

# INTERNATIONAL COUNCIL ON MINING AND METALS PERSPECTIVE ON THE IUCN PROTECTED AREAS CATEGORY MANAGEMENT SYSTEM<sup>1</sup>

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*ICMM has demonstrated a commitment to leadership by improving the mining industry's performance in delivering conservation outcomes, not least through poverty alleviation and the recognition of the role of protected areas. These objectives need to be complemented by assessments at the landscape level and decision-making processes involving the collaboration of all stakeholders. If the IUCN category system is to be used as a tool to influence management standards and land-use decisions, it will need to be strengthened in a number of areas, which are described in the paper.*

## **Introduction**

The world's biodiversity is under threat. This is as much due to root causes such as poverty, social change and lack of government capacity, as to the more obvious proximate causes, including habitat loss, invasive species and pollution (Wood *et al.*, 2000).

Many of the most acute conservation problems occur in biodiversity-rich developing countries that are also facing pressing human development needs. The challenge of sustainable development is to alleviate poverty in these countries while sustaining the environmental foundations of their economies. It is clear that without economic development there can be no poverty reduction. Experience also shows that without economic development there can be little improvement in environmental protection.

Worldwide systems of protected areas will need to be strengthened in order to conserve biodiversity and natural and cultural heritage. However, as recent analysis of gaps in protected area coverage has shown (Rodrigues *et al.*, 2003), much of the most threatened biodiversity lies outside protected areas. This suggests that a broader approach to in-situ conservation, involving a wide range of stakeholders, is needed.

The World Summit on Sustainable Development, the World Parks and Conservation Congresses and the Convention on Biological Diversity have called for fresh innovative and integrated approaches to reduce the unacceptably high rate of biodiversity loss. These fora have also highlighted the need for a people-centred approach. The important role of business in advancing this agenda has been increasingly recognised by governments and the conservation community. At the 3<sup>rd</sup> World Conservation Congress in Bangkok (November 2004), two resolutions were passed calling on the IUCN to develop ways to work more closely with and to influence the private sector (IISD, 2004).

Responsible mining operations can be part of the solution to biodiversity loss and poverty by being an engine of economic and social development and by contributing directly to biodiversity conservation activities, while minimising social and environmental impacts (Carter, 2004). ICMM recognises the role of properly designated and managed protected areas in conservation strategies and that, in some cases, exploration and mining development may be incompatible with the objectives for which protected areas are designated. It also acknowledges that mistakes have been made in the past and that the industry's commitment to sustainable development and society's expectations demand that performance needs to improve continually. These points and others confirming ICMM's interest in and engagement

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<sup>1</sup> This paper draws heavily on the papers by Richards and Houston (2003) and Dudley *et al.* (2004).

with the issues surrounding protected areas and mining were made to the plenary session of the V<sup>th</sup> World Parks Congress in 2003 by Sir Robert Wilson, then Chairman of the ICMM (ICMM, 2003a).

ICMM has been engaged with IUCN in a dialogue on mining and biodiversity since 2002, and work on protected areas has been a central element of the joint work programme throughout. In this paper, some of the results of this collaboration are discussed, together with areas for future work.

### **Key Questions**

The recent “Speaking a Common Language” report (Dudley *et al.* 2004) lists the following questions in the debate around mining, protected areas, and IUCN’s Amman recommendation. Further detail is given in the report.

- How much land are we talking about?
- Are the categories assigned correctly and consistently?
- Can categories be challenged?
- Are protected areas managed effectively?
- Are mineral companies being singled out?
- Do protected area designation criteria adequately identify compatible and incompatible land-uses?
- Will establishment of protected areas be used as a tactic to stop mining?
- Do conservation organisations risk loss of protected areas altogether if they persist in trying to prevent mining?
- How rigid is the Amman Recommendation (see below)?
- Can mines help to sustain protected areas?
- Does a broader-scale approach to conservation help?
- What happens in protected areas in Categories V and VI?
- Where are governments in this debate?

The report also identifies two other issues which ICMM considers to be particularly significant:

- What should be done about protected areas that were established without adequate stakeholder consultation?
- What should be done about protected areas that have significant mineral potential that was unknown when the area was originally designated?

We consider all these questions to be central to the debate, and will attempt to answer here those that are relevant to ICMM.

### **ICMM’s ‘No-Go’ Pledge**

To give formal effect to its recognition of the importance of protected areas, ICMM announced its landmark ‘no-go’ pledge in August 2003 (ICMM, 2003b). In this, ICMM’s corporate members undertook ‘not to explore or mine in World Heritage properties’ and to take all possible steps to ensure that operations are not incompatible with the outstanding universal values of these properties. ICMM members also undertook to respect all legally designated protected areas.

This decision signals ICMM’s commitment to engage with the conservation community on the contentious issue of ‘no-go’ areas. It also contains a number of important undertakings that establish key precedents not only for the mining industry but also other extractive

industries. ICMM recognises the role of properly designated and managed protected areas in conservation strategies and that, in some cases, exploration and mining development may be incompatible with the objectives for which areas are designated.

The position statement from ICMM was a forward looking initiative by the mining industry in an arena that had been characterised by acrimonious debate and conflict for many years with little or no progress. Large parts of the conservation movement believed that the mining industry saw the entire earth's surface as potential mining ground, so the most important aspect of the statement was its explicit recognition that conservation through protected areas should at times override development potential. This marks a change in parts of the mining industry in the past 5-10 years: leading companies are committed to meeting more of society's expectations as well as its need for minerals.

The challenge for ICMM's member companies is to demonstrate by their social and environmental performance that mining can be compatible with conservation, even when it occurs within multiple use protected areas, or indeed near any protected area.

### **Amman Recommendation and the IUCN Categories**

Many in the conservation community believe that recommendation 2.82 of the 2<sup>nd</sup> World Conservation Congress in Amman (the Amman recommendation) should be the starting point for industry's 'no-go' policy. However, it must be recognised that the Amman recommendation is aimed at governments, not industry, and that some governments have not applied or effectively used the IUCN category system. Moreover, what national legislation and the Amman recommendation say about restrictions on mining in protected areas may conflict. If responsible companies adopt the Amman recommendation and thereby exclude themselves from protected areas in IUCN Categories I-IV, and if national legislation allows the government the right to permit mining in some or all of these areas, there will be a risk that mining will be undertaken by companies that are less willing or able to match ICMM members' commitments and performance.

It might be informative to establish from IUCN member governments why many of them have not acted upon the Amman recommendation. Competition for space in the legislative programme is one possible reason, but it is also conceivable that some governments wish to retain the flexibility necessary to make their own balanced decisions on the priorities for land use. If true, this would draw attention to the need to strengthen formal assessment procedures such as social and environmental impact assessment (SEIA) so that they reliably constitute a full evaluation of the options. in regard both to protected areas establishment and commencement of mining projects. It would also suggest that the sooner that collaborative progress can be made on developing models for landscape scale assessments and land-use decision-making processes the better.

There are several application issues associated with the IUCN categories. In categorising national protected areas, the current IUCN category system has been inconsistently interpreted and applied by governments both within and between countries, often in processes that are neither transparent nor inclusive. The final international category assignment of protected areas can also differ from national assignments. For example, a multiple use protected area at the national level can be assigned a Category II status at the international level, based on the interpretation of the management objectives of the site. The problem of "paper parks", i.e. parks that exist in terms of legislation but do not actually protect anything, seriously undermines the category system.

Furthermore, some countries have found that the IUCN categories do not meet their national requirements. Clearly, it is difficult to conceive of a system that meets the needs of all countries, but the system does need to be more flexible to address the needs of those countries that have explicitly decided not to use it. Another flexibility issue is the concept of zoning, whereby a park has zones where different levels of protection apply, from strict protection to limited use. As the *Speaking a Common Language* report recognises, the system should be able to cater better for such an approach, which is being used successfully around the world (Bishop et al, 2004).

ICMM recognises that national and global systems for the evaluation, designation, classification and management of areas listed for protection are needed to ensure consistency of approach to land access decisions. However, if the IUCN category system is to be used as a tool to influence management standards and land-use decisions, it will need to be strengthened in a number of areas including:

- Ensuring that conservation and resource use strategies are developed in the context of broad, regional land-use planning frameworks, in which protected areas are considered as one of an array of tools that can be employed to achieve conservation and resource use objectives
- Ensuring transparency in the protected area/IUCN category assignment process, including a dispute resolution mechanism, involving industry and other stakeholders.
- Developing clear, broadly agreed criteria that define the circumstances under which it is appropriate to use each type of protected area category.
- Establishing systems of verification/certification to ascertain whether a protected area has been assigned to the correct category and the site is being effectively managed.
- Establishing a 'Protected Areas In Danger List' to identify where degradation of conservation values occurs due to poverty or other reasons, make provision for the protected areas in question to be reclassified when appropriate (e.g. IUCN Category V or VI) and encourage governments in close consultation with stakeholders to explore available development options (e.g., mining, ecotourism, oil and gas, etc) to address the causes of biodiversity loss.

Despite its shortcomings, the IUCN system remains the only viable international system for categorising protected areas, the system is robust, internationally recognised and scientifically meaningful. Moreover, its standing was strengthened when the Seventh Conference of the Parties to the Convention on Biological Diversity in Kuala Lumpur (Feb. 2004) endorsed its use by countries.. For these reasons, ICMM is committed to working with IUCN to improve the system so that it can better reflect realities on the ground and can be a better and more widely applicable tool for governments, conservationists, communities and industry. ICMM has already participated in the work of the IUCN/Cardiff University/UNEP-WCMC project *Speaking a Common Language* on the uses and performance of the IUCN system. This project developed proposals, including those to revise the IUCN guidelines on protected area management categories, which were supported by the Vth World Parks Congress and broadly approved by the 3<sup>rd</sup> World Conservation Congress (Bishop et al, 2004).

### **Transparent, Informed and Fair Decision-Making Processes**

The ICMM pledge demonstrates that industry accepts the principle of 'no-go' areas. What is of vital concern are the decision-making processes used by governments in establishing land-

use priorities and protected areas, generally, and ‘no-go’ areas more specifically. From the industry’s perspective, much needs to be done, principally by governments.

Society’s ever increasing demand for minerals will require industry to have access to large amounts of land for exploration, though the area retained for advanced exploration and mining is only a small fraction of what was originally explored<sup>2</sup>. New exploration leases are increasingly located in isolated places, including some in biodiversity-rich and socially sensitive areas. This could bring mining into greater competition with alternative land-uses, including protected areas.

ICMM considers that more strategic approaches are needed to assist governments to resolve different land-use, conservation and development objectives. Such approaches need to be transparent, equitable, informed by mineral development potential assessments, among others, based on the principles of sustainable development, reviewed on a regular basis (probably every five to ten years) and must take into account the opinions of, and consequences for local communities - including indigenous peoples - and the regions involved. Such long-term, holistic approaches are essential if piecemeal decisions, which neglect cumulative impacts, are to be avoided. Consultative processes are obviously also important in order to address the concerns and optimise the outcomes for neighbouring communities. The analysis of options needs to be carried out at a landscape scale in order to minimise the potential for conflict over small areas of land and to allow for governments to make difficult decisions between development options and conservation objectives. IUCN’s members endorsed this approach at the 3<sup>rd</sup> World Conservation Congress in resolution 38.

SEIAs are a key component of such decision-making processes at the individual project level. Governments should require that SEIAs are carried out before any major development project commences to ensure that all potential impacts are properly considered. The ‘no-go’ option should be a part of SEIAs. Indeed, the SEIA should be an integral part of mitigation planning and social and environmental reviews after development starts.

During 2005, ICMM expects to publish a scoping paper as part of its dialogue with IUCN. It intends also to bring together other interested organisations (e.g. international organisations, governments, other industry sectors, environment and development NGOs) to discuss the development of decision-making models and assessment tools that better integrate conservation and mining into land-use planning strategies and regional development plans. Such work would only be a first step in a concerted programme of international cooperation that is required to help build government capacity in developing countries and economies in transition. Ultimately, such collaboration will seek to develop clear and equitable rules for land access as well as establish the basis for determining ‘no-go’ areas for exploration and mining activities.

## **Conclusion**

ICMM members are committed to providing leadership aimed at improving the industry’s performance and enhancing the contribution of mineral development to poverty alleviation and biodiversity conservation objectives. ICMM commitments offer governments and other stakeholders a clear basis for choice when they consider how to translate mineral potential into sustainable development outcomes. They also set industry standards that can be used to influence better performance in other parts of the mining industry.

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<sup>2</sup> Only about 1 in 1000 exploration targets results in mine development. Also, the total land disturbed to mine an ore body (a measure of the likely direct impact on biodiversity) is relatively small compared to other land-uses.

Advancing conservation and development objectives will require close cooperation between governments, multi-lateral organisations, industry, communities, including indigenous peoples, and NGOs. The recognition of this imperative in the IUCN and its members was made clear at the 3<sup>rd</sup> World Conservation Congress in Bangkok, in which closer co-operation with the private sector was a prominent element of the speeches by both departing and incoming Presidents of IUCN and in two congress resolutions, 46 and 47 (IISD, 2004, *ibid.*) Partnership opportunities with companies offer environmental NGOs considerable potential to achieve on-the-ground conservation outcomes. Governments can foster real progress by adopting clear criteria for project outcomes, including biodiversity conservation and community development results, when seeking commercial partners in mineral development projects or when inviting bids on new mining licences.

Collaboration is required to assist in the development of decision-making models and assessment tools that integrate conservation and mining into land-use planning strategies. A concerted programme of international cooperation will also be required to build government capacity to implement these tools and ensure the application and enforcement of equitable rules regarding land access.

ICMM wishes to minimise potential confrontations over land use with the conservation community, and will continue to work with IUCN to strengthen its system of protected area categorisation. ICMM members recognise that sufficient reform of the system will lead to recognition of categories of protected areas as ‘no-go’ areas and others with a multiple-use designation. Clear and equitable rules for categorisation of parks will make it easier for the industry to do business, and to ensure that livelihoods, fauna and flora are properly protected and that sustainable development is fostered.

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The International Council on Mining and Metals (ICMM) is a CEO-led organisation dedicated to sustainable development. ICMM comprises many of the world's leading mining and metals companies as well as regional, national and commodity associations, all of which are committed to improving their sustainable development performance and to the responsible production of the mineral and metal resources society needs. ICMM's vision is a viable mining, minerals and metals industry that is widely recognised as essential for modern living and a key contributor to sustainable development.