



Aan:

UNESCO World Heritage Centre

Mr. Ernesto Ottone, interim Director of the World Heritage Centre

7, Place de Fontenoy

75352 Paris CEDEX 07

France

Datum: Harlingen, January 24, 2022

Dear Mr. Ottone,

With great interest we have studied the letter of January 22 sent by The Permanent Delegate of the Kingdom of The Netherlands to UNESCO in relation to concerns raised about mining projects underneath World Heritage Site Wadden Sea. In accordance with § 174 - § 191 of the Operational Guidelines to the World Heritage Convention (1972) we felt it would be sensible to inform UNESCO's World Heritage Centre about our interpretation of the letter by the Permanent Delegate.

Wrong apology?

While we fully appreciate and understand the apology made by the Permanent Delegate to UNESCO's World Heritage Centre about forgetting to inform UNESCO, we would have expected an apology for even starting to think that mining is compatible with the World Heritage Status. As this was clearly the critical point you raised as per the decision within UNESCO (and hence for all state parties is our understanding) in 2013.

To our surprise the letter takes the start of this mining-project more or less for granted. We are disappointed to see that the letter appears to be more of a 'defence' of the decision in 2015 to start a new mining operation underneath WHS Wadden Sea. Where we would have expected a shared concern by the Dutch government with UNESCO's World Heritage Centre about the protection and preservation of a World Heritage Site. More over, the Permanent Delegate appears to justify the Government's decision of six years ago. Where we would have expected that the Permanent Delegate would inform you about the real and sincere concerns of a large number of people, local and regional authorities as well as scientific institutions about the potential threats and impacts to the Wadden Sea of both climate change and this particular mining project.



As long as cumulative effects are unknown, don't start new projects such as mining

The Permanent Delegate makes it clear that the government needs to 'develop knowledge of cumulative effects'. It has been our experience that there is no knowledge available at the moment that can link the impacts of individual projects to a reliable instrument to assess the total impacts on the property by various individual projects. In other words, no Minister can know whether or not the last drop that spills the bucket has already fallen or is likely to fall in the near future.

The Permanent Delegate refers to a national research programme. This programme has not started yet and is likely to take five years. Hence it appears logical, as we have made it clear to both government officials and in recent court-cases, that as long as further research is needed and carried out on these cumulative effects the precautionary principle would dictate that no large projects can be started or permitted by national or regional authorities with potential impacts on the natural characteristics of the property.

All mining projects for natural gas have identical impacts

The Permanent Delegate is right that mining operations were carried out when the Wadden Sea was inscribed as a World Heritage in 2009. And each mining operation for natural gas underneath Wadden Sea is likely to have identical impacts.

We welcomed the decision by our new government to ban new mining projects as new mining projects, with identical impacts, will indeed be 'too much' for the vulnerable nature of the Wadden Sea. Especially given the lack of scientific and reliable information about the cumulative effect of alle (mining) projects on the Outstanding Universal Values of the Wadden Sea. In that light we are surprised that the 'Ternaard project' appears to go ahead. From the letter we cannot see in what way this large mining operation needs to be considered differently from any other (new) mining operation. In short; why should this one go ahead and what appears to be the reason to state that no new projects will be permitted. In what way does this particular project have different impacts than any new one. This is unclear also in light with new and relevant scientific information on the impacts of mining published since 2009.



Rapid rise of sea level

Only last week our national Meteorological Institute released new scenarios for sea-level rise in The Netherlands.¹ These figures are of extreme relevance to the protection and preservation of both our national coastline as well as the natural characteristics of WHS Wadden Sea.

We know that the sea level rise is one of the benchmarks of the Dutch methodology of mining with a 'hand on the tap'. To us the somewhat reassuring explanation of this methodology by the Permanent Representative does not adequately seem to reflect the latest data on the rise of the sea level in Wadden Sea. Based on the latest independent scientific review of this methodology we question the effectiveness of this methodology to protect the natural values of the Wadden Sea. Hence, we would like to recommend to you to ask the Permanent Representative for a clarification on the margins within this methodology for continuing to extract natural gas and salt from underneath the Wadden Sea in line with the most recent figures on sea level rise.

Independent from the impacts of this specific mining project a rapidly rising sea level constitutes a serious threat to the natural characteristics of WHS Wadden Sea. Again, it may be logical to ask the Permanent Representative about policies and actions by the State Party for mitigation and adaptation to preserve the Wadden Sea as a World Heritage Site.

Can IUCN's advisory role be ignored?

Our impression was that both UNESCO's as well as IUCN's role as advisory body have been ignored since 2015 by both the State Party as well as the private party. To our surprise The Permanent Delegate included a document prepared on January 14 (in an apparent hurry) that appears to compensate for this neglect of the past six years. Knowing that IUCN has adopted a resolution at its latest World Congress about this issue, we would like to repeat the suggestion to you made earlier that IUCN is asked to assess not only the information attached to the letter of the Permanent Delegate but is also asked to make a site visit to assess the current condition of the Wadden Sea in relation to the norms and targets outlined in both national and European policies for the protection of nature. We would be interested to learn from IUCN as an advisory body whether or not a new large projects such as this mining project (without proper scientific knowledge about its cumulative

¹ <https://www.knmi.nl/over-het-knmi/nieuws/zeespiegel-nederlandse-kust-stijgt-snel-er-door-klimaatverandering>



effects) can be considered, let alone permitted, at all in times of climate change and rapidly rising sealevels.

Local communities united in opposition

A crucial point appears to be missing in the letter by the Permanent Delegate; and that is any reference to the opposition to this project by local and regional authorities, scientific institutions as well as the independent national UNESCO Commission. We fear that the brief reference to *'multiple developments that arose in mid 2021'* is the only reference to this.

To us this feels as a substantial and regrettable understatement of the importance and pride many people feel with World Heritage Status of the Wadden Sea. We would suggest that you ask the Permanent Delegate to specify the various pleas and calls for help by local and regional authorities as well as (international) petitions to prevent this project from taking place. Because we are convinced that local, regional and international support for the WHS Status is substantially larger than the local and regional support for this particular mining project with impact on the OUV of the property.

What was the agreement in 2009 and what does that mean from new projects in 2022?

The Permanent Delegate refers to the nomination documents of 2009 as a justification for permitting (then active) mining operations. It is our understanding that decisions on the nomination made in 2009 can and could not have taken into concern the current plans for a new mining project in 2022. Would you be able to clarify to what extent nomination documents from the past can be used as a justification for projects with large impacts in the future?

Other World Heritage Sites in The Netherlands in relation to mining projects

Over the past weeks the increasing awareness of the relationship between the UNESCO WHS-status and mining has also shed new light on other sites in The Netherlands such as 'Koloniën van Weldadigheid'. However, we have no 'on the ground' expertise on this. Hence we suggest that the Permanent Delegate is asked to elaborate on this. To us it would be a bit strange that a State Party that was informed about the incompatibility of mining with the World Heritage Status appears to be involved in exactly that extractive industry potentially affecting more than just one World Heritage property.

In conclusion we thank you for your firm and clear commitment to the preservation and protection of this particular World Heritage Site. It is our hope that by providing you with this information the





World Heritage Centre may be in a better position to absorb and analyze the above mentioned formal response by the State Party concerned.

In the end the preservation and protection of a beautiful and meaningful places such as The Wadden Sea is a responsibility that cannot be left to national governments only. It should be a deeply felt contribution from all of us to present and future generations.

Yours Sincerely,

Lutz Jacobi, director Waddenvereniging

CC:

Permanent Delegate of the Kingdom of the Netherlands to UNESCO. Mr. Wesseling (by mail)

Minister of Agriculture, Nature and Food Quality, mr. Staghouwer (by mail)

Minister for Nature and Nitrogen, mrs. van der Wal-Zeggelink (by mail)

State Secretary for Mining, mr. Vijlbrief (by mail)

Minister for Climate and Energy, mr. Jetten (by mail)

Netherlands UNESCO Commission, mrs. Kathleen Ferrier (by mail)