying for the eradication of tsetse was preceded by an EIA and accompanied by environmental monitoring of terrestrial invertebrates, aquatic micro-invertebrates, fish, eco-toxicology, birds, tourism and socio-economic matters of concern. The environmental monitoring of the impact of deltamethrin on non-targets organisms involved three main phases. Phase I Pre-Spraying Monitoring, Phase II Post-Spray monitoring and Phase III Recovery Monitoring. Spraying of deltamethrin reduced the total abundance of both aquatic and terrestrial invertebrates in the short-term, but overall their numbers recovered after spraying.

Following the implementation of PATTEC, the Botswana government successfully eradicated tsetse flies from the Okavango Delta and the

Kwando-Linyanti areas, using sequential spraying of deltamethrin, a pyrethroid of low toxicity to mammals and birds. A total area of about 17 000 km<sup>2</sup> was sprayed. Due to this successful elimination of the Tsetse fly, aerial spraying currently does not take place in the Okavango Delta site or elsewhere in Botswana.

### Water extraction

In spite of natural variations of water inflow and its effect on new and old river systems, the Okavango Delta has fortunately remained remarkably unaffected by any significant man-induced impediments. This is not to say, however, that serious environmental threats have not risen to threaten the conservation value of the Delta in the past. During the development of the Orapa diamond mine in the 1970s, numerous small bunds and the dredging of about 8 km of the Boro River, which is the only river to exit the Okavango Delta system through Maun, took place. Many communities saw their water systems, flooding areas and breeding grounds for fish and animals diminish. So much so that when the Southern Okavango Integrated Water Development Plan (SMEC/SOWIPD 1988) was to be implemented in 1987 to dredge 36 km of the Boro River, the communities joined forces with the rising protest of conservationists in Botswana, amidst a rising tide of international concern. It was largely due to community objections, voiced at the famous "Kgotsa" of January 12th, 1991, that the project was halted, 3 days before work was due to start.

The Botswana Government then invited the IUCN to undertake a review of the SOWIPD project, popularly known as the "Boro dredging project", an investigation by a team of thirteen experts, including anthropologists, hydrological modellers, ecologists and other experts. After two years the review was completed (IUCN/SOWIPD, 1992), and found that the project was flawed on socio-economic, hydrological and ecological grounds, thus the project was abandoned. This indicates both potential threats to the Delta, and the power of the local tribal communities as guardians of their heritage. The Okavango Delta system is also vulnerable to the actions of upstream riparian neighbours, Namibia and Angola, and for this reason World Heritage status would be an important factor in assisting the

community guardians, the Government of Botswana and civil society in protecting this outstanding ecosystem.

Towards the end of the dry 1990s decade, Namibia announced their intention of connecting their Eastern National Water Carrier to the Kavango River to "provide water to Windhoek and the surrounding areas". Fortunately the good rains of 1999, local and international concerns (Rothert, 2001: Conservation International, 2002) led to the project being temporarily shelved. An application for this project has recently been revived to undertake a feasibility study.

To address these water issues in Southern Africa including the Okavango River Basin, members of the Southern African Development Community (SADC) have responded with a protocol on shared river basins known as the SADC Protocol on Shared Watercourses of 1995, revised in 2001. The Protocol addresses issues relating to the utilization of water resources of international character. Furthermore, countries of Botswana, Angola and Namibia agreed to form the Okavango River Basin Commission (OKACOM). OKACOM aims to ensure that the natural resources in the Okavango River Basin are used sustainably.

### 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. **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. Also the matter would be referred to the World Heritage Centre (WHC) for their advice.**

### (ii) Environmental pressures

#### Invasive alien vegetation

*Salvinia molesta* is a floating water fern native to south-eastern Brazil which has become invasive in Botswana when it was transported from the Kwando/Linyanti to the Okavango Delta, either by animals or man in the 1980s. The weed was first discovered in the Moremi Game Reserve in July 1986 (Forno and Smith, 1999), and it gradually infested several areas of the Delta and its current status indicates that it has started moving out of the Moremi Game Reserve. The negative impacts of *Salvinia* in the Okavango Delta include: blockage of streams and channels, choking back water bodies such as ponds and lagoons, elimination of indigenous vegetation, impairing the access of wildlife to drinking water, disrupting the navigation and recreational activities such as fishing and tourism thereby affecting the socio-economic conditions of the area. *Salvinia* infested water is known to have less O<sub>2</sub>, high turbidity and high nutrient accumulations, thus impacting aquatic life, and by causing fish mortality, and thus impacting livelihoods.

#### Mitigation:

*Salvinia molesta* is being brought under control by a host-specific bio-control agent, the weevil *Cyrtobagous salviniae*. Biological control has now proved to be effective against *S. molesta* in Botswana and is now the preferred strategy of control. Systematic monitoring sites of 3-5 km distance encompassing riverine wetlands, pools and lagoons were demarcated in the infested areas in 1999 and 2000 (Kurugundla, 2003). Adult *C. salviniae* with its larvae and pupae stages were collected in the areas of high density weevil populations and seeded in the sites of infestations of less biocontrol. By 2003 the *Salvinia* infestations in several areas of Moremi Game Reserve were brought under control.

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## Gcwihaba (Metals) License Chronology

License	Initial Grant		First Renewal		Second Renewal	
	Granted	Expire	Granted	Expire	Granted	Expire
PL 386 to 392/2008	1-Oct-2008	30-Sep-2011	1-Jan-2012	31-Dec-2014	1-Jul-2016	30-Jun-2019

\*Company in discussion with DOM with respect to renewal (Aug 2017) resulting in the re-issuance effective October 1, 2018 as initial grants

Renewal Grant Delayed by 3 months      Renewal Delayed by 1 and ½ years

These are the same Exact Licenses  
No changes to boundaries all  
All that changes are the PL numbers

License	Initial Grant		1 <sup>st</sup> Renewal of PL021 to PL024 only	
	Granted	Expire	Granted	Expire
PL 020 to 024/2018	1-Oct-2018	30-Sep-2021	1st -Jan-2022	31-Dec-2023

PL 020/2018 not renewed yet due to issues with iron resource in buffer zone

### Ministers

1. Ponatshego Kedikilwe
2. Onkokame Kitso Mokaila
3. Eric Molale
4. Lefoko Fox Moagi

JBB  
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PL 368 to 392 and PL 020 to 024

Home Share View

Clipboard: Copy, Paste, Copy path, Paste shortcut

Organize: Move to, Copy to, Delete, Rename, New folder

New: New item, Easy access

Open: Open, Properties, History

Select: Select all, Select none, Invert selection

This PC > TSODILO (1ND6T0H0M2) (T) > LICENSES > LICENSE\_GRANTS > Gcw\_metals > PL 368 to 392 and PL 020 to 024

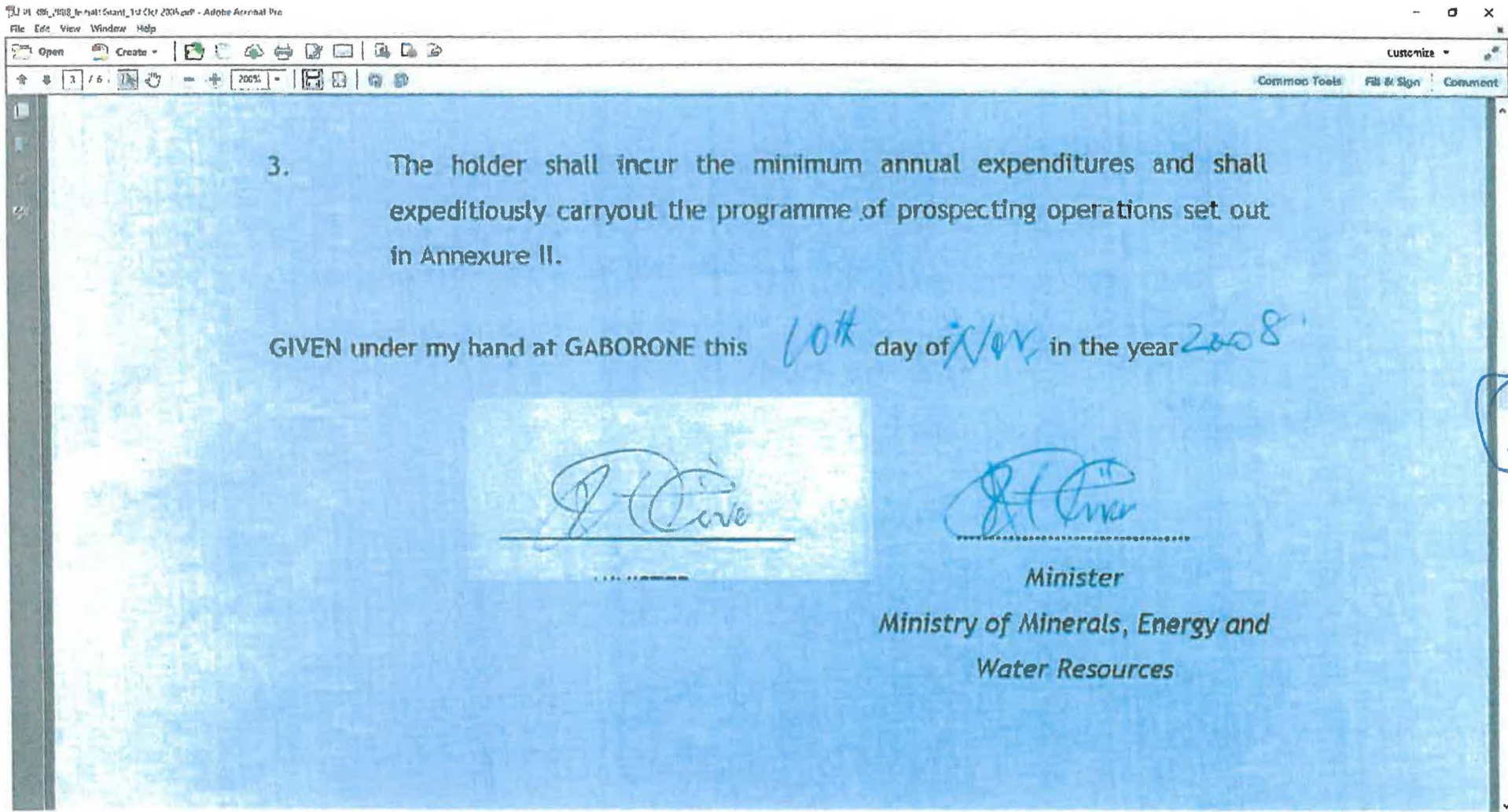
Search: PL 368 to 392 and PL ...

Name	Date modified	Type	Size
DRILL_HOLE_INVOICES			
Email Backups 2021			
Gcwihaba - Diamond			
Gcwihaba - Metals (Base, Precious, REE, PGM)			
Gcwihaba - Radioactive			
Geology			
GEOPHYSICS			
GOCAD			
Hilux Sales			
HOME			
HPSCANS			
Hurricane storm Lethakana			
Hurricane Storm Thursday 11, 2021			
Ishmael Invoices			
KIM Chemistry			
Landsat & Radarsat			
Lesego Documents			
LICENSES			
LICENSE_GRANTS			
Gcw_metals			
PL 368 to 392 and PL 020 to 024			
Newdico - Diamond			
Northern Electrical Services			
PROFILES			
Redirected Folders			
Semester 1			
SHARED			
SQUID Data set - Debeers test			
Trucks Licenses			
Tsodilo_SHE_System			
VTEM			
WiFi			

21 items State: Online

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3. The holder shall incur the minimum annual expenditures and shall expeditiously carryout the programme of prospecting operations set out in Annexure II.

GIVEN under my hand at GABORONE this 10th day of Nov, in the year 2008.

Minister  
Ministry of Minerals, Energy and  
Water Resources

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2. The Holder shall incur the minimum annual expenditures and shall expeditiously carry out the programme of prospecting operations set out in Annexure III B.

GIVEN UNDER MY HAND at GABORONE this 20th day of Jan in the year 2012

*[Handwritten Signature]*

MINISTER  
MINERALS, ENERGY & WATER RESOURCES



W/N  
LBB

5. The holder shall incur the minimum annual expenditures and shall expeditiously carry out the programme of prospecting operations set out in Annexure II.

GIVEN under my hand at GABORONE this 7th day of June in the year 2016.



*John Molele*

Minister

Ministry of Minerals, Energy and Water Resources

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Five Pula (P5.00) multiplied by the number of square kilometers in the Licence area subject to a minimum annual charge of One Thousand Pula (P1000.00).

- 3. The holder shall incur the minimum annual expenditures and shall expeditiously carryout the programme of prospecting operations set out in Annexure II.

GIVEN under my hand at GABORONE this ..... 22<sup>nd</sup> day of October in the year 2018.



*[Signature]*  
 Minister  
 Ministry of Mineral Resources,  
 Green Technology and Energy Security

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(572.5 km<sup>2</sup>), located in North West district(s) and more fully described in Annexure I hereto; and as reduced from time to time in accordance with the provisions of the Act.

- 2. In accordance with the provision of section 70 of the Act, the holder shall, simultaneously with issuance of this licence, and thereafter on each anniversary thereof, pay to the Government at the Office of the Director of Mines, an annual charge equal to Five Pula (P5.00) multiplied by the number of square kilometers in the Licence area subject to a minimum annual charge of One Thousand Pula (P1000.00).
- 3. The holder shall incur the minimum annual expenditures and shall expeditiously carry out the programme of prospecting operations set out in Annexure II.

GIVEN under my hand at GABORONE this 30<sup>th</sup> day of November in the year 2021.



Minister  
Ministry of Mineral Resources, Green  
Technology and Energy Security

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**Mailing Address**  
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Gaborone, Botswana

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Plot 21532 Fairgrounds Office Park  
Gaborone, Botswana

**Registered Address**  
RSM House – Plot 39  
Plot 39, Commerce Park  
Gaborone, Botswana

**TEL / FAX (267) 392-7144**

June 30<sup>th</sup> 2021

To; James Bruchs  
From: Cindy Thebe & Fatima Hurndall

**Subject: Submission Attempts for License Renewal Application for PL020/2018, PL021/2018, PL022/2018, PL023/2018, and PL024/2018 – Metals Prospecting Licenses**

On 29<sup>th</sup> June 2021 Ms. Cindy Thebe and Ms. Fatima Hurndall arrived at the Department of Mines at 10:00 am to submit the above mentioned renewal application for the GcwiHaba Resources (Pty) Ltd (herein GcwiHaba or the Company) licenses. However due to issues of Covid-19 the Geologist and Chief Geologist were not available on this day to accept and review the documents ahead of submission at the Registry. As such Mr. Amar Amar the Chief Engineer assisted and told Fatima to return the next day Wednesday 30<sup>th</sup> June 2021 with hopes that one of the geologist will be around.

On Wednesday 30<sup>th</sup> June 2021 at 10:25 am Ms. Fatima Hurndall return to submit the renewal documents as requested but however upon arrival none of the geologists were available for assistance as it was advised at the registry that documents cannot be submitted without being reviewed by the geologist thus, Mr. Amar Amar advised Fatima to return again on Friday 2<sup>nd</sup> July 2021 to try and submit on this day. Mr. Amar Amar suggested to Fatima that this letter be written to record these submission attempts to recognize that genuine attempts had been made to submit these renewal applications on the dates mentioned.

Directors: James M. Bruchs<sup>1</sup> (Managing) - Jonathan R. Kelafant<sup>1</sup> - Blackie Marole<sup>2,3</sup> - Dr. Gary A. Bojes<sup>1</sup>  
<sup>1</sup>American, <sup>2</sup>Motswana, <sup>3</sup>Resident

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"RA106"

Telephone: +267 3656600  
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REPUBLIC OF BOTSWANA

260

Private Bag 0018  
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MINISTRY OF MINERALS AND ENERGY

Ref: CMMGE 7/3/56 III (11)

26<sup>th</sup> April, 2022

The Managing Director  
Gcwihaba Resources Pty Ltd  
P O Box 3726  
Gaborone  
Botswana

Dear James M. Bruchs,

**RE: APPLICATION FOR RENEWAL OF PROSPECTING LICENCE NO. 020/2018  
BY GCWIHABA RESOURCES PTY LTD**

1. Reference is made to your application submitted on 2 July 2021 as well as your letter of 15<sup>th</sup> March, 2022.
2. Kindly note that the coordinates submitted in the application for renewal of Prospecting Licence No. 020/2018 are encroaching into the buffer zone, of the Okavango Delta, which is listed as a World Heritage Site. Prospecting activities are prohibited within the buffer zone of the Delta, or if permitted, they are to be subjected to stringent Environmental Impact Assessment measures, in accordance with the provisions of the Environmental Assessment Act of 2010 and Environmental Regulations of 2012 from the Department of Environmental Affairs (DEA).
3. In light of the above, I am not in a position to renew the Prospecting Licence for as long as the submitted coordinates fall within the buffer zone of a World Heritage Site.

Yours faithfully,

.....  
Lefoko M. Moagi

MINISTER OF MINERALS AND ENERGY

Cc: Director of Mines



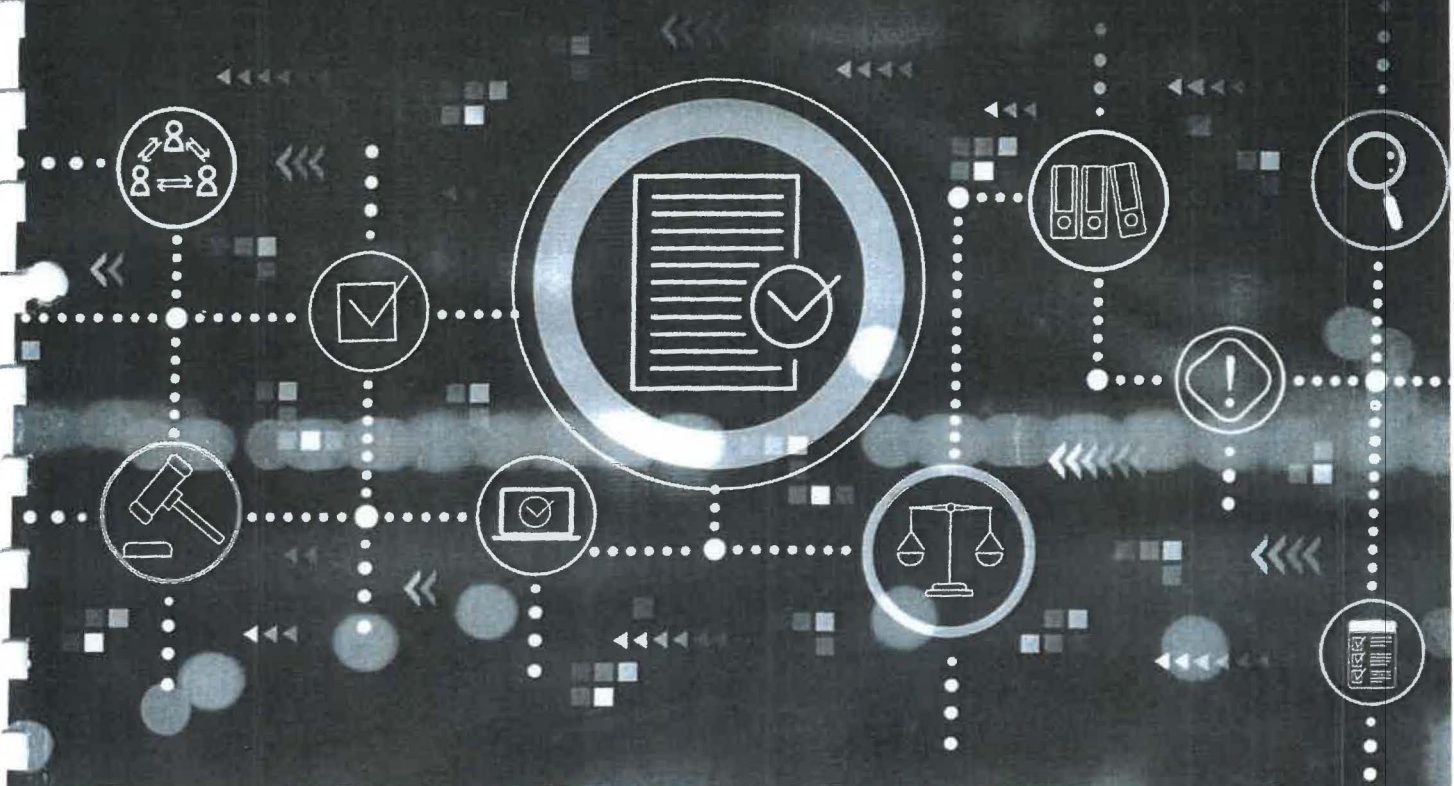
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## Gcwihaba XIF Project Valuation Report

Tsodilo Resources Ltd.

Compiled by: Martin Roodt

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Fraser McGill relied on inputs received from various third-party sources and subject matter experts to develop the valuation model and does not take any responsibility for the accuracy and reasonability of these inputs and assumptions.

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**Version Control**

Version	Date	Revision Description	Author	Reviewed By	Approved By
01	21 Oct '22	Draft_v1	Martin J Roodt	Shannon van Aardt	
02	24 Oct '22	Draft_v2	Martin J Roodt	Shannon van Aardt	
03	27 Oct '22	Draft_v3	Martin J Roodt	Shannon van Aardt	
04	10 Nov'22	Draft_v4	Martin J Roodt	Shannon van Aardt	

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## EXECUTIVE SUMMARY

The Gcwihaba Xaudum Iron Formation (XIF) project is located in the Ngamiland District in the north-west corner of Botswana near the town of Shakawe and close to the Molembo border crossing to Namibia. The Ngamiland District is one of the poorest and least developed regions of Botswana. Botswana currently has no other iron resources or reserves outside of this project resource despite significant exploration efforts by other companies such as Rio Tinto and BCL.

A non-public valuation report following the best practices as outlined in the 2019 edition of the Canadian Institute of Mining, Metallurgy and Petroleum on the Valuation of Mineral Properties (CIMVAL Code, 2019 Edition) is required for the XIF project valuation model. The contents of the Valuation of Mineral Properties Report reflect information compiled and conclusions derived by Mr. Roodt, who is a qualified Chartered Accountant and a member of the South African Institute of Chartered Accountants (SAICA). Mr. Roodt is a consultant of Tsodilo, working for Fraser McGill (Pty) Ltd (Fraser McGill). Mr. Roodt has extensive experience relevant to the valuation of the mineral properties under consideration and to the activity which he is undertaking to value the property as a Valuator as defined in the CIMVAL Code, 2019 Edition. Mr. Roodt consents to the inclusion in the report of the matters based on his information in the form and context in which it appears.

Over the years various studies and reviews have been performed on the XIF project. SRK performed a Mineral Resource Estimate (MRE) in 2014, followed by reviews from various independent consultants. The latest review performed in April 2022 included a pit optimisation study. The Original Base Case - Excluding buffer zone (Scenario 1) and Original Base Case - Including buffer zone (Scenario 2) was based on the outputs of the SRK - MRE report, dated 2014. Revised Base Case (Scenario 4) was based on the pit optimisation study performed in April 2022. Refer to **Table ES-1** on the next page for more information regarding the various scenarios.

The assessment of the XIF property in Scenario 4 takes into consideration key technical and economic changes, mainly the exclusion of the buffer zone area adjacent to the UNESCO Okavango Delta World Heritage Property from the XIF resource (Refer to the Mining Report, dated 7 April 2022 for more detailed information in respect of updated pit optimisation and production schedules), as well as bringing the property's economic inputs up to date (from the original 2014 estimated base to a current 2022 base).

Historical cost estimates have been escalated with the appropriate inflation rates and benchmarked with other Iron ore projects/mines within the principal and/or most advantageous markets to ensure cost inputs are aligned with what is currently seen in the market.

As the XIF project will derive 100% of its revenue from the production and sale of Iron Ore products, an income approach which applies a Discounted Cashflow (DCF) is the most appropriate valuation method to value the XIF project in line with the considerations of a rational market participant. When the income approach is used, the fair value of the measurements reflects the current market expectations of those future amounts. The valuation model calculates the undiscounted cash flow on an unlevered real basis, to arrive at the real discounted cashflow on a post-tax, 100% attributable basis. The valuation model is performed by considering various scenarios over the life of mine of each scenario.

Table ES-1: Scenario Description

Scenario	Description
<b>Original Base Case - Excluding Buffer Zone</b> (Referred to as Scen 1) (Level 1)	269 Mt Resource. 7.2 Mtpa ROM mined (Life of Mine "LOM" 37 Yrs.) processed through a concentrator. The concentrated final product will be trucked to Grootfontein and then transported via train to Walvisbay for export.
<b>Original Base Case</b> (Referred to as Scen 2) (Level 2)	441 Mt Resource. 7.2 Mtpa ROM mined (Life of Mine "LOM" 59 Yrs.) processed through a concentrator. The concentrated final product will be trucked to Grootfontein and then transported via train to Walvisbay for export.
<b>Incremental Valuation</b> (Referred to as Scen 3) (Level 2 - Level 1)	An incremental valuation represents the returns of the expansion by indicating the value attributable to the buffer zone only, also referred to as a "2-1 Approach".
<b>Revised Base Case</b> (Referred to as Scen 4)	93 Mt Resource. 7.2 Mtpa ROM mined (Life of Mine "LOM" 14 Yrs.) processed through a concentrator. The concentrated final product will be trucked to Grootfontein and then transported via train to Walvisbay for export.
<b>Ferrosilicon (FeSi) Scenarios</b>	Each of the above-mentioned scenarios were further assessed through downstream beneficiation by feeding the concentrated product into a pellet plant and subsequent FeSi plant to produce a final saleable FeSi product. The final product will be trucked to Grootfontein and then transported via train to Walvisbay for export or exported throughout the region.

A site visit has not been performed.

The valuation results are based on the following assumptions:

- Valuation date: 1 January 2023
- Construction start date: 1 January 2024
- Unlevered 100% attributable basis
- 30:70 Debt: Equity funding structure
- Post-tax
- Real discounted cashflows
- Discount rate of 9.32%.

Refer to **Table ES-2 & Table ES-3** on the following page for the key valuation results stated in real terms.

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Table ES-2: Key Valuation Outputs

Key Parameters	UoM	Scen 1	Scen 2	Incremental (Scen 3)	Scen 4
<b>NPV (Post-tax)</b>	US\$ mil	298	315	17	69
<b>IRR</b>	%	25	25	-	15
<b>Payback Period</b>	Years	5	5	-	6
<b>Peak Funding</b>	US\$ mil	273	273	-	281
<b>Capital Efficiency</b>	ratio	1.03	1.08	N/A	0.24
<b>Fe Recovery</b>	%	33.2	33.2	33.2	30.3
<b>Operating Margin</b>	%	36.72	35.73	35.73	19.52
<b>Ore Tonnes Mined<sup>1</sup></b>	Mtpa	269	441	172	93
<b>Strip Ratio</b>	x:1	2.2	2.2	2.2	2.3
<b>Production Tonnes</b>	Mtpa	7.2	7.2	7.2	7.3

Scenario 2 provides higher returns than scenario 1. The main reason for this is, Scenario 2 includes the buffer zone, that extends the LoM and in return generates additional revenue. Scenario 4 uses a 30.3% recovery factor, obtained from the pit optimisation study, dated April 2022.

Scenario 3 (incremental valuation) indicates the value attributable to the buffer zone only (Scenario 2 - Scenario 1).

The valuation is most sensitive to a change in the discount rate, followed by Fe recovery %, FeSi sales price and FeSi Yield.

The XIF project provides a positive NPV by producing iron ore concentrate only, indicating that equity holders will generate a return on their investment.

<sup>1</sup> Includes mining loss factor

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Table ES-3: FeSi Scenario Valuation Outputs

Key Parameters	UoM	Scen 1	Scen 2	Incremental (Scen 3)	Scen 4
<b>NPV (Post-tax)</b>	US\$ mil	2,209	2,296	87	1,878
<b>IRR</b>	%	47	47	-	58
<b>Payback Period</b>	Years	4	4	-	3
<b>Peak Funding</b>	US\$ mil	823	823	-	467
<b>Capital Efficiency</b>	ratio	2.33	2.43	0.10	3.31
<b>Fe Recovery</b>	%	33.2	33.2	33.2	30.3
<b>Operating Margin</b>	%	62.73	62.73	62.73	71.51
<b>Ore Tonnes Mined<sup>2</sup></b>	Mtpa	269	441	172	93
<b>Strip Ratio</b>	x:1	2.2	2.2	2.2	2.3
<b>Production Tonnes</b>	Mtpa	7.2	7.2	7.2	1.8

It was noted that downstream beneficiation and producing a FeSi saleable product adds significant value. Producing a FeSi saleable product on any of the scenarios, returns a significant NPV. The incremental valuation between Scenario 1 and Scenario 2 indicates an increase of **US\$ 87 million** in the NPV.

The scenario generating the highest NPV is Scenario 2 (Base case - including buffer zone) of **US\$ 2,296 million**, and IRR of **47%** on a real, post-tax, and 100% attributable basis, with a **valuation date of 1 January 2023**.

<sup>2</sup> Includes mining loss factor



## 1. INTRODUCTION

### 1.1 Tsodilo Resources Ltd.

Tsodilo Resources Limited ("Tsodilo") is a publicly listed mining company registered in Toronto, Canada, focused on acquisitions, explorations, and development of mineral properties in the Republic of Botswana. The company has two projects located in Botswana. The projects are at various stages of development, ranging from the Gcwihaba Xaudum Iron Formation ("XIF") project, at desktop (scoping) stage, and the BK 16 project, at target outline stage.

### 1.2 XIF Project

XIF is located in the Ngamiland District in the north-west corner of Botswana near the town of Shakawe and close to the Mohebo border crossing to Namibia. The Ngamiland District is one of the poorest and least developed regions of Botswana. Botswana currently has no other iron resources or reserves outside of this project resource despite significant exploration efforts by other companies such as Rio Tinto and BCL.

The project is ~50km from the town of Divundu in Namibia, through which the Trans Caprivi Railway (TCR) line is planned to pass which will link Namibia and Zambia and provide access to Walvis Bay etc. It is also located within ~70 km of the proposed Angolan, Mucusso line to the Namibe Port.

The ore body consists of Magnetite Banded Iron Formation, which has the identified potential to be upgraded to premium grade magnetite exceeding 67% Fe.

Tsodilo requires a valuation and business case assessment on the XIF project and compilation of a non-public valuation report following best practices as outlined in the 219 edition of the Canadian Institute of Mining, Metallurgy and Petroleum on the Valuation of Mineral Properties (CIMVAL Code, 2019 Edition).

### 1.3 Fraser McGill (Pty) Ltd.

Fraser McGill (Pty) Ltd (FM) provides independent advisory services to junior and mid-tier companies in the mining and minerals sector. FM assists customers to make informed investment decisions concerning their mining assets and project portfolios.

FM offers strategic decision-making tools and provide business case solutions that are technically sound. This is done by translating complex ore body geometries, mining and processing techniques, and logistics and infrastructure considerations into 'executive friendly' decision models and dashboards.

With a combined experience of almost 100 years of technical, operational, and consulting experience in the industry, FM understands mining, and specifically mining in an African environment. This knowledge encompasses a broad range of business-case, strategic, technical, and operational areas in the sector.

### 1.4 Qualified Valuator

The information in the Valuation of Mineral Properties report reflects information compiled and conclusions derived by Mr. Roodt, who is a qualified Chartered Accountant and a member of the South African Institute of Chartered Accountants (SAICA) Mr. Roodt is a consultant of the Company, working

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for Fraser McGill (Pty) Ltd (Fraser McGill). Fraser McGill is a mining & minerals advisory firm that offer strategic decision-making tools and provide business case solutions that are technically and financially sound. Fraser McGill do this by translating complex ore body geometries, mining and processing techniques, and logistics and infrastructure considerations into 'executive friendly' decision models and dashboards.

Mr. Roodt has extensive experience relevant to the Valuation of the Mineral Properties under consideration and to the activity which he is undertaking to qualify as a Valuator as defined in the 2019 edition of the Canadian Institute of Mining, Metallurgy and Petroleum on the Valuation of Mineral Properties (CIMVAL Code, 2019 Edition). Mr. Roodt consents to the inclusion of his information in the report in the form and context in which it appears.

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## 2. METHODOLOGY

### 2.1 General

The XIF Project valuation model and associated procedures were developed in line with the Canadian Institute of Mining, Metallurgy and Petroleum on the Valuation of Mineral Code (The CIMVAL Code), 2019 Edition. The CIMVAL Code sets out the basis of value fundamental measurement assumptions of a valuation.

In preparing the valuation model, all assumptions and inputs were used to represent an orderly transaction that would take place in the principal market. In the absence of evidence of a principal market, the most advantageous market could be selected. In other words, the market in which the entity would normally enter a transaction to sell the property or transfer the liability is presumed to be the principal market.

An exhaustive search of all possible markets to identify the principal market was not undertaken, however, information that was readily available, was considered.

Finally, for the purposes of the model, inputs and assumptions are in line with those which rational economic investors would apply while acting in their best economic interest. It is also based on the conditions which existed at the **measurement date; 1 January 2023**.

### 2.2 Valuation Approaches

An entity shall use appropriate valuation approaches in the circumstances and for which sufficient data is available to measure the Market - and technical value, 3maximizing use of relevant observable inputs and 3minimizing the use of unobservable inputs.

The CIMVAL Code does not contain a hierarchy of valuation approaches, nor does it prescribe the use of a specific valuation technique for meeting the objective of a property valuation. However, the code acknowledges that given specific circumstances, one valuation technique might be more appropriate than another.

The code explicitly requires an investor to use at least two valuation approaches. Where more than one valuation approach is used, the qualified valuator should comment on how the results compare and provide the reasons for selecting the approach adopted.

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The CIMVAL Code describes three valuation approaches which are shown in the table below.

Table 2-1: Valuation Approaches

Valuation Approach	Valuation Technique Examples
<p><b>Market Approach</b></p>	<p>The Market Approach can be used at any stage of development and is largely based on the relative comparisons of similar properties for which a transaction is available in the public domain. The method is also referred to as the Comparable Transaction Valuation method. The method relies on the principle of 'willing buyer, willing seller' and requires that the amount obtainable from the sale of the mineral property is determined as if in an 'arm's-length' transaction.</p> <p>E.g., Comparable company valuation multiples.</p>
<p><b>Income Approach</b></p>	<p>The most common methods included under the Income Approach are the Discounted cash flow (DCF), Monte Carlo Analysis, Dividend Discount Model and Option Pricing. The DCF is widely used and generally accepted to value development and production properties in the production phase.</p> <p>This method relies on the 'value-in-use' principle and requires determination of the present value of future cash flows over the useful life of the mineral property. Since DCF inputs require substantial subjective judgements, in the case where no studies of high-level confidence exist, the DCF valuation can strictly only be applied as guided by the CIMVAL code.</p>
<p><b>Cost Approach</b></p>	<p>The Cost Approach includes the Appraised Value method which is widely used and the Multiple of Exploration Expenditure which is used to value early-stage exploration properties. The valuation is dependent on the historical and future exploration expenditure, as this approach is based on the principle of contribution to value.</p>

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## 2.3 Appropriate Valuation Approach

Mineral properties can be classified as Exploration Properties, Mineral Resource Properties, Development Properties, and Production Properties. Each of these properties has various valuation approaches that are more generally used when valuing the property at the applicable stage of development. **Table 2-2:** Applicability of Valuation Approaches, below describes this relationship.

Table 2-2: Applicability of Valuation Approaches

Valuation Approach	Exploration Properties	Mineral Resource Properties	Development Properties	Production Properties
Market Approach	Yes	Yes	Yes	Yes
Income Approach	No	In some cases,	Yes	Yes
Cost Approach	Yes	In some cases,	No	No

As the XIF Project can currently be classified as a Mineral Resource Property due to a Mineral Resource Estimate (MRE) that was completed in 2014, the Market Approach and Income Approach were selected for the valuation. The Cost Approach was not selected and **Section 2.3.2** provides more detail as to why.

### 2.3.1 Market Approach

#### 2.3.1.1 Basis of Estimate

An exercise was performed to identify recent purchase/sale transactions of an identical or similar Mineral Property in the principal market, or in the absence of a principal market, the most advantageous market. The Botswana region has been identified as the principal market and Africa as the most advantageous market, as transactions are performed across various countries in Africa.

#### 2.3.1.2 Source of Information

S&P Global Market Intelligence (S&P) platform was used to perform a search on all recent Merger & Acquisition transactions which occurred in the principal as well as most advantageous markets.

#### 2.3.1.3 Data Points and Search History

A market approach involves using either a comparable company's market multiple or the application of a market multiple based on a historic transaction involving a similar company. This approach is based on the premise that properties should be priced similarly; however, it relies on the availability and integrity of comparable information.



Such an exercise was performed by using S&P. The search was conducted over a 10-year period, starting in 2012 up to the current year of assessment.

The following factors, which were readily available, were considered to identify identical or similar property transactions:

- **Economically Mineable Resource as per Resource statement:** 296 Mt
- **Mine Type:** Open pit
- **Annual Run of Mine Ore Production:** 7.2 Mtpa
- **Development Stage:** Mineral Resource Estimate
- **Location (Principal Market):** Botswana, Africa

119 historical transactions were obtained from S&P relating to Iron Ore as the primary commodity. The list was narrowed down to 27 transactions by focussing on the principal and most advantageous markets. This list was further reduced to 6 transactions focusing on open-pit mines.

The headline transactions that were investigated for the comparable analysis is summarised in

**Table 2-3.**

Although certain identified market transactions occurred in the most advantageous market, based on the key factors listed above, no transactions of identical or closely comparable properties were identified in this analysis. The variability in the application of potential modifying factors for variations in iron ore qualities, transport distances, pricing environment, stage of development, mining method, etc. renders the comparison flawed. As such, no valuation estimate was derived from utilising the Market Approach.

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Table 2-3: Transactions occurring in principle, most advantageous and other markets

Buyer	Target	Property Acquired	Country, Region	Date	Transaction Value (USDm)	Equity Acquired (%)	Development Stage	Resource Size (Mt)	Mine Type	Commodity Type
<b>Arrow Minerals Ltd.</b>	Investor Group	Simandou North Project	Guinea	2022/07/13	1.98	60,50	Pre-production	26,500	Open-pit	Iron Ore
<b>High Power Expl. Inc,</b>	Investor Group	Nimba Project	Guinea	2019/09/05	1,000.00	95,00	Feasibility	205	Open-pit	Iron Ore
<b>ArcelorMittal SA Ltd.</b>	Anglo American Plc.	Thabazimbi	South Africa	2017/02/09	0.30	100,00	Reserve Development	8	Open-pit	Iron Ore
<b>Midus Global Ltd.</b>	Equatorial Resouce Ltd.	Mayoko-Moussondji Project	Rep. of Congo	2015/08/14	3.68	100,00	Scoping Study	917	Open-pit	Iron Ore
<b>Shadong Iron &amp; Steel Ltd.</b>	African Minerals Ltd.	Tonkolili Mine	Sierra Leone	2015/04/20	170.00	75,00	Operating	13,000	Open-pit	Iron Ore
<b>Anvwar Asian Investment</b>	Ferrum Crescent Ltd.	Turquoise Moon	South Africa	2013/09/24	13.50	35,00	Feasibility	108	Open-pit	Iron Ore

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There is little comparative information which can be used to determine the fair value of the property at the desired level of confidence. Fraser McGill is also not aware of another property or another transaction in the principal market (Botswana) or most advantageous market (Africa) that could be used as a benchmark for the market valuation approach. It is difficult to clearly identify good comparable transactions to use in the valuation of a mining project. An 'arms-length' transaction is defined as a transaction where there is independence between the buyer and seller and both parties act in their own self-interest without any coercion from the other party. Finding true 'arms-length' comparable transactions for a commodity like Iron Ore proved to be very challenging. **Consequently, the Market Approach was considered but not selected for valuation purposes.**

### 2.3.2 Cost Approach

The Cost Approach is appropriate when determining the amount that would be required to replace the capacity of a property, or the cost that would be incurred to bring the property to its current state of operation or condition. For this reason, **the Cost Approach was not considered to be an appropriate valuation approach** which would be utilised by a rational economic investor acting in their best interest.

### 2.3.3 Income Approach

#### 2.3.3.1 Basis of Estimate

The Discounted Cash Flow ("DCF") method is an Income-Based Approach to valuation, where the value of a project or business is equal to the present value of its projected future cashflows.

Tsodilo will derive 100% of its revenue from the production and sale of Iron Ore and/or downstream beneficiated products. Therefore, an income method which applies a **DCF Approach is considered to be the most appropriate valuation approach** to value the XIF project in line with the considerations of a rational market participant. When the Income Approach is used, the fair value of the measurements reflects the current market expectations of those future amounts.

The valuation method can be performed from two cash flow measures, namely:

- **Enterprise Value:** represents the unlevered cash flows available to all capital providers (equity and debt holders). In other words, cash flows from assets, before any debt payments, but after any reinvestments that are needed to either sustain or grow the operations.
- **Equity Value:** represents the levered cash flows available to all equity capital providers. In other words, cash flows from assets, after debt payments and after any reinvestments that are needed to either sustain or grow the operations.

In this report, an unlevered free cash flow model was prepared, with all future cash flows discounted at the weighted average cost of capital of the firm ("WACC") to determine the Enterprise Value.

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### 3. MODEL INPUTS AND ASSUMPTIONS

#### 3.1 Introduction

##### 3.1.1 General

This section summarises the valuation model inputs and financial analysis assumptions of the XIF property valuation. The information available and preliminary work performed for the XIF valuation is at varying confidence levels. As such, the current confidence level of the reported outcomes is estimated to be at a MRE level of definition (+/-50% level of confidence).

Over the years various studies and reviews have been performed on the XIF project. SRK performed a Mineral Resource Estimate (MRE) in 2014, followed by reviews from various independent consultants. The latest review performed in April 2022 included a pit optimisation study. The Original Base Case - Excluding buffer zone (Scenario 1) and Original Base Case - Including buffer zone (Scenario 2) was based on the outputs of the SRK - MRE report, dated 2014. Revised Base Case (Scenario 4) was based on the pit optimisation study performed in April 2022.

The revised base case assessment of the XIF property takes into consideration some key technical and economic changes, mainly the exclusion of the buffer zone area adjacent to the UNESCO Okavango Delta World Heritage Property from the XIF resource (Refer to the Mining Report, dated 7 April 2022 for more detailed information in respect of updated pit optimisation and production schedules), as well as bringing the property's economic inputs up to date (from the original 2014 estimated base to a current 2022 base).

Over the years various reports and reviews have been performed on the XIF project. The following reports were used to develop the valuation model.

- Mineral Resource Estimate (MRE), dated 2014.
- Technical Review of Project Management and Engineering of Xaudum Iron Formation dated 2020.
- Mining Report, dated 2022.

Historical cost estimates have been escalated with the appropriate inflation rates and benchmarked with other Iron ore projects/mines within the principal and/or most advantageous markets to ensure cost inputs are aligned with what is currently seen in the market.

#### 3.1.2 Market Overview

##### 3.1.2.1 Iron Ore & Steel Market

62% Fe Iron Ore prices rallied to a seven-month high of \$ 162.75 per tonne during March 2022, with a current price of \$ 95.35/t (13 October 2022), fuelled by volatility and sentiment from China's economic growth outlook, and the current ongoing events in Ukraine with its resultant geopolitical implications. The Russia-Ukraine conflict continues to spark fears of a significant supply shock across global commodity markets that may reshape these markets for many years.

62% Fe Iron Ore prices are expected to decline based on the assumption that the markets will return to the previous baseline, with a long-term price outlook estimated at \$ 87.75/t (real) from 2027.



Another critical consideration is the material increase in steel prices, significantly impacting mining project development cost estimates. The SEIFSA (The Steel and Engineering Industries Federation of South Africa) mining and construction plant and equipment price index, which includes steel producer prices, increased by a massive 27% from 2020 to 2022. This will negatively impact any major mining development or expansion in the short to medium term but may be of benefit to the LOM in the long term after XIF is operational.

A key takeaway is that the uncertainty may create positive impacts for a project like XIF beyond the current estimates applied in this update assessment.

### 3.1.2.2 Power

Sharp increases in energy prices in Botswana have materialised over the last few years, which directly impacts the operating cost of mines and downstream beneficiation plants. In 2020 Botswana Power Corporation (BPC) increased electricity tariffs by 22%, an additional 3% increase in 2021, and a 5% increase on 1 April 2022.

### 3.1.2.3 Ferrosilicon

Part of the review solution is the further beneficiation of Iron Ore concentrate to a final Ferrosilicon (FeSi) product.

This resulted from the identification of crucial constraints for the prospects of the development of XIF around logistical and investment quantum that were not previously fully considered. The FeSi solution is based on the regional needs for FeSi paired with a plan to mitigate the impact of logistical issues caused by the remoteness of the property.

FeSi is used as a source of silicon to reduce metals from their oxides and to deoxidise steel and other ferrous alloys. This prevents the loss of carbon from the molten steel. Ferrosilicon is also used to produce silicon steel for electromotors and transformer cores; it can also be found in some electrode coatings.

In-country beneficiation of Iron Ore to produce FeSi is thus considered in this valuation of XIF.

## 3.2 Valuation Basis

### 3.2.1 General

A real (post-tax) discount rate of 9.32% (based on a risk profile for a Botswana-based target at a MRE stage for Iron Ore) was used to provide an NPV outcome for the various business case scenario options. The valuation is based on discounted cash flows utilising full-year discounting over the Life of Mine (LOM).

For the presented scenario options within this report (Refer to **Section 3.2.2**), commiserative long-term mining plans and production profiles, operating costs, capital schedules (investment, development, and stay-in-business (SIB) capital) were used based on information retrieved from the MRE report, dated 2014, as well as the mining report, dated 7 April 2022. These were supplemented with further review assumptions prepared based on technical and commercial reviews as well as benchmarks or sourced first principal input databases to assist with the augmentation of additional and alternative options. This was done to identify the potential latent value that may have been overlooked.

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These inputs were prepared as the basis for the LOM schedules and cash flows. Cost data were aggregated to the fixed and variable costs level by main activity within the model per each option.

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### 3.2.2 Scenario Option Layout

The techno-economic model contains various scenario options, which can be selected and deselected from the model's dashboard.

The key identified scenario options presented in this report are as follows:

Table 3-1: Scenario Option Layout

Scenario	Description
<b>Original Base Case - Excluding Buffer Zone</b> (Referred to as Scen 1) (Level 1)	269 Mt Resource. 7.2 Mtpa ROM mined (Life of Mine "LOM" 37 Yrs.) processed through a concentrator.  The concentrated final product will be trucked to Grootfontein and then transported via train to Walvisbay for export.
<b>Original Base Case</b> (Referred to as Scen 2) (Level 2)	441 Mt Resource. 7.2 Mtpa ROM mined (Life of Mine "LOM" 59 Yrs.) processed through a concentrator.  The concentrated final product will be trucked to Grootfontein and then transported via train to Walvisbay for export.
<b>Incremental Valuation</b> (Referred to as Scen 3) (Level 2 - Level 1)	An incremental valuation represents the returns of the expansion by indicating the value attributable to the buffer zone only, also referred to as a "2-1 Approach".
<b>Revised Base Case</b> (Referred to as Scen 4)	93 Mt Resource. 7.2 Mtpa ROM mined (Life of Mine "LOM" 14 Yrs.) processed through a concentrator.  The concentrated final product will be trucked to Grootfontein and then transported via train to Walvisbay for export.
<b>Ferrosilicon (FeSi) Scenarios</b>	Each of the above-mentioned scenarios were further assessed through downstream beneficiation by feeding the concentrated product into a pellet plant and subsequent FeSi plant to produce a final saleable FeSi product.  The final product will be trucked to Grootfontein and then transported via train to Walvisbay for export or exported throughout the region.

### 3.2.3 Income Approach

Table 3-2: Basis of Valuation Assumptions

Factor	Assumption
<b>Method of Analysis</b>	Discounted Cash Flow (DCF)
<b>Cashflow Terms</b>	Real Terms
<b>Currency</b>	United States Dollar (USD)
<b>Base Date of Evaluation</b>	1 January 2023
<b>Discount Rate<sup>3</sup></b>	9.32% (Post-tax, Real)
<b>Life of Mine</b>	Life of Mine per scenario: <ul style="list-style-type: none"> <li>• Scenario 1: 37 years</li> <li>• Scenario 2: 59 years</li> <li>• Scenario 3: 22 years</li> <li>• Scenario 4: 52 years</li> </ul>
<b>Gross Revenue</b>	Three possible revenue streams: <ul style="list-style-type: none"> <li>• 67% Iron Ore Concentrate</li> <li>• Iron Ore Pellet Product</li> <li>• FeSi product</li> </ul>
<b>Selling Expenses</b>	Includes: <ul style="list-style-type: none"> <li>• Marketing</li> <li>• Logistics</li> <li>• Royalties</li> </ul>
<b>Operating Costs</b>	Includes: <ul style="list-style-type: none"> <li>• Mining Cost</li> <li>• Processing Cost</li> <li>• General &amp; Admin Cost</li> </ul>
<b>Capital Expenditure</b>	Includes: <ul style="list-style-type: none"> <li>• Mine Establishment &amp; Development Capital</li> <li>• Concentrator Capital</li> <li>• EPC Capital</li> <li>• Mine Closure Capital</li> <li>• Sustaining Capital</li> </ul>
<b>Working Capital</b>	No working capital considered
<b>Income Tax</b>	Botswana mining tax equation. No unredeemed capital or tax losses were considered

The following cash flows were not considered in the valuation:

- Residual values for fleet, infrastructure and equipment as the fleet is contracted and assumed life of the process plant is designed for LOM.
- Sunk costs.
- Finance charges or cash flows relating to potential debt.

<sup>3</sup> Refer to section 3.3.12 for more information.



### 3.2.4 Valuation Period

The valuation model is performed over the life of mine. Refer to **Section 3.3.2** for more information. The valuation excludes a terminal value, due to the valuation being performed over the life of mine.

### 3.2.5 Cash Flow Terms

The valuation model calculates the undiscounted cash flow on an unlevered real basis, post-tax, 100% attributable basis.

### 3.2.6 Mineral Resource Estimate

A Mineral Resource statement ("MRS") was generated in 2014 and was restricted to all material falling within an optimised pit shell representing a metal price of USD 1.5 / dmtu for magnetite concentrate along with above a cut-off grade of 12% Fe. Processing costs, mining costs slope angles, mining recoveries and revenue assumptions were also used to demonstrate economic viability. The material within the optimised pit shell represents the material which is considered having reasonable prospect for eventual economic extraction potential based on the optimisation analysis undertaken.

The quantity and grade of reported Inferred Mineral Resources in this estimation are uncertain in nature and there has been insufficient exploration to define these Inferred Mineral Resources as an Indicated or Measured Mineral Resource.

In total, the MRS has derived an Inferred Mineral Resource of 441 Mt grading 29.4% Fe, 41.0% SiO<sub>2</sub>, 6.1% Al<sub>2</sub>O<sub>3</sub> and 0.3% P. By excluding the pit inside the buffer zone, the mineral resource is reduced to ~269 Mt.

Total exploration target is estimated between 5-7 Billion tonnes.

### 3.2.7 Pit Optimisation

During April 2022, an updated Pit Optimisation Project was undertaken to determine an open pit shape based on the latest input parameters. Analysis of the pit shells generated in the optimisation process leads to the selection of a final pit shell. The pit shell selected defines the extent of the mineable resource from which final LoM schedules are created. These schedules are used to develop associated cash flows.

The pit optimisation is based on certain criteria governing the results. The input parameters include all input parameters for the whole value chain. This includes parameters from in situ geology to the saleable product, including mining and selling costs. The physical inputs include the production rates and geotechnical parameters.

#### 3.2.7.1 Input Parameters

The complete list of input parameters used for the optimisation runs are detailed in **Table 3-3**. The table also includes the previous input parameters for comparison. Those parameters were used to define the Mineral Resource (441Mt) at the time, which included the buffer zone. Excluding the pit inside the buffer zone reduces the mineral resource to ~269Mt.

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Table 3-3: Pit Optimisation Parameters

Parameters	Units	2014	2022	Comment
<b>Production</b>				
Production Rate - Ore	(Mtpa)	35	7.2	
<b>Geotechnical</b>				
Overburden - Sand	(Deg)	26	26	No Change
Overburden - Calcrete	(Deg)	45	45	No Change
Weathered	(Deg)	45	45	No Change
Fresh	(Deg)	50	50	No Change
<b>Mining Factors</b>				
Dilution	(%)	5.0	5.0	No Change
Recovery	(%)	95.0	95.0	No Change
<b>Processing</b>				
Fe Recovery Fresh HG	(%)	1.3685xFE+25.442		Tsodilo Resources Limited
Fe Recovery Fresh LG	(%)	1.3685xFE+25.443		Tsodilo Resources Limited
Fe Recovery Fresh Garnet Rich	(%)	23.7	23.7	Tsodilo Resources Limited
Fe Recovery Weathered HG	(%)	1.3685xFE+25.442		Tsodilo Resources Limited
Fe Recovery Weathered LG	(%)	1.3685xFE+25.443		Tsodilo Resources Limited
Concentrate grade assumed	(%)	67.0	67.0	No Change
<b>Operating Costs</b>				
Mining Cost (Sands and Calcrete)	(US\$/t <sub>rock</sub> )	N/A	1.65	2014 did not have separate cost for free dig materials
Mining Cost	(US\$/t <sub>rock</sub> )	2.20	2.20	No Change
Incremental Mining Cost	(US\$/bench)	0.05	0.05	No Change
Reference Level	(Z Elevation)	1010	1010	No Change
Replacement Capital	(US\$/t <sub>ore</sub> )	0	0	No Change
Rehabilitation Cost	(US\$/t <sub>ore</sub> )	0.00	0.00	No Change
Processing	(US\$/t <sub>ore</sub> )	5.00	6.50	Inflation
G&A	(US\$/t <sub>ore</sub> )	5.00	6.02	Inflation
Royalty	(%)	3.00	3.00	No Change
Marketing	(%)	N/A	2.50	Did not include in 2014
Transport Cost	(US\$/t <sub>conc</sub> )	5.00	12.20	Inflation and previously underestimated vs benchmarking
<b>Metal Price</b>				
Concentrate (67% Fe)	(US\$/t <sub>conc</sub> )	100.5	95.1	Long Term Price
	(USc/dmtu)	150	142	Long Term Price
<b>Other</b>				
Discount Rate	(%)	10	14	Provided



### 3.2.7.2 Pit Optimisation Results

#### 3.2.7.2.1 Phase 1

As a first phase of the optimisation process, the 2014 parameters were used with the updated model which excluded the buffer zone for comparison purposes.

**Table 3-4** is a summary of the 2014 pit shell and reporting only the resources outside the buffer zone.

Table 3-4: Summary of 2014 Resource Excluding the Buffer Zone

Geodomain	Resource Category	Tonnes (Mt)	Fe%
<b>MBA</b>	Inferred	85	35.2%
<b>DIM</b>	Inferred	141	21.2%
<b>MBW</b>	Inferred	8	33.2%
<b>DMW</b>	Inferred	29	20.5%
<b>MGS</b>	Inferred	7	22.1%
<b>Total</b>	<b>Inferred</b>	<b>269</b>	<b>25.9%</b>

#### 3.2.7.2.2 Phase 2

Phase 2 considered the updated input parameters. The results are detailed in **Table 3-5** below.

Table 3-5: Pit Results using the Updated Input Parameters

Geodomain	Resource Category	Tonnes (Mt)	Fe%
<b>MBA</b>	Inferred	54.7	36.1%
<b>DIM</b>	Inferred	22.6	24.8%
<b>MBW</b>	Inferred	7.2	33.1%
<b>DMW</b>	Inferred	8.5	25.6%
<b>MGS</b>	Inferred	-	0.0%
<b>Total</b>	<b>Inferred</b>	<b>93.0</b>	<b>32.2%</b>

The change in parameters from 2014 to 2022 has a significant impact on the pit. The changes in parameters were tested and the conclusion was that the increase due to inflation to the plant and G&A costs are the greatest drivers in the pit size change.

### 3.2.8 Value Range

A range of values (High/Most likely/Low) was determined using range analysis (**Refer to Section 5**). A Sensitivity analysis was performed on the most significant assumptions/inputs to indicate the effects these input parameters on the NPV of the operation (**Refer to Section 5**).



### 3.3 Global Inputs & Assumptions

#### 3.3.1 General

The valuation was performed on an annual basis, using 2022 real inputs, to derive the real post-tax, 100% attributable cash flows.

#### 3.3.2 Production Schedule

The production inputs per **Figure 3-1** were applied in the valuation model. The Revised Base Case (7.2mt ROM pa) scenario was obtained from the pit optimisation results documented in the Mining Report, dated 7 April 2022.

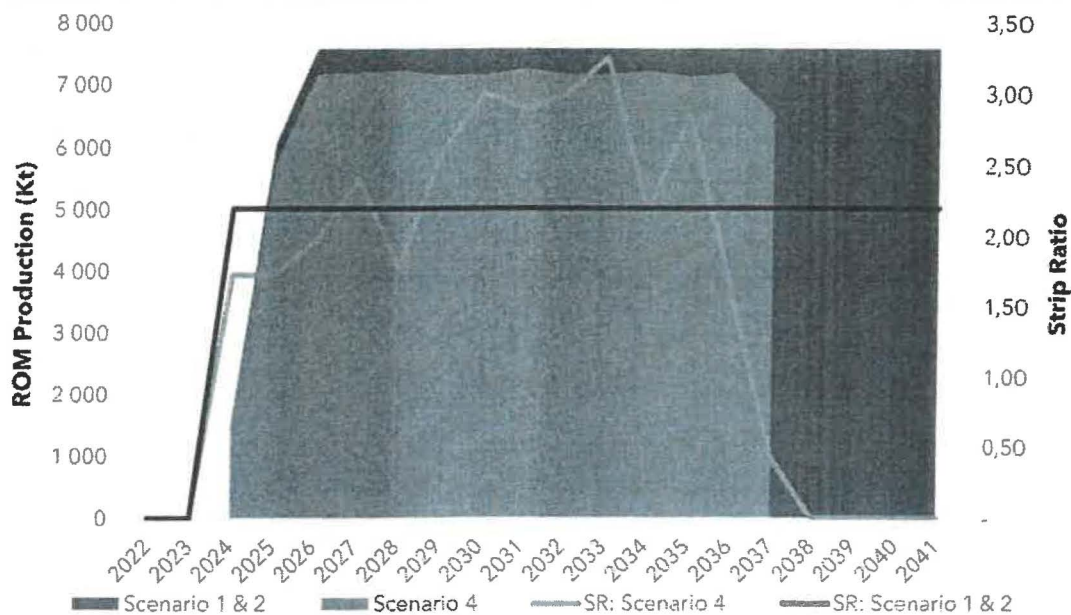


Figure 3-1: Mine Production Schedule

The updated average strip ratio over the LOM for all scenarios is c. 2.3, obtained from the pit optimisation results documented in the Mining Report, dated 7 April 2022.

Included in the ROM tonnes indicated above is a mining ore loss factor of 5% and a waste dilution factor of 5% used across the board for all options.

The LOM of each scenario differs as described under **section 3.2.2** however, for comparative purposes, the outputs of **Figure 3-1** are over 20 years.

An Iron "Fe" grade of 67% and an updated average LOM recovery of 30.3% were obtained from the pit optimisation and production schedule results documented in the Mining Report, dated 7 April 2022.

Beneficiation yield assumptions on the Pellet Plant and FeSi plant is set at 97% and 94%, respectively.

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Regarding logistics, the utilisation of a slurry pipeline (as per the 2014 SRK report) for the transport of the final product has not been considered, as further studies are required. A slurry pipeline remains an alternative method of transportation that can be considered in the future.

XIF is ~50km from the town of Divundu in Namibia, through which the Trans Caprivi Railway (TCR) line is planned to pass which will link Zambia and Namibia and provide access to Walvis Bay. As a potential alternative, XIF is also located within ~70 km of the proposed Angolan, Mucusso line to the Namibe Port. This will allow for multiple future expansion options for the XIF Project.

### 3.3.3 Grades & Recoveries

**Table 3-6** below indicates the grades and recoveries used in the financial valuation.

*Table 3-6: Grades & Recoveries*

Input & Assumptions	UoM	Value
<b>Fe Grade - LoM</b>	%	67.00
<b>Pellet Plant Yield</b>	%	97.00
<b>FeSi Plant Yield</b>	%	94.00

### 3.3.4 Macro-economic Assumptions

The macro-economic projected assumptions applied in the valuation model are indicated in real terms which means that no escalations in any economic inputs and costs have been applied.

All the valuation model inputs are stated in United States Dollar (USD). All outputs are expressed in USD.

### 3.3.5 Sales Pricing

Saleable product pricing was sourced from various 3<sup>rd</sup> parties. Sales prices are stated in real terms in **Table 3-7** below.

*Table 3-7: Sales Prices*

Input & Assumptions	UoM	Value
<b>Iron Ore Price 67%</b>	US\$/t	110.79
<b>Iron Ore Pellet Price 67%</b>	US\$/t	146.03
<b>FeSi75 Price</b>	US\$/t	1,180

Prices are based on FOB incoterms.



### 3.3.6 Operating Cost

The estimated operating cost of the project refers to the cash cost of producing final saleable product, from open-pit mining and processing of ore through the mineral processing plant, as well as downstream beneficiation. This includes mining cost, mineral processing cost and management (general & administration) expenses, as well selling and transport costs.

The cost inputs (and calculation formulae) have been derived from the 2014 Mineral Resource Estimate (MRE) report obtained from SRK Consulting and other information from the 2020 Review and Due Diligence. As such, actual USA CPI, SEIFSA inflation rates and other inflation rates from 2014 to 2022 have been used to escalate the inputs and assumptions to arrive at updated values that are in line with what is currently seen in the market (refer to **Section 3.3.7** for benchmarking).

The final projected costs are in line with those expected in a typical Iron Ore open-pit mining operation. The proposed mining and plant equipment and infrastructure are considered to match the production requirements.

#### 3.3.6.1 Selling Expenses

Selling expenses consist of Marketing & Logistics, indicated as a percentage of revenue. Logistical costs refer to transport costs incurred to get the final product to the Free-on-Board (FOB) point.

Table 3-8: Selling Expense Inputs

Input & Assumptions	UoM	Value
Marketing & Logistics	%	2.50

#### 3.3.6.2 Mining Cost

Open-pit mining cost per scenario is indicated in **Table 3-9** below. Please note, costs are stated in real terms.

Table 3-9: Mining Cost

Input & Assumptions	UoM	Value (Real)
Original Base Case	US\$/t mined	3.00
Original Base Case - Excluding Buffer Zone	US\$/t mined	3.00
Revised Base Case	US\$/t mined	3.00
FeSi Scenario	US\$/t mined	3.00

The Economics of Scale method was used based on the available information regarding other similar types of mines.

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### 3.3.6.3 Mineral Processing Cost

Mineral processing cost per scenario is indicated in **Table 3-10** below. Please note, costs are stated in real terms.

Table 3-10: Mineral Processing Cost

Input & Assumptions	UoM	Value
Concentrator processing cost	US\$/t feed	6.50
Pellet plant cost	US\$/t feed	15.08
FeSi Plant AiSC	US\$/t feed	124,10
FeSi Plant reagent cost	US\$/t conc	146.10

### 3.3.6.4 General & Admin Cost

General & Admin (G&A) Cost relates to all other direct and indirect costs that have not been considered under mining and mineral processing costs. G&A input cost is stated in real terms per tonne ore in **Table 3-11** below.

Table 3-11: G&A Cost

Input & Assumptions	UoM	Value
<b>G&amp;A Cost</b>	US\$/t ore	6.02
<b>Transport cost</b>	US\$/t	6,50

### 3.3.7 Cost Benchmarking

#### 3.3.7.1 General

Benchmark comparison calculations have been performed on the open-pit mining, processing, and total production cost. S&P was used to perform a search on all Iron Ore operating mines across the globe. Regression and logarithmic analysis were used to benchmark the XIF project cost to other operating iron ore mines.

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**3.3.7.2 Mining Cost**

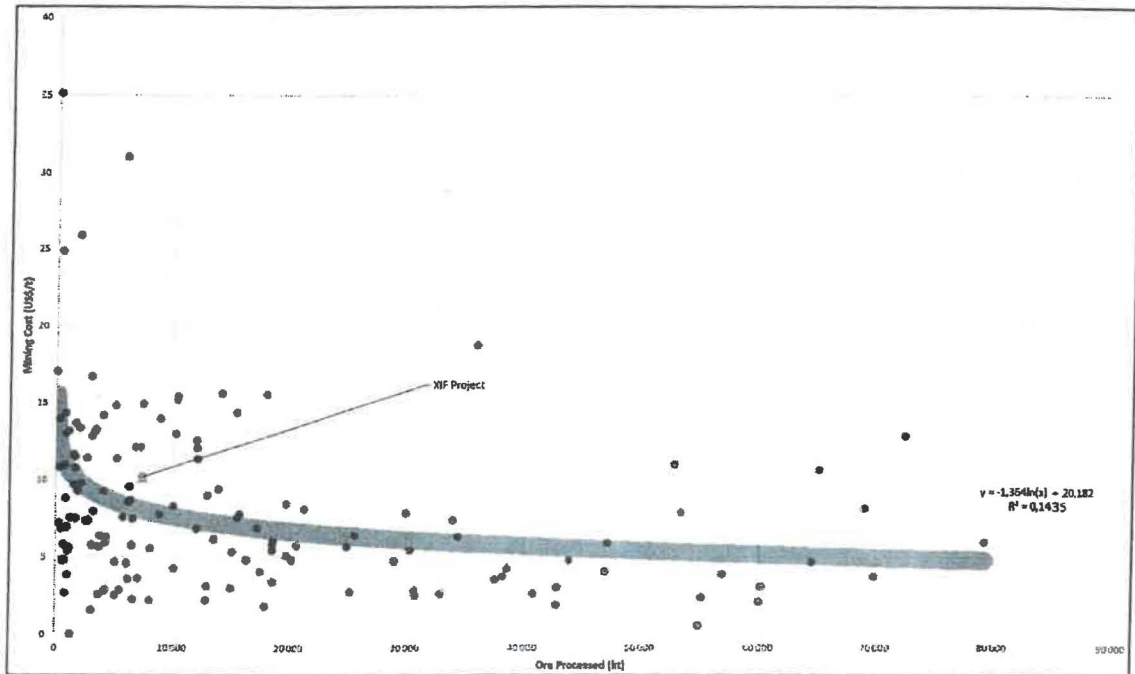


Figure 3-2: Mining Cost Benchmark

Mining cost benchmarking was performed on a US\$/t processed basis. Based on the analysis, the XIF project mining cost is slightly above the trendline, indicating that the mining cost used in the pit optimisation study was conservative. As such no additional adjustments have been made.

**3.3.7.3 Processing Cost**

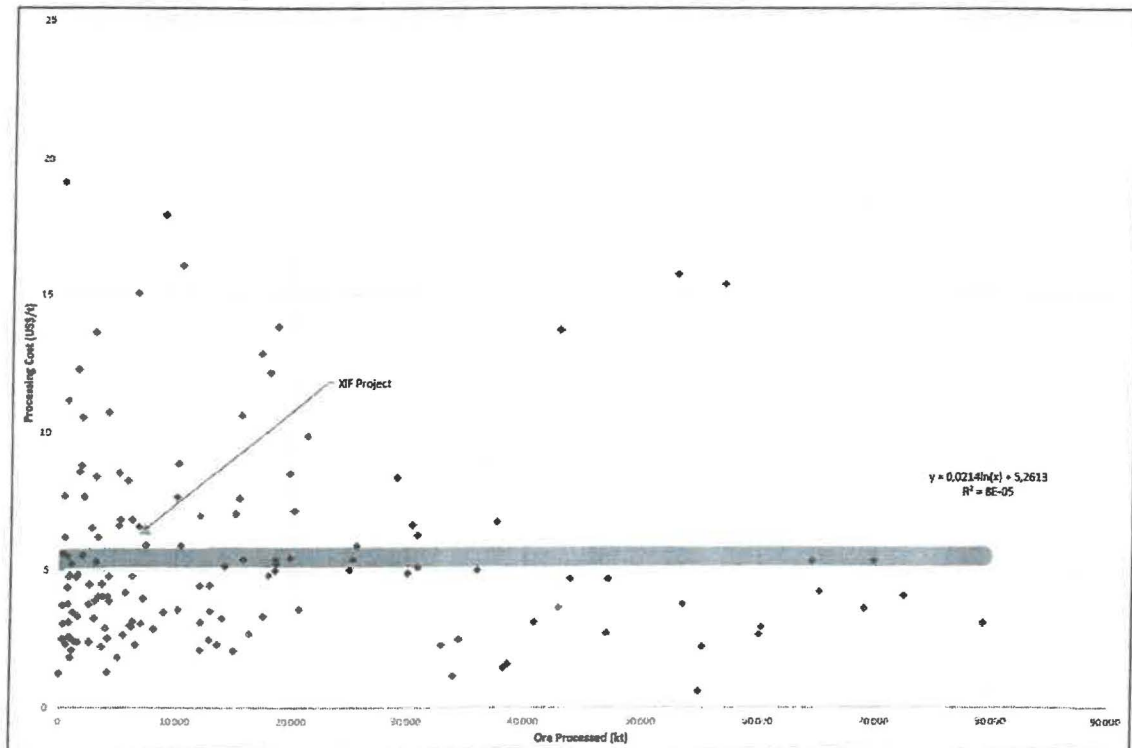


Figure 3-3: Processing Cost Benchmark



Processing cost benchmarking was performed on a US\$/t processed basis. Based on the analysis, the XIF project processing (concentrate) cost is slightly above the trendline, indicating that the processing cost escalated from 2014 to 2022 is conservative. No further adjustments were made to the cost.

### 3.3.7.4 Total Production Cost

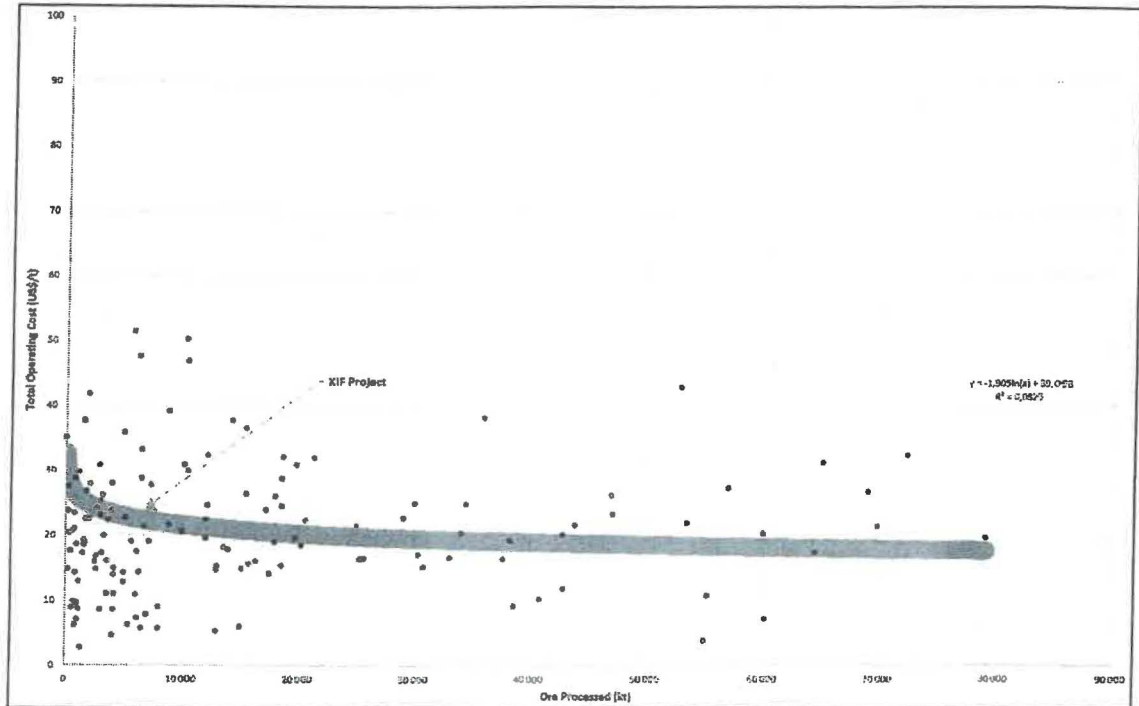


Figure 3-4: Total Production Cost Benchmark

Total production cost benchmarking was performed on a US\$/t processed basis. Based on the analysis, the XIF project production cost is aligned with what is currently seen in the market. No further adjustments were made to the cost.

Truck and exiting railway facility costs were applied in the Base Case scenarios and FeSi scenario transport options due to the possibility of trucking and then making use of rail to move the total tonnes produced per annum.

### 3.3.8 Pellet Plant Costs

Projected operating and capital costs have been obtained from the Blu Sky Mining Solutions report dated 2020. These costs have been escalated appropriately.

Based on a database of historical information, a capital estimate was used based on a 1,500 kt pa sized production plant at USD 120m (estimate dated 2020). This cost was adjusted via a linear calculation approach to matching the required conceptual pellet production plant for the project at 2,326 kt pa. Contingencies of 30% were applied to CAPEX and 10% to OPEX.

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### 3.3.9 FeSi Plant Costs

The projected upside FeSi facility CAPEX and OPEX cost were estimated based on a database of historical information, resulting in an estimated plant sized to produce 427 kt pa. This is aligned with the noted upside option requirements that are based on an average input feed of 454 kt pa and a yield of 94%.

From derived and applied estimations from 2020, two c. 46 MWh Furnaces will be required (running at a utilisation of 85%) as part of the FeSi facility. Historical actual data was obtained for a 6 MWh furnace, and this was applied to calculate the necessary All-In Sustaining Cost "AiSC" (excluding reagents) for the two 46 MWh Furnaces.

To produce a FeSi75 final product, projected reagent costs and ratios were obtained from historical data.

Contingencies of 25% were applied to CAPEX and 20% to OPEX.

### 3.3.10 Capital Expenditure

The forecast project capital expenditure will commence in 2024 for the mine and processing plant.

A study cost has been included in the model as an incremental cost item and not as a sunk cost, as the cost will be incurred after the valuation date of this report (if the project advances). It is estimated to be spent over two years, from 2023 to 2024.

The projected capital estimates below are split out below per scenario.

Table 3-12: Initial Capital Breakdown

Input & Assumptions	UoM	Scen 1	Scen 2	Scen 4	FeSi Scenarios
Mine Establishment, Development & Study Cost	USD\$'000	19,580	19,580	19,580	19,580
Concentrator Cost	USD\$'000	158,272	158,272	158,272	158,272
Off-Site Cost	USD\$'000	15,511	15,511	15,511	15,511
EPC Cost	%	15%	15%	15%	8%
Mine Closure Cost	USD\$'000	5,390	5,390	5,390	5,390
Pellet Plant	USD\$'000	-	-	-	228,600
FeSi Plant	USD\$'000	-	-	-	358,282
Contingency	%	30%	30%	30%	50%
<b>Total Capital Expenditure</b>	<b>USD\$'000</b>	<b>296,085</b>	<b>296,085</b>	<b>296,085</b>	<b>951,547</b>

Engineering, procurement, and construction (EPC) Cost is calculated as a percentage of total mine establishment, development, study, concentrator, and off-site cost.

Contingency capital is calculated as a percentage of total capital. Stay-in-Business (SIB) capital was calculated at 5% of total capital.

### 3.3.11 Taxes & Royalties

#### 3.3.11.1 Corporate Tax

The corporate tax formula in accordance with the Botswana tax regulations has been applied and has been included in the model to calculate the tax expense as well as the associated discount rate. The first year in which tax is payable is 2030. This is largely due to the utilisation of capital expenditure deductions.

Table 3-13: Corporation Tax

Input & Assumptions	UoM	Value
Corporation Tax Rate (Average over LoM)	%	22

#### 3.3.11.2 Royalties

Mineral royalties are set at a rate of 3%, calculated on revenue.

Table 3-14: Royalty Rate

Input & Assumptions	UoM	Value
Royalty Rate	%	3

#### 3.3.12 Discount Rate

A real (post-tax) discount rate of 9.32% (Based on a risk profile for a Botswana-based target at a MRE stage for Iron Ore) was used to provide an NPV outcome for the various business case scenario options. The valuation is based on discounted cash flows utilising full-year discounting over the LOM.

The discount rate was calculated in the valuation model, determined from first principles and by considering each aspect that could influence the weighted average cost of capital. Using this method requires determining a risk-free rate as a base rate and increasing the discount rate based on specific risk factors to which the business is exposed.

The Botswana risk-free rate was selected, as Botswana is the jurisdiction in which the operation is located, managed, and from which it is administered. Given that all the products originate from Botswana, the equity-risk premium and country-risk premium included in the discount rate calculation relate to Botswana and reflect the operational risk the business faces. Refer to **Table 3-15** for the calculation.

Table 3-15: Discount Rate

Parameter	UoM	Input	Reference
<b>Assumptions</b>			
Corporate Income Tax Rate (T)	(%)	22%	Botswana Tax Rate
Inflation rate - Long Term	(%)	4.4%	S&P Global Market Intelligence
Debt as % of capital (D/V)	(%)	30%	Not Applicable
Common Equity as % of capital (E/V)	(%)	70%	
Total Capital (Market Value of Venture) (V)	(%)	100%	
<b>Cost of Debt Calculation</b>			
Pre-tax cost of debt - long term	(%)	7.0%	Bank Lending Rate
Less: tax shield	(%)	0%	Not Applicable
<b>Cost of Debt (R<sub>d</sub>)</b>	<b>(%)</b>	<b>7.0%</b>	
<b>Cost of Equity Calculation</b>			
Risk-free Rate	(%)	6.68%	Denominated Government Bond
Country Risk	(%)	2.8%	Botswana
Equity market risk premium	(%)	5.4%	Stern NYU Website
Beta weighting (β)		1.55	Global Industry Comparison
Risk Premium	(%)	11.20%	
<b>Cost of Equity (R<sub>e</sub>)</b>	<b>(%)</b>	<b>17.85%</b>	
<b>Weighted Average Cost of Capital</b>			
Weighted Cost of Debt [(D/V*R <sub>d</sub> )*(1-T)]	(%)	1.65%	
Weighted Cost of Equity (E/V*R <sub>e</sub> )	(%)	12.49%	
<b>WACC (Nominal) - Post-tax</b>	<b>(%)</b>	<b>14.13%</b>	
WACC (Nominal) - Pre-tax	(%)	14.59%	
<b>WACC (Real) - Post-tax</b>	<b>(%)</b>	<b>9.32%</b>	
WACC (Real) - Pre-tax	(%)	9.76%	

Refer to **Section 5** where the calculated post-tax discount rate (real) was used for the sensitivity analysis.

30:70 Debt: Equity structure was used in the WACC calculation. Refer to **Section 5** for a comparison to a 100% Equity funded structure.



#### 4. VALUATION RESULTS

The valuation results are based on the following assumptions:

- Valuation date: 1 January 2023
- Construction start date: 1 January 2024
- Unlevered 100% attributable basis
- 30:70 Debt: Equity Funded
- Post-tax, real discounted cashflows
- Discount rate of 9.32%

The valuation results are shown below in **Table 4-1**, with additional key valuation metrics stated in real terms.

Table 4-1: Key Valuation Results

Key Parameters	UoM	Scen 1	Scen 2	Scen 3	Scen 4
<b>NPV (Post-tax)</b>	US\$ mil	298	315	17	69
<b>IRR</b>	%	25	25	-	15
<b>Payback Period</b>	Years	5	5	-	6
<b>Peak Funding</b>	US\$ mil	273	273	-	281
<b>Capital Efficiency</b>	ratio	1.03	1.08	N/A	0.24
<b>Fe Recovery</b>	%	33.2	33.2	33.2	30.3
<b>Operating Margin</b>	%	36.72	35.73	35.73	19.52
<b>Ore Tonnes Mined<sup>4</sup></b>	Mt	269	441	172	93
<b>Strip Ratio</b>	x:1	2.2	2.2	2.2	2.3
<b>Production Tonnes</b>	Mtpa	7.2	7.2	7.2	7.3

Scenario 2 provides higher returns than scenario 1. The main reason for this is, Scenario 2 includes the buffer zone, that extends the LoM and in return generates additional revenue. Scenario 4 uses a 30.3% recovery factor, obtained from the pit optimisation study, dated April 2022.

Scenario 3 (incremental valuation) indicates the value attributable to the buffer zone only (Scenario 2 - Scenario 1).

The valuation is most sensitive to a change in the discount rate, followed by Fe recovery %, FeSi sales price and FeSi Yield.

The XIF project provides a positive NPV by producing iron ore concentrate only, indicating that equity holders will generate a return on their investment.

<sup>4</sup> Includes mining loss factor



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Table 4-2: Key Fesi Scenario Valuation Results

Key Parameters	UoM	Scen 1	Scen 2	Incremental (Scen 3)	Scen 4
<b>NPV (Post-tax)</b>	US\$ mil	2,209	2,296	87	1,878
<b>IRR</b>	%	47	47	-	58
<b>Payback Period</b>	Years	4	4	-	3
<b>Peak Funding</b>	US\$ mil	823	823	-	467
<b>Capital Efficiency</b>	ratio	2.33	2.43	0.10	3.31
<b>Fe Recovery</b>	%	33.2	33.2	33.2	30.3
<b>Operating Margin</b>	%	62.73	62.73	62.73	71.51
<b>Ore Tonnes Mined<sup>5</sup></b>	Mt	269	441	172	93
<b>Strip Ratio</b>	x:1	2.2	2.2	2.2	2.3
<b>Production Tonnes</b>	Mtpa	7.2	7.2	7.2	1.8

It was noted that downstream beneficiation and producing a FeSi saleable product adds significant value. Producing a FeSi saleable product on any of the scenarios, returns a significant NPV. The incremental valuation between Scenario 1 and Scenario 2 indicates an increase of **US\$ 87 million** in the NPV.

The scenario generating the highest NPV is Scenario 2 (Base case - including buffer zone) of **US\$ 2,296 million**, and IRR of **47%** on a real, post-tax, and 100% attributable basis, with a **valuation date of 1 January 2023**

Refer to **Section 5** for more information on scenario 3.

<sup>5</sup> Includes mining loss factor

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**Figure 4-1** below presents the annual nett and cumulative cash flow over the life of mine for the base case. A peak funding amount of US\$ 281 million is required in 2025, whereafter a positive cash flow is expected.

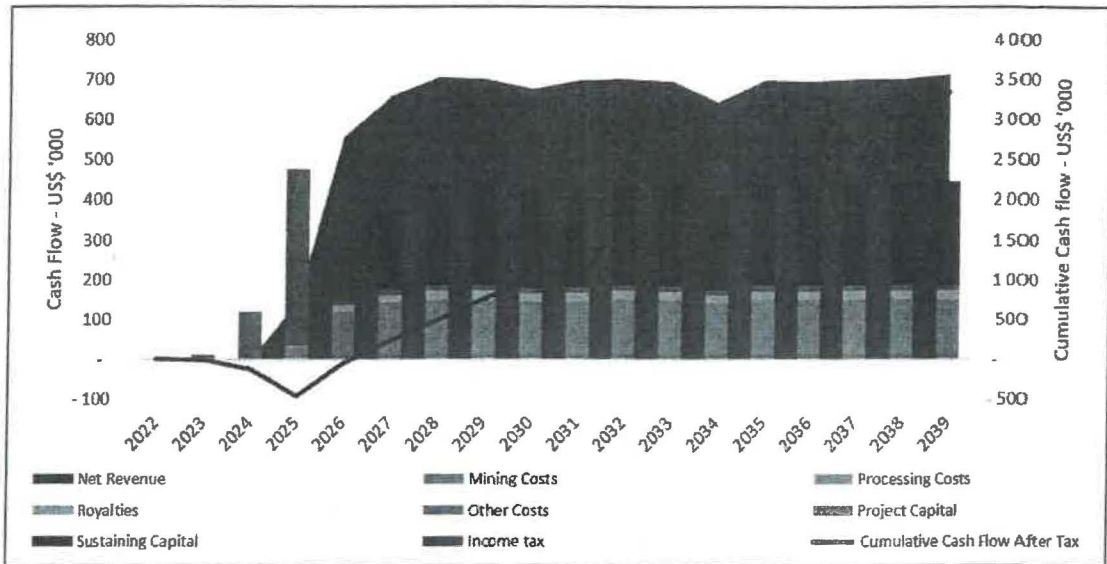


Figure 4-1: Annual Nett & Cumulative Cashflow

**Figure 4-2** provides an overview of the operational costs. The FeSi processing cost is the most significant expense at 59% of total operation cost.

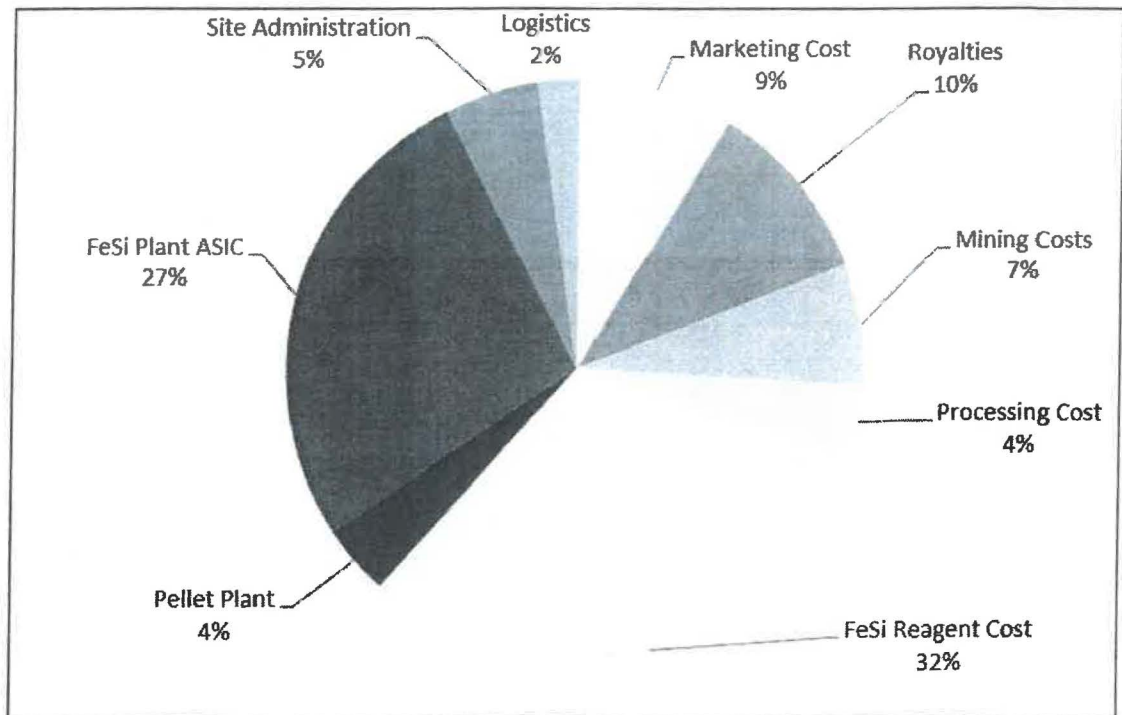


Figure 4-2: Opex Breakdown

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**Figure 4-3** provides an overview of the capital expenditure, with the most significant cost attributable to the FeSi plant, claiming 63% of the total cost.

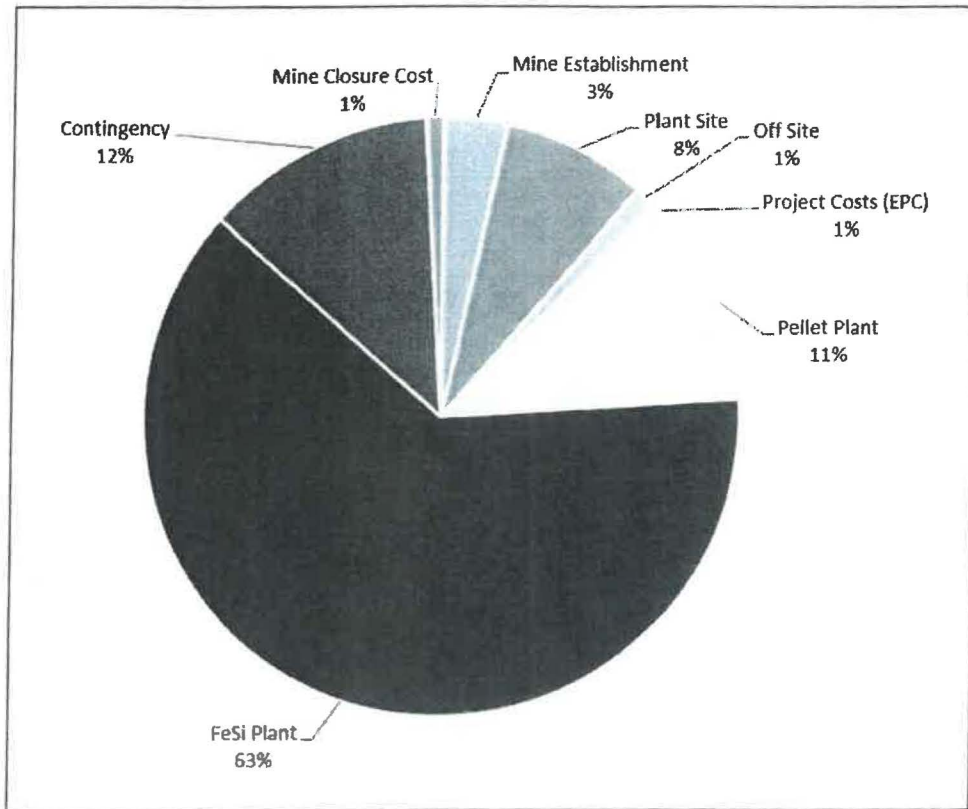


Figure 4-3: Capex Breakdown

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## 5. INCREMENTAL VALUATION

An incremental valuation represents the returns of the mine expansion (i.e., buffer zone), also referred to as a "2-1 Approach".

A "2-1 Approach" is generally preferred for Greenfields mining projects as a standalone project evaluation. The determination of a project's value, by deducting the base case from the future-state mine (mine expansion, by including the buffer zone) has been proven to be a superior valuation approach.

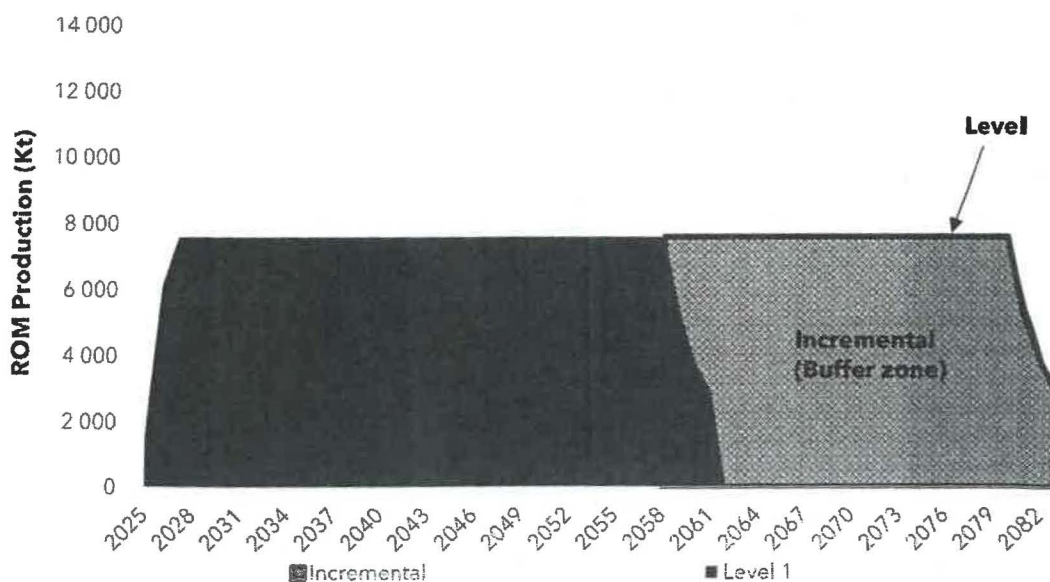


Figure 5-1: Incremental Valuation

The incremental section indicated in Figure 5-1 above illustrates the buffer zone. Level 1 represents the 269 Mt mine (Base Case- Excluding buffer zone), Level 1 and Incremental combined (known as Level 2) represents the 441 Mt mine (Base Case - Including buffer zone).

### Challenges:

- Base case cost base and overhead structure is sufficient for the expansion (e.g., during ramp-up).
- The possible extension of Level 1 LOM is not considered.
- Additional overhead burden is not considered for the mine when Level 1 comes to an end.
- Un-economic tail for the expansion project is sometimes included in the production profile of Level 1.

### Solution:

- Value the future mine as a whole (Level 2)
- Value Level 2 and Level 1 separately; the difference is attributable to the buffer zone.

Table 5-1: Incremental Valuation Results

Key Parameters	UoM	Incremental (Fe Product)	Incremental (FeSi Product)
<b>NPV (Post-tax)</b>	US\$ mil	17	87
<b>Additional Nett Cashflow - LoM</b>	US\$ mil	1,310	5,850
<b>Fe Recovery</b>	%	33.2	33.2
<b>Operating Margin</b>	%	35.73	62.73
<b>Ore Tonnes Mined<sup>6</sup></b>	Mt	172	172
<b>Strip Ratio</b>	x:1	2.2	2.2
<b>Production Tonnes</b>	Mtpa	7.2	7.2

From the above incremental valuation, it can be noted that mining the buffer zone, which provides an additional 172 Mt over the life of mine, generates significant additional nett cashflow.

The NPV increases with US\$ 17 million (producing only Fe concentrate) and US\$ 87 million (producing FeSi product).

It can be concluded, that mining the buffer zone will add value to the operation and should be investigated further.

<sup>6</sup> Includes mining loss factor



**6. RANGE AND DETERMINISTIC ANALYSIS**

**6.1 Deterministic Analysis**

A sensitivity analysis was performed to determine the extent to which the valuation result will change if certain assumptions are adjusted. Each key driver of the model, except for the discount rate (WACC) was flexed by 2%, 5% and 7%, whilst keeping other inputs constant. The discount rate has been adjusted in increments of 0.5% (+.5%, 1% and 1.5% and -0.5%, -1% and -1.5%).

The analysis below indicates that a change in the discount rate and recovery percentage have the greatest effect on the Net Present Value (NPV) of the valuation, while a change in the assumptions relating to shipping cost and operating cost have the smallest effect on the final valuation value.

The valuation is the most sensitive to a change in the discount rate, followed by recovery %, sales price and capital expenditure.

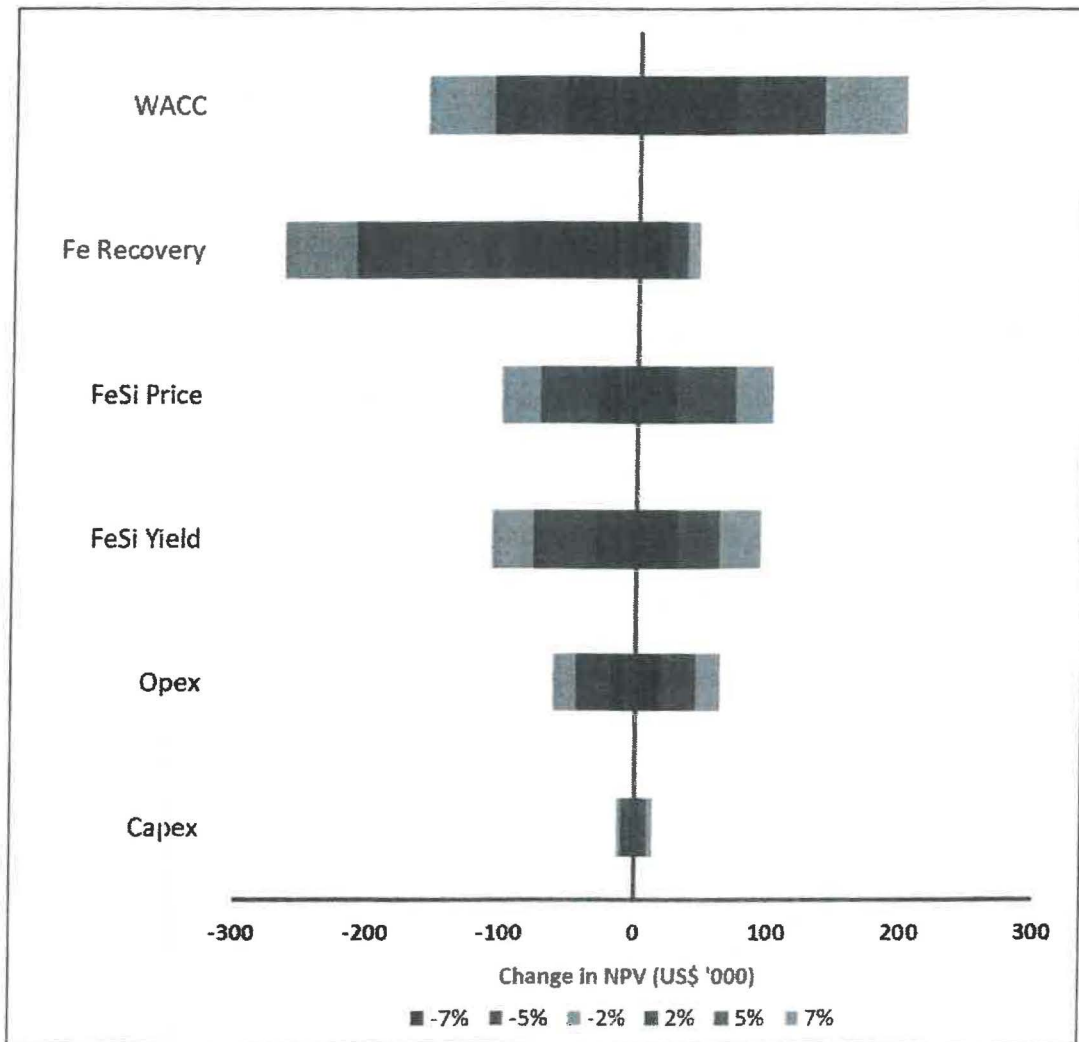


Figure 6-1: Sensitivity Analysis

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## 6.2 WACC Comparison

Section 6.1 indicated that a change in the discount rate have the greatest effect on the NPV of the valuation. **Table 6-1** below indicates a comparison on scenario 4 between a 30:70 Debt: Equity ratio and a 100% equity ratio used in the WACC calculation.

Table 6-1: WACC Comparison

Key Parameters	UoM	30:70 Debt: Equity	100% Equity
<b>WACC (Post-tax, real)</b>	US\$ mil	9.32	12.88
<b>NPV (Post-tax)</b>	US\$ mil	2,296	1,410

Introducing debt into the WACC calculation returns a higher NPV. This is appropriate as cost of equity is higher than the cost of debt, due to debt holders are senior to equity holders. Hence equity holders seek a higher return.

## 6.3 Range Analysis

Based on the various scenarios incorporated into the financial model, a range of values (high/Mid-point/low) have been produced.

The valuation ranges are as follows:

- Low: US\$ 69 million (Scen 4)
- Mid-point: US\$ 315 million (Scen 2)
- High: US\$ 2,296 million (Scen 2 - Downstream beneficiation, producing a saleable FeSi product)

AM  
BB  
335

304



## 7. CONCLUSION

Based on the analysis the following can be concluded for the Project:

The **valuation on 1 January 2023** indicated a range between **US\$ 69 million** and **US\$ 2,296 million**, on a real, post-tax, and 100% attributable equity basis.

The XIF project provides a positive NPV by producing iron ore concentrate only, indicating that equity holders will generate a return on their investment. It was also noted that downstream beneficiation and producing a FeSi saleable product adds significant value, resulting in a significant NPV of **US\$ 2,296 million**, and IRR of **47%**.

MN  
100  
336



305



**APPENDIX A: COMPETENT PERSON CONSENT FORM**

**Statement:**

I, Martin John Roodt, CA(SA), confirm that I am the Qualified Valuator for the Report and:

- I have read and understood the requirements of the Canadian Institute of Mining, Metallurgy and Petroleum on the Valuation of Mineral Code (The CIMVAL Code), 2019 Edition.
- I am a Qualified Valuator as defined by the CIMVAL Code 2019 Edition.
- I am a member of good standing of the South African Institute of Chartered Accountants (SAICA), (Registration Number: 30674058).
- I am familiar with the relevant requirements of the CIMVAL Code (2019), the National Instrument 43-101 (2012) and the Form 43-101F1 that may be relevant to the Non-Public Report being prepared.
- I have reviewed the Report to which this Consent Statement applies.
- I am an Independent Consultant working as a subcontractor to Tsodilo Ltd. to prepare the model and documentation for the XIF Project, on which the Report is based.
- I have disclosed the full nature of the relationship between myself and the company, including any issue that could be perceived by investors as a conflict of interest.
- I verify that the Report is based on and fairly and accurately reflects in the form and context in which it appears the information contained in the supporting documentation relating to Project Valuation.
- I verify that the Project Valuation assumptions and sources are clearly reflected in the Valuation Report and/or the Economic Model, comprising principally the following:

**Consent:**

I consent to the internal use of the information relating to the XIF project study outcomes and this Consent Statement by the directors of Tsodilo Ltd.

**Martin Roodt**

**2022/10/24**

**SAICA #: 30674058**

**Professional Membership #**

MJR  
337

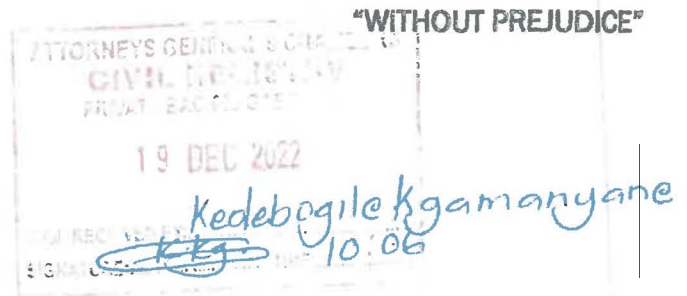
306

11RA1211



Attorney General's Chambers  
Government Enclave  
Gaborone

ATT: Mr. Grenorah Begane



Your reference

Our reference

Date

MMC - 02538

19 December 2022

Dear Sir,

**RE: GCWIHABA RESOURCES (PTY) LTD ("CLIENT") v MINISTER OF MINERALS AND ENERGY AND ATTORNEY GENERAL CASE No: MAHMN - 00075 -22. MARIPE J. SETTLEMENT**

1. We refer to the above subject matter as well as our meeting of 15 December 2022 held at our Chambers.
2. We note your client's position as shared with us in our meeting to the effect that the Minister is only willing to renew our Client's prospecting license PL 020/2018 if it falls off from the buffer zone.
3. Our Client appreciates that the above position taken by the Minister is one that is informed, not by law, but by fears of the response by the international environmentalist communities and UNESCO.

Plot 4858, Lecha Close, Off Marakanelo Way, Extension 11, Gaborone | P O Box 45136, Gaborone  
Phone: 3956160 | Fax: 3956161 | Email: [partners@collinschilisa.co.bw](mailto:partners@collinschilisa.co.bw) | Website: [www.collinschilisa.co.bw](http://www.collinschilisa.co.bw)

Mboki Chilisa | Outule Keatimilwe | Lebani Mazhani | Charles Batsalelwang | Quintan Maduwane | Lame Seduke  
Consultant: Peter Collins

338

307

4. Our Client further understands that flowing from the above fears, your client finds itself in a predicament.
5. We wish to place it on record that our Client is also equally in a predicament as a result of the non-renewal of its license. Our Client wants us to make it clear that it has multiple shareholders who have invested in its project in relation to all its licenses. These are shareholders who seek to have returns on their investment and they have since 2021 been knocking at our Client's door looking for answers as to where their money went, and when to expect returns.
6. If our Client moves out of the buffer zone, this will have an impact on the shareholder's anticipated returns and further will result in our Client and shareholders making a loss as a result of the time and money spent exploring and prospecting the extent of its license which falls within the buffer zone.
7. In view of the above facts, our Client's position is that it is willing to assist the Government of Botswana with its predicament (moving out of the buffer zone) only if the Government of Botswana is willing to assist it with its predicament (appeasing the shareholders for the losses suffered).
8. In the spirit of curbing protracted litigation, our Client proposes below, a route which will assist both parties with dealing with their respective predicaments:
  - 8.1. The 5 Gcwihaba PL's 020-024/2018 be reissued with an initial license grant (3-year) effective 01 January 2023 or soon thereafter, to make up for all the time lost (3 years). The rationale for this is that our Client's licenses are contingent licences and the Government's failure to renew PL 020/2018 has resulted in our Client failing to do any work with respect to its other licenses. This re-issuance will therefore be geared towards compensating our Client for the time lost. The licenses ought to be given new 2023 numbers so that they never appear in any UNESCO record. The 2018 numbers will disappear forever. Note that the re-issued 5 licenses will not include any area in the buffer zone. In the

308

result, this part of the proposal will deal away with the Government of Botswana's predicament; and

8.2. As noted above, with respect to our Client's shareholders, they had anticipated to receive substantial returns from the mining of the resource within the buffer zone. As compensation for the in-situ value of the 169Mt of Fe worth \$6B USD and a NPV of \$87M USD our Client proposes either:

8.2.1. An initial 3-year grant of the BK16 license (PL369/2014) as of January 1, 2023; or

8.2.2. A 3-year license extension as of January 1, 2023; and

8.3. As also noted above, our Client's shareholders have invested millions of dollars towards the exploration and prospecting of the area within the buffer zone. This is money that our Client's shareholders would want back. As compensation for the \$6M USD spent on evaluation and exploration costs in the buffer zone, our Client proposes either:

8.3.1. Reimbursement of the \$6M USD (Cost of our expenditure in the buffer zone); or

8.3.2. Approval of MDCB's decision (Dec 2020) to invest in the Gcwihaba XIF project. Please note that due to the impact of Covid inflation - investment is now \$3M USD for 10% and an option to acquire another 40% at \$3M USD per each 10% of equity (Total for 40% \$12M USD): and:

8.4. MME grants our client the right of first refusal (ROFR) to the area in the buffer zone being relinquished in the event the Ministry decides to allow exploration or mining in the buffer zone for anyone anytime in the future or if the Ministry decides to modify the buffer zone to remove the portion that our client is willing relinquishing from the buffer zone.

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9. Please note that the foregoing are cumulative and the reason for their cumulative nature is as stated, geared towards compensating our Client's shareholders whose interests our Client seeks to protect. If your Client is not willing to accede to the above, our Client will equally be constrained to move out of the buffer zone by reason of the fact that our Client will fail to answer the rationale for moving out of the buffer zone, without any compensation, to its shareholders.

10. We trust that the above is in order. Kindly liaise with your client and revert.

Yours faithfully,

  
QUINTAN MADUWANE  
COLLINS CHILISA CONSULTANTS

MN  
1/2/20

"AA 13" (310)

From: James Bruchs  
Sent: Sunday, May 1, 2022 1:41 PM  
To: Stephen Mogotsi <smogotsi@gov.bw>  
Cc: Charles Siwawa <charles@bcm.org.bw>  
Subject: RE: reports

Hello Stephen,

I had further conversations with the Company's directors, and it was suggested that the matter be brought to the attention of Frau Mechtild Rössler, [M.Rossler@unesco.org](mailto:M.Rossler@unesco.org), Director of the UNESCO World Heritage Centre in order to get clarification of what was filed with UNESCO by the State Party. Is this something that you would like to do in conjunction with us?

Another alternative which you might consider is to make a *minor buffer zone boundary modification* as was done in the case of the Venetia Mine in South Africa [UNESCO World Heritage Centre - State of Conservation \(SOC 2016\) Mapungubwe Cultural Landscape \(South Africa\)](#) and other projects throughout the world. I have attached an image showing the modification needed as well as the chronology of our license tenure. The encroachment of the buffer zone on our property would only have to be lessened a few hundred meters, a distance to where the airport was extended to in the buffer zone.

We acknowledge the predicament the State Party is in by the inaccuracies contained in the filed reports and there is no reason to expound upon that here, but the State Party must also recognize our legal title and the fact that millions of dollars were spent with the approval of the State to establish a billion-dollar resource. We have been trying to resolve this issue for months and months, but we find it difficult to reach a resolution as it appears that there is a lack of willingness to find a solution besides the illegal taking of our license. **Perhaps you could get authority to engage with us to seek as resolution and I am sure we can reach one in a matter of days.** We are more than reasonable and as the issue really lies in your Ministry, if we could come to an accommodation then others would surely respect it.

Please advise me at your soonest as this matter needs to be resolved without further delay as your recent State Party Report implies that we somehow gave up billions of dollars of our resource and this is not true.

I have cc'd Mr. Charles Siwawa, the Chief Executive Officer of the Botswana Chamber of Mines, who has been assisting us in resolving this matter. Legal title to a company's prospecting and mining licenses are important factors to where a mining company will invest their money and a sua sponte taking of a license away from a company does not sit well to those looking to invest in a country.

Again, I hope that you get the authority to work something out with us as the alternative is not productive and exposes things that do not need to be exposed if it can be avoided.

In good faith, I will wait a reasonable amount of time to hear from you before initiating any action on our own.

Regards,  
James

MM  
RP  
342

From: James Bruchs  
Sent: Friday, April 29, 2022 5:04 PM  
To: Stephen Mogotsi <[smogotsi@gov.bw](mailto:smogotsi@gov.bw)>  
Subject: RE: reports

311

Hi Stephen,

Thank you for your reply.

That is a very interesting version of the facts but there are no such documents that you reference that state what you are representing, see further below.

We are a stakeholder and have never been consulted. The buffer zone encroached on our licenses in 2014 as we have had them since 2008. You are basically saying that someone filed a report with UNESCO saying we agreed to give up licenses in the buffer zone which we never did and further this is contrary to what the State Report said last year wherein it was reported that there were no licenses exist in the buffer zone. For someone to say we gave up something which we did not is false and purposely so.

I'm not sure what documents you are reading but the documents filed by the State Party with UNESCO state the following:

**Nomination dossier to UNESCO for inscription into the World Heritage List** (submission by Republic of Botswana, 2013) [Page 30]

*"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. **Should an application to mine within the buffer zone arise, an Environmental Impact Study (EIA) will be required as part of Botswana's EIA Act, which would address concerns relating to the World Heritage property.** Also, the matter would be referred to the World Heritage Centre (WHC) for their advice." (emphasis added)*

and from the same report,

[Page 405]

*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.** (emphasis added)*

In addition,

**WORLD HERITAGE NOMINATION – IUCN TECHNICAL EVALUATION KAVANGO DELTA (BOTSWANA) – ID No. 1432 [April 2014]**

(page 12)

*"Mining activities including prospecting will not be permitted within the [core zone] property. **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, including water pollution.**" (emphasis added)*

It is clear from the State Party's submissions to UNESCO since 2013, **that both mining and prospecting licenses can exist within the buffer zone.** And as whole world is aware, mining has and does take place in buffer zones which are by definition not part of World Heritage Site.

The documents on the UNESCO website further state that that property cannot be taken away from a license holder. I continue to be amazed how the filings with UNESCO by the State Party can be so misconstrued as they are very straightforward with respect to licenses. Right now, I just want to find out who is writing these reports to get them clarified because as I read through them, about the only thing correct in them concerning our licenses is that the name of our subsidiary Gcwihaba is spelled correctly.

Regards,  
James

MN  
BR  
343

312

**From:** Stephen Mogotsi <[smogotsi@gov.bw](mailto:smogotsi@gov.bw)>  
**Sent:** Friday, April 29, 2022 4:13 PM  
**To:** James Bruchs <[JBruchs@tsodiloresources.com](mailto:JBruchs@tsodiloresources.com)>  
**Subject:** RE: reports

**Note to Document: There is no document that prohibits exploration or mining in the buffer zone - this is all a make up story (JMB)**

Dear James,

The State of Conservation Report entailed consultations with key stakeholders in the process. The Government of Botswana as a State Party has made a decision to conform to the requirements of the UNESCO 1972 World Heritage Convention not to allow any exploration nor mining activity within the core and buffer zones of the the two properties. This was also stated in the nomination of the Okavango Delta as a World Heritage Site dossier.

I hope this clarifies the matter and please feel free to engage further if need be.

Regards

**Stephen T. Mogotsi**

Director  
Department of National Museum and Monuments  
331 Independence Avenue  
Private Bag 00114  
Gaborone  
Botswana

**Tel:** +267 361 0403 / 397 4561  
**Fax:** +267 390 2797  
**Mob:** +267 72 304 002

**From:** James Bruchs [[JBruchs@tsodiloresources.com](mailto:JBruchs@tsodiloresources.com)]  
**Sent:** Wednesday, April 27, 2022 4:23 PM  
**To:** Stephen Mogotsi  
**Subject:** reports

Dear Director Mogotsi,

I was given your details as it was suggested that you might be able to steer me in the right direction. I am trying to determine the author(s) of the attached report as I need to get some clarification from them regarding the comments made about our subsidiary Gcwihaba Resources (Ltd) Pty. on page 5 of the report.

If you could direct me to the person or persons I can speak with, that would be most appreciated.

Thank you for your assistance with this matter.

Regards,  
James

James M. Bruchs  
Chairman & CEO  
Tsodilo Resources Limited ([www.TsodiloResources.com](http://www.TsodiloResources.com))  
Canada Trust Tower – BCE Place  
161 Bay Street, Box 508  
Toronto, Ontario M5J 2S1 – Canada  
Telephone: +1 416 572 2033  
Facsimile: +1 416 987 4369

MN  
LBP

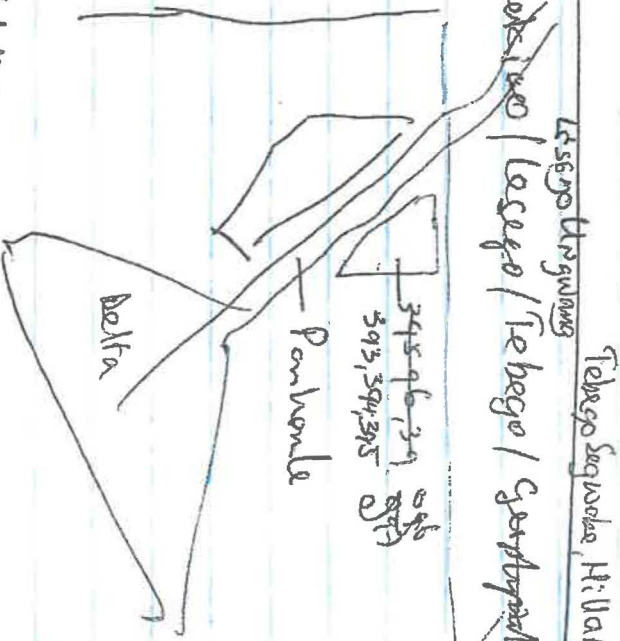


2000 - 3000 words in 5 pages

~ 4000's reference  
~ 3-4 pages

14/12/2015 - Tshokisimo / Losago / Tehego / Gethyapala? / Anbus.

qh30



File won send to me

- ~~Send~~ winter in feeding

- Mounds on leaves on fire today

- In the Buffer zone trees plants case going to be removed

- However many are receptors to vegetation; in giving up the ecosystem again in exchange for health about 4 trees water team

"RA 14"

"RA 14 b"

314

**From:** Mike De wit <dewit@icon.co.za>  
**Sent:** Thursday, March 2, 2023 12:43 PM  
**To:** James Bruchs <JBruchs@tsodiloresources.com>  
**Subject:** RE: Botswana

Hi James,

Attached are some rough notes and a sketch map on the meeting I had on the 14<sup>th</sup>. I flew back to Maun at lunch time so there was no meeting on the 15<sup>th</sup> or 16<sup>th</sup>.

In case you cant read my hand writing;

*14/122015 meeting was held with Tebego Segwake, Hillary Koketso, Lesego Ungwang, Tskekiso (?), and another whose name I didn't get at the time, at 9h30.*

*Points noted:*

- 1. The file was sent to the minister on Friday (I presume the Friday before).*
- 2. The minister is on leave as from today*
- 3. In the buffer zone the permits are going to be issued.*
- 4. However they are receptive to negotiate; us giving up the eastern areas in exchange for a fresh start of the western licences.*

That is all I have I am afraid. Will think of anything else comes to mind.

Let me know if you can think of anything else I might have.

Regards

Mike

MN  
185  
346

"RA 15" (315)

**STATE OF CONSERVATION REPORT**

**OKAVANGO DELTA WORLD HERITAGE SITE**

**BOTSWANA**

**(N1432)**



**REPUBLIC OF BOTSWANA**

**SUBMITTED  
BY THE  
GOVERNMENT OF THE REPUBLIC OF BOTSWANA**

**February 2022**

MN  
LBB  
347

316

## 1. EXECUTIVE SUMMARY

This report on the state of conservation of the Okavango Delta World Heritage Property is in response to the decisions adopted during the Extended 44<sup>th</sup> Session of the World Heritage Committee, **44 COM 7B.80** held in Fuzhou, China on 16 – 31 July 2021. The State Party was further required to submit an update on reports pertaining to Recon Africa oil and gas exploration within the Cubango-Okavango River Basin for examination at the next meeting of the 45th Session by the World Heritage Committee.

The State Party through the Permanent Okavango River Basin Water Commission (OKACOM), has undertaken to ensure that detailed Environmental Impact Assessments are conducted prior to any major developments. Furthermore, the State Party is cognisant that any development in the Cubango-Okavango River Basin (CORB) leading to unsustainable water abstraction or pollution could impact on the Outstanding Universal Value (OUV) of the Okavango Delta World Heritage Property.

The revised Okavango Delta Management Plan was submitted in July 2021. This presents an important opportunity to ensure that the protection of the OUV of the Property. The ODMP also provides for management strategies in order to maintain the ecological integrity of the Property, including wildlife management, control of invasive alien species, monitoring of mining activities and climate change as well as integration of traditional resources use for livelihoods, user access and cultural rights as requested by the Committee.

The State Party is fully supportive of the effective transboundary cooperation between Angola, Botswana and Namibia on the management of the shared waters of the Cubango-Okavango River Basin. In June 2019, the State Party of Botswana with the support of the UNESCO World Heritage Centre hosted a technical meeting to advance this discussion. The tripartite meeting led to the adoption of an Action Plan to take forward the transboundary initiative and recommended the establishment of a Steering Committee to facilitate its implementation.

347

The Okavango Delta Transboundary Committee includes representatives from the three State Parties of Angola, Botswana and Namibia, and observers from UNESCO World Heritage Centre, African World Heritage Fund (AWHF), Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA), Permanent Okavango River basin Water Commission (OKACOM) as well as International Union for Conservation of Nature (IUCN).

## 2. INTRODUCTION

The Okavango Delta, located in the north-west of Botswana was inscribed as the 1000<sup>th</sup> World Heritage Site in Doha, Qatar in June 2014 under the natural criteria; (vii), (ix) & (x). The Okavango Delta World Heritage Property, guided by the Okavango Delta Management Plan (ODMP) is one of the very few vast, natural, scenic inland deltas in the world.

Since the last state of conservation report submitted in November 2020, consultations have been held with key stakeholders among them; Department of Environmental Affairs (DEA), Department of National Museum & Monuments (DNMM), Department of Mines (DoM), Department of Wildlife and National Parks, Permanent Okavango River Basin Water Commission (OKACOM), Kavango–Zambezi Trans-frontier Conservation Area (KAZA), Okavango Research Institute (ORI), the North-West District to address issues and recommendations raised by the WHC Decision 42 COM 7B.89.

The State Party acknowledged the conclusion of the World Heritage Centre and Advisory Bodies (IUCN), which stated that although the ODMP of 2008 provided a management framework for the area, it pre-dated the property's inscription in the World Heritage List. The Okavango Research Institute (ORI) was consequently engaged to review the Okavango Delta Management Plan (ODMP) in 2019. Funding towards the review of the plan had been provided through UNESCO International Assistance to the amount of USD 27, 080 (270,000 Botswana Pula). The State Party also availed funds amounting to USD 54,000 (Botswana Pula 540,000) towards the review. The revised management plan has since been completed (2021-2027).

The State Party acknowledges that many of the ODMP prescriptions have not been implemented, and the institutional arrangements for its implementation have proved to be ineffective, hence the revised plan. The issues and recommendations raised by the WHC Decision 42 COM 7B.89 among them; integration of wildlife monitoring protocols in the systematic wildlife monitoring programme, management effectiveness, control of

319

invasive alien species, mining activities, climate change, access, governance as well as cultural rights and benefits have been addressed in detail by the revised Okavango Delta Management Plan of 2021-2027.

Through the OKACOM structures, the three riparian states of Angola, Botswana and Namibia are working closely to ensure that any proposed major developments within the Okavango watershed which may adversely impact the OUV of the property are subject to detailed Environmental Impact Assessments in conformity with IUCNs World Heritage Advice. One of the important milestone in addressing this issue is the completion of the development of guidelines for 'Assistance to implement the SADC Protocol on shared watercourses by the Permanent Okavango River Basin Water Commission's Member States' Focus: Notification and Prior Consultation of Planned Measures According to Article 4(1) of the SADC Revised Protocol.

Significant progress has also been made in addressing the World Heritage Committee recommendation to conduct a Strategic Environmental Assessment (SEA) for the Cubango-Okavango River Basin. The State Party has put in place measures geared towards the control and management of invasive alien species to ensure that they do not compromise the integrity and Outstanding Universal Values of the Okavango Delta World Heritage Property. The State Party further acknowledges the impact that the newly developed Okavango River Bridge may have on the integrity and potential impact on the OUV of the Okavango Delta World Heritage Property.

In addressing the issues raised by the World Heritage Committee on the prospecting within the buffer zones of the Okavango Delta World Heritage Property, the State Party continues to monitor mining activities to ensure that they do not impact on the OUV of the Property. Currently there are no prospecting licenses in the core zone and negotiations with companies holding prospecting licenses within the buffer zone have been concluded. In this regard, it has been agreed that the company, Gcwihaba Resources (Pty) Ltd will relinquish all the prospecting licenses within the buffer zone.

"RA 16" (320)

On Tue, 31 Aug 2021 at 14:48, Claudius Nowack <clnowack@yahoo.de> wrote:

Hey,  
How are you Mister Moagi,  
How are you? Hope you are fine...

I am an investor in Tsodilo Resources, I would like to ask you how far the Botswana Government's plans to get into Tsodilo and is there any other news or news regarding the infrastructure for the planned mine?

Thank you and best regards  
C. Nowack

-----  
Am 01.09.2021 um 06:33 schrieb Fox Moagi <fox.moagi@gmail.com>:

Good day Claudius

The memo is still doing rounds for Government to consider investing. Once completed, which should be in September, then I will revert with feedback.

Regards

L. Moagi  
Fox Moagi  
Postnet Kgale  
P O Box AD 577 ADD  
Gaborone  
Botswana  
Tel: +267 72 191 657

-----  
Anfang der weitergeleiteten Nachricht:  
Von: Claudius Nowack <clnowack@yahoo.de>  
Datum: 1. September 2021 um 10:27:16 MESZ  
An: Fox Moagi <fox.moagi@gmail.com>  
Betreff: Aw: Tsodilo

Good morning back mister Moagi

thank you very much for your fast answer.  
I look forward to hear from you again.

Have a nice rest of the week.

Best regards Claudius

MN  
352



23:57 kt

49%

321



HL

Horst Lichter

kürzlich gesehen



1. September 2021

Habe soeben vom Bergbauminister Botswanas Antwort erhalten, vielleicht bringt dir das ja was für ein Update. 😊

Guten Tag, Claudius

Das Memo macht noch die Runde, damit die Regierung eine Investition in Erwägung zieht. Sobald es fertiggestellt ist, was im September der Fall sein sollte, werde ich mich mit einem Feedback zurückmelden.

Mit freundlichen Grüßen

L. Moagi

kurios - danke 11:22 ✓✓

Good day Claudius

The memo is still doing rounds for Government to consider investing. Once completed, which should be in September, then I will revert with feedback.

Regards

L. Moagi

Hier nochmal das original, was findest du denn so kurios? 😊

dass der Bergbauminister antwortet 12:2



Suche nach...



MN  
LBB  
353

15:16



322

< Zurück

Kontaktinfo

Bearbeiten



Moagi

+267 72 191 657



Audio



Video



Suchen

Decide to be joyful irrespective of circumstances.

24. Sept. 2022



Medien, Links und Doks

1 >



Mit Stern markiert

Keine >



Stumm

Nein >



Hintergründe & Töne

>



Sichern in „Aufnahmen“

Standard >



Selbstlöschende Nachrichten

Aus >



Verschlüsselung

Nachrichten und Anrufe sind Ende-zu-Ende-verschlüsselt. Tippe zum Verifizieren.

>

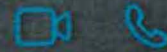
MN  
VBB  
854

15:14



323

< 5 Moagi



1. Dez. 2021

Hello Mr.Moagi,  
i ask you once again,  
because u want text me in the end of  
September 🤔  
I only want to know the status about  
Tsodilo and Botswana 😊  
Thanks a lot and best Regards 🙌

21:04 ✓

2. Dez. 2021

Hello Sir, Tsodilo has just renewed some  
of its licences, notably expunging the  
area on the buffer zone. This effectively  
changes the quantities previously  
known and therefore needs further  
relook by our teams.

06:50

Ok, thank u very much.  
Is it a positive sign?  
I dont understand the meaning of this so  
Good 😊

07:48 ✓

14. Feb. 2022

Good evening Mr. Moagi,  
I hope youre fine...  
Sry, for say hello again, I thought, I w  
you in February. 🤔  
Now we have, I rememberd and writing



MN  
LBB  
355

15:14



324

< 5 Moagi



I hope youre fine...  
Sry, for say hello again, I thought, I write  
you in February. 🤔  
Now we have, I rememberd and writing  
you actually.  
How long do we have to wait until we  
hear something new about Botswana  
and Tsodlo ?:))

Best regards

20:16 ✓

14. Juni 2022

Good Morning Mr. Moagi,  
long time ago, since i had written to you.  
Hope everything is fine.  
Are there some news in near future for  
Tsodilo Resources?

Best Regards

16:01 ✓

I have responded to the MD's letter.  
Thanks

17:10

Okay thanks 👍

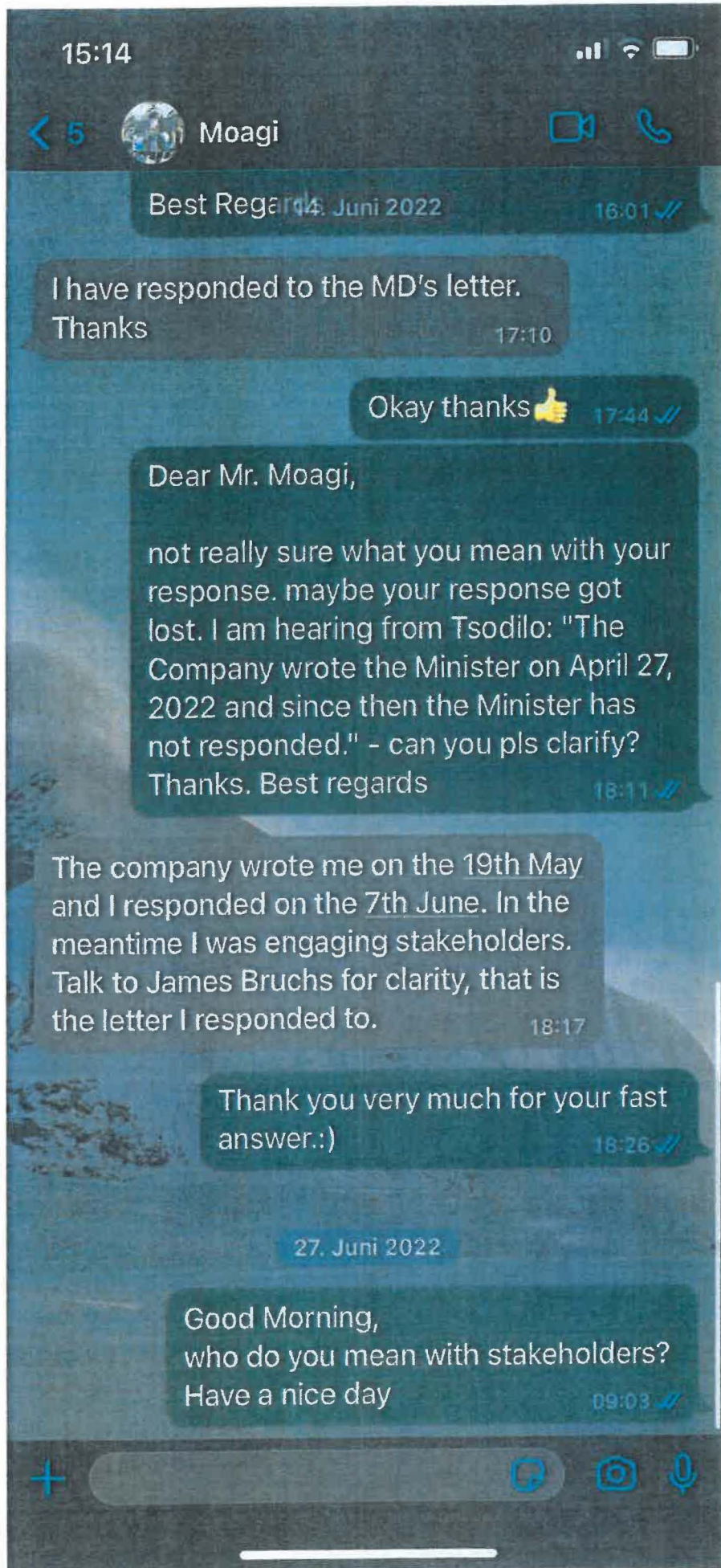
17:44 ✓

Dear Mr. Moagi,

not really sure what you mean with your  
response. maybe your response got  
lost. I am hearing from Tsodilo: "The  
Company wrote the Minister on April 27,



MN  
18/1  
356



305

MN  
357



Today

Goof morning Hon. Drought is threatening in our part of the Sandveld. The Tsodilo issue all that is needed is to engage the chairman of the company in a virtual. He is crying frustration and helplessness. Can you find time this monday. I think the matter is beyond your officials. At the moment we cant raise money because the licence issue is pending and the shareholders feel done down.

07:50

I will call MDCB on Monday to get the latest and take it from there. Obviously the expunge issue is major and I need all the advice, including that of my Principals. All of us need this to progress but we must tread carefully. There is so much noise around these heritage areas and we must be alive to that.

08:55

**Hon Lefhoko Moagi**

I will call MDCB on Monday to get the latest and take it from there. Obviously the expunge issue is major and I need all the advice, including that of ...

Thats a fair response Hon Minester. I will relay it to the chairman of the company. His view is that dialogue between the ministry and the company might help find a mutually acceptable solution. The matter will now require attention from your office. Ultimately both sides can only count on your wise leadership to end the empasse around the issue.

09:24

Please assure the Chairman that I am 100%

Message



MN  
LBB



327

beyond your officials. At the moment we cant raise money because the licence issue is pending and the shareholders feel done down.

07:50 ✓✓

I will call MDCB on Monday to get the latest and take it from there. Obviously the expunge issue is major and I need all the advice, including that of my Principals. All of us need this to progress but we must tread carefully. There is so much noise around these heritage areas and we must be alive to that.

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09:24 ✓✓

Please assure the Chairman that I am 100% behind the success of this project and if there is an avenue to traverse, I will jump onto it. As a Government we need this project, only that we have to plug all holes that might be impediments to progress.  
Thanks

09:29

Thank you 09:35 ✓✓

Message



MN  
LBF  
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"RA17"

328

**GCWIHABA RESOURCES (PTY) LIMITED**

Co 2003/292

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PO Box 3726  
Gaborone, Botswana

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Gaborone, Botswana

TEL / FAX (267) 392-7144

6<sup>th</sup> December 2021

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

**Re: PL020/2018 license renewal and Mineral Development Corporation of Botswana (MDCB)**

Dear Honourable Minister,

As per our discussions at the meeting on the 6<sup>th</sup> December 2021, with respect to Gcwihaba Resource (Pty) Ltd. (hereinafter "Gcwihaba") PL020/2018 prospecting license, we propose that Honourable Minister renew PL020/2018 as submitted for the reasons and rationale we set forth at today's meeting (see, attached presentation). This will allow us to announce the renewal of the five (5) licenses containing the Xaudum Iron Formation (XIF) project allaying the concerns of the board of directors, shareholders, stakeholders and investment community with respect to these license renewals.

Further to our discussion and in conjunction therewith, Gcwihaba will then agree to relinquish that portion of PL020/2018 which is located within the Okavango Delta World Heritage buffer zone upon execution and funding of the Gcwihaba / MDCB investment agreement ("the Agreement") that is currently pending. We would agree to make this a condition within the Agreement documentation and include language to this effect, so that the relinquishment occurs without further action required on our part. Said relinquishment achieves the government's goal of having no licenses in the Okavango Delta World Heritage buffer zone.

Coincident with the relinquishment of the buffer zone area, the Department of Mines (hereinafter "DOM") shall issue a revised PL020/2018 license modified to exclude the area of PL 020/2018 within the buffer zone only, all other terms to remain the same.

In consideration for the buffer zone area relinquishment, DOM will issue a letter to Gcwihaba, inclusive of MDCB's ownership, stating that Gcwihaba shall have the right of first refusal to acquire the area relinquished in the buffer zone if the Government of Botswana (a) decides to take such action to officially modify the buffer zone to exclude the area relinquished (by Gcwihaba); or, (b) otherwise permits any prospecting or mining license in the Okavango Delta World Heritage site.

I trust that the above accurately reflects our discussion. I believe the above rectifies the issues and allows the development of the XIF iron project to proceed without delay.

Respectfully submitted,



James M. Bruchs  
Managing Director  
Attachment – License Renewal / MDCB

Directors: James M. Bruchs<sup>1</sup> (Managing) – Jonathan R. Kelafant<sup>1</sup> – Blackie Marole<sup>2,3</sup> – Dr. Gary A. Bojes<sup>1</sup>  
<sup>1</sup>American, <sup>2</sup>Motswana, <sup>3</sup>Resident

MN  
LBB



TSODILO RESOURCES LIMITED

# Gcwihaba Resources (Pty) Ltd

## License Renewal Issues

### Ngamiland Iron Project

The Game Changer the Country is Looking For

Dec 2021

UPP 18



## Highlights: Xaudum Magnetite Iron Ore Project

- Projects like the Xaudum Iron Formation will be the **key to economic recovery** in a post pandemic world
- Xaudum Iron Project is a Future Tier 1 Mine – **Very Large**
  - Current Resource = 441 Mt (277 Mt) (Exploration Target 5-7 Billion Tonnes)
    - 5 - 7 Billion tonnes places the XIF magnetite deposit in the top ten magnetite deposits by size globally and the second largest in Africa
  - Expected magnetite product = **+67% Fe**
  - Potential mine life of **+30 years** for base case and over 60 years for expansion development - Net Revenue Projection (Per Year USD):
    - **\$480 Million (5.5 Billion Pula) to**
    - **\$2.1 Billion (24 Billion Pula) (similar to current Debswana Revenues)**
  - Botswana coal can be used for further beneficiation to make steel in Botswana
    - Extra layers of beneficiation within Botswana will add value, create further jobs and value chain activities
  - **Project will create Thousands of Jobs for Batswana**
- Generate huge revenues for the population
  - Taxes for the Government
  - To move away from reliance on Diamond revenues
- Exploration Work Undertaken: expended over **\$25 Million USD** on Metals Project

0330

# Gcwihaba Metals Licenses Chronology

1. 2008 - seven PLs (386-392/2008) for Metals (iron) West of Panhandle were granted
2. 2008 to 2014
  - Iron Resource Drilling: 159 holes ~ 30,000m of Drilling
    - Additional Exploration for Cu and REE targets (80,000m)
  - Iron Ore discovery - Defined 441 Mt of Iron Resource (upgradable to + 67% Fe)
    - This was done in good faith and Gcwihaba defined a world class iron ore project (a Jwaneng equivalent project in monetary size)
3. 2013 and 2014 - Prior to World Heritage (WH) designation: Minister Mokaila and PS Paya repeatedly stated:
  - *“the Botswana government would not allow the placement of any arbitrary boundaries against the development of its natural resources for the benefit of its people”*
  - In 2015 and 2016, they repeated this narrative again after WH designation
4. In 2014 after Gcwihaba Published its Iron Resource the Okavango Delta became UNESCO World Heritage Site
  - **Core and Buffer Zones Defined:** No consultation with Gcwihaba on this UNESCO process
  - **Buffer Zone encroached on** Gcwihaba’s Iron Resource
  - **164 Mt** of the 441 Mt suddenly inside the buffer zone (277 Mt outside buffer zone)
    - 164 Mt has a value of **\$6.8 Billion** (78 Billion Pula) at today’s prices
  - No fault of Gcwihaba (Expended over **\$25 Million USD** on exploration)

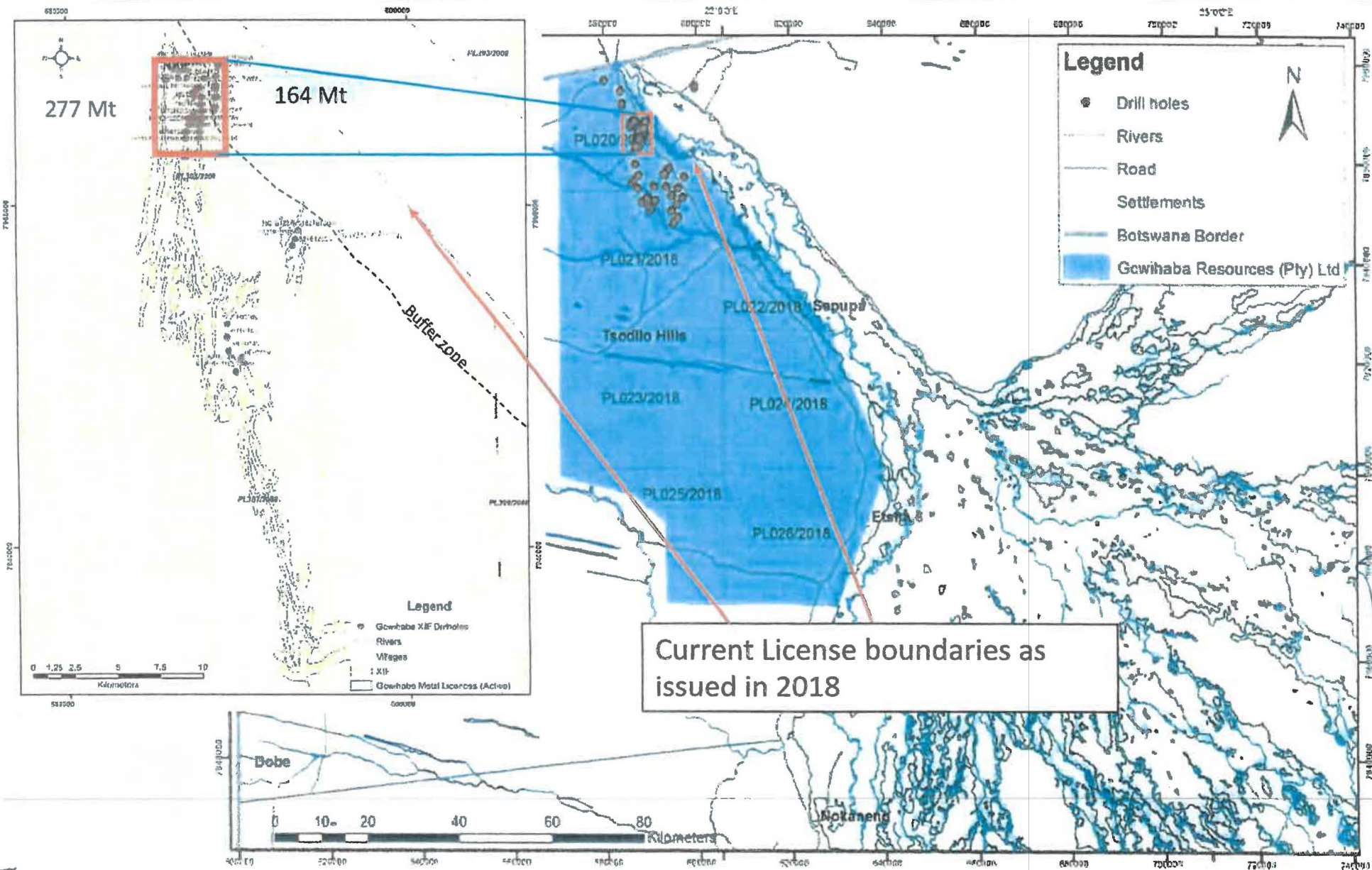
338

## Gcwihaba Metals Licenses Chronology

4. In July 2016 two (2) years after WH designation
  - License areas being discussed (seven) PL386-392/2008 were renewed in their entirety 4 of which had parts **in the buffer zone**
  - 3 other Licenses in the buffer zone West of Panhandle were also renewed
5. In 2014, 2015, 2016, 2017: DOM issued letters confirming **all licenses were in good order**
6. In 2017 a meeting was held between DOM and Gcwihaba to negotiate **licenses within the World Heritage area**
  - Gcwihaba proposed a solution in that **14 licenses (over 9,000 km<sup>2</sup>) were relinquished (dropped) in entirety**
  - However, on the precondition that **7 licenses (4,920 km<sup>2</sup>) were kept entirely as new licenses** (licenses being discussed here PLs 386-392/2008)
    - Reasons given in 2017 for keeping these licenses was that we had defined an iron resource
7. October 2018 these same 7 licenses were issued as initial license grants as PL020-026/2018 (4,920 km<sup>2</sup>)
  - Issued for 3 years as initial license grants

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# PLs 020-026/2018: Initial Grant for 3 years 1<sup>st</sup> October 2018



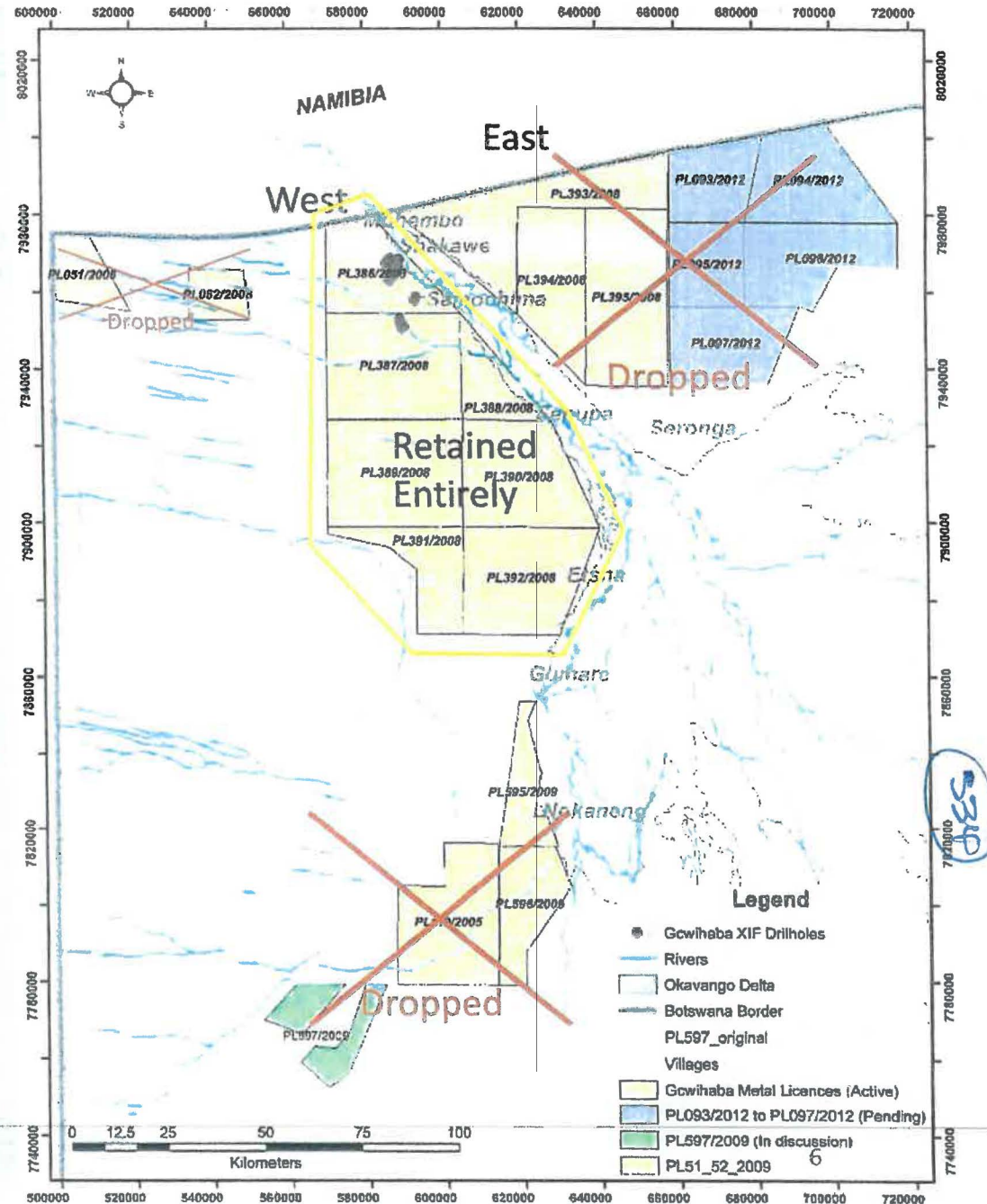
# License History Summary

**2017** Negotiated on licenses within World Heritage area with DOM

- **Solution that 14 licenses (+9,000 km<sup>2</sup>) were relinquished (Dropped) in entirety**
- **Precondition**
  - **7 (4,920 km<sup>2</sup>) were kept entirely as new licenses**
  - **Reasoning was that Gcwihaba had defined iron resources**

**October 2018** issued as initial license grants PL020-026/2018 (4,920 km<sup>2</sup>)

- **Issued for 3 years as initial license grants**



## Gcwihaba Metals Licenses Chronology

### 8. In June 2021

- Gcwihaba made application to **renew 5** of these PLs 020-024/2018
- Gcwihaba relinquished 50% of the land (2,496 km<sup>2</sup>) as per Mines and Minerals Act (including two whole licenses)

### 9. In October 2021

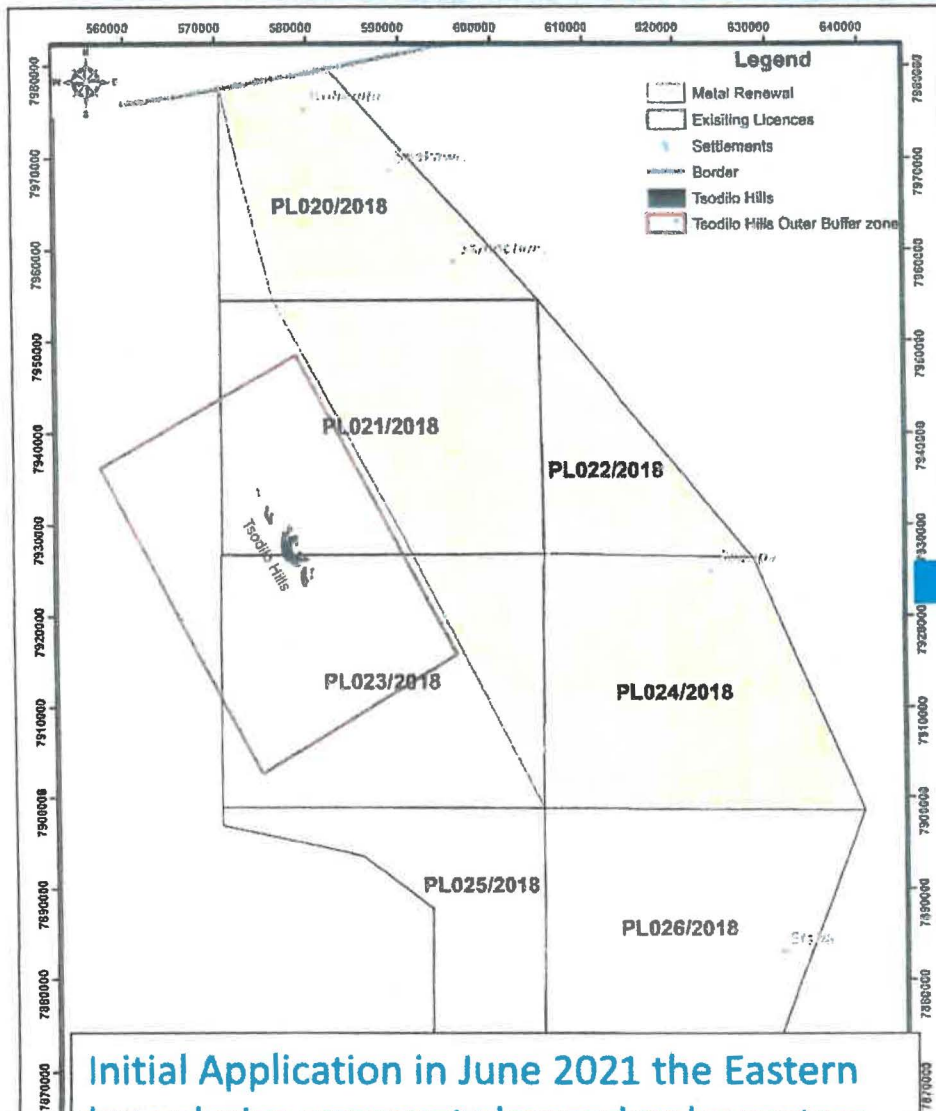
- After lengthy discussions with DOM staff **96%** (211.2 km<sup>2</sup>) of the area within the WH buffer zone were relinquished and the revised renewal was submitted
- Gcwihaba only asked to keep a small fraction **6%** (14.9 km<sup>2</sup>) of **one** license **PL020/2018** within a very small part (**0.03% 14.9 km<sup>2</sup> of 43,126 km<sup>2</sup> of the entire WH area**)
  - DOM staff accepted this revision as a good compromise to allow Gcwihaba to keep its defined resource while relinquishing as much buffer zone areas as possible

### 10. On the 1<sup>st</sup> November 2021 – Only 4 of the licenses PL021-024/2018 were signed by Ministry

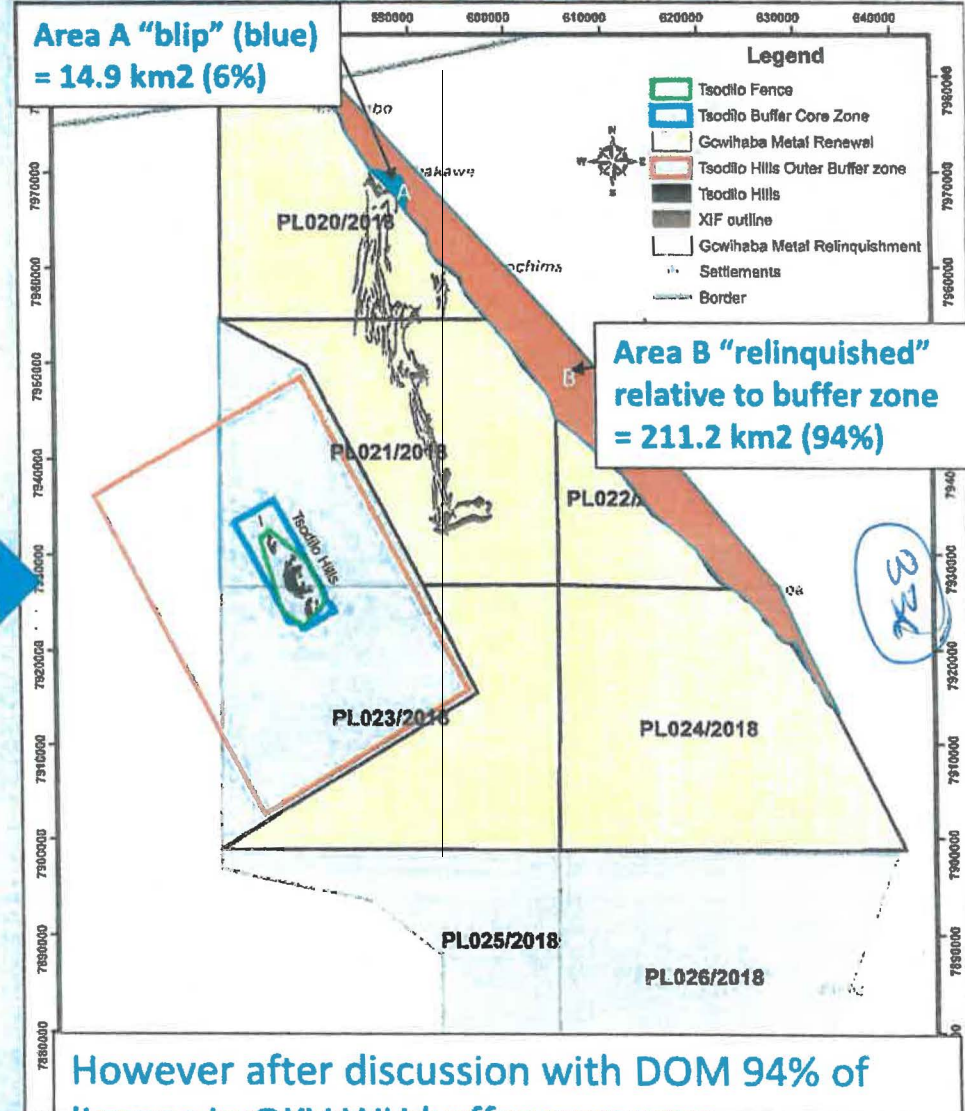
- Communicated to Gcwihaba that there was still an issue with PL020-2018 to be discussed

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# Renewal Application June 2021 and Revised October 2021

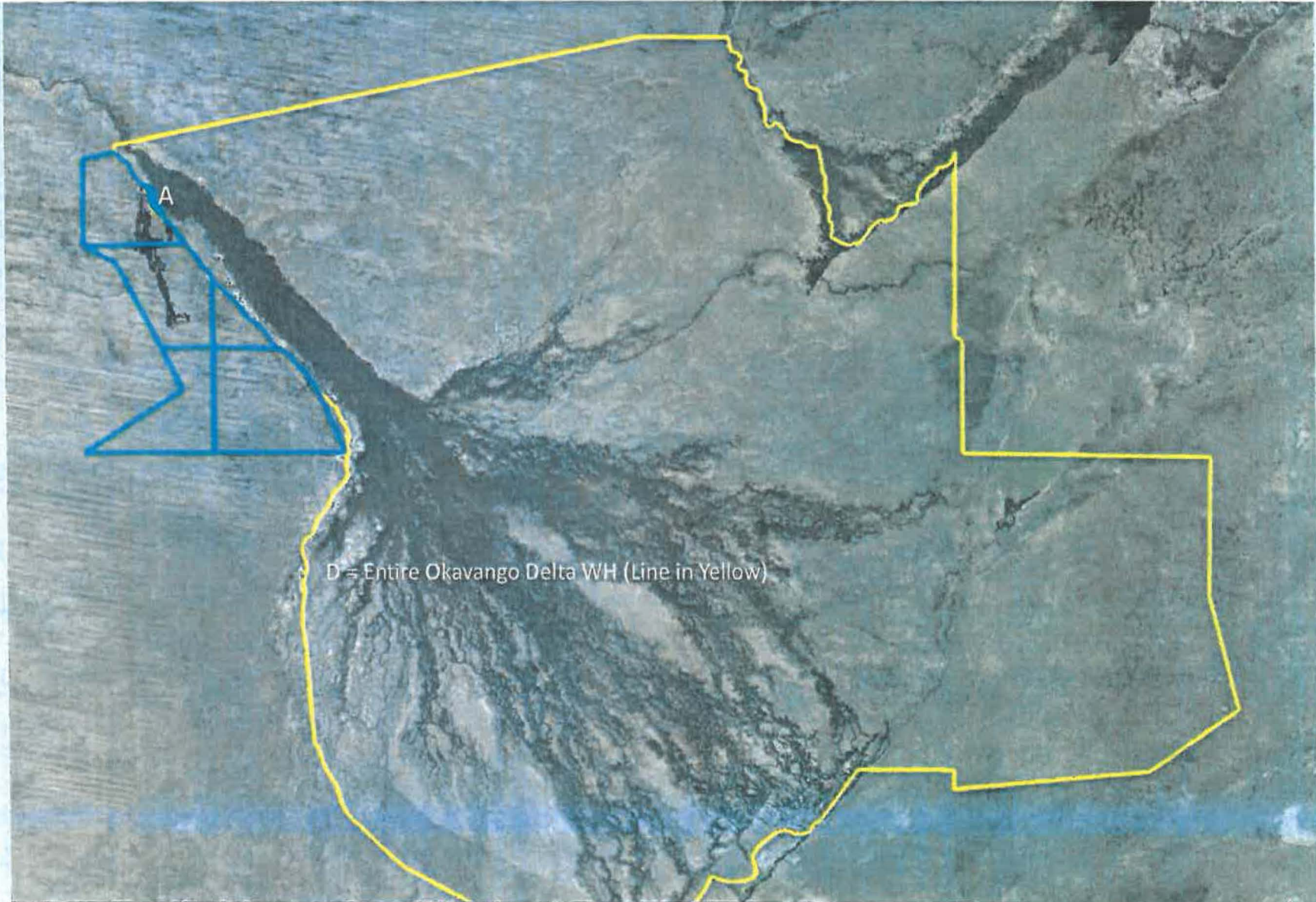


Initial Application in June 2021 the Eastern boundaries were not changed only western side



However after discussion with DOM 94% of license in OKV WH buffer zone was relinquished in October 2021





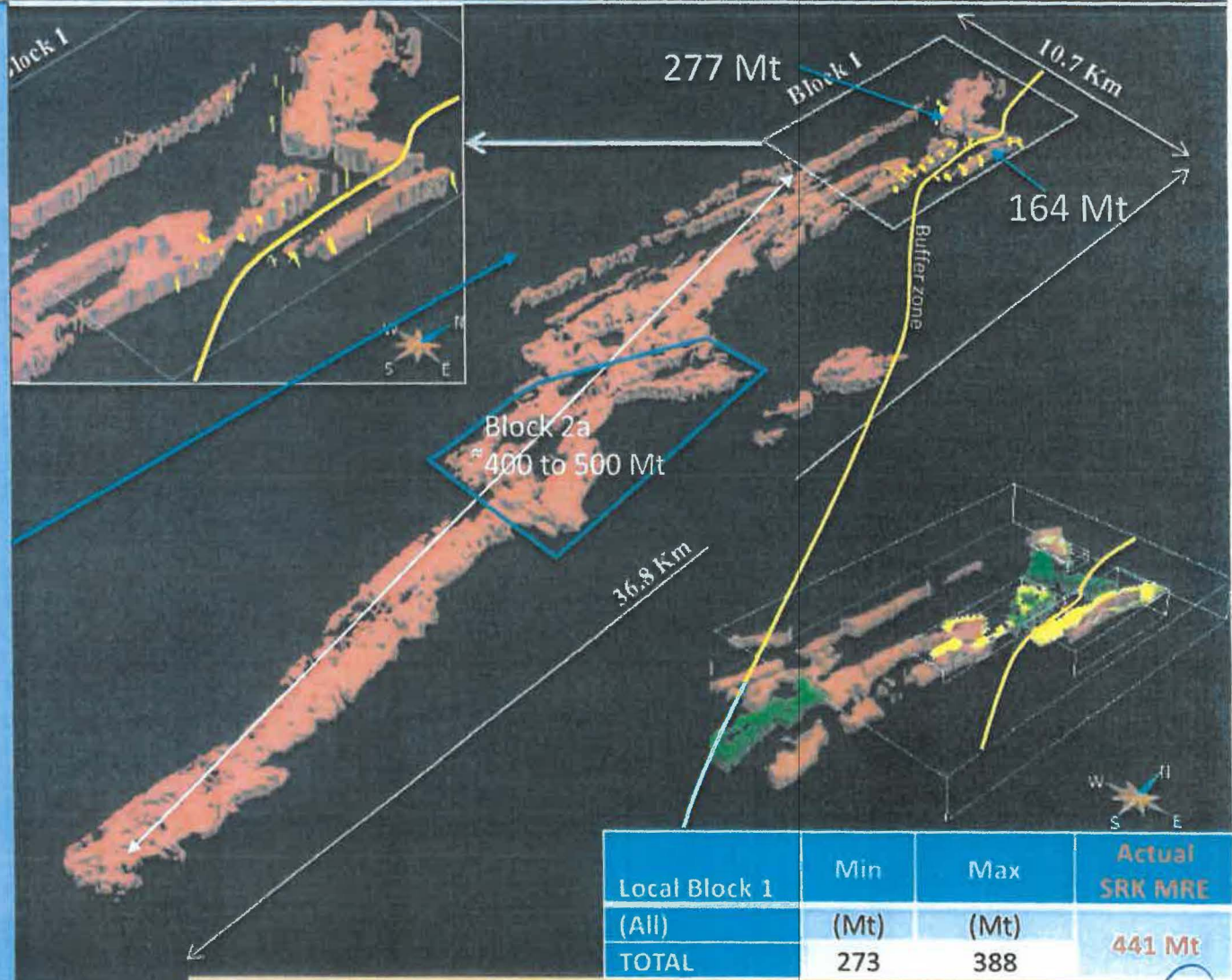
334

- A in blue = Area of in buffer zone = 14.9 km<sup>2</sup>
- Entire Area of all Okavango Delta (buffer zone area in yellow) = 43,126 km<sup>2</sup>
- **A = 0.03% of the Entire area of the Okavango Delta**

696  
500  
102

# The Iron Project is Very Large

- Rest of deposit still exceptionally large and high value
- Very large Exploration Target
- = 5 - 7 Billion Tonnes
- Note that 164 Mt is within error of the Exploration Target
- At today's price has a value of:
  - 210 Billion USD to 300 Billion USD
  - 2,400 Billion Pula to 3,400 Billion Pula
- 5 - 7 Billion tonnes places the XIF magnetite deposit in the top ten magnetite deposits by size globally, and the second largest in Africa



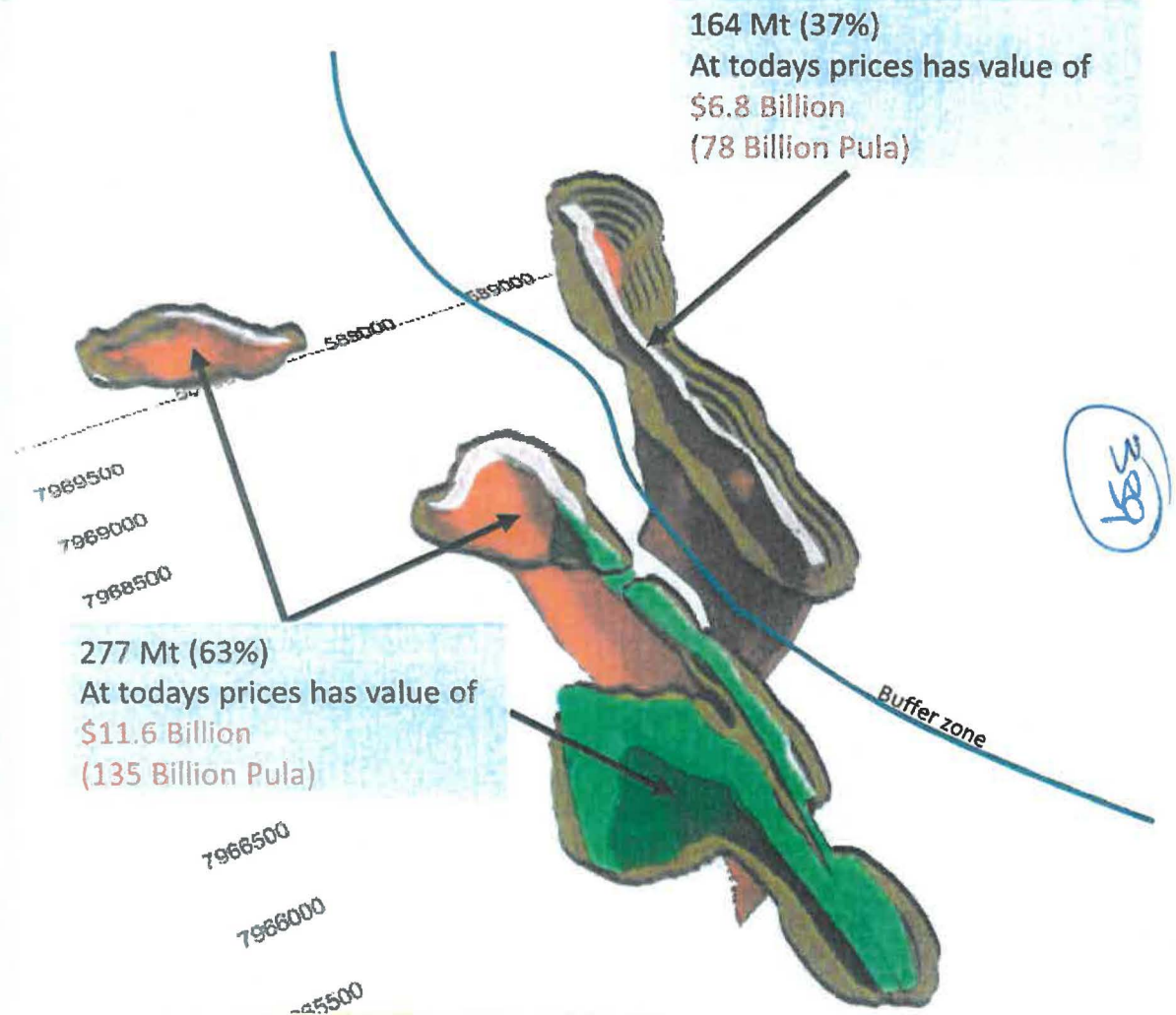
Red area = Ground magnetic inversion model  
Current drill holes in yellow.

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375  
374

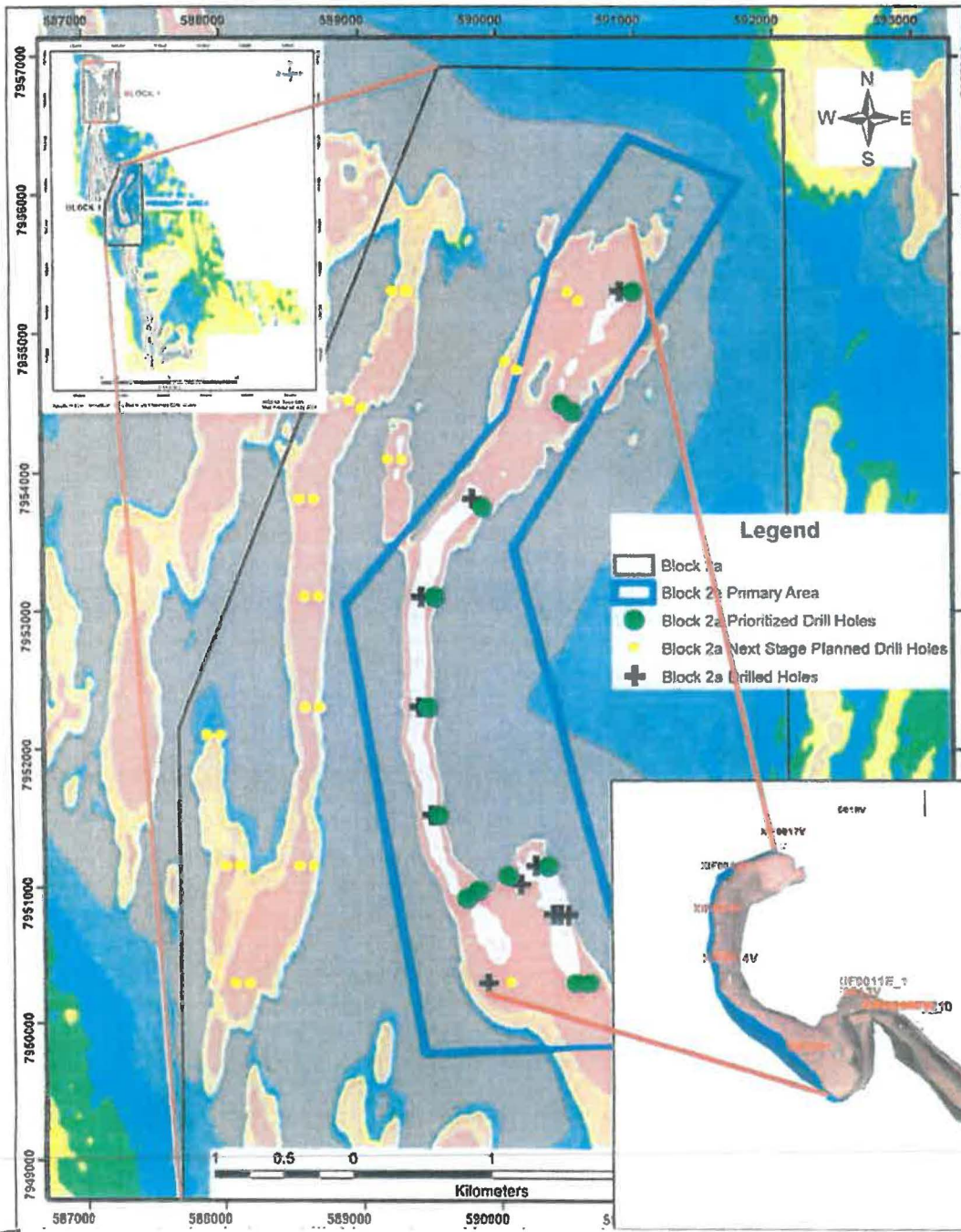
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## The Effect Reducing Block 1 by 164 Mt

- The project has always had an **excess of tonnage** (441 Mt) for its base case economic assessments
- So **277 Mt is still an excess of the required tonnage** to make the MDCB and Gcwihaba base case mining options economic
  - **Reduction Zero effect of the Techno-Economic modelling calculation and resultant and NPV's and IRR's**
- Remaining 277 Mt (Block 1 only) will still give a mine life of over 30 years at 9 Mtpa for the two base case business scenarios combined
  - 1.8 Mtpa for the FeSi "blue sky" business case
  - 7.2 Mtpa for the "base case" concentrate sales
- Gcwihaba has consulted with the MDCB adviser within the last week with respect to the reduction of the tonnage and it was confirmed that it will have zero effect on the business case for investment

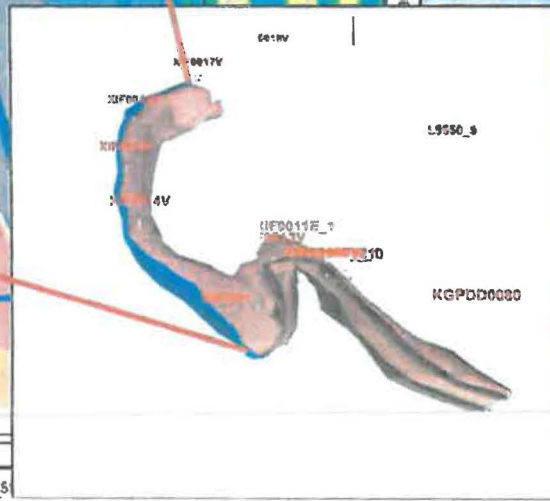


Note: NPV and IRR calculation are not impacted by life of mines (LOM) beyond 20-25 years



## Expanding Resource in Areas Further from WH Zones

- 400-500+ Mt of extra resource expected from Block 2a
- 50% already drilled and modelled
- 10 to 13 more holes to be drilled for inferred resource
- Assay results confirm that Block 2a is a continuation of the same Block 1 magnetite rich units
- 67% Fe concentrate can be expected from Block 2a - based on metallurgy



- Block 2a will represent a significant increase in the resource tonnages as it is of a similar size to Block 1
- The rest of Block 2 and beyond will only add more tonnage up to 2-3 billion tonnes plus for expansion scenarios

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## Net Revenue Comparison – Perspective of Size

	Million Tonnes Per Annum	Life of Mine	Net Revenue Per Year (USD)	Net Revenue Life of Mine (USD)
Tsodilo Iron Ore Mine Stage 1: FeSi Production	1.8	+30	\$480 Million USD	\$28.3 Billion USD
Tsodilo Iron Ore Mine Stage 2: Base Case	7.2	+30	\$200 Million USD	\$11.8 Billion USD
Tsodilo Iron Ore Mine Stage 3: Upsize	63	+70	\$2.1 Billion USD	\$153.3 Billion USD
Khoemacau Copper Mine	5.8	22	\$41 Million USD	\$900 Million USD
Lucara Karowe Diamond Mine	3.0	14	\$222 Million USD	\$4.9 Billion USD
Debswana (All In)	-	-	\$3 – 3.5 Billion USD	-

\*Tsodilo Iron Ore Mine Figures based on Independent Techno Economic Modelling

*Note: The Techno-Economic Study that these scenarios are based was conducted by a Independent Consultant in April 2020 – Long term Iron ore (62% Fe) price used was 75.00 USD / tonne / Global prices are currently over 100 USD/tonne*



## Proposal to Drop All Buffer Zone

If after consideration, Honorable Minister was disposed to proffer the following proposal, we would be inclined to accept it as it resolves buffer zone issues and completes the MDCB investment:

### Steps

1. PL 020/2018 is renewed as it was submitted in October 2021 inclusive the portion in the buffer zone.
2. Gcwihaba agrees to include language in the MDCB / Gcwihaba investment documents which requires Gcwihaba to relinquish the area in the buffer zone upon completion of the MDCB investment:
  - a) At such time, DOM shall issue a revised PL020/2018 license modified to exclude the area in the buffer zone.
3. At the same time, DOM shall issue a letter to Gcwihaba stating that Gcwihaba shall have the right of first refusal to acquire the area relinquished in the buffer zone if the Government:
  - a) decides to modify the buffer zone to exclude the area relinquished (by Gcwihaba); or,
  - b) otherwise permits any prospecting or mining license in the Okavango Delta World Heritage site.

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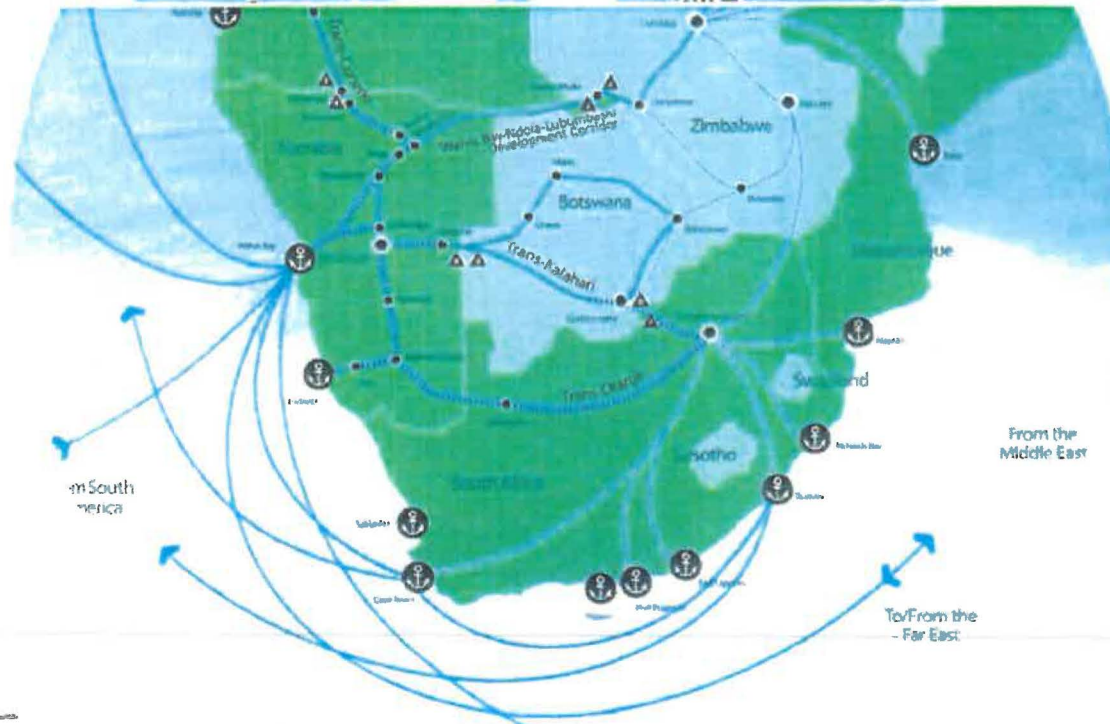
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# Iron Project Conclusions - Major Mining Project

- Potential Massive project
- Potential mine life of over 60 years
- Development of Ngamiland (NW Botswana) one of Botswana poorest regions
- Potential for employment of thousands of Botswana
- Could generate huge revenues for the population and taxes for the Government to move away from reliance on Diamond revenue



# Tsodilo Joins Walvis Bay Corridor Group



- Gcwihaba joined the Walvis Bay Corridor Group (WBCG)
- Corridor between Grootfontein (Namibia) to Katima Mulilo
  - Passes through Divindu (Namibia) 22 miles (36 km) from the XIF project
- Namibian Ministry of Works and Transport commissioned a Feasibility Study for the railway Extension Grootfontein - Rundu - Katima Mulilo (March 2021).
- Feasibility study for this rail line is expected to be completed by the end of 2021 and its results will be considered in the PEA
- The project is also located within forty-three (43) miles of the proposed Muouso line to Angola's Namibe Port

*Handwritten initials: SPS*

*Handwritten notes: MN, 1876*



"RA18a" (345)

Baker Geological Services Ltd

# Project Loapi Geology and Resources

Report Prepared by:  
Baker Geological Services Ltd

April 2022

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## Project Loapi. March 2022.

### 1 INTRODUCTION

#### 1.1 Background

Baker Geological Services Ltd ("BGS") has been requested by Geothax Consulting, hereinafter also referred to as "Geothax" or the "Client" to provide technical assistance to the company in respect of the Mineral Resources relating to Project Loapi located in Botswana.

Project Loapi relates to the Xaudum Iron Ore Project ("XIOP") in Botswana. Geothax will be undertaking a technical study on the project on behalf of The Minerals Development Company of Botswana (Pty) Ltd ("MDCB").

Mr. Howard Baker of BGS has previously visited the XIOP and acted as Qualified Person for the Mineral Resource Estimate of Block 1 of the XIOP reported by SRK Consulting (UK) Ltd in 2014 ("the SRK model").

This Technical Report has been prepared to demonstrate the impact on the existing SRK model after depletion of material that falls within the buffer zone adjacent to the UNESCO Okavango Delta World Heritage Property. BGS has depleted the SRK model and provided the model to Geothax and its associate consultants so that open pit optimisation studies can be completed, along with further techno-economic studies.

BGS notes that as part of this update, the SRK model has not been updated in terms of the geological interpretation and Mineral Resource Estimation process. BGS has only removed sections of the model that fall within the buffer zone and re-reported the tonnage and grade contained within an updated optimised pit shell.

BGS has also undertaken a review of drilling results within Block 2a, that were not available at the time of the SRK model generation. These drilling results, along with extensive geophysical ground magnetic data have been reviewed to assess the exploration potential beyond the limits of the depleted SRK model.

**All work undertaken is for internal purposes only and the grades and tonnages presented do not represent an updated Mineral Resource Statement as defined by International Reporting Codes for Mineral Resources.**

#### 1.2 Verification, Validation and Reliance

This Technical Report is dependent upon technical input from the Geothax and its associate consultants. Notably, BGS has relied upon Fraser McGill (Mining and Minerals Advisory) to complete an open pit optimisation on the depleted SRK model provided to them by BGS.

BGS is also reliant upon the validity of exploration results provide to them in regard to data beyond the limits of the SRK model. BGS has not validated this data.

##### 1.2.1 Reliance on Information

BGSs opinions given in this document are effective as of March 2022.

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### 1.2.2 Declarations

BGS will receive a fee for the completion of the Technical Report in accordance with normal professional consulting practice.

### 1.3 Qualifications of Consultants

Mr Howard Baker (FAusIMM(CP) #224239) of BGS is a geologist with over 25 years' industry experience and is the Managing Director of BGS. Mr Baker has extensive experience in the evaluation of iron projects globally and is a recognised Competent or Qualified Person as defined by Internationally Recognised Reporting Codes for Mineral Resources and Mineral Reserves for iron ore projects. Of note, Mr Baker has managed and has signed off the Resource Statements of the following iron projects:

- LKAB PERC 2021 and 2022 Competent Person for Mineral Resources.
- Kaunis Iron, Sahavaara Iron Ore (CP Sign Off)
- Alien Metals, Hancock Iron Ore Project, Australia (CP Sign Off)
- Beowulf Mining, Kallak Iron Ore, Sweden (CP Sign Off)
- Rana Gruber AS, Rana Gruber Iron Ore, Norway (QP Sign Off)
- Sydvaranger AS, Sydvaranger Iron Ore, Norway (QP Sign Off)
- Northland Resource AB, Pellivuoma, Tapuli and Sahavaara Iron Ore, Sweden (QP sign off)
- Northland Mines OY, Hannukainen Iron Ore Copper Gold, Finland (QP sign off)
- Cadence Minerals, Amapá Iron Ore, Brazil (QP Sign Off)
- ArcelorMittal, Gangra, Yuelliton, Tokadeh, Liberia (QP Sign Off)
- HPX, Nimba Iron Ore, Guinea (CP Sign Off)
- Sula Iron and Gold plc, Ferensola Iron Ore, Sierra Leone (CP Sign Off)
- Tsodilo Resources, Xaudum Iron Ore, Botswana (QP sign Off)
- African Minerals Limited, Tonkolili Iron Ore, Sierra Leone (CP sign off)
- IMIC, Nkout Iron Ore, Cameroon (QP sign off)
- IMIC, Ntem Iron Ore, Cameroon (QP sign off)
- Cardero Resources Corp., Sheini Hills Iron Ore, Ghana (QP sign off)
- Red Rock Resources PLC, Melville Bugt Iron Ore, Greenland (CP sign off)
- Afferro Mining Inc / Severstal, Putu Iron Ore, Liberia (QP Sign Off)
- Labec Century Iron Ore Inc., Hayot Lake, Canada (QP Sign Off)
- Rio Tinto, Simandou Iron Ore, Guinea – working within Rio Tinto Team

The listed projects include full mineral resource estimation and reporting, encompassing all aspects of a mineral resource estimate.

In addition to the projects listed above, Mr Baker worked as a specialist resource geologist for Pilbara Iron (Rio Tinto Expansions Projects) and as a Mine Geologist for BHP Billiton at the Western Australian Yarrarie operation.

### 1.4 Report Authors

This report has been prepared by Mr Howard Baker of BGS.

The Report is intended to be read as a whole, and sections should not be read or relied upon out of context.

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## 2 RELIANCE ON OTHER EXPERTS

BGS has relied upon Fraser McGill (Mining and Minerals Advisory) for the completion of the open pit optimisation used to update the tonnage and grade reported herein. BGS has also relied upon Dr Alistair Jeffcoate for new exploration data pertaining to areas beyond the SRK model limits. Dr Jeffcoate was previously employed by Tsodilo Resources and was the Chief Geologist and Project Manager for the XIOP.

For a detailed description of the work undertaken as part of the 2014 SRK study, refer to "U5835 Xaudum MRE NI43-101\_Final". This was authored by SRK with Mr Baker and Dr Jeffcoate being the key contributors.

Certain aspects from the 2014 SRK study are given below.

## 3 DEPOSIT TYPE

The XIOP has been identified as a Rapitan style BIF of Neoproterozoic age. Neoproterozoic BIF formations have been proposed to have formed during or in the immediate aftermath of the so called Neoproterozoic "Snowball Earth" state at that time (considered to be around 0.5-0.8 Ga in age). Other examples of Neoproterozoic BIF include the Rapitan Group in northwest Canada; the Yudnamutara Subgroup, Braemar Iron Formation, Australia; the Chuos Formation, Namibia; and the Jacadigo Group, Brazil, Urucum district.

## 4 MINERALISATION

### 4.1 Mineralisation

The mineralisation is hosted within the Xaudum Iron Formation ("XIF") occurring within the 'Grand Conglomerate' equivalent diamictite horizon. This is referred to as a diamictite schist (geodomain DIA). These diamictites, which are interpreted as the Grand Conglomerate equivalents, are a glacial origin marker horizon within the Neoproterozoic strata of the region.

Drilling has confirmed that the XIF is comprised of two major and one minor mineralised fresh material type (geodomains), along with two weathered material types:

- A. Magnetite banded (banded iron formation ("BIF")) material (Figure 4-1). This material is coded as MBA (for magnetite banded) when fresh. MBA is generally well banded with dark (magnetite rich) bands and light (quartz and silicate rich) bands. It is suggested that the MBA geodomain generally formed from a cherty-shaley BIF which was subsequently regionally metamorphosed and recrystallized to amphibolite facies.
- B. Weathered magnetite banded material, coded MBW, represents near surface partially weathered MBA material (Figure 4-2). Clay development is limited, and the material is not observed to be "sticky" with clays.
- C. Magnetite schist, also termed magnetite diamictite schist (Figure 4-3), coded DIM (for diamictite magnetic). DIM has a very similar appearance to the un-mineralised diamictite (coded DIA), however, the DIA is non-magnetic (Figure 4-4). DIM is generally a well-foliated schist with a high percentage of magnetite. There is no obvious segregation of magnetite as seen in MBA, so whilst it does not have a classic BIF form, it is still an iron formation material. The genetic origin is suggested as a ferruginous, silty to sandy shale

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or semi-pelitic sediment with varying contents of Ca and Mg, which has been metamorphosed to amphibolite facies. The leucocratic felsic clasts are believed to represent pebbles, indicating a glacial origin and so have been termed diamictites.

- D. Weathered magnetite schist, coded DMW, represents near surface partially weathered DIM material. The magnetite is variably oxidised to haematite (martite) and goethite but not fully decomposed. As with MBW, clay development is limited.
- E. Minor unit – magnetite garnet schist, coded MGS. Magnetite and Garnet are the dominant minerals; however, abundance is quite variable. MGS can have a sub-banded to sub-foliated nature and can appear similar to MBA when magnetite is dominant. The genetic origin is suggested as an iron-rich calcareous ( $\pm$ Mg) shaly semi-pelagic sediment, which has been metamorphosed to amphibolite facies.



Figure 4-1: Banded magnetite - geodomain MBA (Source: SRK site visit, 2014).

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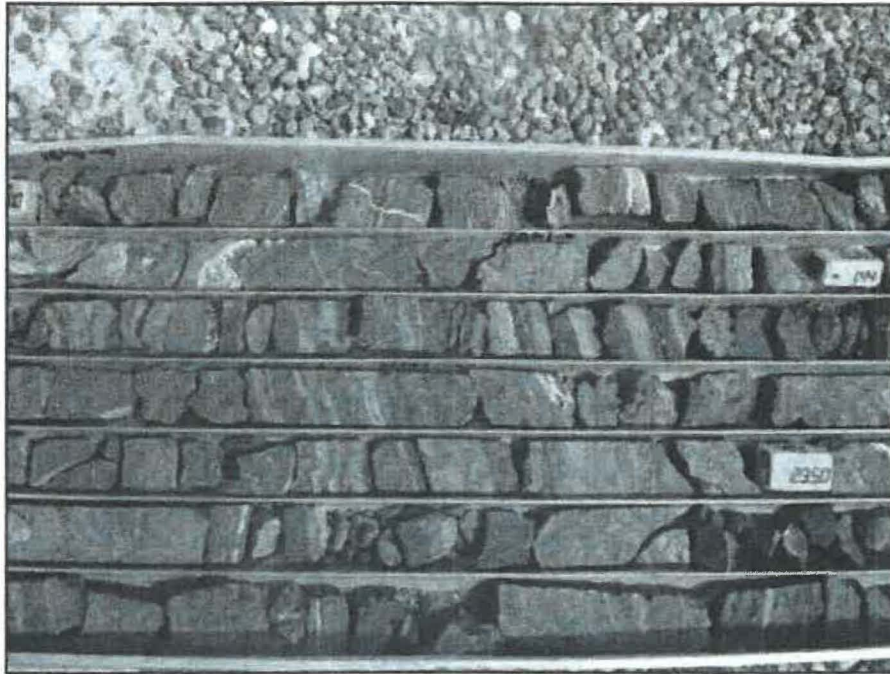


Figure 4-2: Weathered Banded magnetite - geodomain MBW (Source: SRK site visit, 2014).



Figure 4-3: Diamictite Magnetite Schist - geodomain DIM (Source: SRK site visit, 2014).

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Figure 4-4: Diamictite Schist - geodomain DIA (Source: SRK site visit, 2014).

Geodomains MBA, DIM, and MGS are magnetic, although MBA is significantly magnetic and can be considered a high grade magnetite domain. DIM appears to have a widespread distribution in certain areas but is rare and not seen in other areas where MBA is more dominant. DIM can also be interlayered with both MBA and MGS. In the south of the currently explored areas, DIM dominates over MBA. DIM is therefore considered a significant exploration target with it being widespread through the XIF, albeit a lower grade when compared to the MBA.

All XIF geodomains are believed to represent metamorphosed chemical sediments that have been highly deformed, resulting in strong and well developed banding in the MBA and a foliation within the DIM and MGS. The magnetite mineralisation is more disseminated within the DIM and MGS in comparison to the banded nature of MBA.

In some locations, the MBA and MGS appear to alternate within larger zones of DIM. This interlayering is suggested to represent original sedimentary layering within the mineralisation zone. This variation is possibly due to local facies changes within the depositional basin. Deformation, folding and potential thrusting have contributed to the variable nature and distribution of the mineralisation.

#### 4.2 Structural Geology

A report on the structural geology of the Project was undertaken by Colorado School of Mines (Nelson, 2012). The results of the study are described below.

Structural logging of cores was undertaken in the northern portion of the licence area. This consisted of observation and description of various core-scale structures as well as construction of dip logs in vertical drillholes. This analysis indicates that the structure of the prospect area is very complex and likely developed by both early extensional tectonism during basin formation,

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as well as during subsequent poly-phase syn-metamorphic deformation likely formed during crustal shortening tectonism. During the crustal shortening tectonism, two principal deformation events (D1 and D2) are recorded in the structures, and likely formed during a progressive deformation event rather than during two deformation events separated by a large time interval.

Based on 2011 logging (Hitzman, 2011) and the structural logging of 2012 (Nelson, 2012), a series of maps were produced to show the distribution of three structural features in core: high versus low dip domains, folded domains, and stratigraphically overturned domains. These maps show that high-dip domains, folded domains, and overturned sections all are concentrated along the eastern magnetic anomaly just west of the proposed palaeo-normal fault. This is consistent with strong deformation having developed in the hanging wall of this normal fault when it was inverted (reactivated) as a reverse fault. In this model, the footwall acted as a buttress against which strong folding occurred and resulting in a steeply dipping iron formation section (Figure 4-5).

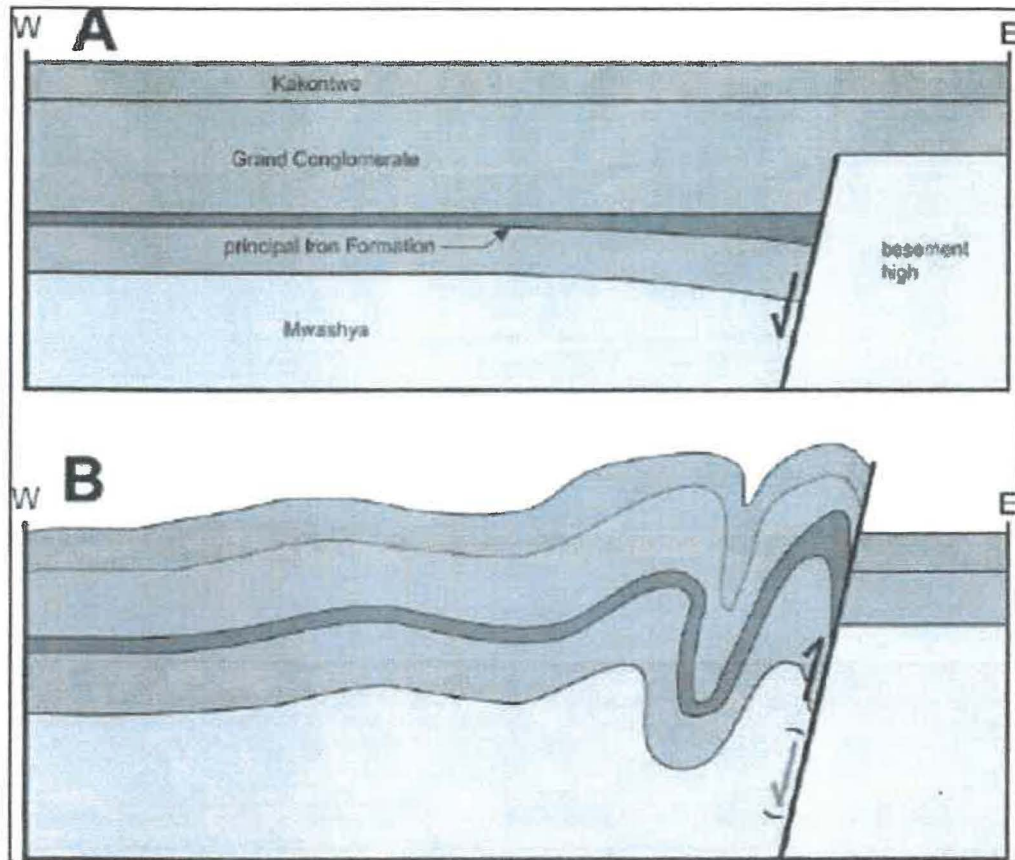


Figure 4-5: Schematic cross-section of northern XIF geological structure\* (Source: Nelson, 2012)

\*Note: Cross sections showing schematic structural model before (A) and after (B) Lufilian crustal shortening deformation (Neoproterozoic). Stratigraphic thickness are only schematic and not to scale. Note that reverse faults associated with folding are not shown. Approximate line of section passes through drillhole 1821B112v.

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## 5 EXPLORATION

### 5.1 Ground Magnetic Geophysical Survey

An in-house ground magnetic survey was undertaken, beginning in 2008 and surveying at 100m gridline spacing north-south in the lower dogleg prospect (separate to the XIF). These survey parameters were changed in 2010 to 50m gridline spacing, at approximately 5m station spacing in an east-west direction to cut across the strike of the anomaly when the survey shifted to the north XIF. Three Cesium Vapor magnetometers were used as a roving unit to collect data along survey lines, whilst a stationary Proton Precession magnetometer was used as a base to correct for diurnal changes. Interpretation of the iron formation was completed in-house and Figure 5-1 shows the transformed to the pole image of the Total Magnetic Intensity ("TMI") data.

These ground magnetic results were inversion modelled (2nd vertical derivative intensity signal), creating 3D surfaces of potential magnetic susceptibility.

These surfaces, shown in Figure 5-2, were used on cross section for drillhole planning purposes and interpretation validation.

**From north to south, the interpreted XIF covers a strike length of approximately 37km made up of multiple sub-parallel units.**

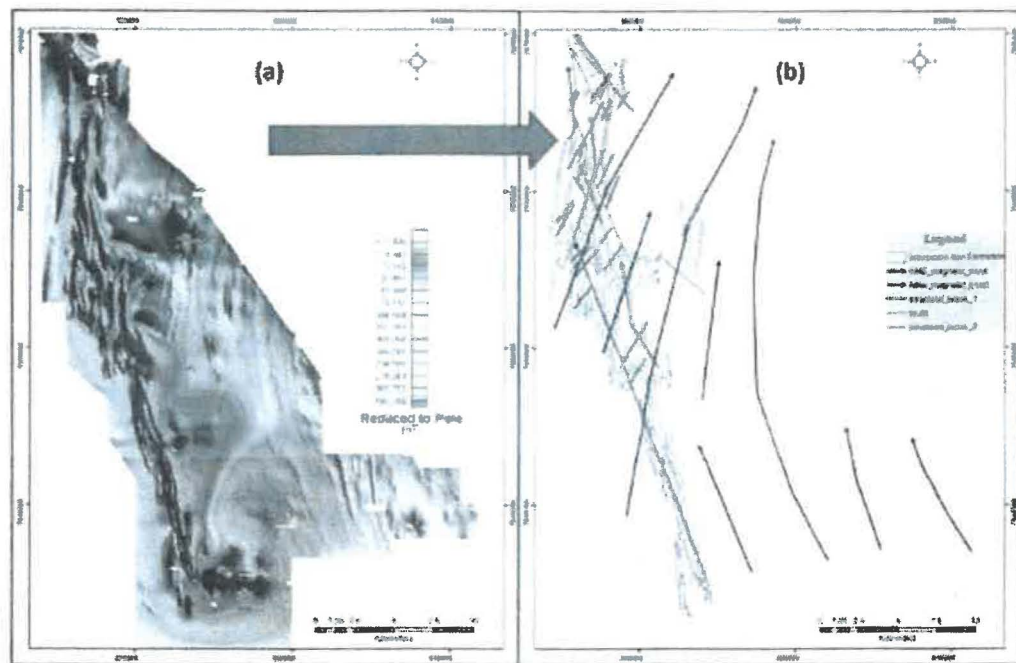


Figure 5-1: (a) Reduced to Pole data and (b) interpreted iron formation outline, with interpreted magnetic trends (Source: Tsodilo, 2008)

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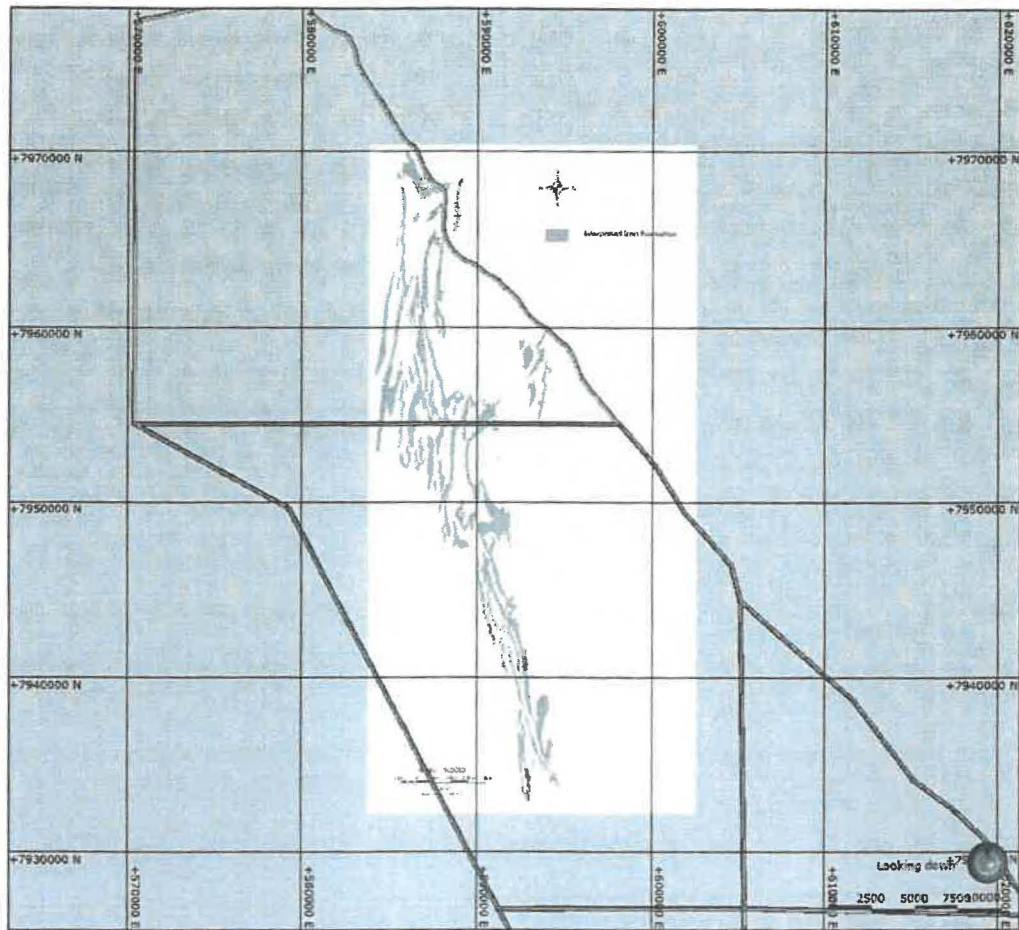


Figure 5-2: Ground magnetics inversion-modelled interpreted XIF outline within PL020 (top) and PL021 (bottom) (Source: BGS, 2022)

### 5.2 Drilling Summary

Drilling commenced in 2008 with data up until 2014 being included in the SRK model.

No drilling for iron was conducted prior to 2008. Prior to 2008 the companies drilling were focused on diamond exploration through the Tsodilo subsidiary Newdico.

A total of 157 drillholes totalling 31,149 m was completed by Tsodilo / Gcwihaba within the Block 1 area. These holes were used by to create the geological model and SRK to produce the Mineral Resource Estimate.

For the SRK model, a total of 9,221 assays were analysed in the Block 1 area, which amounted to 13,824m of samples. Core recovery was generally found to be good to very good throughout all material types.

Three separate magnetite-banded (MBA) zones (along with associated weathered MBW), three separate magnetic diamictite (DIM) zones (along with associated weathered DMW), seven MBA pods, one DIM pod, three magnetite schist (MGS) pods, eight garnet schist (GST) pods, one diamictite (DIA) pod, along with other waste lithology units were delineated from the drilling.

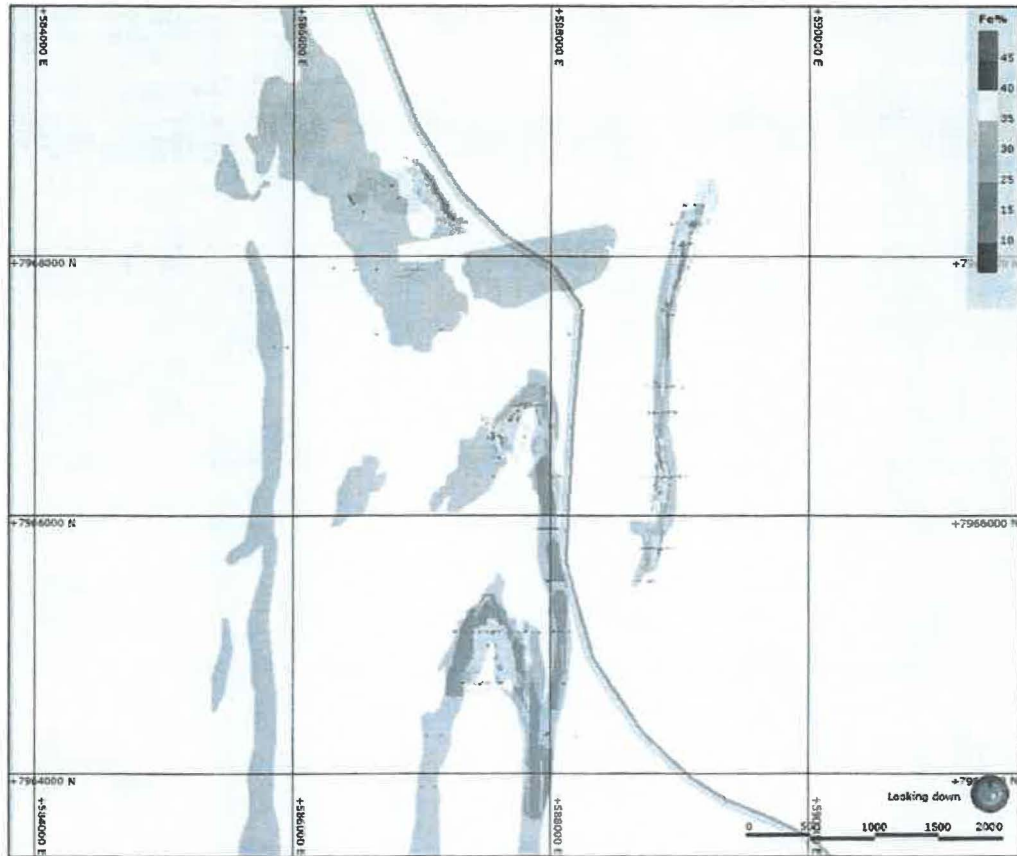
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### 5.3 Drilling / Geophysics Correlation

The primary tool for all drillhole planning was the ground magnetic data and interpreted XIF model, shown in Figure 5-2.

The correlation between the ground magnetics and the final modelled domains is very strong, as shown in Figure 5-3 which shows the SRK model, coloured by Fe grade overlying the interpreted XIF.



**Figure 5-3: Correlation between the interpreted and SRK model. Buffer Zone shown as green line. (Source: BGS, 2022)**

Further drill data was gathered after the completion of the SRK model. This drilling tested further ground magnetic targets to the south of Block 1. Figure 5-4 shows the full XIF interpretation including the SRK model to the north with the black inset showing the location of drill data not included within the SRK model. This is shown in more detail against the interpreted XIF in Figure 5-5. The drill collars coloured black, were not available at the time of the SRK model generation. This area is known as block 2a.

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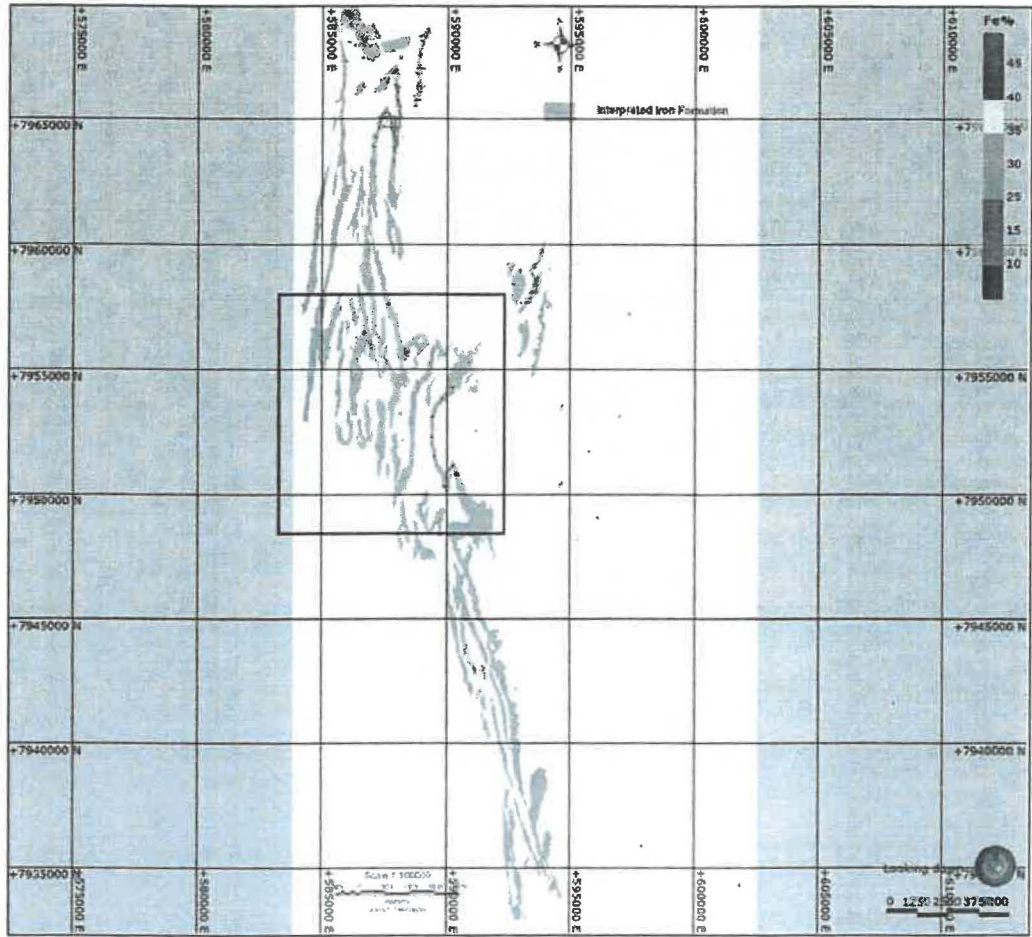


Figure 5-4: Post SRK model drilling (Source: BGS, 2022)

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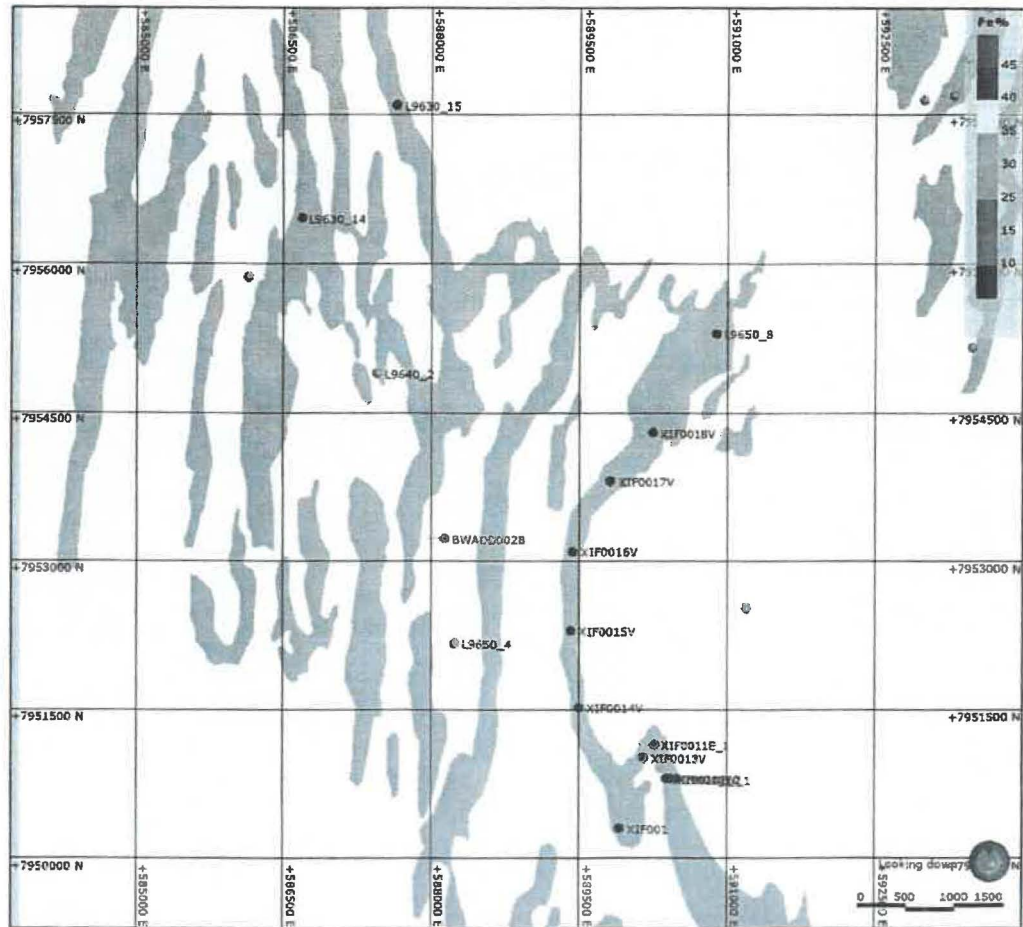


Figure 5-5: Close up of post SRK model drilling (Source: BGS, 2022)

The drilling in Block 2a focussed on an elongate "C" shape magnetic anomaly with ten drillholes completed and collared within the interpreted XIF. Nine of the drillholes encountered iron mineralisation, shown in Figure 5-6, further substantiating the merits of the ground magnetic data as a drill planning tool.

Other drillholes completed to the northwest of this target were not collared within the XIF with less success in intersecting iron mineralisation. Drillhole L9630\_15 did however intersect mineralisation and was collared within the interpreted XIF. These are shown in Figure 5-7

It is clear that the interpreted XIF, based on the ground magnetic data provides a very robust method of drillhole planning with a high degree of success achieved when drilling is collared within the interpreted unit. This suggests significant exploration upside potential given the scale of the interpreted XIF, covering a strike length of approximately 37km and a maximum width of approximately 7km (buffer zone excluded), made up of multiple separate XIF units.

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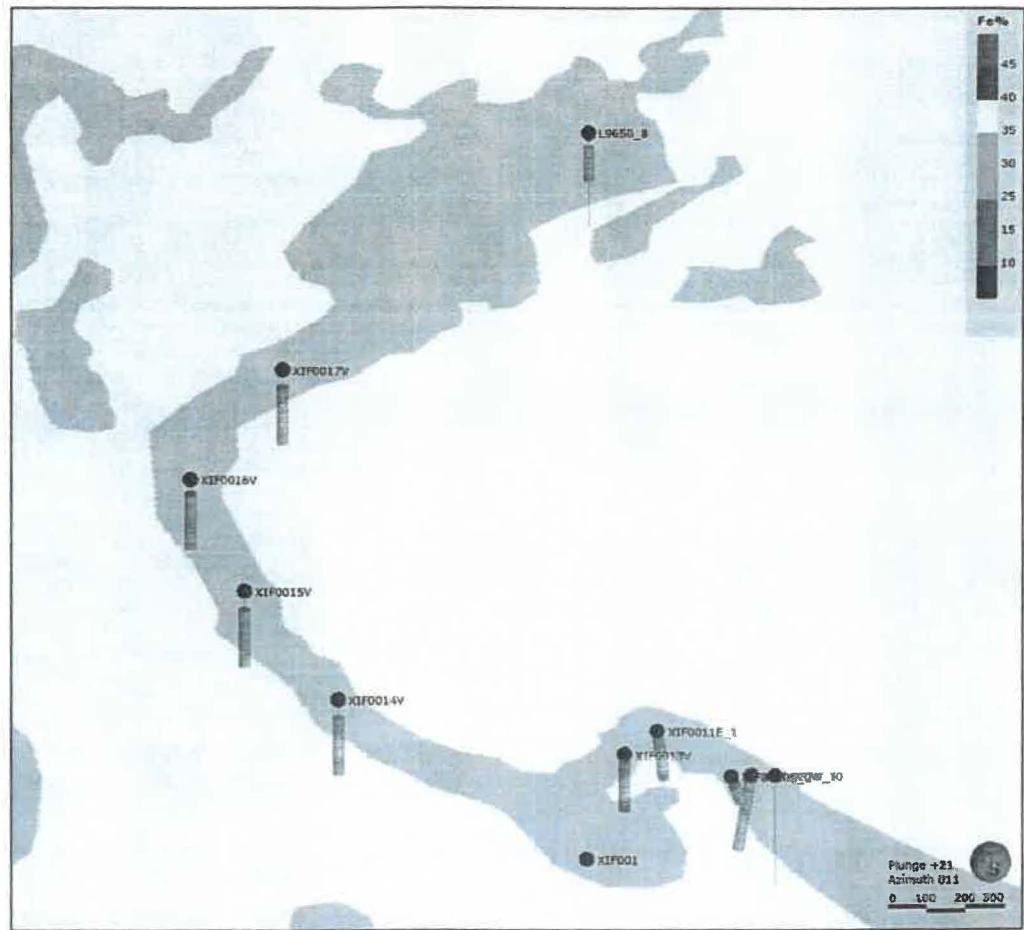


Figure 5-6: Block 2a drilling within elongate "C" shaped target (Source: BGS, 2022)

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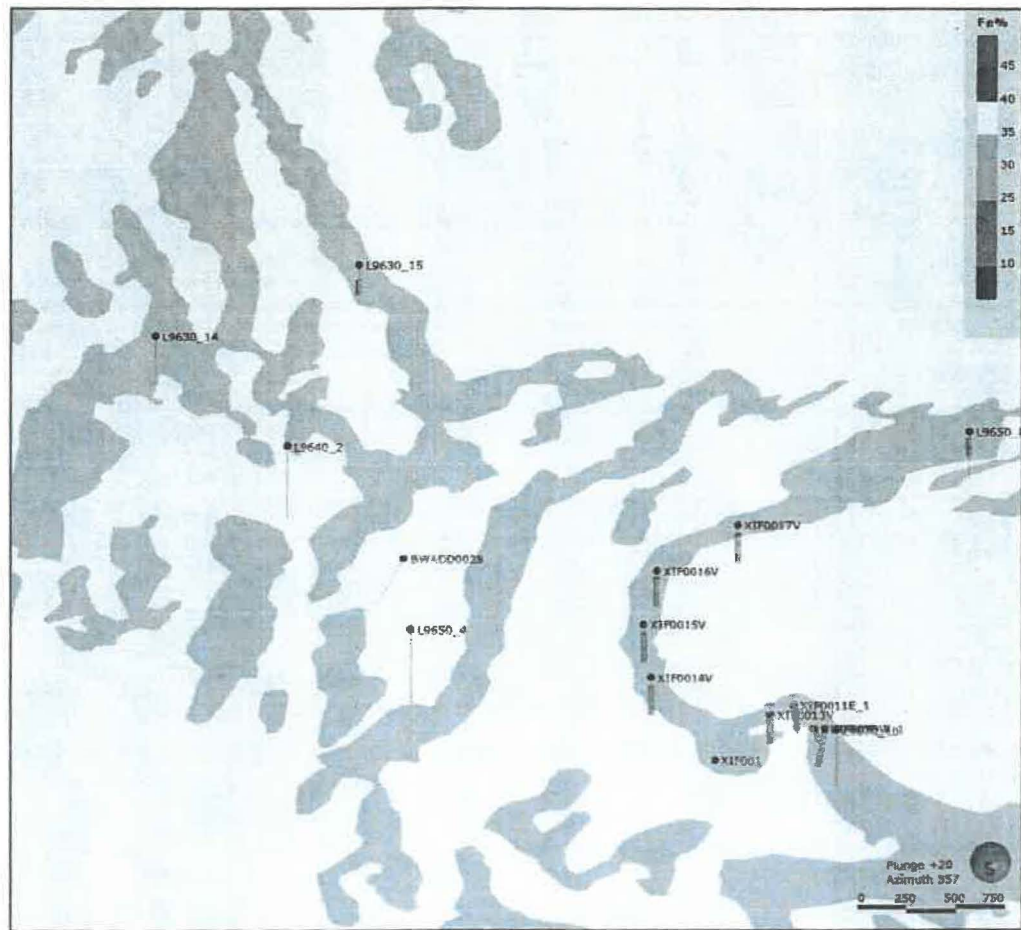


Figure 5-7: All Block 2a drilling (Source: BGS, 2022)

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## 6 MINERAL PROCESSING AND METALLURGICAL TESTING

As part of the SRK model, preliminary magnetic concentrate sizing testwork using the Davis Tube Recovery ("DTR") method was carried out on 15 composite samples. The testwork was conducted at the ALS Iron Ore Technical Centre in Perth, Australia. The testwork has been conducted on the following samples:

- Non-mineralised diamictite schist (geodomain DIA) – 1 sample.
- Low grade magnetic diamictite schist (DIM) – 5 samples.
- Weathered magnetic diamictite schist (DMW) – 1 sample.
- Low grade magnetite garnet schist (MGS) – 2 samples.
- High grade banded magnetite (MBA) – 5 samples; and
- Weathered banded magnetite (MBW) – 1 sample.

Samples were taken from the Block 1 area.

The composites comprised 8 - 10 m of continuous core from 11 different drillholes. The samples were taken from coarse reject material not used for assaying. Each composite was ground to 5 different sizing fractions and the P80s (P80 is the grind size at which 80% of the material passes the screen) were calculated for each size fraction. The head (DTR input), concentrate (DTR output), and tails (material left over after concentration) fractions were chemically assayed using XRF. In addition, %Magnetics were calculated using Magnasat technology, which uses a magnetic susceptibility measurement calibrated to a sample with known magnetic content. The resultant %Magnetics represents all magnetic and para-magnetic material in the sample, which, for the case of Xaudum, is almost entirely magnetite.

Table 6-1 presents the results of the DTR testwork for composites where a sample was recovered. Table 6-1 shows the results averaged for each geodomain. There were two samples which did not produce a concentrate, one DIM and the DIA sample, after DTR analysis due to the low magnetic Fe content, which are not included in the analysis.

The results show that the general trend of the data is to produce good quality concentrate grades at all grind sizes between 50 to 100 microns for all units.

The highest recoveries match with the high grade MBA geodomain, as expected. There is a linear relationship between MBA and DIM, with the lower grade DIM showing a lower %mass recovery (and %Fe recovery). The MGS and MBW geodomains show a different trend, indicating the presence of non-magnetic minerals with an associated low mass recovery and Fe recovery. Again, this is expected due to the high %Fe total content of almandine garnet in the MGS, and goethite and limonite in the MBW. The high percentage of garnets creates an issue for the DTR testwork due to inclusions of magnetite within the garnet.

SRK commented that the DTR testwork results were positive and prove that reasonable iron recoveries can be achieved from low, medium and high grade samples with mainly premium quality products produced. Further testwork is recommended which is aimed at better understanding of the variability of response with depth and across the entire Project area.

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**Table 6-1: Davis Tube Recovery results summary by geodomain**

Geo-domain	Feed		Grind	Magnetic Concentrate					
	Fe	Magnetics*	P <sub>80</sub>	Mass Rec.	Fe Rec.	Fe	SiO <sub>2</sub>	Al <sub>2</sub> O <sub>3</sub>	P
	(%)	(%)	(microns)	(%)	(%)	(%)	(%)	(%)	(%)
DIM	20.49	9.25	50	16.7	50.8	68.6	2.5	0.4	0.04
			60	17.1	51.8	67.9	3.3	0.5	0.05
			70	17.5	53.0	67.1	4.1	0.5	0.05
			80	17.9	54.0	66.4	4.9	0.6	0.06
			90	18.4	54.9	65.5	5.8	0.7	0.07
			100	19.2	56.1	64.5	7.1	0.8	0.09
MBA	39.39	51.47	50	43.3	75.5	69.6	2.3	0.4	0.05
			60	44.1	76.4	69.0	2.8	0.4	0.06
			70	44.8	77.3	68.5	3.3	0.4	0.07
			80	45.5	78.1	67.9	3.8	0.5	0.08
			90	45.8	78.2	67.1	4.5	0.5	0.09
			100	46.1	78.6	65.9	5.7	0.6	0.08
MGS	24.35	11.17	50	9.2	21.8	66.2	5.4	1.5	0.09
			60	9.7	23.0	65.2	6.5	1.7	0.11
			70	10.2	23.1	64.2	7.8	1.9	0.14
			80	10.7	23.7	63.2	9.0	2.1	0.16
			90	11.2	24.0	62.1	10.3	2.3	0.17
			100	11.6	25.1	60.9	11.7	2.6	0.17
MBW	37.50	5.20	50	15.5	28.5	69.0	2.4	0.0	0.03
			60	19.0	34.5	68.6	2.8	0.0	0.04
			70	22.3	40.7	67.2	3.4	0.0	0.04
			80	25.4	46.3	66.8	3.6	0.0	0.05
			90	27.4	49.5	66.4	4.0	0.0	0.05
			100	27.5	49.0	65.9	4.5	0.0	0.05
DMW	27.90	8.50	50	17.6	43.6	69.0	1.5	0.2	0.01
			60	18.0	47.0	68.7	1.8	0.2	0.02
			70	20.3	50.5	68.4	2.2	0.2	0.02
			80	21.6	53.6	68.0	2.5	0.2	0.02
			90	22.8	56.5	67.7	2.9	0.2	0.02
			100	23.7	58.8	67.2	3.3	0.2	0.02

\*Note: %Magnetics calculated using the magnetic susceptibility (Magsus) measurement from ALS. %Magnetics = (Magsus x 0.0143) + 0.644.

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## 7 SRK MODEL DEPLETION

### 7.1 Introduction

As part of the technical study being completed, the impact on removing all resources within the buffer zone have been considered. To achieve this, the SRK model was cut using the defined buffer zone limits. The resultant model was then used in an updated open pit optimisation study to determine the impact on the existing SRK model Mineral Resource Statement.

**It is stressed, that the work undertaken is not intended to update the existing Mineral Resource Statement and the depleted tonnes and grade are being used for internal technical studies only. The depleted SRK model does not constitute an updated Mineral Resource Statement as defined by International Reporting Codes for Mineral Resources.**

### 7.2 SRK Model Depletion

Figure 7-1 shows the SRK model depleted to the buffer zone limits, defined by the red polygon supplied to BGS. The SRK model is coloured by classification with the red material being the material classified as Inferred and the blue coloured by material that has not been classified due to insufficient data being present. Figure 7-2 shows a close up of the depleted model where it is clear that all material from within the buffer zone has been excluded.

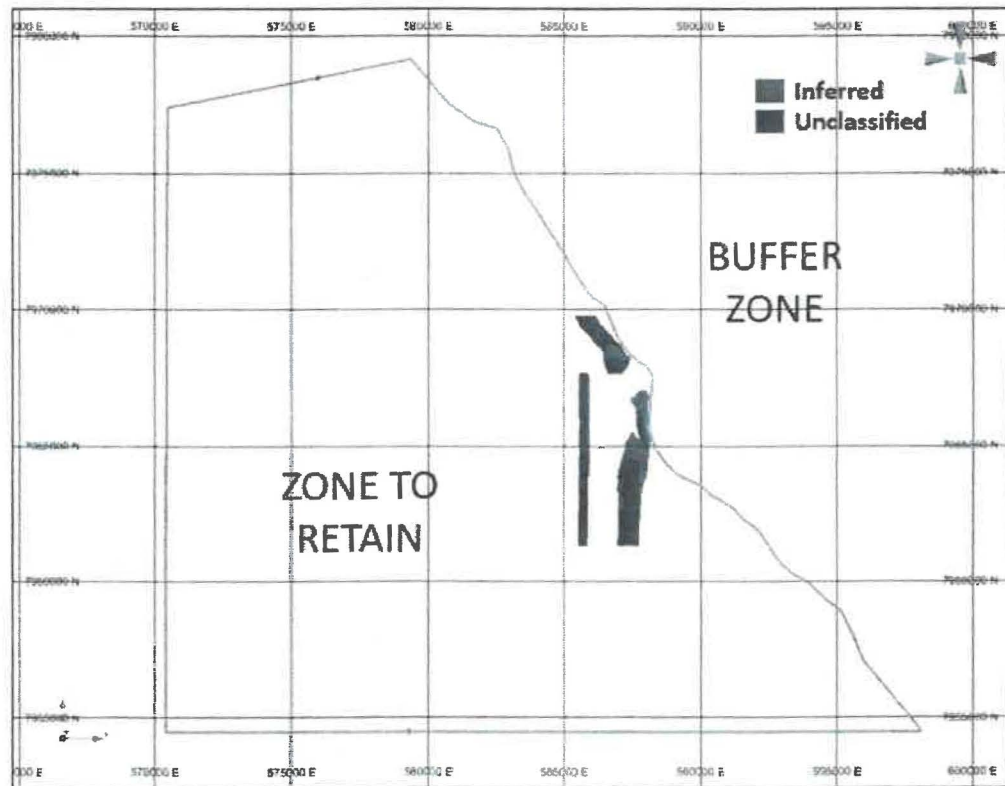


Figure 7-1: Depleted SRK model showing the buffer zone limits (Source: BGS, 2022)

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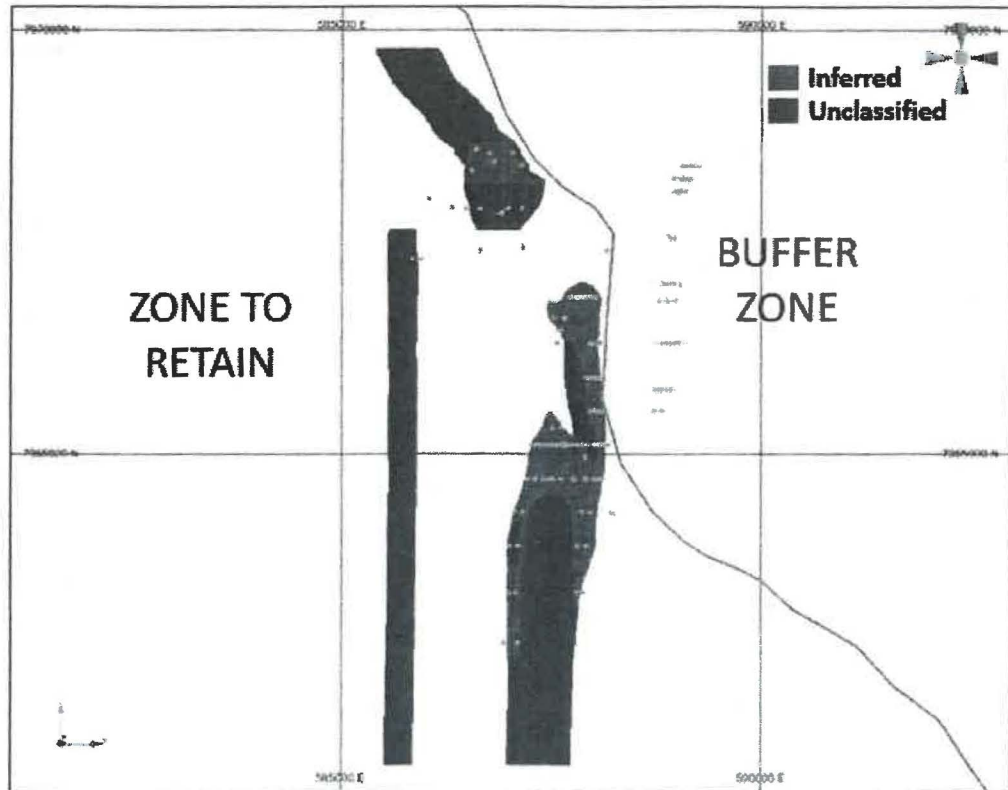


Figure 7-2: Close up of the depleted SRK model (Source: BGS, 2022)

The depleted block model was supplied to Fraser McGill (Mining and Minerals Advisory) who undertook the optimisation. The optimisation assumptions used are shown in Table 7-1. The optimisation assumptions were updated in relation to the SRK Model from 2014 to represent more up to date costs. Table 7-1 shows the original SRK 2014 assumptions and the updated parameters.

**It is stressed that to report the updated tonnes and grade contained within the optimised pit, that a revenue factor of 1.3 was used compared to base case revenue factor of 1. This is standard procedure for "resource" reporting, giving an optimistic viewpoint on the long term prices. As such, BGS used the pit shell provided by Fraser McGill (Mining and Minerals Advisory) representing a metal price of 142 US\$/dmu as highlighted in Table 7-1.**

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Table 7-1: Project Loapi Optimisation Assumptions

Parameters	Units	SRK 2014	Updated Parameters
<b>Production</b>			
Production Rate - Ore	(Mtpa)	35	1.8/7.2
<b>Geotechnical (lith)</b>			
Overburden - Sand	(Deg)	26	26
Overburden - Calcrete	(Deg)	45	45
Weathered	(Deg)	45	45
Fresh	(Deg)	50	50
<b>Mining Factors</b>			
Dilution	(%)	5.0	5.0
Recovery	(%)	95.0	95.0
<b>Processing</b>			
Fe Recovery Fresh HG	(%)	1.3685xFE+25.442	1.3685xFE+25.443
Fe Recovery Fresh LG	(%)	1.3685xFE+25.443	1.3685xFE+25.444
Fe Recovery Fresh Gamet Rich	(%)	23.7	23.7
Fe Recovery Weathered HG	(%)	1.3685xFE+25.443	1.3685xFE+25.446
Fe Recovery Weathered LG	(%)	1.3685xFE+25.443	1.3685xFE+25.447
Concentrate grade	(%)	67.0	67.0
Cut-Off	(% Fe)		
<b>Operating Costs</b>			
Mining Cost (Sands and Calcrete)	(US\$/t <sub>rock</sub> )	N/A	1.65
Mining Cost	(US\$/t <sub>rock</sub> )	2.20	2.20
Incremental Mining Cost	(US\$/bench)	0.05	0.05
Reference Level	(Z Elevation)	1010	1010
Replacement Capital	(US\$/t <sub>ore</sub> )	0	0
Rehabilitation Cost	(US\$/t <sub>ore</sub> )	0.00	0.00
Processing	(US\$/t <sub>ore</sub> )	5.00	6.50
G&A	(US\$/t <sub>ore</sub> )	5.00	6.02
	(US\$/t <sub>conc.</sub> )	5.00	12.20
Royalty	(%)	3.00	3.00
Marketing	(%)	N/A	2.50
<b>Metal Price</b>			
Concentrate (67% Fe)	(US\$/t <sub>conc.</sub> )	100.5	95.1
Optimistic Resource Price	(USc/dmtu)	150	142
<b>Other</b>			

Table 7-2 shows the tonnes and grade contained within the optimised pit once the buffer zone material has been removed. To allow comparison to the SRK model, the tonnes and grade are reported to a cut-off grade of 12% Fe, this being the cut-off grade used in the 2014 SRK study.

With the buffer zone removed, using a cut-off grade of 12% Fe and reporting only the Inferred material within an optimised pit shell based on a metal price of 142 USc/dmtu, a total tonnage of 123 Million Tonnes (Mt) is reported with a grade of 29.7% Fe.

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**Table 7-2: Project Loapi Tonnage – Grade with the Buffer Zone Excluded. Reported at a 12% Fe cut-off grade and within an optimised pit shell representing a metal price of 142USc/dmtu**

Geodomain	Resource Category	Tonnes (Mt)	Fe%	SiO <sub>2</sub> %	Al <sub>2</sub> O <sub>3</sub> %	P%
MBA		61	35.7	34.3	3.4	0.3
DIM		36	22.5	49.8	8.6	0.2
MBW	Inferred	8	33.3	36.4	6.3	0.2
DMW		17	22.0	48.3	7.8	0.2
MGS		2	21.4	51.4	9.0	0.2
<b>Total</b>		<b>123</b>	<b>29.7</b>	<b>41.0</b>	<b>5.7</b>	<b>0.3</b>

The average mass recoveries by geodomain are shown in Table 6-1. Using the P80 of 80 µm results from the Davis Tube Testwork, the estimated concentrate tonnages and grades based on the tonnages shown in Table 7-2 have been calculated (Table 7-3). As shown, a contained concentrate of 40 Mt can be predicted from 123 Mt of feed material at an average mass recovery of 32.5%.

**Table 7-3: Mass Recovery and predicted concentrate tonnages and grade from each geodomain**

Geodomain	Tonnes (Mt)	Mass Recovery	Concentrate Tonnes (Mt)	Fe% Concentrate
MBA	61	45.5	28	67.9
DIM	36	17.9	6	66.4
MBW	8	25.4	2	66.4
DMW	17	21.6	4	67.7
MGS	2	10.7	0.2	63.2
<b>Total</b>	<b>123</b>	<b>32.5</b>	<b>40</b>	<b>67.5</b>

Figure 7-3 shows the block model within the optimised pit shell. A vertical wall is shown to demonstrate the removal of the buffer zone and it is clear that no material is being reported from within the buffer zone and that the optimised pit crest does not enter the buffer zone.

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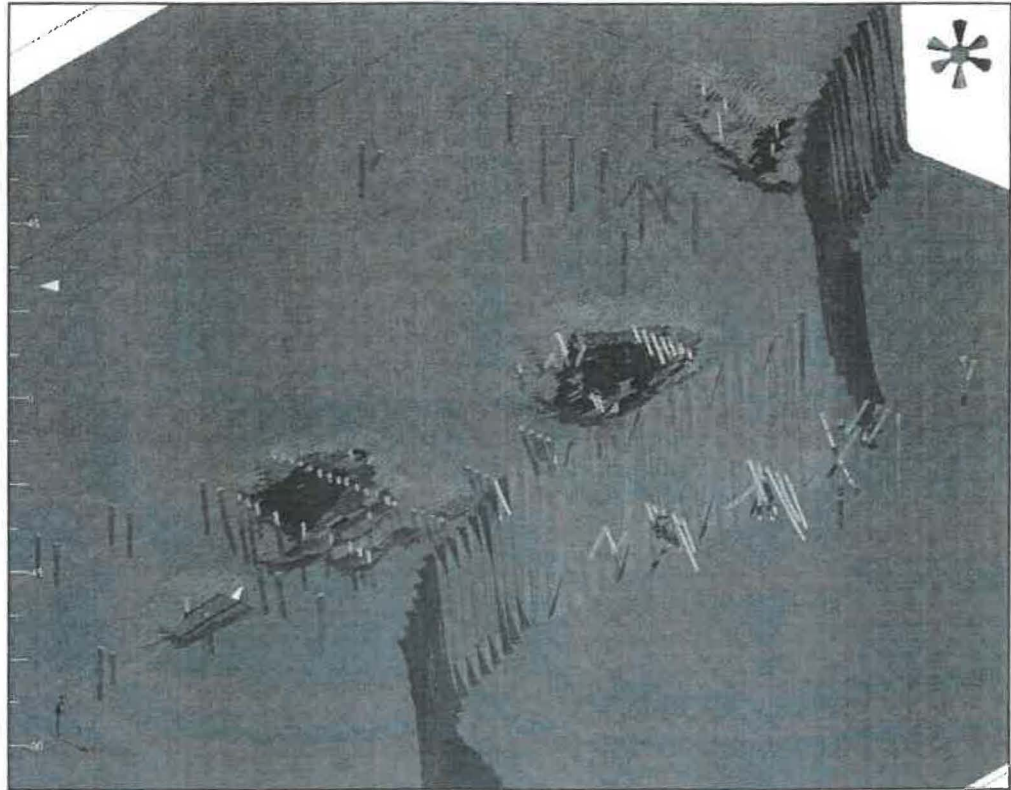


Figure 7-3: Project Loapi block model within the optimised pit shell. (Source: BGS)

A grade – tonnage curve for the material within the optimised pit is shown in Figure 7-4. As shown, tonnage is seen to decrease from an approximate cut-off of 15% Fe

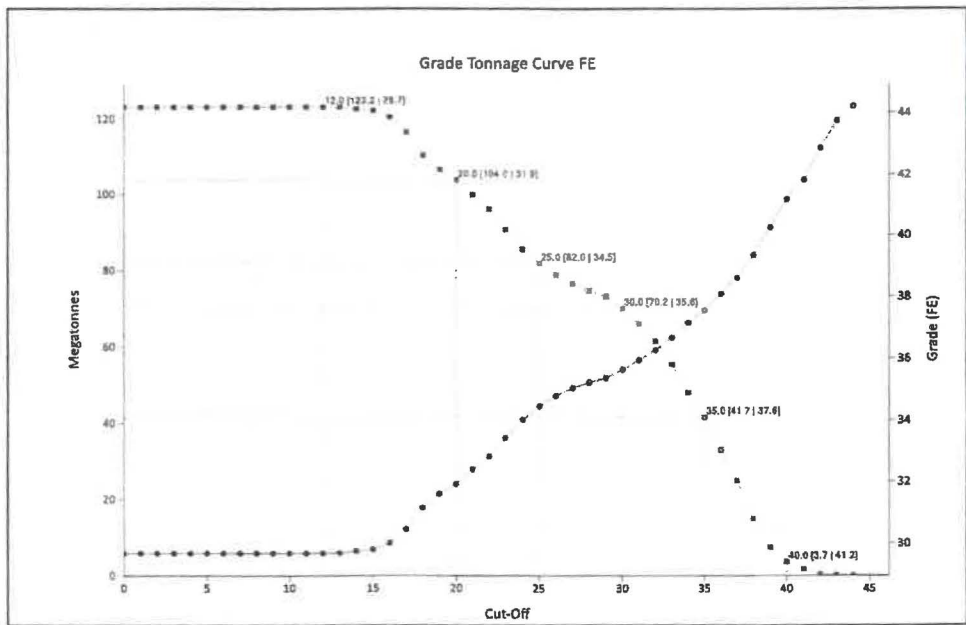


Figure 7-4: Grade Tonnage Curve of all material within the optimised pit and reported above a cut-off grade of 12% Fe (Source: BGS)

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## 8 RESOURCE POTENTIAL

### 8.1 Introduction

As previously discussed, drilling beyond the extents of the current SRK model has been completed with the drilling being planned on the basis of the interpreted XIF created from the extensive ground magnetic data. On this basis, successful iron mineralisation intersections have been achieved with a high degree of success against the planned drillholes. As such, a high degree of confidence can be placed on using the interpreted XIF for future drill programmes.

### 8.2 Block 2a

Based on the drilling at Block 2a, in particular the area focussed around the elongate "C" XIF target, a preliminary geological model was created by Tsodilo. This is shown in Figure 8-1 and Figure 8-2. The area is dominated by the DIM geodomain.

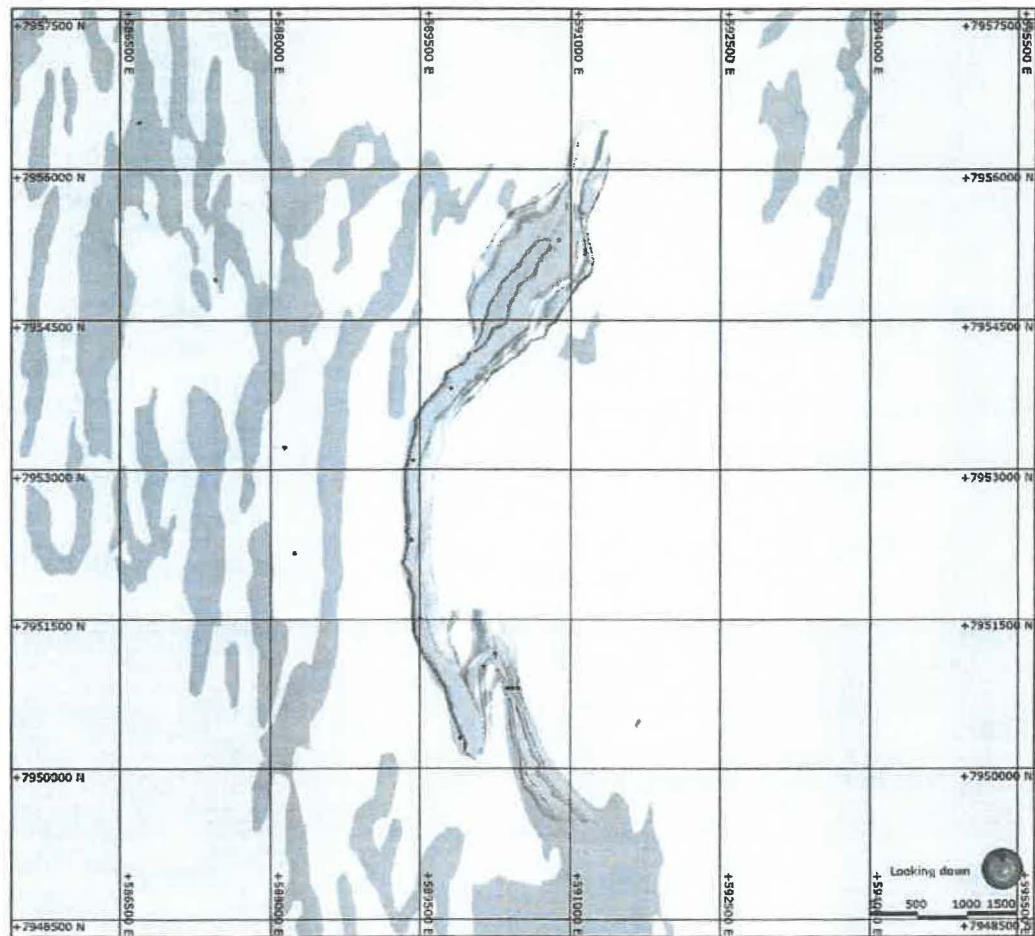
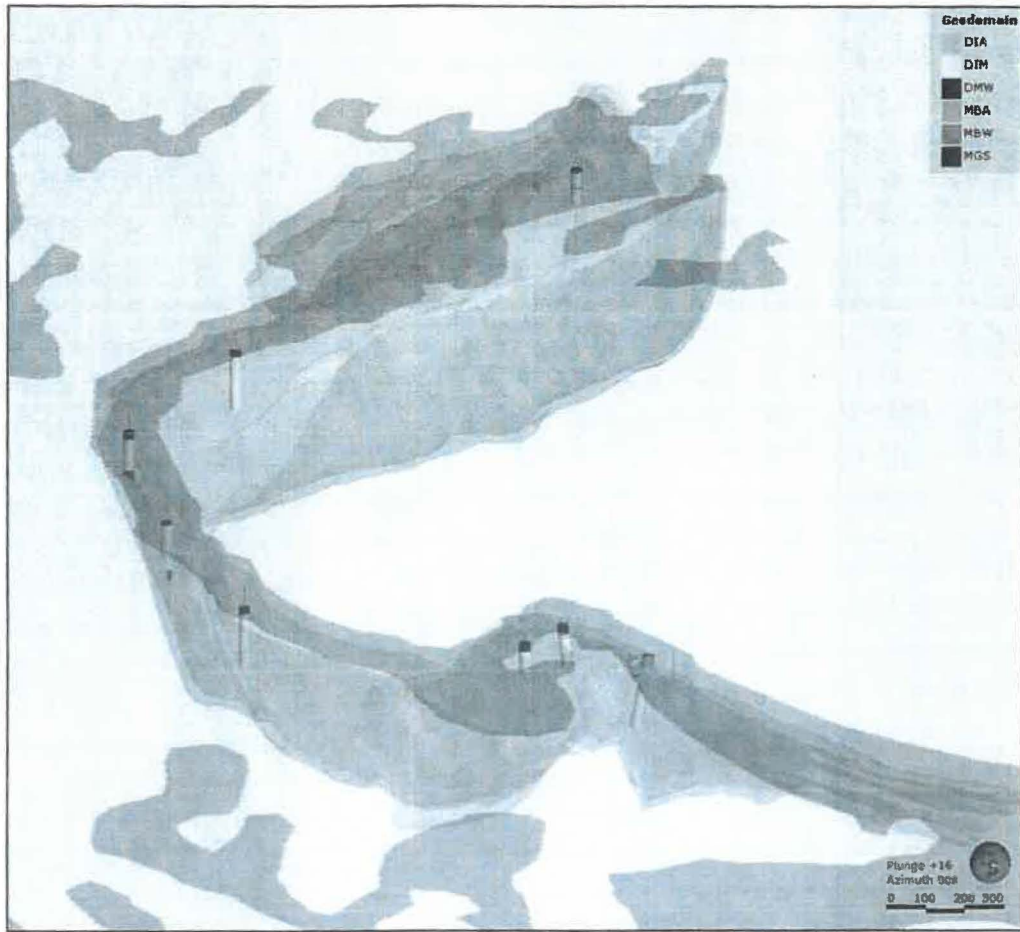


Figure 8-1: Block 2a geological interpretation. (Source: BGS, March 2022)

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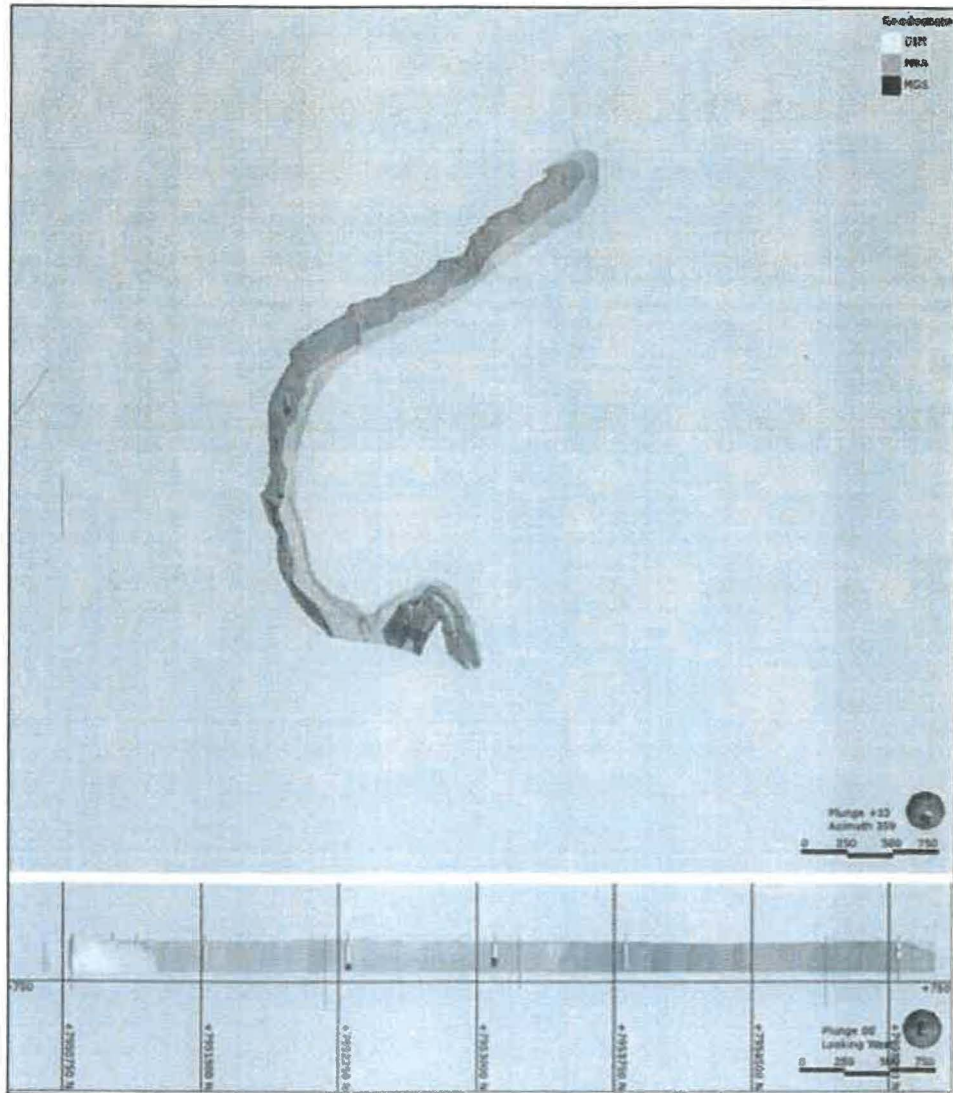


**Figure 8-2: Block 2a geological interpretation, oblique view. (Source: BGS, March 2022)**

To assess the potential tonnage and grade within the modelled Block 2a target, BGS created a block model using the company wireframes provided. The extent of the wireframes was limited by a bounding surface so that the model was more restricted to areas around the drilling undertaken. The depth extent of the model was also limited to the approximate depth of the drillholes, being approximately 215m from surface. The trimmed model is shown in Figure 8-3.

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**Figure 8-3: Block 2a trimmed geological model. Lower image shows a view looking to the west showing the depth restriction (Source: BGS, March 2022)**

Using average grades from the assay data provided and using density values determined from the Block 1 exploration, a tonnage of between 100Mt and 300Mt has been calculated at a grade between 20% Fe and 30% Fe.

The depth of the tonnage reported is restricted to 100m from surface. This depth extent was chosen following an optimisation on the Block 1 area that was restricted to the DIM Geodomain only, being similar to the dominant material intersected to date by drilling in Block 2a. The DIM material is lower grade and carries a lower mass recovery than the higher grade MBA material. This decrease in grade and recovery impacts the quantity of recoverable material during an optimisation study.

Using the Davis Tube results, at a grind size of 80 microns, a contained concentrate of between 20Mt and 60Mt can be determined.

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It is noted that approximately 70% of the modelled material in Block 2a is classified as the DIM geodomain. This has a Davis Tube mass recovery of approximately 18% based on the testwork completed to date. As such, further tests are required to assess if an area dominated by the DIM geodomain converts to a resource once a pit optimisation is carried out.

The level of study at Block 2a is however considered conceptual at best with limited exploration undertaken. It is also acknowledged that the identification of higher grade and higher recovery MBA material would likely improve the economic viability of any new area explored.

### 8.2.1 Block 2a Infill Drilling

BGS was supplied with a planned drill programme for the Block 2a target. This is shown in Figure 8-4. In total, nineteen drillholes are planned to improve the confidence in the area currently modelled, totalling 3,800m of drilling. BGS considers this appropriate to elevate the area to an Inferred Mineral Resource. An optimisation study will also be required to confirm that the area has reasonable prospects for eventual economic extraction.



Figure 8-4: Block 2a infill drill programme (Source: Tsodilo, March 2022)

### 8.3 Extended Potential and Exploration Strategy

It is clear from the interpreted XIF that multiple targets are worthy of exploration. It is also acknowledged that extensions to the MBA geodomain would be preferential, given the higher

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in-situ Fe grade and higher mass recoveries demonstrated from the Davis Tube Testwork.

A series of east-west exploration traverses across the interpreted XIF are therefore recommended, collaring the holes within the centre of the interpreted XIF. An example scheme is shown in Figure 8-5 using a line spacing of 1km. Ideally, two drillholes would be completed at each site, so that the initial hole can determine the dip direction of the hosting geology and allowing the second drillhole to optimise the intersection angle and traverse multiple geodomains if present. This type of strategy would allow the XIF geodomain to be assessed to allow a greater definition to follow-up drilling.

As an example and should two drillholes to 200m be drilled from each of the nineteen sites shown, a drill programme in the order of 7,600m would be required. As an estimate only, approximately 200 drillholes would be required to cover all interpreted XIF units, with two drillholes per location on a 1km line spacing. Should exploration be successful, infill programmes could then be designed to target the most favourable material to allow classified mineral resources to be developed.

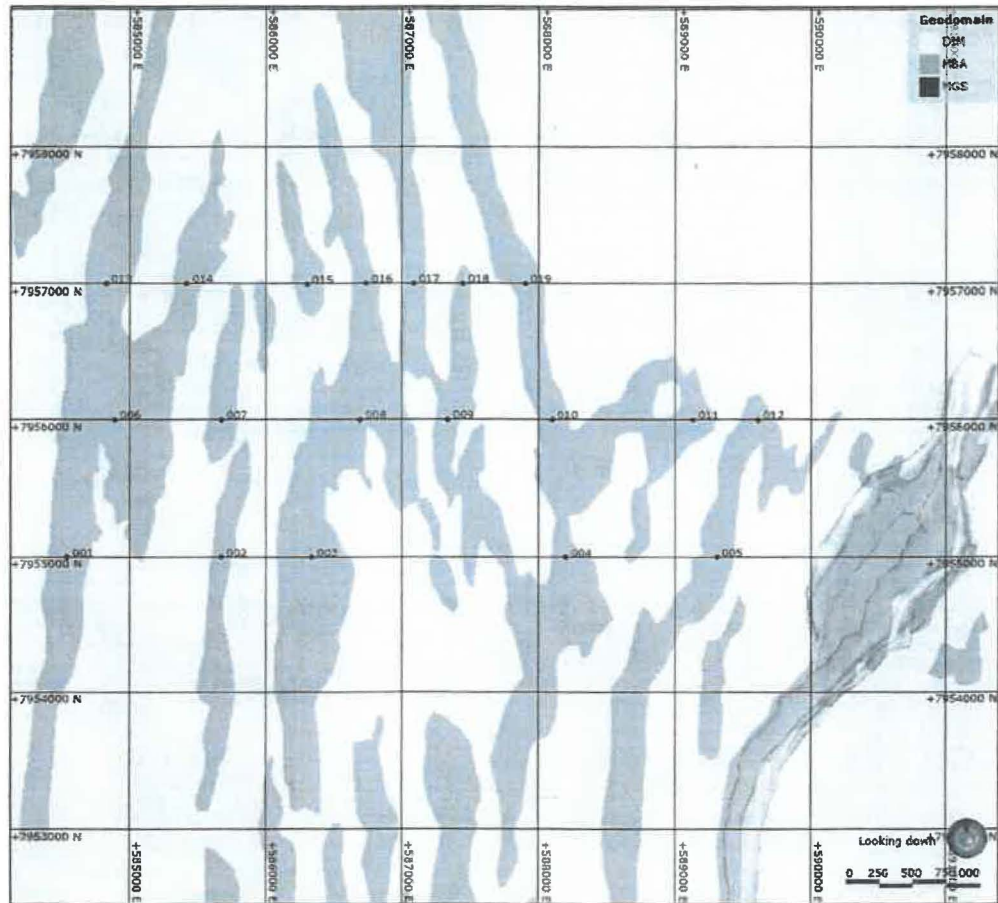


Figure 8-5: Exploration traverse targeting the centre of the interpreted XIF (Source: BGS, March 2022)

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For and on behalf of Baker Geological Services Ltd



Mr Howard Baker (FAusIMM(CP))

Managing Director

14/04/2022



Mr T Thatayame

Director  
Geothax Consulting Engineers and Geoscientists

15/04/2022

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**FRASER MCGILL**  
MINING & MINERALS ADVISORY

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# TSODILO LOAPI IRON DRAFT MINING REPORT



**Mining**  
**Tsodilo Loapi Iron Project**  
07 April 2022

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# Mining

Tsodilo Loapi Iron Project

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**Mining**  
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# Mining

Tsodilo Loapi Iron Project

## 1 INTRODUCTION

### 1.1 Background

Fraser McGill has been requested by Geothax Consulting, hereinafter also referred to as "Geothax" or the "Client" to provide technical assistance to the company in respect of pit optimisation and production schedule relating to Project Loapi located in Botswana, hereafter referred to as Loapi.

Project Loapi relates to the Xaudum Iron-ore Project ("XIP") in Botswana. Geothax will be undertaking a technical study on the Project on behalf of The Minerals Development Company of Botswana (Pty) Ltd ("MDCB").

This Project was to exclude the buffer zone adjacent to the UNESCO Okavango Delta World Heritage Property and demonstrate the impact on the Loapi Project.

#### 1.1.1 Project Location

Loapi is located in the Ngamiland District in the northwest corner of Botswana near the town of Shakawe and close to the Molembo border crossing to Namibia. The Ngamiland District in northwest Botswana is one of the poorest and least developed regions of Botswana. Botswana currently has no other iron resources or reserves outside of this Loapi Project resource despite significant but unsuccessful exploration efforts by other companies such as Rio Tinto and BCL.

The Project is ~50km from the town of Divundu in Namibia, through which the Trans Caprivi Railway (TCR) line linking Zambia and Namibia, is planned to pass which will provide access to Walvis Bay etc. It is also located within ~70 km of the proposed Angolan, Mucusso line to the Namibe Port.

### 1.2 Purpose

This document summarises the inputs used in the pit optimisation work and details the Life of Mine production schedule generated from the pit shell selected.

### 1.3 Mining Philosophy

The mining philosophy for the Loapi open pit project is to exploit the orebody by means of conventional open pit mining utilising a combination of drill rigs, excavators, and haul trucks to do the mining operations

The key difference between the previous mining study and this update is as follows: -

- Buffer zone to be excluded.
- Update to input parameters previously used (2014)



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## 2 PIT OPTIMISATION

### 2.1 Introduction

The objective of open pit optimisation is to determine an open pit shape that provides the highest value for a deposit. Analysis of the pit shells generated in the optimisation process leads to the selection of a final pit shell. The pit shell selected defines the extent of the mineable Resource from which final LoM schedules are created. These schedules are used to develop associated cash flows.

### 2.2 Input Parameters

The pit optimisation within NPV Scheduler is based on certain criteria governing the results. The input parameters include all input parameters for the whole value chain. This includes parameters from in situ geology to the saleable product, including mining and selling costs. The physical inputs include the production rates and geotechnical parameters.

The complete list of input parameters used for the optimisation runs are detailed in Table 2—1. The table also includes the previous input parameters for comparison. Those parameters were used to define the Mineral Resource (441Mt) at the time, which included the buffer zone. Excluding the pit inside the buffer zone reduces the Mineral Resource to ~269Mt.

Table 2—1: Pit Optimisation Input Parameters

Parameters	Units	SRK 2014	2022	Comment
<b>Production</b>				
Production Rate - Ore	(Mtpa)	35	7.2	
<b>Geotechnical (lith)</b>				
Overburden - Sand	(Deg)	26	26	No Change
Overburden - Calcrete	(Deg)	45	45	No Change
Weathered	(Deg)	45	45	No Change
Fresh	(Deg)	50	50	No Change
<b>Mining Factors</b>				
Dilution	(%)	5.0	5.0	No Change
Recovery	(%)	95.0	95.0	No Change
<b>Processing</b>				
Fe Recovery Fresh HG	(%)	1.3685xFE+25.442		Tsodilo Resources Limited
Fe Recovery Fresh LG	(%)	1.3685xFE+25.443		Tsodilo Resources Limited
Fe Recovery Fresh Garnet Rich	(%)	23.7	23.7	Tsodilo Resources Limited
Fe Recovery Weathered HG	(%)	1.3685xFE+25.442		Tsodilo Resources Limited
Fe Recovery Weathered LG	(%)	1.3685xFE+25.443		Tsodilo Resources Limited
Concentrate grade assumed	(%)	67.0	67.0	No Change
<b>Operating Costs</b>				
Mining Cost (Sands and Calcrete)	(US\$/t <sub>rock</sub> )	N/A	1.65	2014 did not have separate costs for free dig materials
Mining Cost	(US\$/t <sub>rock</sub> )	2.20	2.20	No Change
Incremental Mining Cost	(US\$/bench)	0.05	0.05	No Change

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## Tsodilo Loapi Iron Project

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Parameters	Units	SRK 2014	2022	Comment
Reference Level	(Z Elevation)	1010	1010	No Change
Replacement Capital	(US\$/t <sub>ore</sub> )	0	0	No Change
Rehabilitation Cost	(US\$/t <sub>ore</sub> )	0.00	0.00	No Change
Processing	(US\$/t <sub>ore</sub> )	5.00	6.50	Inflation
G&A	(US\$/t <sub>ore</sub> )	5.00	6.02	Inflation
Royalty	(%)	3.00	3.00	No Change
Marketing	(%)	N/A	2.50	Did not include in 2014
Transport Cost	(US\$/t <sub>conc</sub> )	5.00	12.20	Inflation and previously underestimated vs benchmarking
<b>Metal Price</b>				
Concentrate (67% Fe)	(US\$/t <sub>conc</sub> )	100.5	95.1	Long Term Price
	(US\$/dmtu)	150	142	Long Term Price
<b>Other</b>				
Discount Rate	(% real)	10	14	Provided

### 2.2.1 Geotechnical Parameters

No geotechnical information was provided, and the previous inputs parameters were accepted as applicable for the Project.

### 2.2.2 Mining Factors

Modifying factors were not accessed and the same was used as previously. The factors are good benchmark percentages from other Iron ore projects.

### 2.2.3 Fe recovery

The recoveries used previously were not changed.

### 2.2.4 Mining Operating cost

The mining operating cost was adjusted to allow for a reduced cost when mining the Sands and Calcrete materials. This was not previously considered and the same cost for all materials were applied.

### 2.2.5 Processing Cost

Increase in Processing cost due to inflation from 2014 to 2022.

Please see Techno-Economic Evaluation Report for more details.

### 2.2.6 G&A

Increase in Processing cost due to inflation from 2014 to 2022.

Please see Techno-Economic Evaluation Report for more details.

### 2.2.7 Marketing

Please see Techno-Economic Evaluation Report for more details.

### 2.2.8 Transport

Please see Techno-Economic Evaluation Report for more details.



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## 2.2.9 Fe Price

Please see Techno-Economic Evaluation Report for more details.

## 2.3 Pit Optimisation Results

### 2.3.1 Phase 1

As a first phase of the optimisation process the 2014 parameters were used with the updated model which excluded the buffer zone for comparison purposes.

Table 2—2 is a summary of the 2014 pit shell and reporting only the Resources outside the buffer zone.

Table 2—2: Summary of 2014 Resources Excluding the Buffer Zone

Geodomain	Resource Category	Tonnes (Mt)	Fe%
MBA	Inferred	85	35.2%
DIM	Inferred	141	21.2%
MBW	Inferred	8	33.2%
DMW	Inferred	29	20.5%
MGS	Inferred	7	22.1%
<b>Total</b>	<b>Inferred</b>	<b>269</b>	<b>25.9%</b>

After completing the pit optimisation using the same parameters as in 2014 (Excluding the buffer zone) the results are detailed below in Table 2—3.

Table 2—3: Summary of Results using 2014 Input Parameters

Geodomain	Resource Category	Tonnes (Mt)	Fe%
MBA	Inferred	83.8	35.4%
DIM	Inferred	138.6	21.9%
MBW	Inferred	8.1	33.2%
DMW	Inferred	28.1	21.2%
MGS	Inferred	0.2	32.6%
<b>Total</b>	<b>Inferred</b>	<b>259</b>	<b>26.5%</b>

From the two tables, it is evident that the results are very similar, with minor differences.

Figure 2—1 below illustrate the differences between 2014 and 2022 pit shells.



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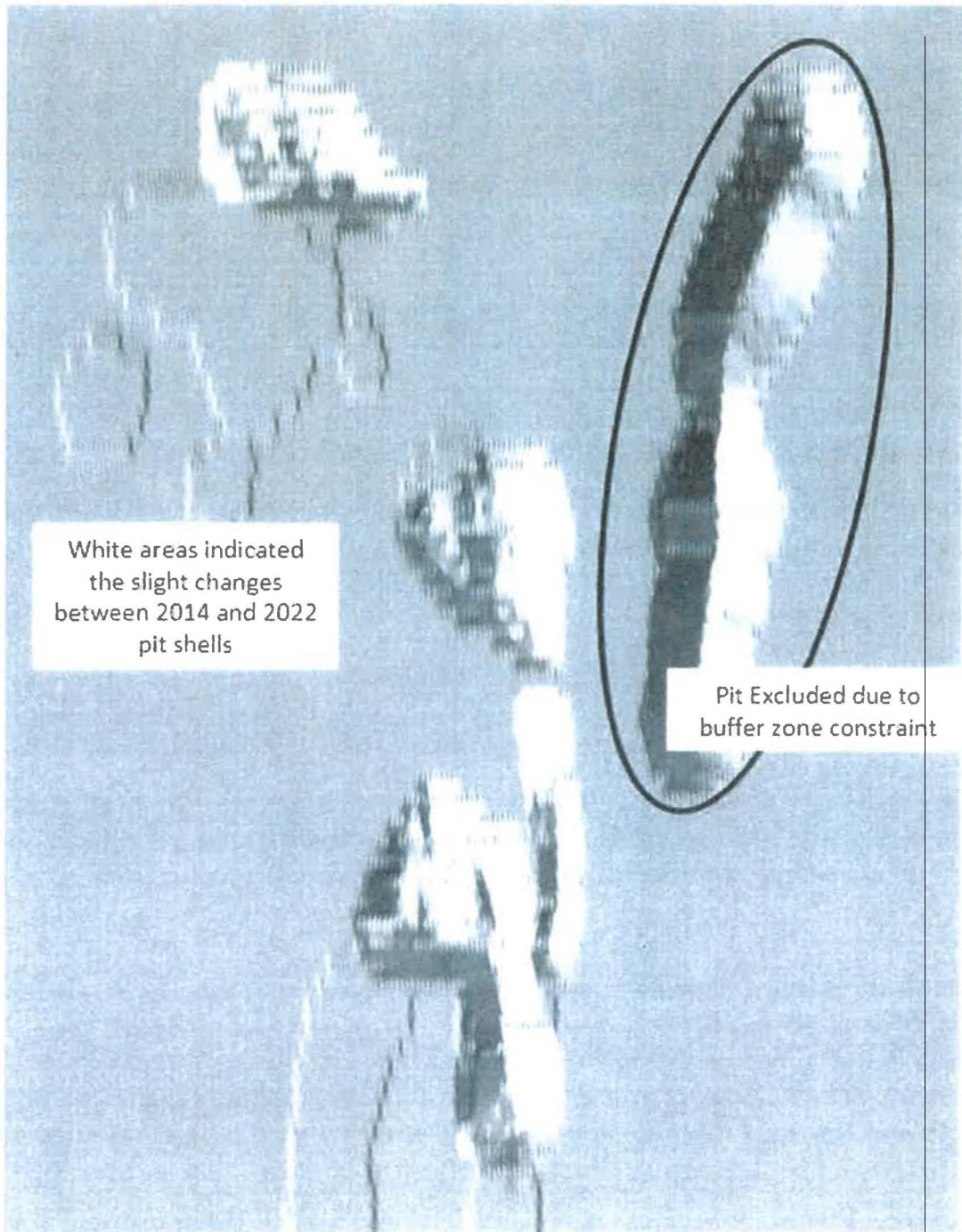


Figure 2—1: Comparison of 2014 and 2022 Pit Shells



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## 2.3.2 Phase 2

The next Phase was considering the updated input parameters. The results are detailed in Table 2—4 below.

Table 2—4: Pit Results using the Updated Input Parameters

Geodomain	Resource Category	Tonnes (Mt)	Fe%
MBA	Inferred	54.7	36.1%
DIM	Inferred	22.6	24.8%
MBW	Inferred	7.2	33.1%
DMW	Inferred	8.5	25.6%
MGS	Inferred	-	0.0%
<b>Total</b>	<b>Inferred</b>	<b>93.0</b>	<b>32.2%</b>

\*Note the above is *in-situ*

The change in parameters from 2014 to 2022 has had a major impact on the pit.

The changes in parameters were tested and it was concluded that the increases due to inflation in the plant and G&A cost are the most significant drivers in the pit size change.

Figure 2—2 below illustrates the areas affected by the update in parameters.

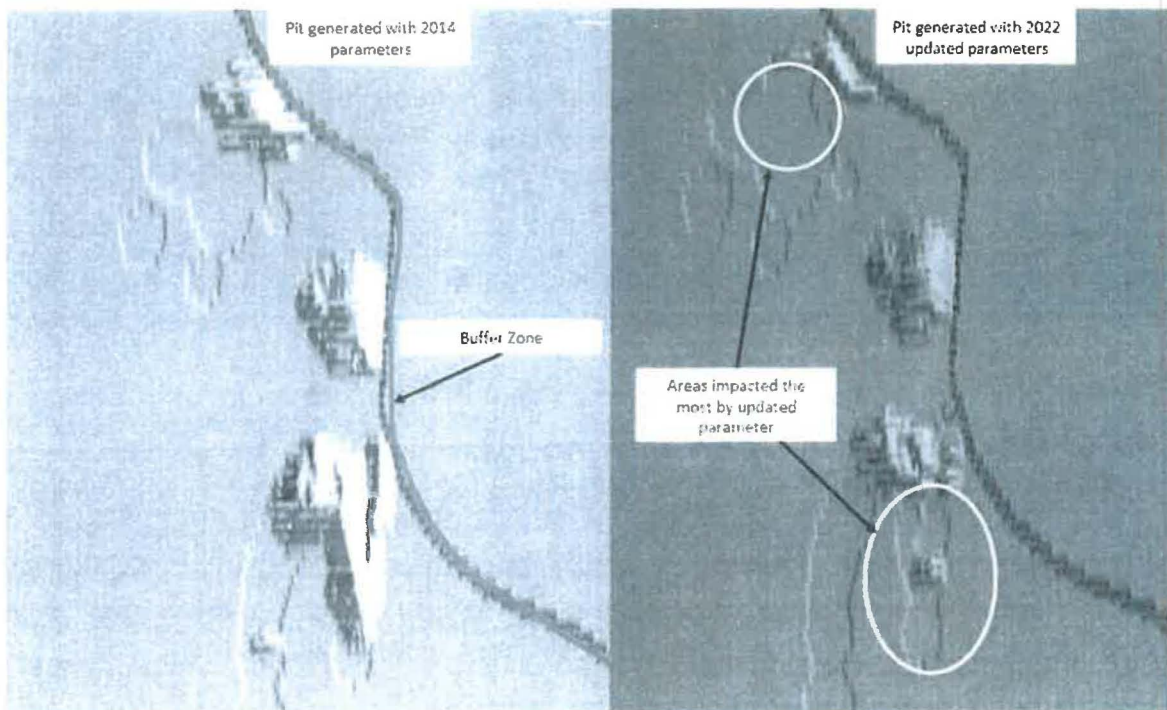


Figure 2—2: Change in Pit Shell due to Updated Parameters



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## Mining

Tsodilo Loapi Iron Project

### 3 PRODUCTION SCHEDULE

The pit shell generated from the pit optimisation was used to generate a practical and achievable schedule.

#### 3.1 Production Scheduling Strategy

The strategy followed to produce the production schedule were the following:-

- Produce the highest-grade Fe % upfront as far as practically possible by targeting the higher-grade areas first.
- Produce 7.2 Mtpa of Run of Mine to the plant.
- An additional schedule of 1.8 Mtpa Run of Mine to the plant was also produced as an option
- Implement practical mining parameters in the scheduling process

#### 3.2 Resource Material in Mining Schedule

The schedule developed used only the Inferred Resources. No Measured or Indicated Resources is currently classified in the Mineral Resource model. Unclassified Resources was excluded from the schedule.



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# Mining

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## 3.3 Mining Schedule

The mining schedule produced is detailed in Table 3—1.

Table 3—1: Mining Production Schedule

Description	UoM	Total	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	Y11	Y12	Y13
<b>Total Tonnes Mined</b>	<b>Mt</b>	<b>307.1</b>	<b>19.7</b>	<b>21.3</b>	<b>24.6</b>	<b>20.1</b>	<b>25.8</b>	<b>28.8</b>	<b>28.4</b>	<b>28.7</b>	<b>30.6</b>	<b>23.1</b>	<b>27.6</b>	<b>19.0</b>	<b>9.3</b>
<b>Fe Ore Mined</b>	<b>Mt</b>	<b>93.0</b>	<b>7.2</b>	<b>7.2</b>	<b>7.2</b>	<b>7.2</b>	<b>7.2</b>	<b>7.2</b>	<b>7.3</b>	<b>7.2</b>	<b>7.2</b>	<b>7.2</b>	<b>7.1</b>	<b>7.2</b>	<b>6.5</b>
MBA 1	Mt	8.1	-	-	-	-	-	-	-	-	-	-	3.7	4.4	-
MBA 2	Mt	38.0	-	-	3.1	7.2	0.9	0.4	0.2	1.6	7.1	7.2	3.4	0.2	6.5
MBA Pods	Mt	8.6	0.0	1.3	-	-	0.7	2.1	1.7	1.5	0.0	-	-	1.2	0.0
MBW 2	Mt	5.2	-	0.1	4.1	-	0.2	0.1	0.2	0.5	-	-	-	0.1	-
MBW Pods	Mt	2.0	0.7	0.7	-	-	0.3	0.0	-	-	-	-	-	0.2	-
DIM L	Mt	22.6	2.3	4.4	-	-	2.4	3.8	5.2	3.7	0.1	-	-	0.8	-
DIM R	Mt	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DMW L	Mt	7.3	4.2	0.7	-	-	2.0	0.4	-	-	-	-	-	-	-
DMW R	Mt	1.2	-	-	-	-	0.7	0.3	-	-	-	-	-	0.2	-
MGS	Mt	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Waste Mined</b>	<b>Mt</b>	<b>204.1</b>	<b>11.7</b>	<b>14.8</b>	<b>13.7</b>	<b>17.4</b>	<b>20.2</b>	<b>27.0</b>	<b>5.9</b>	<b>19.0</b>	<b>32.7</b>	<b>11.9</b>	<b>20.0</b>	<b>7.0</b>	<b>2.8</b>
Sands and Calcrete	Mt	10.1	9.3	9.9	6.2	10.8	12.4	17.7	2.5	-	9.3	5.3	4.8	-	-
Weathered Waste	Mt	5.5	0.5	1.0	0.1	-	1.4	0.3	0.0	0.2	-	-	1.2	0.9	-
Unweathered Waste	Mt	110.2	2.0	3.8	7.4	6.6	6.4	8.9	3.4	18.8	23.4	6.5	14.0	6.1	2.8
Stripping Ratio		2.20	1.63	2.05	1.90	2.41	2.82	3.75	0.81	2.64	4.56	1.64	2.80	0.97	0.43

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## Feed Schedule

The feed to the plant and associated grades is detailed in Table 3—2.

Table 3—2: Feed Schedule

Description	UoM	Total	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	Y11	Y12	Y13
Fe Ore Mined	t	93.0	7.2	7.2	7.2	7.2	7.2	7.2	7.3	7.2	7.2	7.2	7.1	7.2	6.5
%Fe Grade	%	30.6%	26.6%	26.0%	32.6%	35.3%	26.7%	28.0%	27.0%	28.8%	34.1%	34.3%	33.3%	32.4%	32.5%

\*Note: The Feed schedule is diluted with the modifying factors

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## 4 CONCLUSIONS

The following conclusions from the work completed:

- Using the same parameters as in 2014 produces a similar pit excluding the buffer zone
- The update in parameters, mainly plant and G&A cost has a significant impact on the total available Resources to mine from the pits generated.
- The production schedule to feed the plant at 7.2 Mtpa is practical and achievable.



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<https://theprojectsbw.com/government-s-mdc-backs-shakawe-iron-ore-project/>

video: <https://player.vimeo.com/video/574156067>

The Projects Magazine

## Government 's MDC backs Shakawe Iron Ore Project

BY REARABILWE RAMAPHANE

JULY 23, 2021



Government through Mineral Development Company Botswana, a 100% state owned mineral investment enterprise has thrown its weight behind the much anticipated Iron Ore project in the North West District.

During a televised press briefing in July this year Minister of Mineral Resources, Green Technology & Energy Security Lefoko Maxwell Moagi said iron ore prices are at their highest, encouraging investors to come on board on the project that could be one of the world 's largest iron ore mines.

"Our Mining investment agency Mineral Development Company Botswana is supporting the project, this will help to also cultivate investor confidence because this is a very big project with massive commercial potential" Minister Moagi said last week.

Tsodilo Resources Limited through its wholly owned subsidiary Gcwihaba Resources (Pty) Ltd recently announced that its exploration work in Ngamiland has moved to laboratory assessment stage.

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The Company has initiated geochemical analysis for grade determination and geotechnical test-work for Rock Mass Rating (RMR) evaluation for the Preliminary Economic Assessment (PEA) of its Xaudum Iron Formation (XIF) project, near Gumare in the Northwest district of Botswana.

Xaudum Iron Project takes its name from Xaudum river that runs from the Namibian boarder. Tsodilo revealed in a statement that 755 samples from 10 drill holes within the project Block 2 area have been sent to ALS Chemex in South Africa for analysis by element analysis by X-ray fluorescence.

Futhermore 34 samples from 7 drill holes representing the main iron geological domains have been sent for geotechnical laboratory test-work assessment to the Department of Mining and Geological Engineering at the Botswana International University of Science and Technology (BIUST).

At BIUST 18 samples will undergo Unconfined Compressive Strength (UCS) testing; 8 samples will undergo Brazilian Tensile Strength (Brazilian Test) testing; and another 8 will undergo Direct Shear Strength tests on a selection of common discontinuities. In 2014 James M. Bruchs Chairman and CEO of Tsodilo Resources Ltd said the Xaudum Iron Project has the potential to supply iron ore and iron products to not only the whole southern African region but to the world. "This resource is also only the 'Tip of the Iceberg' given the previously reported Exploration Target of between 5 and 7 billion of tonnes." he said

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<https://www.mmegi.bw/business/govt-crafts-base-metals-and-iron-ore-strategy/>  
June 13, 2014

The Permanent Secretary (PS) in the Ministry of Minerals, Energy and Water Resources (MMEWR) Boikobo Paya told the Botswana Resource Sector Conference on Tuesday that government is formulating a base metals and iron ore beneficiation strategy.

"Government has identified potential iron ore of seven billion tonnes and 646.6 million tonnes of copper and nickel," he said, adding that some feasibility study on iron ore has been done to see the value of smelting and refinery, to generate more income from selling finished products.

He said the Ministry is willing to co-finance this project.

Paya assured that some strategic goals have been put in place to optimise the benefits. He said government coordination through this process is crucial and the private sector has been considered with shareholder consultation. Paya called for private sector involvement, to partner with the government to develop the area where the iron ore is found thus creating employment.

"Iron ore is located in the most remote areas of this country in the Ngamiland where water and power is a major concern. There is no infrastructure especially roads, and accommodation" he said.

Tsodilo Resources, which is located at Shakawe, is one of the identified local companies mining iron ore. They are expected to announce how much resources they have by end of their second quarter.

The current copper and nickel producer in the country includes BCL, African Copper, Discovery Metals and Tati Nickel. Prospective copper producers in the country include Gantsi based Khoemacau, which plans to apply for a mining licence before the end of the year. The proposed strategy is one of numerous government efforts to try and generate income from other minerals to diversify from diamonds, as its revenue is expected to dip significantly around the year 2022 when Jwaneng 'jewel in the crown' is due to convert from open pit to underground pit.

In February 2012 government launched the Coal Road Map, whose development unit was established in April the same year.

The PS revealed that the resource assessment study on the Coal Roadmap is ongoing and the signing of an agreement with Namibia for the Trans Kalahari Road (TKR) development has been done even though their operational office is behind schedule as it was expected to be set by end of June and has been postponed to July.

"There are also discussions on existing rail capacity building to handle 10-15mtpa to Matola/Maputo in Mozambique and another one on existing rail capacity building to handle 10Mtpa to Richards Bay in Durban," he said.

Paya added that the ministry planned expanding the capacity on mines, rail and ports, as well as develop infrastructure.



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**MARIPE J.  
IN THE HIGH COURT OF THE REPUBLIC OF BOTSWANA  
HELD AT MAUN**

Case No: MAHMN-000075-22

In the dispute between

**GCWIHABA RESOURCES (PTY) LTD**

**Applicant**

And

**MINISTER OF MINERALS AND ENERGY**

**First Respondent**

**ATTORNEY GENERAL**

**Second Respondent**

CONFIRMATORY AFFIDAVIT



I, the undersigned,

DR. MIKE DE WIT

Do hereby take oath and state as follows:

1. I am a retired adult male of full legal capacity residing at 60 Thirteen Avenue, Kleinmond 7195, South Africa.
2. I am competent to depose to this affidavit by virtue of my involvement in this matter when I was the Applicant's Director in 2015. The facts contained in this affidavit fall within my own personal knowledge and belief by virtue of my involvement as aforesaid. Save where the contrary appears from the context, the contents herein are to the best of my knowledge and belief, both true and correct.
3. I have read the Replying Affidavit of **JAMES MICHAEL BRUCHS** and I confirm the contents therein in as far as they relate to me and my attendance of a meeting on 14 December 2015 with the Department of Mines.

*(Handwritten mark)*

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- 5. In particular, I confirm that I attended the above described meeting and took the hand written notes which are attached to the Replying Affidavit as RA12<sup>a</sup>. The hand notes evidence the talking points that were discussed at the meeting and I confirm that I never change the position of what was discussed at the said meeting.
- 6. I confirm further that I have reproduced by email, for eligibility purposes, the said hand notes and same is attached to the Replying Affidavit as RA12<sup>b</sup>.

*Mike de Wit*

DR. MIKE DE WIT

THUS SWORN TO AND SIGNED BEFORE ME AT Klerinaco, SOUTH AFRICA ON THIS 08 DAY OF MARCH 2023, AT 17:26 HOURS, THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH WHICH HE CONSIDERS BINDING ON HIS CONSCIENCE.

*[Signature]*  
 Sgt. Jansen  
 20/12/22

COMMISSIONER OF OATHS

Full names: Pieter Jansen

Rank/position/capacity: Sgt

Station: Klerinaco

