



Barbara asbl

Réf N°: 012/BARBARA-WK-DRC/2021

Goma, March 19th, 2021

Sent copies for Information to:

His Excellency the President of the Democratic Republic of the Congo

Excellency the Prime Minister of DR Congo;

Mr Minister of Public Health in DR Congo

Mr Representative of the European Union in DR Congo

Mr Representative of the World Health Organization in DR Congo

Mr Head of the Joint United Nations Human Rights Office (UNJHRO) in DR Congo

The Representative of the International Committee of the Red Cross in DR Congo

Mr. General Managing Director of the REGIDESO in DR Congo

Mr. Representative of MERCY CORPS in DR Congo

(All) in Kinshasa;

Mr. Provincial Minister of Town Planning and Housing

Ms President of *Waterkeeper Alliance* in New York/USA

Ms Representative of *Human Rights Watch* in RD Congo

Honorable President of the Provincial Assembly of North Kivu
(To) Honorable Provincial and National Deputies Elected of the City of Goma

The Provincial Minister of Public Health and Environment of North Kivu

The Provincial Director of REGIDESO

The Executive Secretary of Provincial Government of NK;

The President of the Public Prosecutor's Office near the Tribunal de Grande Instance in Goma

The Mayor of Goma

The Focal Point of *ANYL4PSD* in RDC

Mr the Provincial President of the Civil Society of North Kivu

The Head of UNICEF/ Sub Office of Goma,

Mr the Head of Office MERCY CORPS Office of Goma

Mr the Head of the ICRC office

The Director of Radio Okapi/ Goma;

Gentlemen, Directors of local / foreign Radio / TV;

(All) in Goma

(All) Partners

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Objet: *The sale and division of plots in the waters of Lake Kivu in Goma: with socio-environmental consequences for your citizens in violation of the Principles of Integrated Water Resources Management*

***Excellency Governor of
The North Kivu Province in Goma***

Excellency the Governor,
On the occasion of the Celebration of the World Water Day, we have the honor to present ourselves to your high authority to express to you the danger that awaits your citizens as the subject highlights.

Relying on a constitutional basis of law n ° 11/002 of January 20, 2011 revising some articles of the constitution of the Democratic Republic of Congo of February 18, 2006 in its article 27, and which provides the following: « ***All Congolese have the right to individually or collectively address a petition to the public authority which responds to it within three months. No one may be the object of criminalization, in any form whatsoever, for having taken such an initiative*** ». We are convinced that by virtue of this above-mentioned article our letter will attract your attention especially as it is for the development interest of your province

Excellency, these images in the attached letter, some of them showing the plots limits of lands and demarcation bearing codes on the waters of Lake Kivu in the city of Goma in violation of the Congolese provisions in particular the law N ° 15/026 of December 31, 2015 on the Regulation of Water , these boundaries, subdivisions and constructions do not respect the distance between the houses and the shores of Lake Kivu because article 40 of the Congolese Water Law provides the following: «*The riparian areas of a watercourse or a lake are encumbered, on each bank, with a public utility easement of a width of 100 meters from the banks, called a free access easement, intended to allow the mobility of cleaning and maintenance equipment and for the water administration to install means of signaling, measurement and reading*»

In addition, during these constructions here in question, volcanic stones are poured into the lake, which can modify the chemical composition of the water. And yet Article 19 of the Water Law says the following:

« *Any discharge of waste, substances, organisms or invasive alien biological species liable to pollute, alter or degrade the quality of surface or underground water, both continental and maritime, is prohibited, and may harm their biological resources and ecosystems coastal areas and endanger health...* »

Excellence, North Kivu is a tourist province and one of the tourist attractions of which is Lake Kivu and its natural beaches, unfortunately these constructions invade these beaches and prevent your citizens from contemplating the lake from a distance and also it is a shortfall for the province because these beaches could be capitalized in terms of tourist visits or entertainment (swimming, excursions, etc.)

Excellency, on the other hand those who build in the lake put their lives in danger through ignorance because Lake Kivu being in communication with the Nyiragongo volcano the emission of toxic gas called "Mazouk" and pockets of methane gas in Lake Kivu adjoining the city of Goma represents an additional threat which those who invade Lake Kivu do not take into account and yet article 16 of the Constitution says that: *«the human person is sacred. The state has an obligation to protect and respect it »*.

Excellence in terms of information, in the meeting held on January 21, 2021 with the Provincial Minister of Town Planning and Housing, Transport and Ways of Communications following our letter bearing N ° 010 / BARBARA-WK-DRC / 2020 addressed to him in date of December 23, 2021, whose agenda dealt with the same issue of the sale of plots in the waters of Lake Kivu and which had for SUBJECT: ***Our concerns about the construction of the so-called "Modern and Standard" quay at the Kituku Market on Lake Kivu.***

At the end of the discussions during this meeting at the Hôtel du Gouvernement, everyone was worried about the situation.

Your Excellency the Governor, what is done on Lake Kivu in Goma sufficiently proves that there are people in this province who are immune from prosecution and who are above the law in violation of the sacrosanct principle of right which enshrines the equality of all before the law.

Worse still, these constructions in defiance of the law, come closer to the large water catchment station which supplies the whole city of Goma with drinking water. This situation is not without consequences on the quality of water following water pollution by household or industrial activities, in particular wastewater, household waste, and toilet water by infiltration.

Several studies have shown to date that the traditional treatment of water with chlorine by REGIDESO has already shown its limits because chlorine only eliminates microorganisms but never eliminates chemical pollution due to human activities. It should also be noted that there are microbes that resist the treatment of water with chlorine, in particular: *Cryptosporadium, which proliferate better in feces. Isn't it a premeditated crime that is stretched out on your constituents!*

Excellency Governor, let us never dream that we will develop this country without respecting the natural limits of water. These attacks against the natural limits of Lake Kivu: in substance violate the Sustainable Development Objective (SDG6), which aims to *"guarantee access for all to drinking water and sanitation and to ensure sustainable management of water resources "*.

It should be noted that this objective incorporates the notion of cross-border management of Lake Kivu water, which is essential for sustainable management but also conducive to peace.

Excellency, your predecessor, you had handed over to you the city of Goma with the lake beaches « open to the public », we believe that at the end of your mandate you will bequeath a tourist town of Goma enjoying the beauty of its beaches for the well-being of future generations.

In view of the above, we recommend
that you:

- ✓ *Ensure the application of the legal provisions in force in DR Congo which protect water, because water is life.*
- ✓ *Carry out an impartial and apolitical investigation to put an end to this environmental crime and that those responsible for these acts and their accomplices in the State services be brought to justice and that their trial be publicized as that of the alleged looters of fund that promote children free education.*

Finally, Excellency, Governor, this is how you will protect the waters of Lake Kivu rationally while protecting the environment, the resources of the Lake and the health of your citizens.

For Barbara asbl (Lac Kivu DRC Waterkeeper)

Paul LUGHEMBE
Exécutive Director

Faustin NYEBONE
Technique Director



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Figure 2 Compactage des pierres volcaniques sur les eaux du Lac Kivu



Figure 1 Eaux stagnantes dans la route au Port de Goma suite au déversement des pierres volcaniques dans le Lac Kivu