

Specific Instance
OECD Guidelines for Multinational Enterprises:

SOCO's oil exploration in Virunga National Park,
Democratic Republic of the Congo

Presented to:

UK National Contact Point¹

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¹ Please note that while the format of this complaint deviates from the format provided by the UK NCP in the "Bringing a Complaint Under the OECD Guidelines for Multinational Enterprises", all relevant questions have been answered in the present complaint. See <http://www.bis.gov.uk/assets/biscore/business-sectors/docs/b/11-650-bringing-a-complaint-form-oecd-guidelines.pdf>.

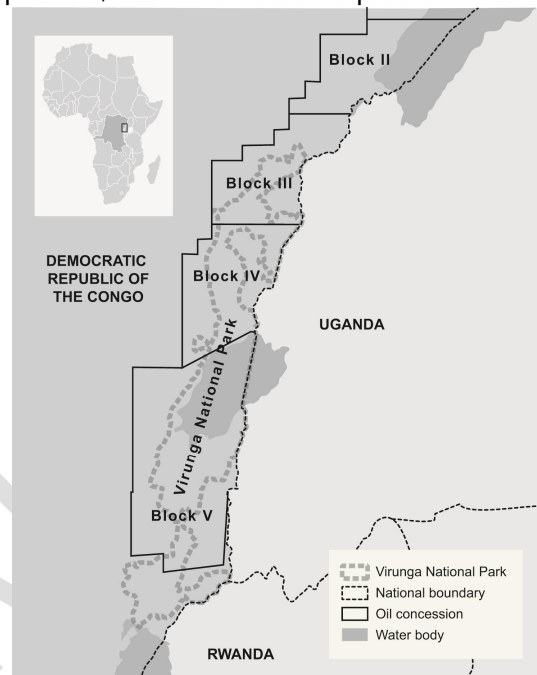
Abbreviations & Acronyms

COHYDRO	Congolaise des Hydrocarbures
Contract	Production Sharing Contract
DRC	Democratic Republic of the Congo
FARDC	Armed Forces of the DRC
ICCN	Congolese Institute for the Conservation of Nature (Institut Congolais pour la Conservation de la Nature)
ICG	International Crisis Group
IFC	International Finance Corporation
IPIS	International Peace Information Service
IUCN Netherlands	International Union for Conservation of Nature Netherlands
MECNT	Democratic Republic of the Congo Ministry of Environment, Nature Conservation and Tourism
NAP	UK Government's National Action Plan
OECD	Organisation for Economic Co-operation and Development
OECD Guidelines	OECD Guidelines for Multinational Enterprises
OHCHR	Office of the High Commissioner on Human Rights
PAR	Mitigation and Rehabilitation Plan (Plan d'Atténuation et de Réhabilitation)
SEA	Strategic Environmental Assessment
SOCO	SOCO International, plc
SOCO E&P DRC	SOCO Exploration and Production DRC Sprl
UK FCO	UK Foreign & Commonwealth Office
UK NCP	UK National Contact Point
UN	United Nations
UN Guiding Principles	UN Guiding Principles on Business and Human Rights
UNESCO	United Nation's Educational, Scientific and Cultural Organization
Virunga	Virunga National Park
Voluntary Principles	Voluntary Principles on Security and Human Rights
WHC	World Heritage Committee

1. Executive summary

Virunga National Park is Africa's first national park, a World Heritage Site listed as in danger, and a Wetland of International Importance.² The exceptionally diverse habitats of Virunga in eastern Democratic Republic of the Congo (DRC) include dense forests, savannas, rivers, marshlands, active volcanoes, permanent glaciers, and snow on Mt. Ruwenzori. Virunga "contains more species of mammals, reptiles and birds than any other protected area in Africa, and possibly in the world," including important populations of elephants, chimpanzees, hippopotami, and other iconic species.³ Virunga is also home to about 186 of the world's critically endangered mountain gorillas, according to the last census that counted a total of 880 of the animals, as well as a small population of eastern lowland gorillas.⁴

Eighty-five per cent of Virunga has been included in oil concession blocks. British oil company SOCO International plc (SOCO), via its DRC-registered company SOCO Exploration and Production DRC Sprl (SOCO E&P DRC), holds an 85 per cent interest in the Block V concession. Over 50 per cent of Block V is within Virunga.⁵ Most of the oil reserves in Block V are believed to be located under and around Lake Edward⁶, of which the DRC-portion of the lake is entirely within the national park.



Lake Edward is a vital source of fresh water and fish protein for local populations. A recent study of Lake Edward and Lake Albert found that the fishery industry employs about 27,000 fishermen, producing approximately 22,000 tonnes of fish. Of this, 15,000

² "What is the 'Ramsar List'?", The Ramsar Convention on Wetlands, last modified 10 August 2009, accessed 23 July 2013, http://www.ramsar.org/cda/en/ramsar-about-faqs-what-is-ramsar-list/main/ramsar/1-36-37%5E7725_4000_0_. In 1996, the DRC acceded to the Convention on Wetlands (Ramsar, Iran, 1971), which is otherwise known as the "Ramsar Convention". The DRC Government designated the entirety of Virunga as a Wetland of International Importance (Ramsar Site). According to the Ramsar website, when a government designates a Ramsar site, it has made "a commitment to "promote the conservation of the site", and "to take all steps necessary to ensure the maintenance of the ecological character of the site".

³ DRC Ministry of Environment, Nature Conservation and Tourism (MECNT), "Congolese Government Suspends Oil Exploration to Secure Mountain Gorilla Park", news release, 17 March 2011.

⁴ Maryke Gray, et. al., *Virunga Massif Mountain Gorilla Census – 2010 Summary Report*, ICCN, n.d., Uganda Wildlife Authority, Rwanda Development Board, *Virunga Massif Mountain Gorilla Census - 2010 Summary Report*, 29, http://www.igcp.org/wp-content/uploads/VirungaMountainGorillaCensus2010_final-report.pdf.

⁵ MECNT, "Congolese Government Suspends Oil Exploration".

⁶ "Block V and the Virunga National Park: Location and Map", SOCO, accessed 5 September 2013, <http://www.socointernational.co.uk/block-v-and-the-virunga-national-park#!tab=1177>. SOCO has indicated they will be exploring the foreshore, which is the part of a shore between high- and low-water marks, or between the water and cultivated or developed land.

tonnes come from Lake Edward. Using the same proportions, we can estimate that approximately 20,000 fishermen rely on Lake Edward for their livelihoods.⁷

Despite its status as protected wilderness, Virunga is threatened seriously by natural resource-driven conflict that has plagued eastern DRC. The park has been under great pressure over the past 15 years due to the presence of armed groups significantly reducing wildlife populations, carrying out deforestation, and engaging in other illegal natural resource exploitation activities. The people that call Virunga their home and/or depend on it for their livelihoods⁸ have endured enormous hardships and, in some cases, human rights violations and other unspeakable cruelties, at the hands of armed groups.

SOCO is currently assessing the hydrocarbon potential of Block V, which covers an area of 7,500 square kilometres.⁹ Oil exploration and exploitation are not allowed in Virunga under DRC's Order-Law No 69-041 of 22 August 1969 on the Conservation of Nature. However, SOCO has received authorisation to carry out exploration under an exemption provided for in Article 7 of this law that permits "scientific research" in protected areas. The "scientific" activities detailed in the SOCO-DRC investor-state contract known as the Production Sharing Contract, and authorised by a five-year exploration permit, include aerial and seismic surveys as well as the drilling of one or possibly two exploration wells after the survey data has been analysed.¹⁰

The International Crisis Group (ICG) has warned that if oil reserves are confirmed, the finding could worsen deep-rooted conflict dynamics within DRC, including border conflicts with its neighbours. ICG's July 2012 report *Black Gold in the Congo: Threat to Stability or Development Opportunity?* argues that an oil rush in the context of massive poverty, a weak state, poor governance, and regional insecurity would have strong destabilizing effects.¹¹ Among its recommendations, ICG has called for a moratorium on exploration in insecure areas of eastern DRC and enforcement of the ban on exploration in the DRC's World Heritage Sites.¹²

⁷ Dalberg Global Development Advisors, *The Economic Value of Virunga National Park*, WWF, 2013, 35, <http://europe.nextbook.com/nxteu/wwfintl/dalbergreport2013/index.php?startid=52#/0>.

⁸ Russell Arthurton et. al., *Africa Environment Outlook 2*, UNEP, 2006, 401, http://www.unep.org/dewa/Africa/publications/AEO-2/content/pdf/AEO2_Our_Environ_Our_Wealth_English.pdf. Hundreds of thousands of people rely on Virunga for food, water and wood for fuel.

⁹ "Block V and the Virunga National Park: FAQs", SOCO, accessed 3 September 2013, <http://www.socointernational.co.uk/block-v-and-the-virunga-national-park#!tab=118>.

¹⁰ DRC Ministry of Hydrocarbons, "Ministerial Order 016/Cab/Min-Hydr/Cmk/2011 Dated 25 October 2011 on the Granting of an Exploration Permit to the Association 'Dominion Petroleum Congo & SOCO Exploration - Production RDC & La Congolaise Des Hydrocarbures' (hereinafter, 'the Company') in Block V in the Albertine Graben", Translated by Global Witness, 26 October 2011.

¹¹ ICG, *Black Gold in the Congo: Threat to Stability or Development Opportunity?*, 2012, i, <http://www.crisisgroup.org/~media/Files/africa/central-africa/dr-congo/188-black-gold-in-the-congo-threat-to-stability-or-development-opportunity-english.pdf>.

¹² ICG, *Black Gold in the Congo*, ii.

The UK government has also expressed its opposition to oil exploration within Virunga. According to a UK Foreign & Commonwealth Office (UK FCO) statement issued in September 2012 and reconfirmed in July and August 2013¹³:

The UK opposes oil exploration within [Virunga], a World Heritage Site listed by [United Nation's Educational, Scientific and Cultural Organization (UNESCO)] as being 'in danger'. We have informed SOCO and urge the government of DR Congo to fully respect the international conventions to which it is a signatory. We remain committed to supporting UK companies in DRC and throughout the world. Foreign investment in sectors such as hydrocarbons and the extractive industries can play a vital role in boosting the development of DRC, lifting people out of poverty. Such investment needs to be done responsibly and sustainably, in compliance with local law and conforming to international standards.¹⁴

In addition, the European Parliament and the Belgian parliament have passed resolutions that express multiple concerns about the on-going conflict and instability in the African Great Lakes region. These resolutions also articulate concerns about the DRC government's authorisation of oil exploration in Virunga. The European Parliament resolution passed on 13 December 2012 concludes, "Parliament urges the Congolese government to act promptly and firmly to prevent all irreversible damage to [Virunga], due to the exploration and exploitation of oil or other illegal activities."¹⁵ A German resolution was introduced on 4 June 2013 voicing similar sentiments.¹⁶

We further note that French oil company Total SA committed in May 2013 at the company's annual shareholder meeting in Paris that it will not explore for oil within Virunga even if the park's boundaries are reduced.¹⁷

The Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises (OECD Guidelines) are clear in both the official text and the commentary¹⁸ that business activity should contribute to sustainable development as defined by the 1987 World Commission on Environment and Development: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."¹⁹

¹³ Emily Gosden, "SOCO in dispute with Foreign Office over Britain's stance on controversial DRC drilling", *The Telegraph*, 27 August 2013,

<http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/10268273/SOCO-in-dispute-with-Foreign-Office-over-Britains-stance-on-controversial-DRC-drilling.html>.

¹⁴ UK FCO, DRC Desk, email message to Penny Evans, Public Affairs, WWF-UK, 9 July 2013.

¹⁵ "2012/2907(RSP) - 13/12/2012 (Resolution on the situation in the Democratic Republic of the Congo)", European Parliament, accessed 25 July 2013,

<http://www.europarl.europa.eu/oeil/popups/summary.do?id=1239779&t=d&l=en>.

¹⁶ "German Parliament Opposes Oil Drilling Plans in Congolese Conservation Areas", SaveVirunga.com, accessed 19 August 2013, <http://savevirunga.com/2013/06/14/june-4th-2013-german-parliament-opposes-oil-drilling-in-virunga-national-park/>.

¹⁷ Geraldine Amiel, "Total Rules Out Oil Exploration in Congo's Virunga National Park", *The Wall Street Journal*, 17 May 2013, accessed 1 September 2013, <http://online.wsj.com/article/BT-CO-20130517-703772.html>.

¹⁸ OECD, *OECD Guidelines for Multinational Enterprises*, 25 May 2011, 21. "There should not be any contradiction between the activity of multinational enterprises (MNEs) and sustainable development".

¹⁹ OECD, *OECD Guidelines*, 21.

WWF contends that SOCO is in violation of the OECD Guidelines, and in particular that its exploration activities in a World Heritage Site do not contribute to sustainable development, for the following reasons:

- SOCO has disregarded DRC's legal commitment under the World Heritage Convention to preserve Virunga, and has failed to conduct its activities in a manner that contributes to the wider goal of sustainable development, in violation of Chapter VI of the OECD Guidelines.
- SOCO has negotiated a contract that contains a "full freezing" stabilization clause that effectively exempts the company from any new laws or regulations, even those aimed at strengthening protections for human rights, the environment, health and safety, or other policies relating to the pursuit of sustainable development in Virunga, in violation of Chapter II, Paragraph 5 and also Chapter VI of the OECD Guidelines.
- SOCO has not provided any evidence that it has conducted appropriate and systematic human rights due diligence, including how an "oil rush" in Virunga could impact human rights, or how people's already vulnerable security could be endangered once armed groups seek to exploit the new power centre created by its oil exploration activities, in violation of Chapter IV, Paragraph 5 of the OECD Guidelines.
- SOCO has never disclosed publicly the Mitigation and Rehabilitation Plan (Plan d'Atténuation et de Réhabilitation or PAR) it was required to complete to obtain an exploration permit. The company has thus failed to provide the public with adequate, measureable, verifiable, and timely information on the potential environment, health, and safety impacts of its activities, in violation of Chapter VI, Paragraph 2a of the OECD Guidelines.
- SOCO's community consultations have not been characterised by meaningful two-way communication, and the company's use of state security forces during consultations and as promoters of its project has created a "heightened risk of intimidation" in which many local residents do not feel safe to express their views or concerns, in violation of Chapter II, Paragraph A.14 of the OECD Guidelines.

WWF requests that the UK National Contact Point (UK NCP) facilitate a non-adversarial dialogue with SOCO to discuss how to bring the company's operations into line with the OECD Guidelines. It is WWF's estimation that this will require the immediate cessation of the company's current exploratory activities in and around Virunga. Should a mediated dialogue not result in a mutually acceptable resolution, we request that the UK NCP assess the allegations, determine whether a breach has occurred, and issue a final statement with recommendations as to how to improve the implementation of and compliance with the OECD Guidelines.

2. WWF's interest in the case

WWF's mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption. WWF focuses on conserving the Earth's most exceptional ecosystems and habitats, as well as the places and species that are particularly important for maintaining the planet's biodiversity.

WWF is an international non-governmental organization comprised of a secretariat in Gland, Switzerland, 30 national offices and 5 associate offices throughout the world. In DRC, WWF has offices in Kinshasa and Goma. Through a long-standing partnership with the Congolese Institute for the Conservation of Nature (Institut Congolais pour la Conservation de la Nature, ICCN), which is the entity mandated to manage and protect Virunga National Park, WWF has worked in DRC to conserve and protect the country's special places and endangered species for over 40 years. For more information, please visit www.panda.org.

3. About SOCO International plc

3.1. Company overview

SOCO International plc is an oil and gas exploration and production company founded in 1997. The company's shares are traded on the London Stock Exchange under the ticker symbol SIA, and its registered office is in London. SOCO engages in the exploration and production of oil and gas properties in Vietnam, Republic of Congo, DRC and Angola. The company's website is <http://www.SOCOinternational.co.uk>.

3.2. SOCO's corporate structure vis-à-vis the Block V concession:²⁰

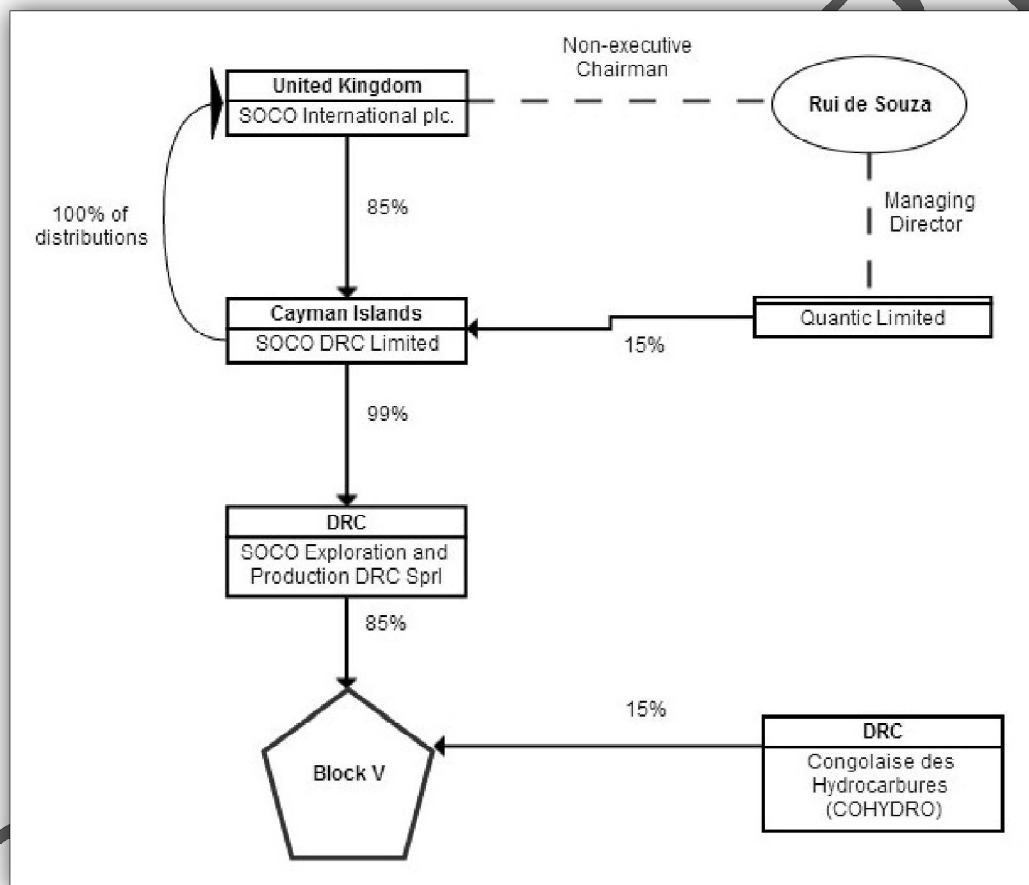
- SOCO Exploration and Production DRC Sprl (SOCO E&P DRC), a DRC-registered company, holds an 85 per cent interest in Block V as of July 2012.²¹ The remaining 15 per cent interest is held by Congolaise des Hydrocarbures (COHYDRO), DRC's state oil company.
- SOCO DRC Limited, which is registered in Cayman Islands, a British Overseas Territory, owns 99 per cent of SOCO E&P DRC.²²

²⁰ SOCO, *Annual Report and Accounts 2012*, 85, <http://www.Socointernational.co.uk/annual-report-and-accounts-2012.download>.

²¹ *Ibid*, 8.

²² *Ibid*, 85. "SOCO DRC Limited (SOCO DRC) owns 99% of SOCO Exploration and Production DRC Sprl which holds the Group's working interest in its DR Congo (Kinshasa) asset. The Group [SOCO International plc] funds 100% of SOCO DRC and is entitled to receive 100% of the distributions made by SOCO DRC until it has recovered such funding including a rate of return. The 15% non-controlling interest is held by Quantic Limited".

- SOCO International plc (SOCO) holds an 85 per cent interest in SOCO DRC Limited.²³
- SOCO International plc funds 100 per cent of SOCO DRC Limited, and the former is entitled to receive 100 per cent of the distributions made by the latter until it has recovered such funding, including a rate of return.²⁴
- The 15 per cent non-controlling interest of SOCO DRC Limited is held by Quantic Limited.²⁵ SOCO's Non-executive Chairman Rui de Souza is a managing director of the Quantic group of companies, which are registered in the British Virgin Islands.²⁶



²³ Ibid, 8.

²⁴ Ibid, 85.

²⁵ Ibid.

²⁶ "Administrative Information", Quantic.com, accessed 3 September 2013, <http://www.quanticoil.com/administrative.html>.

3.3. Company principals

The principal members of the company's management are:

- Rui de Sousa, Non-executive Chairman
- Ed Story, President and Chief Executive Officer
- Roger Cagle, Executive Vice President, Deputy CEO and Chief Financial Officer
- Cynthia Cagle, Executive Director, Vice President – Finance and Company Secretary²⁷

4. Background information

4.1. Virunga established as a nature reserve

Virunga was established in 1925 as Albert National Park and then as Virunga National Park in 1969 by DRC's Order-Law No. 69-041 (Appendix 1). This law constitutes the heart of the legal protections enjoyed by the park today. Article 5 prohibits the following activities, which effectively make oil exploration and exploitation illegal in Virunga:

- Disturbing or harming wildlife in any way that would be deemed harmful except in self-defence;
- Destroying or uprooting plants or trees;
- Introducing any sort of animal or plants;
- Excavating, drilling, sampling or all other work that would alter terrain or vegetation;
- Blocking rivers or directly or indirectly polluting waters; or
- Flying an aircraft at a height less than 300 meters.

The authorization SOCO has received to engage in oil exploration in Virunga exploits an exemption in Order-Law No. 69-041 that allows "scientific research activities" in protected areas. The order's Article 7 states:

[ICCN] may waive the proclaimed prohibitions of Articles 4 and 5, to the benefit of persons it appoints and under the conditions it determines. Notably, it may waive them in the following cases:

1. When, in the course of scientific research activities, it concerns the collection of study materials (animals, plants, minerals), the making of excavations, earthworks, surveys and all other works of a nature that alter the appearance of the terrain or the vegetation;

²⁷ SOCO, *Annual Report and Accounts 2012*, 40.

2. When, with the aim of conserving animal or plant species, it is essential to stop the excessive multiplication of some of them or to intervene in any other way; and
3. When it is necessary to approach, disturb, photograph, capture or kill animals for the study of their behaviour.²⁸

4.2. Virunga classified as a World Heritage Site

Virunga was classified as a World Heritage Site in 1979 by UNESCO “because of its exceptional and global importance in terms of biodiversity and geology as well as its outstanding natural beauty.”²⁹ According to UNESCO, “World Heritage is the designation for places on Earth that are of outstanding universal value to humanity and as such, have been inscribed on the World Heritage List to be protected for future generations to appreciate and enjoy.”³⁰

4.3. Virunga inscribed on the List of World Heritage in Danger

In 1994, Virunga was inscribed on the List of World Heritage in Danger “as a result of the impacts of armed conflicts in and around the site on its ecological integrity.”³¹ Per UNESCO, “The List of World Heritage in Danger is designed to inform the international community of conditions which threaten the very characteristics for which a property was inscribed on the World Heritage List and to encourage corrective action.”³²

4.4. Block V concession granted to SOCO E&P DRC

In December 2007, the DRC government granted SOCO E&P DRC, Dominion Petroleum, and DRC’s state oil company COHYDRO the Block V concession (Appendix 2). The contract was approved by Presidential Order No. 10/044 on 18 July 2010, and is renewable for two further five-year terms. Since July 2012, SOCO E&P DRC has held an 85 per cent participating interest in Block V.³³

4.5. SOCO’s role in the DRC government’s Strategic Environmental Assessment

In March 2011, DRC’s then Minister of Environment, Nature Conservation and Tourism (MECNT) José Endundo announced plans for a Strategic Environmental Assessment

²⁸ Order-Law No 69-041 of 22 August 1969 on the Conservation of Nature, 2.

²⁹ Kishore Rao, Director, World Heritage Centre, letter to Ed Story, SOCO, 19 October 2012.

³⁰ “Frequently Asked Questions”, UNESCO, accessed 3 September 2013, <http://whc.unesco.org/en/faq/>.

³¹ *Ibid.*

³² “World Heritage in Danger”, UNESCO, accessed 3 September 2013, <http://whc.unesco.org/en/158/>.

³³ SOCO, Half Year Results, 4,

<http://www.socointernational.co.uk/cache/downloads/5nfeah2ddqsc44gkkwsc4gcck/2012%200823%20SOCO%20HYR%20announcement.pdf>. “In July 2012, SOCO increased its interest in the Block V licence to 85 per cent by acquiring the 46.75 per cent interest held by Ophir Energy Plc. The remaining 15 per cent interest is held by COHYDRO, the national oil company of DRC”.

(SEA) to assess the impacts of major development in the region.³⁴ The SEA will include a cost/benefit analysis of retaining Virunga's protected status versus developing the oil concessions within the park. SOCO is to provide data on the exploitable oil resources in Block V for the SEA. It should be noted that this arrangement contravenes best practices since the company has a commercial interest in the concession, while an SEA should be looking beyond the project level to assess the overall potential impact of oil development before government decisions are made. In September 2012, the first phase of the SEA was finalized. The DRC government has received funding from the European Union to complete the SEA.

4.6. Exploration permit granted to SOCO

Article 6.4 of SOCO's contract sets out the requirement that the company prepare a PAR in order to obtain an exploration permit. A PAR is a less comprehensive version of a full environmental and social impact assessment. Article 6.4 states:

The contractor shall prepare and implement a [PAR] within six (6) months of the first permit period [of] exploration, followed by a study "Environmental Impact Assessment and Environmental Management Plan Project" (EIA/EMP) for the production phase...³⁵

In March 2011, SOCO's first PAR was judged by Minister Endundo to be one that is "premature, superficial and which does not conform to the standards which we would expect."³⁶ SOCO's revised June 2011 PAR was granted an Environmental Acceptability Certificate in September 2011 (Appendix 3).³⁷ The following month, the company received an exploration permit by a decree issued by Minister of Hydrocarbons Crispin Atama Tabe (Appendix 4).³⁸ Although SOCO has never disclosed publicly the approved PAR, WWF has obtained this document through confidential sources.

4.7. Virunga's protected status under threat

In August 2012, DRC's MECNT issued a communiqué on the status of the Virunga SEA (Appendix 5). The communiqué states that the DRC government is obliged to collect reliable information on exploitable oil resources, and this is why SOCO E&P DRC received authorization to carry out the hydrocarbons assessment of Block V.³⁹ The communiqué also states that the DRC government will use this information to decide whether the costs and benefits of oil development outweigh the costs and benefits of the park.

³⁴ MECNT, "Congolese Government Suspends Oil Exploration".

³⁵ "Production Sharing Contract between the Democratic Republic of Congo, Dominion Petroleum Congo, SOCO Exploration and Production DRC, and Congolaise Des Hydrocarbures on Block V, the Albertine Graben", Kinshasa, November 2007, 15.

³⁶ MECNT, "Congolese Government Suspends Oil Exploration".

³⁷ SOCO, *Half Year Results*, 26.

³⁸ SOCO, *Annual Report and Accounts 2011*, 88.

³⁹ MECNT, "L'Etat Des Lieux De L'Evaluation Environnementale Strategique De L'Exploration/Exploitation Petroliere Dans Le Nord Du Rift Albertin", 8 August 2012.

One possibility noted in the communiqué is that the DRC government “degazettes” (decommissions) Virunga to pursue oil development. Degazetting means removing Virunga’s protected status by publishing this decision in an official gazette.

If the DRC government removes the park’s protected status, it would set in motion a process that would be likely to lead to amendment or removal of Virunga’s status as a World Heritage Site. In other words, removing the park’s protected status would almost certainly lead to the loss of Virunga’s unique value and features that led to its inscription as a World Heritage Site.

It should also be noted that Article 24 in the March 2013 draft hydrocarbons bill, which is currently moving through DRC parliament, allows a council of ministers to authorize exploration in protected areas if doing so serves the public interest (Appendix 6).⁴⁰

4.8. SOCO’s exploratory activities to date

SOCO has made several public statements that it is only engaging in magnetic, seismic, and gravity data gathering, and that it has no plans to drill inside the park in spite of the fact that its five-year exploration permit has authorized the company’s plans to drill one or possibly two exploration wells, as detailed in its contract.⁴¹ On 8 April 2013, a SOCO representative made the following comment on the SaveVirunga.com website (Appendix 7):

...SOCO is still conducting a block evaluation which is the very preliminary phase of exploration involving the gathering of magnetic and gravity data (this is done by conducting an aerial survey, potentially followed by a seismic study). We are still several years away from concluding these precursory scientific studies and it is emphasized that at this stage, no drilling has been planned or is even warranted. The aerial survey is the only exploration activity planned at this time, and was given approval to proceed by the DRC government within the context of its Strategic Environment Evaluation of [Virunga].⁴²

In a meeting between SOCO and WWF on 4 July 2013, the company acknowledged that it is still intent on conducting environmental assessments and baseline surveys in

⁴⁰ Proposition de Loi portant Régime Général des Hydrocarbures, March 2013, 12. (The draft law can be downloaded at http://www.globalwitness.org/sites/default/files/library/DRCHydroCarbonsLaw_0.pdf.)

⁴¹ SOCO, *Annual Report and Accounts 2012*, 36. “The Government of the Democratic Republic of Congo (DRC) has designated Block V for the purpose of oil and gas exploration. Although our activities are at the preliminary stages of exploration and no drilling is taking place, nor has been planned [emphasis added], we recognise that there is interest in how our activities will affect the livelihoods, flora and fauna of this section of the Virunga National Park”.

⁴² SOCO, 8 April 2013 (11:06 a.m.), comment on “1.000 Reasons Save Virunga: “For us: no fish, no life” #18”, Save Virunga.com, 18 March 2013, <http://www.socointernational.co.uk/block-v-and-the-virunga-national-park#!tab=959>.

Virunga. However, it was also made clear that if commercial deposits are found, it is SOCO's intention to exploit them, if invited to do so by the DRC government.⁴³

On 30 August 2013, SOCO announced it has received a research permit from ICCN to commence environmental baseline studies. The permit is effective 8 June 2013, and is renewable every five months.⁴⁴

5. Alleged breaches of the OECD Guidelines

WWF contends that SOCO has violated multiple provisions of the OECD Guidelines for Multinational Enterprises in terms of both the project's design and its implementation to date. WWF alleges that:

- SOCO has failed to take due account of the need to protect the environment given DRC's commitments under the World Heritage Convention;
- SOCO has sought and/or accepted a contractual exemption that could unduly constrain the DRC government's ability to protect human rights and the environment, and could be detrimental to the pursuit of sustainable development in Virunga;
- SOCO has failed to provide evidence that it has conducted appropriate and systematic human rights due diligence;
- SOCO has failed to provide the public with adequate, measurable, verifiable and timely information about the potential social and environmental impacts of its oil exploration activities; and SOCO has failed to provide relevant stakeholders with meaningful opportunities for their views to be taken into account in consultations that are free of intimidation.

The relevant guidelines for these breaches, which are detailed below, include:

- Chapter VI, chapeau - Enterprises should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and [emphasis added] in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to

⁴³ Rui de Sousa, "SOCO International's statement on current activities in Virunga National Park", SOCO, 30 July 2013, accessed 5 September 2013, <http://www.socointernational.co.uk/statement-current-activities-virunga-national-park>. "I also made it clear in my meeting with WWF that if the DRC state did proceed with oil exploration, that an accountable and responsible British company like SOCO – would be the best operator in the circumstances".

⁴⁴ SOCO, "SOCO receives the go ahead for environmental and social studies", news release, 30 August 2013, accessed 3 September 2013, <http://www.socointernational.co.uk/block-v-environmental-and-social-studies>.

conduct their activities in a manner contributing to the wider goal of sustainable development.

- Chapter II, Paragraph 5 – Enterprises should refrain from seeking or accepting exemptions not contemplated in the statutory or regulatory framework related to human rights, environmental, health, safety, labour, taxation, financial incentives, or other issues.
- Chapter IV, Paragraph 5 - Enterprises should carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.
- Chapter VI, Paragraph 2a - Enterprises should, taking into account concerns about cost, business confidentiality, and the protection of intellectual property rights: a) provide the public and workers with adequate, measurable and verifiable (where applicable) and timely information on the potential environment, health and safety impacts of the activities of the enterprise, which could include reporting on progress in improving environmental performance; and b) engage in adequate and timely communication and consultation with the communities directly affected by the environmental, health and safety policies of the enterprise and by their implementation.
- Chapter II, Paragraph A.14 - Enterprises should engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities.

5.1. SOCO has failed to take due account of the need to protect the environment given DRC's commitments under the World Heritage, in violation of Chapter VI of the OECD Guidelines.

As previously noted in Section 4 of this document, Virunga was classified as a World Heritage Site in 1979, and was inscribed on the List of World Heritage in Danger in 1994. Since June 2008, the World Heritage Committee (WHC) has been clear that oil exploration and exploitation activities in Virunga are incompatible with the park's World Heritage status (Appendix 8). WHC decisions in 2009⁴⁵, 2010⁴⁶, 2011⁴⁷, 2012⁴⁸,

⁴⁵ UNESCO, "33COM 7A.4 Virunga National Park", accessed 3 September 2013, <http://whc.unesco.org/en/decisions/1764/>. "The World Heritage Committee ...6. Expresses its deep concern with regard to the envisaged oil prospecting projects overlapping the property and also urges the State Party to exclude them from territory of the property; 7. Reiterates its position regarding the incompatibility of oil exploration and exploitation with the World Heritage status;"

⁴⁶ UNESCO, "34COM 7A.4 Virunga National Park", accessed 3 September 2013, <http://whc.unesco.org/en/decisions/4080/>. "The World Heritage Committee ...7. Reiterates its concern with regard to the envisaged oil prospecting projects overlapping the property, recalls its position regarding the incompatibility of oil exploration and exploitation in respect of World Heritage status, and also urges the State Party not to authorize any project of prospection or oil exploitation".

and 2013⁴⁹ have all affirmed the committee's position in this regard. In its latest June 2013 decision, the WHC:

6. Reiterates its deep concern that the State Party has not yet revised the authorizations for petroleum exploration in the Park, as requested in its Decision 36 COM 7A.4, and on the consequences of the declaration of the Minister of Environment indicating that the government envisaged de-gazetting a part of the Park for petroleum exploitation;

7. Expresses its serious concern regarding the project for a new Hydrocarbons Code that would allow petroleum exploitation in protected areas, including World Heritage properties, and requests the State Party to renounce this project;

8. Reiterates its request to the State Party to cancel all the oil exploitation permits granted within the property and recalls the incompatibility of oil and mining exploitation and exploration with World Heritage status;

9. Also recalls its appeal to the TOTAL and SOCO companies to subscribe to the commitments already accepted by SHELL and [the International Council on Mining and Metals] not to undertake petroleum or mining exploration or exploitation within World Heritage properties, and its request to States Parties to the Convention to do their utmost to ensure that the mining or petroleum companies established on their territories do not damage World Heritage properties, in accordance with Article 6 of the Convention (Appendix 9);⁵⁰

As state parties to the World Heritage Convention and the home countries of Total and SOCO, the above Paragraph 9 is addressed to the France and UK governments.

In January 2011, UNESCO Director-General Irina Bokova went to Kinshasa "to meet with Congolese authorities and to recall that no oil exploration or exploitation should be

⁴⁷ UNESCO, "35COM 7A.4 Virunga National Park", accessed 3 September 2013, <http://whc.unesco.org/en/decisions/4338>. "The World Heritage Committee ...7. Reiterates its deep concern on the granting of the petroleum exploration permit in an area covering part of the territory of the property, and recalls its position on the incompatibility of petroleum exploration and exploitation with World Heritage status;"

⁴⁸ UNESCO, "36COM 7A.4 Virunga National Park", accessed 3 September 2013, <http://whc.unesco.org/en/decisions/4618>. "The World Heritage Committee ...6. Reiterates its request to the State Party to revise its authorizations and not to grant new authorizations for petroleum and mining exploration and exploitation within the property boundaries and recalls its position on the incompatibility of petroleum and mining exploration and exploitation with World Heritage status; 7. Appeals to the TOTAL and SOCO companies to adhere to commitments already made by Shell and ICMM not to undertake petroleum and mining exploration or exploitation within World Heritage properties; 8. Notes that the TOTAL company, in conformity with its current policy of non-exploration of the protected areas of the park, has not undertaken any petroleum or mining exploration or exploitation within the World Heritage properties, and invites it to formally commit to this policy; 9. Requests States Parties to the Convention to make every effort to ensure that petroleum and mining companies in their territory cause no damage the World Heritage properties, in accordance with Article 6 of the Convention;"

⁴⁹ UNESCO, "37COM 7A.4 Virunga National Park", 12, accessed 3 September 2013, <http://whc.unesco.org/archive/2013/whc13-37com-20-en.pdf>.

⁵⁰ Ibid.

approved in [Virunga].⁵¹ During this high-level meeting, the Kinshasa Declaration was signed, stipulating that the DRC government will apply the law on the preservation of nature and will put in place corrective measures decided upon by the WHC (Appendix 10).⁵²

While the World Heritage Convention and its Operational Guidelines do not explicitly state that oil exploration and exploitation are prohibited in World Heritage sites, over the years, and particularly since 2003, the WHC has developed a *de facto* “no-go” policy with regard to extractive activities in these sites. Indeed, WHC decisions regularly refer to recommendations that industry best practice, as embodied by the International Council on Mining and Metals policy on “no-go” in World Heritage sites⁵³, and a similar Royal Dutch Shell policy, be applied. The WHC’s “no-go” policy was communicated to SOCO in a letter dated 19 October 2012 (Appendix 11):

The [WHC], in consecutive decisions, has expressed its utmost concern about the granting, by the DRC Government, of oil exploration permits inside [Virunga]. At its 36th Session, held in Saint Petersburg [in July 2012], the Committee expressed its deep concern over the granting of a Certificate of Environmental Acceptability for an aeromagnetic and aerogravimetric data gathering campaign in block V, which is managed by SOCO, and considered it contradicted the Government’s decision announced at the 35th session of the Committee to suspend petroleum exploration pending completion of the strategic environmental assessment. In its decision 36COM7A.4, the [WHC] reiterates its request to the State Party to revise these permits and recalled its position on the incompatibility of petroleum and mining exploration and exploitation with World Heritage status.

We would like to bring to your attention that major players in the oil and mining industry, such as Shell and the International Council on Mining and Metals, have made commitments, in line with this position, not to explore or exploit oil or minerals inside World Heritage properties. I would like to inform you that in Decision 36COM7A.4, the committee appealed to SOCO to adhere to this agreement.⁵⁴

⁵¹ UNESCO, “World Heritage Centre expresses concern regarding aeromagnetic and aerogravimetric explorations at Virunga National Park (DRC)”, news release, 13 March 2012, accessed 3 September 2013, <http://whc.unesco.org/en/news/849/>.

⁵² UNESCO, DRC Government, “Déclaration de Kinshasa sur les Sites de patrimoine mondial de la République Démocratique du Congo”, 14 January 2011.

⁵³ International Council on Mining and Metals, “Mining and Protected Areas”, September 2003, 2012, <http://www.icmm.com/our-work/sustainable-development-framework/position-statements>. “In addition to existing commitments under the ICMM Sustainable Development Framework, ICMM company commit to: 1) respect legally designated protected areas; and 2) not explore or mine in World Heritage properties. All possible steps will be taken to ensure that existing operations in World Heritage properties as well as existing and future operations adjacent to World Heritage properties are not incompatible with the outstanding universal value for which these properties are listed and do not put the integrity of these properties at risk”.

⁵⁴ Kishore Rao, Director of the World Heritage Centre, UNESCO, letter to Ed Story, SOCO, 19 October 2012.

We further note that the UK FCO has expressed its opposition to oil exploration within Virunga (Appendix 12). According to a statement issued in September 2012 and reconfirmed in July and August 2013⁵⁵:

The UK opposes oil exploration within [Virunga], a World Heritage Site listed by UNESCO as being 'in danger'. We have informed SOCO and urge the government of DR Congo to fully respect the international conventions to which it is a signatory. We remain committed to supporting UK companies in DRC and throughout the world. Foreign investment in sectors such as hydrocarbons and the extractive industries can play a vital role in boosting the development of DRC, lifting people out of poverty. Such investment needs to be done responsibly and sustainably, in compliance with local law and conforming to international standards.⁵⁶

In addition, French oil company Total SA committed in May 2013 at the company's annual shareholder meeting in Paris that it will not explore for oil within Virunga, even if the park's boundaries are reduced.⁵⁷

By nominating Virunga as a World Heritage site, the DRC government made a legal commitment to the international community to conserve the park for future generations. This is because the DRC government went a step further than most signatories, and enshrined the World Heritage Convention in law through Article 215 of the Congolese Constitution of 2005. This article recognizes the supremacy of international treaty obligations over national legislation, which includes also presidential decrees.⁵⁸

The DRC government is now indicating a clear intention to breach its legal commitments under the World Heritage Convention. A draft hydrocarbons law⁵⁹ currently under consideration by the country's parliament "could open the door to drilling in Congo's World Heritage sites," according to a watchdog group. "Article 24 would allow oil exploration to take place in 'protected areas' if a council of ministers decided that this was in the public interest," the group concludes.⁶⁰ However, the DRC government's granting of an exploration permit for Block V, or potentially adopting

⁵⁵ Emily Gosden, "SOCO in dispute with Foreign Office over Britain's stance on controversial DRC drilling", *The Telegraph*, 3 September 2013,

<http://www.telegraph.co.uk/finance/newsbysector/energy/oilandgas/10268273/SOCO-in-dispute-with-Foreign-Office-over-Britains-stance-on-controversial-DRC-drilling.html>.

⁵⁶ UK FCO, DRC Desk, email message to Penny Evans, Public Affairs, WWF-UK, 9 July 2013.

⁵⁷ Geraldine Amiel, "Total Rules Out Oil Exploration in Congo's Virunga National Park", *The Wall Street Journal*, 17 May 2013, accessed 3 September 2013, <http://online.wsj.com/article/BT-CO-20130517-703772.html>.

⁵⁸ The Constitution of the Democratic Republic of the Congo, 2005. Article 215 states, "Lawfully concluded treaties and agreements have, when published, an authority superior to that of the law, subject for each treaty and agreement to the application by the other party".

⁵⁹ Proposition de Loi portant Régime Général des Hydrocarbures, March 2013, 12.

⁶⁰ Global Witness, "Congo-Kinshasa: Oil Law Before Congo Parliament Fails to Safeguard Against Corruption or Environmental Damage", news release, 9 May 2013, accessed 3 September 2013, <http://www.globalwitness.org/library/oil-law-congo-parliament-fails-safeguard-against-corruption-or-environmental-damage-%E2%80%93-global>.

legislation allowing drilling in World Heritage Sites, does not diminish SOCO's obligation to respect the DRC's commitments under the World Heritage Convention in accordance with the OECD Guidelines.

WWF contends that SOCO has failed to take due account of the need to protect the environment given the DRC's international commitments under the World Heritage Convention, in violation of the following provision in the OECD Guidelines:

- Chapter VI, chapeau - Enterprises should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and [emphasis added] in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributing to the wider goal of sustainable development.

5.2. SOCO has sought and/or accepted a contractual exemption that could unduly constrain the DRC government's ability to protect human rights and the environment in Virunga, and could be detrimental to the pursuit of sustainable development there, in violation of Chapter II, Paragraph 5 and Chapter VI of the OECD guidelines.

As noted above in Section 4.5 of this document, the DRC government granted SOCO E&P DRC, Dominion Petroleum and COHYDRO the Block V concession in December 2007. The contract was approved by Presidential Order No. 10/044 on 18 July 2010.⁶¹ Article 30 of the contract contains a stabilization clause that states:

Throughout the duration of the Contract, the State guarantees to the entities making up the Contractor, as well as its suppliers, the stability of the general legal, financial, petroleum, fiscal, customs and economic conditions in which each entity carries out its activities, so that these conditions derive from the legislation and regulations in force on the date of signing the Contract. As a consequence, the rights of each of the entities making up the Contractor shall in no case be subjected in any field to any aggravating measure compared to the regime defined in paragraph above.⁶²

According to joint research conducted by the International Finance Corporation (IFC) and then-UN Special Representative on Business and Human Rights John Ruggie, the type of clause found in the SOCO contract has the most potential to constrain a host government's ability to use its policy space to pursue its human rights obligations as compared with all other types of stabilization clauses.⁶³ In fact, the joint research found

⁶¹ SOCO, *Half Year Results*, 4. "In July 2012, SOCO increased its interest in the Block V licence to 85 per cent by acquiring the 46.75 per cent interest held by Ophir Energy Plc. The remaining 15 per cent interest is held by COHYDRO, the national oil company of DRC".

⁶² "Production Sharing Contract", 45.

⁶³ International Finance Corporation, United Nations Special Representative of the Secretary-General on Business and Human Rights, *Stabilization Clauses and Human Rights*, 27 May 2009, 37,

no such clauses to exist in any OECD country.⁶⁴ The joint research report also notes that in consultation “[a] common view seemed to suggest that certain approaches to stabilization should be eliminated from practice, including ‘freezing clauses.’”⁶⁵

Indeed, the UN Principles for Responsible Contracts, which is an addendum to the UN Guiding Principles on Business and Human Rights (UN Guiding Principles) warns against overly broad stabilization clauses that offer exemptions against future laws aimed at protecting human rights related issues, stating:

Principle 4: Contractual stabilization clauses, if used, should be carefully drafted so that any protections for investors against future changes in law do not interfere with the State’s bona fide efforts to implement laws, regulations or policies, in a nondiscriminatory manner, in order to meet its human rights obligations [emphasis in original].⁶⁶

It is legitimate for business investors to seek protections against arbitrary or discriminatory changes in law. However, stabilization clauses that “freeze” laws applicable to the project or that create exemptions for investors with respect to future laws, are unlikely to satisfy the objectives of this Principle where they include areas such as labor, health, safety, the environment, or other legal measures that serve to meet the State’s human rights obligations.

Stabilization clauses, if used, should not contemplate economic or other penalties for the State in the event that the State introduces laws, regulations or policies which: (a) are implemented on a non-discriminatory basis; and (b) reflect international standards, benchmarks or recognized good practices in areas such as health, safety, labor, the environment, technical specifications or other areas that concern human rights impacts of the project.⁶⁷

In an interview about the joint research mentioned above, John Ruggie stated:

We have tried to understand better whether and how the international investment law regime may hinder the state’s ability to protect rights, through legislation and/or regulatory measures. In our joint project with the IFC, we have focused on stabilization clauses as one such mechanism. Our work indicates that these clauses can impede a state’s duty to protect in two ways. Sometimes they are drafted to make investors exempt from new social and environmental laws over the lifetime of an investment project. And sometimes these clauses are

<http://www.ifc.org/wps/wcm/connect/9feb5b00488555eab8c4fa6a6515bb18/Stabilization%2BPaper.pdf?MOD=AJPERES&CACHEID=9feb5b00488555eab8c4fa6a6515bb18>.

⁶⁴ Ibid, 20.

⁶⁵ Ibid, 40.

⁶⁶ UN, “Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie: Principles for responsible contracts: integrating the management of human rights risks into State-investor contract negotiations: guidance for negotiators A/HRC/17/31/Add.3,” 25 May 2011, 12, <http://www.ohchr.org/Documents/Issues/Business/A.HRC.17.31.Add.3.pdf>.

⁶⁷ Ibid.

drafted to provide the investor with compensation or an opportunity to claim compensation for compliance with new social and environmental laws. Obviously, investors need protection against arbitrary or discriminatory measures by host states. So it is a question of balance and precision, ensuring that provisions in agreements don't lend themselves to misuse by either side.⁶⁸

As far as WWF has been able to ascertain, this type of provision is not expressly contemplated in DRC law. Therefore, WWF contends that SOCO has negotiated a contract that contains a "full freezing" stabilization clause that effectively exempts the company from any new laws or regulations, even those aimed at strengthening protections for human rights, the environment, health and safety, or other policies relating to the pursuit of sustainable development in Virunga, in violation of the following OECD Guidelines:

- Chapter II, Paragraph 5 – Enterprises should refrain from seeking or accepting exemptions not contemplated in the statutory or regulatory framework related to human rights, environmental, health, safety, labour, taxation, financial incentives, or other issues.
- Chapter VI, chapeau - Enterprises should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributing to the wider goal of sustainable development.

5.3. SOCO has failed to provide evidence it has conducted appropriate and systematic human rights due diligence, in violation of Chapter IV, Paragraph 5 of the OECD Guidelines.

There are significant concerns among local communities in and around Virunga that oil exploration and exploitation will lead to the presence of more armed groups and to further conflict and human rights violations.⁶⁹ In spite of this, there is no publicly available evidence demonstrating that SOCO has conducted appropriate and systematic human rights due diligence to assess the actual and potential human rights impacts of its current and planned Block V activities. Enterprises operating in weak governance zones are urged to do so by the OECD's Risk Awareness Tool and by the United Nations Guiding Principles.

The role of natural resources in the conflict that has plagued DRC, particularly in the east, has been extensively researched, documented and recognized by multiple and

⁶⁸ Investment Treaty News, "An interview with Professor John Ruggie, UN Special Representative of the Secretary General on Business & Human Rights", 1 October 2008, accessed 1 September 2013, <http://www.iisd.org/itn/2008/10/01/an-interview-with-professor-john-ruggie-united-nations-special-representative-of-the-secretary-general-on-business-amp-human-rights/>.

⁶⁹ IUCN Netherlands, "Oil in North Kivu: the fear of oil", 23 January 2013, <http://www.youtube.com/watch?v=m6zOYBT51E8>.

distinguished bodies, including the UN Security Council and the UK All-Party Parliamentary Group on the Great Lakes Region of Africa.⁷⁰

More recently, the European Parliament and the Belgian parliament have passed resolutions that express multiple concerns about the on-going conflict and instability in the African Great Lakes region. These resolutions also articulate concerns about the DRC government's authorization of oil exploration in Virunga. The European Parliament resolution passed on 13 December 2012 concludes, "Parliament urges the Congolese government to act promptly and firmly to prevent all irreversible damage to [Virunga], due to the exploration and exploitation of oil or other illegal activities."⁷¹ A German resolution was introduced on 4 June 2013 voicing similar sentiments.⁷²

ICG has warned that if oil reserves are confirmed, it could worsen deep-rooted conflict dynamics within DRC, including border conflicts with its neighbours. In a July 2012 report, *Black Gold in the Congo: Threat to Stability or Development Opportunity?*, ICG argues that an oil rush in the context of massive poverty, a weak state, poor governance, and regional insecurity would have strong destabilizing effects.⁷³ Among its recommendations, ICG has called for a moratorium on exploration in insecure areas of eastern DRC and enforcement of the ban on exploration in DRC's World Heritage Sites.⁷⁴

Since April 2012, the situation in the eastern DRC has been especially tense since elements of the Armed Forces of DRC (FARDC) mutinied and formed an armed rebellion known as the March 23 Movement that temporarily seized the city of Goma in North Kivu, and continues to control certain portions of the province today. Other armed groups also prey on the population, and rely on the riches of the Congolese soil for survival. According to the UN Secretary General, eastern DRC continues to be:

plagued by recurrent waves of conflict, chronic humanitarian crises and serious human rights violations, including sexual and gender based violence. Contributing to the cycles of violence have been the continued presence of Congolese and foreign armed groups (...), the illegal exploitation of resources, interference by neighbouring countries, pervasive impunity (...) and the weak capacity of the national army and police to effectively protect civilians and the national territory and ensure law and order.⁷⁵

According to SOCO's Human Rights Policy⁷⁶, the company adheres to the Voluntary Principles on Security and Human Rights (Voluntary Principles).⁷⁷ While there are some areas of overlap with the type of risk assessment recommended under the Voluntary

⁷⁰ See <http://appggreatlakes.org/appg-documents/briefing-papers/18-illegal-minerals-and-conflict.html>.

⁷¹ European Parliament, "Resolution on the situation in the Democratic Republic of the Congo".

⁷² "German Parliament Opposes Oil Drilling", SaveVirunga.com.

⁷³ ICG, *Black Gold in the Congo*, i.

⁷⁴ ICG, *Black Gold in the Congo*, ii.

⁷⁵ UN, "Special Report of the Secretary-General on the Democratic Republic of the Congo and the Great Lakes region (S/2013/119)", 27 February 2013, 2, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/119.

⁷⁶ SOCO, "Human Rights Commitment", accessed 3 September 2013, <http://www.Socointernational.co.uk/human-rights>.

⁷⁷ As of 3 September 2013, SOCO is not listed as a participant: www.voluntaryprinciples.org/participants/

Principles, human rights due diligence goes far beyond looking at the potential human rights impacts of a company's security apparatus.

The International Peace Information Service's (IPIS) recent publication "Why businesses should assess human rights impacts from the outset of projects. SOCO International oil company in Virunga National Park, DRC" reports:

SOCO has been keen to stress the care they had taken to conduct considerable business and asserts that they have "been in dialogue with many local stakeholders to understand their needs and priorities,"...

Yet they have not been able to present convincing evidence of a systematic attempt to consider human rights impacts upon their initial engagement or thereafter. When asked for a human rights policy, SOCO was only able to direct IPIS towards their online Human Rights Commitment – a six paragraph description of respect and recognition of rights and protocols, and their Code of Business Conduct and Ethics. Although all positive commitments, the commitment did not suggest an effective process to ensure respect for human rights. This is a particularly key point that should be stressed to all companies: engaging in eclectic community consultation, engagement and environmental impact assessments will, increasingly, prove inadequate, especially in such vulnerable circumstances as World Heritage Sites or conflict-affected states. Nor will a few lines of human rights policies. The [UN] Guiding Principles advocate the need for systematic, thorough, human rights due diligence. A thinner system is unlikely to protect the local population, nor the company in question, from harm.

The [UN] Guiding Principles emphasise that business respect for human rights is not dependant on the standards of the State within which activities are current, but rather is a separate, universal baseline.⁷⁸

In this regard, UN Guiding Principle 17 is especially relevant:

In order to identify, prevent, mitigate and account for how they address human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.

Due diligence is understood as a business process through which enterprises actively identify, prevent, mitigate and account for potential and actual adverse human rights impacts resulting from or linked to their operations. Due diligence implies more than just an assessment of risks for the company; the purpose is to understand and address risks and abuses that the company's activities pose to

⁷⁸ Gabriella Wass, "Why businesses should assess human rights impacts from the outset of projects: SOCO International Oil Company in Virunga National Park, DRC", IPIS, 22 August 2013, 5, http://www.ipisresearch.be/publications_detail.php?id=414.

rights holders, including in its supply chain and through its other business relationships.⁷⁹

We furthermore note the OECD Guidelines' commentary is clear that human rights due diligence entails:

[A]ssessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses as well as communicating how impacts are addressed. Human rights due diligence can be included within broader enterprise risk management systems provided that it goes beyond simply identifying and managing material risks to the enterprise itself to include the risks to rights-holders. It is an on-going exercise, recognising that human rights risks may change over time as the enterprise's operations and operating context evolve...⁸⁰

Finally, the Office of the High Commissioner for Human Rights recently published an interpretative guide on the corporate responsibility to respect human rights. With regard to human rights due diligence, it states:

It is through human rights due diligence that an enterprise identifies the information it needs in order to understand its specific human rights risks at any specific point in time and in any specific operating context, as well as the actions it needs to take to prevent and mitigate them...

...However, the key elements of human rights due diligence—assessing, integrating and acting, tracking, and communicating—when taken together with remediation processes, provide the management of any enterprise with the framework it needs in order to know and show that it is respecting human rights in practice.

Human rights due diligence is necessary for any enterprise to know and show that it is respecting human rights in practice. It will need to include all the elements set out in [Guiding Principle 17]: assessing actual and potential human rights impact, integrating and acting upon the findings, tracking responses, and communicating how impact is addressed.

Human rights due diligence is about people. It reflects the entitlement of every human being to be treated with dignity. It therefore involves relationships—between an enterprise and those on whom it may have an impact.

Hence, the key to human rights due diligence is the need to understand the perspective of potentially affected individuals and groups. Where possible and appropriate to the enterprise's size or human rights risk profile, this should

⁷⁹ OHCHR, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy Framework"*, 2011, 17, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

⁸⁰ OECD, *OECD Guidelines*, 33.

involve direct consultation with those who may be affected or their legitimate representatives, as discussed further under Guiding Principle 18.⁸¹

WWF contends that SOCO has failed to provide evidence it has carried out appropriate and systematic human rights due diligence in breached the following provision in the OECD Guidelines:

- Chapter IV, Paragraph 5 - Enterprises should carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.

5.4. SOCO has failed to provide the public with adequate, measurable, verifiable and timely information about the potential social and environmental impacts of its oil exploration activities, in violation of Chapter VI, Paragraph 2a of the OECD Guidelines. SOCO has also failed to provide relevant stakeholders with meaningful opportunities for their views to be taken into account in consultations that are free of intimidation, in violation of Chapter II, Paragraph A.14 of the OECD Guidelines.

After multiple direct requests to SOCO by WWF to disclose its PAR were ignored, in January 2013 WWF obtained, through confidential sources, a copy of the company's revised PAR dated June 2011. The PAR states that SOCO is required to hold three sessions of public consultation before commencing exploratory activities.⁸²

The first consultation, which the PAR notes consisted of twelve meetings between 13 and 25 August 2010, informed authorities and stakeholders about the project and gave communities an opportunity to ask questions and express their concerns. The PAR states that the second consultation will be to report on the PAR itself and the Environmental and Social Management Plan. The third consultation will inform and consult the directly affected people that project activities are about to commence.⁸³

SOCO's consultation with stakeholders has breached the OECD Guidelines on several levels. Specially, the company has failed: 1) to disclose to stakeholders, including members of the local community, a draft and final PAR that details the potential social and environmental impacts of its oil exploration activities; 2) to provide opportunities for meaningful two-way communication with affected communities; and 3) to hold consultations that are free of intimidation. These alleged breaches are explained in greater detail below.

⁸¹ OHCHR, *The Corporate Responsibility to Protect Human Rights: An Interpretative Guide*, 27, <http://www.business-humanrights.org/media/documents/corporate-responsibility-to-respect-interpretive-guide-nov-2011.pdf>.

⁸² "Plan D'attenuation Et De Rehabilitation (P.A.R.) Revise Du Projet Des Campagnes Aeromagnetique, Gravimetrique Et D'acquisitions Sismiques Dans Le Bloc V Du Graben Albertine (Province Du Nord-Kivu) En RDC Propose Par Soco Exploration & Production-DRC « SOCO E&P DRC» Rapport Final", June 2011, 128.

⁸³ Ibid, 128.

5.4.1. SOCO has failed to publicly disclose a draft and final PAR that details the potential social and environmental impacts of its oil exploration activities.

SOCO has repeatedly claimed that it is engaging in only an aerial survey to gather magnetic and gravity data and “potentially a seismic study,” and that “no drilling is planned.”⁸⁴ In reality, SOCO was authorized to engage in test drilling when it was granted a five-year exploration permit in October 2011, which states:

The Company is granted a permit for exploration in Block V in the Albertine Graben so that it may carry out the minimal programme of prospection and exploration works envisaged in article 8 of the Production Sharing [Contract] of 05 May 2010.⁸⁵

The following extract of Article 8.2 states:

At the end of the period of acquisition of seismic data and the interpretation of complete data, a more precise position will be determined through the drilling of the first exploration well. The first seismic data acquisition phase may be postponed to the third sub-period if all the environmental permits have not been granted, regardless of who the operator is. If the Contractor considers that the data obtained in the second sub-period are sufficient, he may directly proceed with the seismic survey without any penalization, and without doing the airborne gravity survey and the collection of magnetometric data.⁸⁶

SOCO did not disclose publicly in an appropriate format and language a draft PAR before the first or second round of consultations. This means communities and civil society representatives were not given information about actual or potential environmental and social impacts in advance of the consultations held between 13 and 25 August 2010. Consequently, because communities and civil society did not have prior information to inform their engagement and recommendations for the consultations, they did not have a meaningful opportunity to influence planning and decision-making.

In addition, SOCO has never disclosed publicly the final PAR dated June 2011, which means that communities have not been provided with adequate, measurable, verifiable, and timely information about the potential social and environmental impacts of the authorized oil exploration activities.

The disingenuous nature of SOCO's claim that it is only conducting “scientific studies” and that no drilling is planned has the effect of giving local communities a false sense

⁸⁴ SOCO, comment on “1.000 Reasons Save Virunga”. “...SOCO is still conducting a Block Evaluation which is the very preliminary phase of exploration involving the gathering of magnetic and gravity data (this is done by conducting an aerial survey, potentially followed by a seismic study [emphasis added]). We are still several years away from concluding these precursory scientific studies and it is emphasized that at this stage, no drilling has been planned or is even warranted [emphasis added]. The aerial survey is the only exploration activity planned at this time, and was given approval to proceed by the DRC Government within the context of its Strategic Environment Evaluation of the Virunga National Park”.

⁸⁵ DRC Ministry of Hydrocarbons, “Granting of an Exploration Permit”.

⁸⁶ “Production Sharing Contract”, Extract, Translated by Global Witness, November 2007.

that there will be no impacts, or only minor impacts, during the exploration phase. In reality these activities have potentially significant social and environmental impacts (Box 1).

Box 1: Potential environmental impacts noted in SOCO's June 2011 PAR⁸⁷

Aerial magnetic flyover

On plants and animals

- no significant impacts if flights are made at the planned altitude of 300 m
- risk of locally disturbing the circulation and orientation of birds in flight

Seismic and acoustic explorations

On land animals

- localized loss of habitat related to brush removal on access trails and exploration lines, the installation of drilling stations and the establishment of site facilities
- disruption of photosynthesis along unpaved roadways due to increased dust kicked up

On land animals

- risk of vehicle collisions with animals on roadways
- localized destruction of mating sites of birds, small mammals, amphibians, and reptiles through temporary destruction of habitat
- disturbance of animals in general due to acoustic and seismic waves

On aquatic animals

- risk of changes in biodiversity
- invasion by exogenous species

On aquatic animals

- destruction of planktonic organisms near compressed air guns
- risk of boats colliding with aquatic mammals
- disturbances in fish reproduction
- disturbances to the behaviour of birds, turtles, and aquatic mammals

Establishment and operation of base camp

On land animals

- pollution related to poor management of domestic waste
- risk of accidental pollution from industrial and mechanical waste

On land animals

- disturbance of nocturnal species by lighting
- risk of poisoning animals through direct or indirect ingestion of non-biodegradable solid waste

On aquatic plants and animals

- contamination through accidental spills of fuel or oils by boats

Potential unlawful use of certain renewable natural resources by company employees

- increased sampling for food purposes
- poaching for the sale of trophies

On the ground

- soil erosion started and damage to roadways caused by runoff
- seepage and leaks of fuel and lubricants from poorly maintained equipment or operator negligence or clumsiness
- erosion started due to increased flow of runoff under encampment roofs

On surface water and groundwater

- risk of water contamination by mismanaged domestic waste (base camp)
- pollution from boat waste

⁸⁷ "Plan D'attenuation Et De Rehabilitation (P.A.R.)", English Summary, xxxiv.

On the air

- low noise pollution generated by airborne magnetic and gravity explorations
- minor degradation of air quality due to dust released and exhaust gasses related to increased traffic of vehicles and equipment
- noise pollution and vibrations caused by passing vehicles and equipment

On humans

- noise pollution related to shooting off compressed air guns in the lake and vibrating charges in the ground
- outbreaks of pulmonary diseases tied to increased dust
- increased cases of sexually transmitted diseases tied to the arrival of outside populations
- possible damage to structures, buildings, roads, and underground pipes, following vibrations produced by firing
- hampered circulation of vehicles and persons on roads
- short-term loss of fishing jobs or revenue

5.4.2. SOCO failed to provide opportunities for meaningful two-way communication with affected communities.

The OECD Guidelines state that companies should engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account. In this regard, the commentary for the OECD Guidelines reads:

Stakeholder engagement involves interactive processes of engagement with relevant stakeholders, through, for example, meetings, hearings or consultation proceedings. Effective stakeholder engagement is characterised by two-way communication [emphasis added] and depends on the good faith of the participants on both sides. This engagement can be particularly helpful in the planning and decision-making concerning projects or other activities involving, for example, the intensive use of land or water, which could significantly affect local communities.⁸⁸

As noted previously in this document, in an 8 April 2013 comment by SOCO on the SaveVirunga.com website, the company claims it “held over ten villager meetings in 2012, and found the response to be very positive to this engagement and the feedback has been that the vast majority welcome us as a potential catalyst for positive change.”⁸⁹

However, the company’s claims contrast sharply with the sentiments expressed in March 2012 when local communities issued a Civil Society Communiqué affirming their opposition to oil exploration and development in Virunga, and stating their concerns about pollution impacts harming fish in Lake Edward, damaging their crops, or tainting their drinking water (Appendix 13). The community members called on SOCO to conduct an environmental and social assessment with meaningful participation of local communities for any activities outside the Park while applying the principle of free,

⁸⁸ OECD, *OECD Guidelines*, 25.

⁸⁹ SOCO, comment on “1.000 Reasons Save Virunga”.

prior and informed consent.⁹⁰ They also urged SOCO to respect international environmental standards and take into consideration the needs of local communities.⁹¹

In June 2013, local residents' concerns and demands were reiterated when a large number of civil society organizations and local stakeholders signed the Declaration of Butembo, demanding that the DRC government take meaningful action to protect Virunga and its people (Appendix 14). The declaration urges the DRC government to end the illegal exploitation of natural resources and the insecurity caused by armed groups. It states also that local communities should be driving the strategy to improve natural resource management in the area, and that traditional chiefs and civil society should play a large role in the mobilization of these communities. Additionally, the statement raises residents' fears about oil exploration, and asks the DRC government to cancel all acts authorizing exploration and possible exploitation. Finally, the declaration requests that the DRC government comply with international treaties and conventions relating to the conservation of nature.⁹²

WWF has obtained several first-hand accounts of the meetings that took place in 2012, and these do not appear to have been at the level of meaningful, "two-way communication" in which enterprises are expected to engage in accordance with the OECD Guidelines. For example:

- On or around 19 January 2012, SOCO hosted a meeting at the Ihusi Hotel in Goma with fishermen, civil society representatives, and community members. A member of parliament was present as were three representatives of SOCO. In the meeting, a SOCO representative described the oil discovery and exploration that will occur. Beer was provided and an alleged US\$1,500 was distributed to the participants.⁹³
- SOCO hosted a meeting at Naval Force camp at Nyakakoma in 2012 (exact date unknown), which included five representatives of SOCO and an ICCN representative from Kinshasa. Participants were told the road between Nyakakoma and Ishasha will be rehabilitated, communication and television antennae will be erected, schools will be built, fishermen will be compensated, and something described as a wharf, pier or port will be built. Some community members were dispatched in advance of this meeting to announce SOCO's arrival and to mobilize attendance. People were promised employment. Local residents were also told to create signs welcoming SOCO, and asked to "sign contracts"

⁹⁰ "Communiqué Final", 24 March 2012.

⁹¹ "Virunga communities concerned about oil development", WWF Global, 2 April 2012, accessed 3 September 2013, http://wwf.panda.org/what_we_do/where_we_work/congo_basin_forests/problems/oil_extraction/virunga_under_threat/?204105.

⁹² IUCN Netherlands, "Partners IUCN NL demand action in Virunga National Park", news release, June 19, 2013, accessed 3 September 2013, <http://www.iucn.nl/nieuws/nl/?13160/Partners-IUCN-NL-demand-action-in-Virunga-National-Park>.

⁹³ Confidential interview with local fisherman.

with SOCO. Beer was provided, and US\$900 was reported to have been distributed to the participants.⁹⁴

- On 12 November 2012, SOCO hosted a meeting at Kyavinyonge. The delegation included one person from ICCN from Kinshasa, the administrator of Lubero and Beni, the delegate of the eighth military region and a local commander of national police force. The purpose of the meeting was to inform the people of Kisaka and Lunyasenge that helicopters will begin surveying areas along the lake for prospecting, and that people should not think they are being attacked.⁹⁵

5.4.3. *SOCO failed to hold consultations that are free of intimidation.*

Best practice indicates that community members need to feel safe to express their views or concerns about a project.⁹⁶ WWF has received troubling reports that SOCO's use of state security forces to promote its project and during meetings has resulted in a "heightened risk of intimidation." The following is an excerpt from an interview with a local civil society representative:

What I fear the most is that when the company [SOCO] first came, it did use the government forces to have the communities accept the project.

We are asking ourselves the big question: "will a population which is already bruised [and] heartbroken by repeated wars [and] conflicts be ready to accept and understand a project under constraints?[""]...

Some of the actions undertaken on the ground, notably a militarized campaign[,] they use the army while they know how difficult it has been so far for this army to organize itself and how they do not respect human rights [and] public liberty.

And that is a bad start when [the army] is used in such [oil exploitation and exploration] campaigns...

In fact, it was clear that in our city/town, the first people who came to explain [to] us the project were politicians, who came to tell us all that was going on.

And among them, there are/were great dignitaries from the region, highly positioned in politics and whom, rather than explaining the project to the Civil Society, the population, they were only imposing, and telling what they had already planned.

I would say they just came to present to the population an already designed and decided plan []which should not be the case for a big development project...

⁹⁴ Confidential interview with a local fisherman.

⁹⁵ Email from confidential source to WWF.

⁹⁶ IFC, *Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets*, 191,

http://www1.ifc.org/wps/wcm/connect/938f1a0048855805beacfe6a6515bb18/IFC_StakeholderEngagement.pdf?MOD=AJPERES. The IFC provides additional guidance on stakeholder engagement.

Some of the personalities used are people who are very well [known] in our society, unfortunately they have been, at one level or another, involved [in the] conflicts tearing the Eastern part of DRC region for many years.⁹⁷

On 24 July 2013, a group of Congolese civil society organizations issued a news release concerning a number of reported acts of intimidation by a member of the FARDC, which they allege to have been at the behest of SOCO. The groups claim that community members opposing oil development have been subjected to unlawful detention and other acts of intimidation. They conclude that “it seems that the strategy is to force locals to accept, at any cost, the oil exploration/exploitation plans in Virunga National Park.”

WWF contends SOCO has failed to provide the public with adequate, measurable, verifiable, and timely information about the potential social and environmental impacts of its oil exploration activities, and that the company has failed to provide relevant stakeholders with meaningful opportunities for their views to be taken into account in consultations that are free of intimidation, in violation of following provisions in the OECD guidelines:

- Chapter VI, Paragraph 2a - Enterprises should, taking into account concerns about cost, business confidentiality, and the protection of intellectual property rights: a) provide the public and workers with adequate, measurable and verifiable (where applicable) and timely information on the potential environment, health and safety impacts of the activities of the enterprise, which could include reporting on progress in improving environmental performance; and b) engage in adequate and timely communication and consultation with the communities directly affected by the environmental, health and safety policies of the enterprise and by their implementation.
- Chapter II, Paragraph A.14 - Enterprises should engage with relevant stakeholders in order to provide meaningful opportunities for their views to be taken into account in relation to planning and decision making for projects or other activities that may significantly impact local communities.

6. Previous contact between SOCO and WWF

WWF has met with SOCO on two occasions. First, on 15 May 2012 with SOCO's Executive Vice President, Deputy CEO, and Chief Financial Officer Roger Cagle.⁹⁸ Second, on 4 July 2013 with SOCO's Non-executive Chairman Rui de Sousa, SOCO Africa Director Serge Lescaut, Carol Fan, and Luke Chauveau of Bell Pottinger, a public relations firm

⁹⁷ Confidential interview with a local civil society representative.

⁹⁸ WWF-UK staff present at the meeting were Dax Lovegrove, Penny Evans and Drew McVey. In addition to Roger Cagle, a SOCO public relations officer was also present. The meeting was facilitated by MP Geoffrey Clifton-Brown.

acting for SOCO.⁹⁹ In both meetings, WWF and SOCO discussed the company's operations in Virunga, but were unable to find common ground.

7. Actions SOCO should take to resolve the aforementioned issues

The facts outlined in this Specific Instance, taken together, reveal a company that does not appear to understand the implications of its internationally-recognized responsibility to contribute to sustainable development and what this means in practice. This is evidenced by SOCO's decision to engage in petroleum exploration and exploitation in a World Heritage Site; its negotiated contract underpinning the project; its apparent failure to conduct appropriate and systematic human rights due diligence; its failure to disclose key social and environmental information; and its failure to engage in meaningful stakeholder consultation that is free of intimidation.

Most fundamentally, however, is the incompatibility of SOCO's activities with its responsibility to contribute to sustainable development. This is evidenced by the fact that despite advice to the contrary from the UK FCO, multiple appeals from the WHC, and demands by local stakeholders against drilling expressed in the March 2012 Civil Society Communiqué and the June 2013 Declaration of Butembo, the company insists on pursuing oil development in Virunga National Park, a World Heritage Site.

It is WWF's estimation that the only way for SOCO to bring its behaviour into line with the standards and norms set out in the OECD Guidelines is to halt permanently all exploratory and related activities in and around Virunga.

Furthermore, this Specific Instance has brought to light a number of issues SOCO will be likely to need to address in its existing and future operations to ensure it is complying with the OECD Guidelines in all its global operations. These include the need to:

- Respect and observe governments' international commitments with regard to the environment and human rights;
- Conduct appropriate and systematic human rights due diligence for all existing and future projects in a manner that is consistent with OECD's Risk Awareness Tool for enterprises operating in weak governance zones as well as with the UN Guiding Principles;
- Ensure contracts it has with host country governments do not include stabilization clauses, in particular "freezing clauses" that unduly constrain governments' abilities to protect human rights and the environment consistent with the UN Guiding Principles and the UN Principles for Responsible Contracts;

⁹⁹ WWF staff present at the meeting were David Nussbaum, Raymond Lumbuenamo and Anthony Field.

- Provide relevant stakeholders with meaningful opportunities for their views to be taken into account in consultations that are free of intimidation in accordance with the OECD Guidelines; and
- Provide the public with adequate, measurable, verifiable, and timely information about the potential social and environmental impacts of its activities in accordance with the OECD Guidelines.

8. Requests to the UK NCP

WWF requests that the UK NCP facilitate a non-adversarial dialogue with SOCO to discuss how to bring the company's operations into line with the OECD Guidelines. It is WWF's estimation that this will require the immediate cessation of the company's current exploratory activities in and around Virunga. Should a mediated dialogue not result in a mutually-acceptable resolution, we request that the UK NCP assess the allegations, determine whether a breach has occurred, and issue a final statement with recommendations as to how to improve the implementation of and compliance with the OECD Guidelines.

WWF also considers it important that the UK NCP's handling of this Specific Instance be consistent with the UK FCO's aforementioned position that states its opposition to oil exploration within Virunga.

Similarly, consideration should be given to the UK's recently released National Action Plan (NAP) for implementing the UN Guiding Principles, particularly with regard to implementing UN Guiding Principle 9. The NAP articulates the UK government's serious concern about the issue of contracts and agreements that can, like SOCO's contract, undermine a host country's ability to meet its international human rights obligations. The NAP states the UK government will seek to:

Ensure that agreements facilitating investment overseas by UK or EU companies incorporate the business responsibility to respect human rights, and do not undermine the host country's ability to either meet its international human rights obligations or to impose the same environmental and social regulation on foreign investors as it does on domestic firms.¹⁰⁰

WWF would also like to reiterate to the UK NCP that in its June 2013 decision, the WHC requested that the UK "do its utmost to ensure that the mining or petroleum companies established on their territories do not damage World Heritage properties, in accordance with Article 6."¹⁰¹

¹⁰⁰ HM Government, *Good Business: Implementing the UN Guiding Principles on Business and Human Rights*, September 2013, 12, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236901/BHR_Action_Plan_-_final_online_version_1_.pdf.

¹⁰¹ UNESCO, "37COM 7A.4 Virunga National Park".

We look forward to a written confirmation of receipt of this complaint, and appreciate your assistance and leadership in an expeditious resolution to SOCO's alleged breaches of the OECD Guidelines for Multinational Enterprises. Please send all correspondence to Zach Abraham at zabraham@wwfint.org.

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Appendices

In order of appearance:

1. Order-Law No 69-041 of 22 August 1969
2. Production Sharing Contract, English extract, December 2007, translated by Global Witness
3. SOCO PAR, including Official English Summary, June 2011
4. Exploration permit, translated by Global Witness, October 2011
5. MECNT communiqué on the status of the SEA, August 2012
6. Draft Hydrocarbons Law, March 2013
7. SOCO's comments on SaveVirunga.com, April 2013
8. Letter from Francesco Bandarin, UNESCO, to José Endundo, MECNT, June 2008
9. WHC Decision 37COM 7A.4, June 2013
10. Kinshasa Declaration, January 2011
11. Letter from Kishore Rao, UNESCO, to Ed Story, SOCO, October 2012
12. Email from UK FCO, DRC Desk, to Penny Evans, Public Affairs, WWF-UK, July 2013
13. Civil Society Communiqué, March 2012
14. Declaration of Butembo, June 2013