



World Heritage Centre, c/o mrs Anatole-Gabriel
UNESCO
7, Place de Fontenoy
75352 Paris CEDEX 07
France

Datum: Harlingen, June 11, 2019

Kenmerk: LJFP/2019

Betref: World Heritage Waddensea Concern

Dear mrs. Anatole-Gabriel,

May we draw the following to your attention.

We, the Dutch Wadden Sea Society together with other civil organisations and communities from The Netherlands, feel that we need to address our serious, urgent concern about the commitment of the Dutch Government to the protection and preservation of World Heritage Wadden Sea. Our concern is specifically related to the impacts of fossil fuel mining underneath, and within the boundaries, of WHS Wadden Sea.

We feel that new fossil fuel mining projects in this World Heritage Site undermine the preservation and conservation of this World Heritage Site for a number of reasons outlined below. In many different ways we have drawn our concerns about this to the Dutch government. However, the government has made it abundantly clear that it is determined to continue these mining projects. This was also reported to our national parliament on May 15 when one of the Cabinet's Ministers outlined that the Cabinet "sees no added value in determining the support from national or international organisations for this fossil fuel mining project."¹ It is our understanding that in preserving a World Heritage Site support from local, regional, national and international organisations is crucial.

We feel that in case the Dutch government continues to allow, and financially benefit from, such projects underneath WHS Wadden Sea UNESCO can no longer entrust the preservation and conservation of this World Heritage Site to the Dutch authorities. Especially since it is abundantly clear that there is no support for this project from local or regional authorities adjacent to World Heritage Wadden Sea.

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We ask the UNESCO World Heritage Centre to use its good offices to address our concerns as questions raised in this letter. Resulting from this we are well aware that this may invite you to use your mandate under the UNESCO convention to address concern to the Dutch national authorities about commitment to the protection and conservation of the Dutch area within the trilateral WHS Wadden Sea.

Needless to say we are willing to present more information should you need this, be it in writing or during a meeting with you at UNESCO in Paris.

Mining Crisis in The Netherlands

The Netherlands have a long history of gas mining. Europe's largest gasreserve is located in the northern part of our country and partly overlaps what is now WHS Wadden Sea. Gas Mining has resulted in subsidence, earthquakes and serious discontent about the capacity of our government to guarantee a safe home to thousands of families. Time and time again the mining company as well as the Government underestimated or misjudged the effects of large scale mining.

Earlier this month the independent mining authority raised the red flag and recommended that the aftermath of decades of gas mining needed to be dealt with as a crisis. In addition our national parliament has ruled that a Parliamentary Hearing needs to be organized about the role of both our government as well as the mining company. Due to the serious lack of care by our government for the effects of mining on safety, landscape or property there is a serious mining crisis in our country at present.

For decades the Dutch government denied the impact of gas mining to landscape, property and nature. Until the earthquakes appeared. Even then both our government and the mining company continued to deny any link between mining and gastrectomy. At this moment the Dutch state is facing more than 17.000 unfinished damage claims resulting from decades of mining. Exactly the same mining company (NAM) and the same division of our national government (The Ministry of Economic Affairs and Climate) are the driving forces to start a new mining operation underneath WHS Wadden Sea.

Fossil Fuel Mining underneath World Heritage Wadden Sea

There are mining projects for both fossil fuels (gas) and salt underneath The Wadden Sea. Some of these have been active for decades. When the Dutch government nominated the Wadden Sea for WHS status special concern was given to these existing and ongoing projects. A conglomerate of Shell/Exxon and the Dutch government (Nederlandse Aardolie Maatschappij, NAM) has the leading company in mining for fossil fuels.

In 2019 NAM made it clear, as did our national Minister of Economic Affairs and Climate, that fossil fuels present underneath WHS Wadden Sea need to be mined, sold and burned. Our national mining laws prohibit mining installations within a WHS. In this case the drilling site outside WHS Wadden Sea, but the operation is clearly within WHS Wadden Sea

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We are deeply concerned that the Dutch government will move forward with the current gas extraction, and will permit new gas- and salt extraction. When gas extraction was first permitted in 2006, a (seemingly) strict set of rules and regulations was put in place. What is worrying is that 13 years on, the independent supervisor and the State Supervision of Mines indicate that there is still not a system in place that with any kind of certainty can predict and prevent damage to the World Heritage.

*What is the opinion of the World Heritage Committee about this apparent legal loop hole used by NAM to start a mining operation underneath a fragile UNESCO World Heritage Site?
After 13 years of gas mining , there is still no certainty at all that mining can be performed without damage to the Outstanding Universal Values of Wadden Sea. Is it in your view acceptable to continue and expand mining operations underneath Wadden Sea?*

Fossil Fuel Mining and Climate Change: a threat for Unique Universal Values Wadden Sea

There is no doubt that climate change has and will have a severe impact on WHS Wadden Sea. Impacts of climate change have been brought to the attention in many different countries over the world in many different ways. Not in the least by the UNESCO World Heritage Centre in a series of excellent and sometimes alarming publications. The potential effects of climate change on WHS Wadden Sea have, among others, have been clearly outlined in the report “World Heritage and Tourism in a Changing Climate” the UNESCO World Heritage Centre in 2016.

WHS Wadden Sea is at present subject to threats from causes of climate change (fossil fuel mining) as well as the impacts of climate change (sea level rise, rise of temperature in sea water). The Dutch Government has ratified both the UNESCO Convention and the Paris Convention on Climate Change. And despite the government’s commitment to these conventions the current Administration is actively involved in, and fully supportive to, new fossil fuel mining operations within World Heritage Site Wadden Sea.

In this light we feel supported by one of the decisions adopted at the 41st session of the World Heritage Committee in Krakow, Poland. ⁱⁱ Climate change was presented as a ‘clear and present danger’ to the integrity of World Heritage Properties. The decision taken at the 41st session clearly called for urgent and rapid action to reduce global warming. Countries entrusted with the care of World Heritage Site within their national borders were strongly invited to undertake actions to address Climate Change under the Paris Agreement consistent with their obligations within the *World Heritage Convention* to protect the OUV of all World Heritage properties.

To us this UNESCO decision is not reflected at all in the decision made by the Dutch government to support and facilitate new fossil fuel mining projects underneath World Heritage Wadden Sea. Mitigating climate change as well as the duty to preserve World Heritage Wadden Sea appear to us as two very strong reasons to abstain from new fossil fuel mining projects underneath The Wadden Sea.

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What is the opinion of the UNESCO World Heritage Committee about the consistency of new fossil fuel mining projects underneath World Heritage Wadden Sea with the decision adopted at the 41st session of the UNESCO World Heritage Committee in Krakow?

Special Envoy raised the red lantern about 'drowning' of Wadden Sea

The Dutch Special Delta Envoy was crystal clear in raising the red lantern in 2018 when the Envoy warned of a risk for 'drowning' of the western Wadden Sea resulting from a serious rise in sea levels due to Climate Change. However, since then it is our view that our national government has failed to take adequate measures for the preservation of WHS Wadden Sea. On the contrary, it is our understanding that the government's support for new fossil fuel mining projects are in clear contradiction with the advice of the Special Envoy. ⁱⁱⁱ

To what extent does a national government need to take warnings, such as expressed by a national envoy, about the preservation of (parts of) a World heritage Site into account?

World Heritage Site 'no go area' for international mining companies

Already sixteen years ago a coalition of international mining companies voluntarily agreed not to mine or explore in World Heritage sites. The International Council on Mining and Metals (ICCM) has since then expressed its full support for all efforts to ensure that World Heritage Sites, identified as areas of outstanding universal value, are no-go to industrial activity.

While 23 leading mining companies have voluntarily made a commitment not to mine or explore in World Heritage sites, their voluntary action alone is not enough to safeguard these sites. A firm commitment by national governments is crucial to protect the Outstanding Universal Values of an enlisted WHS. So far this commitment by the Dutch government appears to be absent.

In an ICCM/IUCB funded study on this issue the recommendation to State Parties on the issue of mining in World Heritage Properties was quite clear. State parties were to ensure that no new mining projects were granted permission within World Heritage Sites, nor any beyond their boundaries that could negatively affect them. ^{iv}

To what extent do NAM and the Dutch authorities act in line with the voluntary agreements presented by ICCM to UNESCO?

UNESCO World Heritage Committee: mining incompatible with World Heritage Status

Over the years the UNESCO World Heritage Committee has been called upon to provide guidance for the dilemma's facing governments and mining companies in issues such as the one we present to you. ^v The position taken by WHS is clear; mineral, oil and gas exploration or exploitation is incompatible with the World Heritage status, and such activities should not be undertaken within World Heritage properties. It is, in any case, essential that the Outstanding Universal Value of a World Heritage property is not impacted.

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In 2013 this position was confirmed and specified in a decision adopted at the WHS 13th session in Phnom Pen, Cambodia. The Committee decided that both the private sector as well as State Parties needed to ensure that existing and future operations in areas surrounding World Heritage properties are compatible with the protection of their Outstanding Universal Value and do not threaten their integrity;^{vi}

Does the World Heritage Centre agree that the intended new fossil fuel mining project underneath World Heritage Wadden Sea is incompatible to the decisions made at the 37th session of the World Heritage Committee?

No support from local or regional authorities adjacent to WHS Wadden Sea

Ten years ago the Wadden Sea was enlisted as a UNESCO World Heritage Site. At that time support by the local support from local and regional authorities was a crucial element in the nomination by the Dutch government. When it comes to decision related to the conservation of WHS Wadden Sea the (lack of) support from local and regional authorities for fossil fuel mining appears to be irrelevant for the Dutch national government. To us this appears to be in violation to the obligations of our national government under the UNESCO principles and guidelines for the protection of a WHS. Over the last year several local authorities adjacent to WHS Wadden Sea have expressed their deep concern about the intention of the Dutch national government to facilitate and support new fossil fuel mining projects. In June 2018 all of the Dutch Wadden Island mayors sent a strong worded letter to both our national parliament and the responsible Minister expressing their concern about more fossil fuel mining underneath WHS Wadden Sea. So far a reaction from the Dutch government to the issues raised in that letter has not been given.

On February 14 the local council of Noard East Fryslân (a municipality adjacent to WHS Wadden Sea and chosen by NAM to erect a drilling site) expressed its strong objection to new fossil fuel mining operations within its territory. As did the province of Fryslân in a dedicated motion earlier that month. Shortly after that followed by the Administration of two other Wadden Provinces; Groningen and Noord Holland.^{vii}

All in all this means a huge absence of support from local and regional governments for decisions by our national government that are crucial for the preservation of WHS Wadden Sea. The Dutch government is well aware of this lack of support but considers this to be irrelevant or negligible while continuing the legal preparations to allow this new fossil fuel mining operation.

To what extend does our national government need to take the presence, or absence, of local and regional support in to account when deciding upon actions that can have a severe impact on the Outstanding Universal Values of an enlisted World Heritage Site.

'Buying in' local and regional support for a mining project

The absence of support by local and regional authorities has been outlined above. At the same time the Dutch government is of the opinion, as expressed in our national parliament, that local and regional support for fossil fuel mining exists. This opinion appears to be based on the co-operation by

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local and regional government in all legal procedures needed to obtain all necessary permits and licenses for NAM. In addition NAM and the national government and local and regional authorities have been invited to participate in a 'buy in' scheme. ^{viii}Local and regional authorities have been invited to express their concerns and wishes in case the planned mining project should go ahead. Our national government had confirmed the allocation of a substantial budget to accommodate any desire or hassle expressed by local authorities or local communities.

To our surprise the participation of local and regional authorities in such a 'buy in' scheme was presented by our government as confirmation of serious support by these authorities for new fossil fuel mining projects underneath WHS Wadden Sea. ^{ix}Confusion 'buy in' and sincere local and regional support appears to be apparent. Needless to say even Members of Parliament and local groups are at a loss about what kind of local and regional support means under the obligation of our national government to preserve a World Heritage Site.

Objections and observations on the confusion between 'buying in' and 'local support' have been made by local politic parties in a letter to Members of the Netherlands' Parliament. Local politicians strongly object to the way in which both the Dutch government and the mining company seek to obtain local support for this project by providing financial support to local and regional 'desires'. ^x

Does this system of 'buying in' local and regional support for a mining project underneath WHS Wadden Sea fulfill the UNESCO guidelines for State Parties to preserve World Heritage Sites in close co-operation with local and regional authorities?

Religious leader calls for protection WHS Wadden Sea

Reacting to the concerns of local groups and nature organisations the Bishop expressed a serious concern about the proposed new mining project. In doing so the Bishop referred to the 'Laudato Si' encyclical by Pope Francis as well as the controversies related to fossil fuel mining in the Northern part of The Netherlands. In his encyclical Pope Francis expressed his serious concern about both the growing gap between economy and ecology and the crucial need for our society and political leaders to bring more balance between nature and economy. Climate change, emission of CO2 as well as depletion of the earth's resources are bring society to the edge of what is possible on earth. Both the Bishop and the Pope expressed their opinion that earth is our common home and mankind is responsible for all effects of our decisions on this home. The Bishop pointed out that this is also clearly apparent in way in which our society manages WHS Wadden Sea and the coastal area adjacent to WHS Wadden Sea. So far a reaction by the Dutch government to the plea of the Bishop has not been given.

To what extend does the position of both the Pope and Bishop reflect the obligations of our national government in managing a listed World Heritage Site?

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In conclusion

As you undoubtedly understand the preservation of the Universal Outstanding Values of World Heritage Wadden Sea is a matter that is close to our hearts and minds. For all of us The Wadden Sea feels like home. A home we are proud of. A home we would like to protect and preserve for the benefit of us and our children. A home we are happy to share with as many interested and concerned people from all over the world.

It is therefore that we have set up numerous projects to facilitate a visit to The Wadden Sea for many different people from all walks of life and all corners of the world. It also therefore that we felt a strong need to address our serious concern about the commitment of the Dutch Government to the protection and preservation of World Heritage Wadden Sea to you. Especially this month as we are preparing for the 10th anniversary of WHS Wadden Sea.

We simply love this place and hope that the World Heritage Committee is in a position to study and address our concerns about the preservation and threats to our World Heritage Wadden Sea.

With high regards,

Lutz Jacobi, director Wadden Sea Society

Also on behalf of:

World Wildlife Fund Netherlands
Christen Democratisch Appèl Noard East Fryslân
Christen Unie Noard East Fryslân
Fractie Gemeentebelangen Noard East Fryslân
Fryske Nasjonale Partij Noard East Fryslân
Gemeentebelangen Noard East Fryslân
Partij van de Arbeid Noard East Fryslân
Sociaal in Noard East Fryslân
Volkspartij voor Vrijheid en Democratie Noard East Fryslân

Attachments:

1. Letter from 'Samenwerkingsverband van de Waddeneilanden', June 18, 2018
2. Motion adopted in the council of Noard East Fryslan February 14, 2019.
3. Motion adopted in Fryslân province, January 22, 2019
4. Official response by Minister of Economic Affairs to written questions raised in Parliament, May 15 2019.

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C.C (by email)

Permanent Representative of The Netherlands at UNESCO, c/o mr. Hans Wesseling

The Netherlands National UNESCO Commission, c/o mrs. Andree van Es

Samenwerkingsverband De Waddeneilanden, c/o mr. Quirinus Schouten

ⁱ Letter by Minister of Economic Affairs and Climate to Parliament; May 15, 2019, The Minister's answer to question 8; *"Ik zie voor het vaststellen van draagvlak voor een eventuele gaswinning vanuit Ternaard geen meerwaarde in het betrekken van nationale en internationale organisaties. Het staat nationale en internationale organisaties natuurlijk altijd vrij om hun standpunt kenbaar te maken.*

ⁱⁱ World Heritage Committee, 41st session, Krakow, Poland. Final document, Item 7, paragraph 76 *"the growing evidence of climate impacts across World Heritage properties confirm that urgent and rapid action to reduce global warming is essential and the highest degree of ambition and leadership by all countries is needed to secure the full implementation of the Paris Agreement of the UNFCCC, which has agreed on "holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels". (See also: <https://whc.unesco.org/en/decisions/6940/>)*

ⁱⁱⁱ Report Special Envoy 'Dutch Delta' ; Mogelijke gevolgen zeespiegelstijging voor het Deltaprogramma, p.39 (<https://www.deltacommissaris.nl/documenten/publicaties/2018/09/18/dp2019-b-rapport-deltares>)

^{iv} Recommendation 13, p. x in 'World Heritage Sites and the extractive industries', Turner S.D, 2012 (<http://whc.unesco.org/document/140635>)

^v Presented clearly at: <https://whc.unesco.org/en/extractive-industries/>

^{vi} Decision at 37th session of WHS , 2013 (<https://whc.unesco.org/en/decisions/5018/>)

^{vii} The Dutch letters and motions expressing a severe concern about new fossil mining projects underneath WHS Wadden Sea are all-in Dutch, but have been included with this letter.

^{viii} This 'buy in scheme' started in 2018 and called "omgevingsproces" in Dutch. The national government together with NAM have taken responsibility to facilitate and finance this "omgevingsproces" with the participation of local and regional authorities as well as local groups. Within this process the national government and NAM share responsibility for so-called "desires and hassles sessions". The outcome of these sessions will be taken seriously by the government as well as NAM and the government will finance projects with public funds selected within these "desires and hassels sessions'.

^{ix} The Minister claims that: *"Determining support for this project in the region for potential new gas mining projects will primarily take place within these sessions and the steering committee guiding this process"*; answer to questions 5 and 6; Letter from Minister of Economic Affairs tot Parliament, May 15, 2019.

^x Letter from council members of Noard East Fryslân Community to National Parliament, June 2019

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