

Overview of comments received within IUCN on the MMSD Draft Report (March 2002)

(Note: this is not an official response to the MMSD Draft Report)

In response to the request by the MMSD Project and IIED, the Director General of IUCN, Achim Steiner, asked a number of key specialists to review the MMSD Draft Report in order to provide overall IUCN comments on the Report.

Given the size of the report and the limited time available for review, the complexity of the issues and the diversity of perspectives within IUCN, it has not been possible to develop an “official” IUCN position on the Report. This comment has attempted to consolidate the views of the various specialists, while reflecting a diversity of views expressed. In so doing, we hope that the IUCN comments will further both words and actions towards sustainability within the mining industry, including the conservation of biodiversity.

Size and scope of the Report

For reasons of timing, IUCN was unable to review the entire Report. Furthermore, several sections on the report – particularly those surveying the status of the mining industry – covered details in which an IUCN review could add little value.

Hence, we focused our efforts primarily on the protected areas discussion in Chapter 7 and the discussion on threats to biodiversity in Chapter 10.

Protected Areas

The sections on protected areas in Chapter 7 as well as related statements in Chapter 16 are the most contentious from an environmental perspective and perhaps also within the IUCN community as a whole.

In other words, protected areas specialists would like mining companies to recognise the values of protected areas and commit publicly to staying out of them, particular areas classified as I-IV under IUCN’s protected area classification system, or at the very least to commit publicly to staying out of natural World Heritage sites. Sustainable business and development specialists, on the other hand, would like mining companies to adopt the triple-bottom-line approach to land use based on protected areas management systems, particularly with respect to IUCN’s categories V and VI.

To put it more generally, part of the conservation community wants the mining industry to stay out of parks, while other parts of the conservation community would like mines to be managed as parks. These differing perspectives indicate there is still much more to be done with respect to understanding the impacts and responsibilities of mining on sustainable development through the control, use and management of land.

The protected areas specialist perspective is reflected in the following comments:

“In respect of protected areas, several aspects disappoint me, though I feel that these can be fixed in the final draft. These are concerns with Chapter 7:

- The overall impression is that protected areas are a problem to mining companies and local communities. Nowhere is their central importance to humanity now and in the future properly recognised. Of course protected areas face challenges, but without them there will be very little biodiversity conservation, much less watershed protection, less income for many developing countries - and so on. This text needs a far stronger statement of the importance of protected areas to society, and so by implication a stronger call to the mining industry to respect them.
- Protected areas serve a variety of purposes ... The full range of values does not come through.
- I am surprised that the threats to protected areas from mining are so lightly treated. The nature of these real and ascertained dangers needs to be set out.
- The challenge set to the mining companies is so low as not to represent a real challenge at all. I suggest that - *at very least* - the MMSD process should challenge them to keep out of World Heritage sites. If there are some objections to taking protected areas Categories I-IV as a basis for policy, they all fail when these objections are applied to World Heritage natural sites. As things stand now, the mining companies are being asked to do so little in the environmental sector (in marked contrast to the indigenous peoples' sector) that the MMSD recommendations will not impress conservation bodies. The key to credibility is for mining companies to formally recognise the "no-go" concept and apply it as a first step to World Heritage sites."

The sustainable business and development specialist perspective is reflected herebelow:

"Regarding chapter 7 on land use and management which includes an extensive discussion on protected areas, the discussion and the recommendations for next steps provide an excellent basis for engaging the IUCN community in a mutually constructive dialogue about mining and maintaining "the integrity and diversity of nature."

Indeed the report challenges us to rethink the usefulness and effectiveness of our protected areas categorisation system. Clearly the mining industry is not fully comfortable with this instrument for biodiversity protection.

However, the report also provides an opportunity for us to challenge the industry to manage the land which it controls in the context of biodiversity protection as well as rural economic development. It seems to be that mining in light of categories V and VI may provide a way to bring conservation and mining onto the same side of the fence."

The following comments reflect both of the above perspectives and indicate that the Report does provide a basis for more serious thinking about both the role of mining and of protected and about the relationship between these two land use systems for sustainable development:

"I reviewed the section on protected areas in chapter 7, which I found a reasonable representation of the views of the mining sector and the protected area interests. Much of the section is aimed at major mining companies, though these are seldom the biggest source of problems; but they are the ones that are most likely to respond to the pressure of NGOs and conservation interests. The section recognizes the risks and liabilities for major mining companies working in sensitive environments. The section clearly acknowledges the IUCN position on Categories I-IV, while also building on the

UNESCO Man and the Biosphere Programme and the ecosystem approach advocated by the Conference of Parties of the CBD as more flexible instruments. (Note that the chapter ascribes the "ecosystem approach" to be CBD, whereas it has been developed by the Conference of Parties; the Convention itself did not develop the ecosystem approach, instead providing a mechanism that enabled such an approach to be developed).

The chapter certainly puts forward the best possible argument for mining in relation to protected areas, suggesting that mines can 'provide livelihood options for local people living in marginal areas, and help reduce exploitative pressures on protected area.' While this certainly is conceivable, little evidence is available to indicate that this actually happens very often. A major constraint, never explicitly acknowledged in the report, is the government policy framework that frequently brings the profits from mining to the central government rather than allocating these resources to improving the livelihood of people living in remote areas close to the mines. The chapter implies that the conservation community is sceptical regarding the use of mining revenue for protected areas, as such finance is not sustainable (drawing as it does from non-renewable resources). This is unlikely to be a major reason for scepticism by protected area interests, but more likely to be a limitation imposed by governments.

The section also says that, 'The conservation sector believes that mining should simply not take place in protected area management Categories I-IV and in UNESCO World Heritage sites. I doubt that any belief can be ascribed to 'the conservation sector' as a whole; it would be better to conclude that this is a consensus view of the conservation sector.

In the section on 'the challenges', the chapter often seems to damn protected areas with faint praise ('...many still continue to maintain some ecosystem services...'). And it is not clear what evidence supports the view that a system exists for designating protected areas globally, but not for de-designating them. First, no such global system exists; and virtually all national legislation on protected areas also includes specification of de-gazettement procedures.

The section suggests that 'there is concern that a robust and globally representative system of protected areas has not yet been achieved' as the justification for not having a system for 'de-designating' protected areas. Most protected area supporters certainly are dubious about the existence of such a system, but this has little to do with gazettement and more to do with changing demands on land.

The section also points out that protected areas often do not pay for themselves; but it should indicate that this is because appropriate funding mechanisms have not yet been established, for example to enable protected areas to cash in on the environmental services they provide. The section suggests that mining can make important financial contributions to protected areas and other conservation activities through offsets or set-asides, 'thus ensuring the long-term viability of such areas.' But this requires a regulatory framework established by governments, which does not yet exist in very many countries. The section concludes that the mining sector could make some contribution to conservation, which seems to be feasible; but few from the environmental side are yet convinced that the mining sector can provide benefits commensurate with its environmental costs.

The chapter wants IUCN to broker appropriate arrangements between mining and conservation interests, in land under Categories V and VI, and adjacent to protected

areas. But they want decisions to be fully representative, expecting that compromises will be required on all sides.

The section on the way forward advocates involvement of the private sector in protected areas, but mentions only mining and tourism as options. In fact, many other parts of the private sector have interests in protected areas, some of which may be threatened by mining. For example, agriculture and some industries may require consistent supplies of clean water from protected areas, and this could be negatively affected by mining. Numerous other examples could be provided.

The section also calls on IUCN to improve the consistency and strengthen the application of its categories system. This advice seems to be well conceived, and I understand that Adrian Phillips already is working on this issue. ”

In light of the World Parks Congress in 2003 and the next Conference of the Parties of the Convention on Biological Diversity in 2004, there is an opportunity to strengthen our understanding of the opportunities which protected areas offer to mining industry to strengthen their capacities and responsibilities for sustainable land use management, including biodiversity conservation.

Under Article 2 of the Convention on Biological Diversity, protected areas are defined as “a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.” If mining sites incorporate a management plan with specific conservation objectives can they meaningful play a role in protecting biodiversity?

Threats to Biodiversity

While the sections on protected areas stimulated healthy discussion within IUCN, the sections on biodiversity in Chapter 10 were generally considered to be weak and prompted the following comments:

“The treatment given to biodiversity in the MMSD report is extremely narrow, focused entirely on the issue of protected areas. For example, they fail to address the impact of mining on endangered species and do not even examine the potential of mining activities to aggravate desertification, and hence impact on biological diversity. With these serious oversights in such a massive report, there is obviously much work left to do.”

Perhaps the strong focus on protected areas as essentially a proxy for biodiversity proved to be a limiting factor for the Report. Hence, the Report does not adequately address the relationship between mining and the three components of biodiversity – ecosystems, species and genes.

Even more importantly, biodiversity is discussed under the heading “threats” which does not enable a good discussion of the opportunities that biodiversity presents to mining – i.e., the business case for biodiversity which at least one major mining company is making.

In this context, attention to “biodiversity’s triple bottom line” as outlined in the three objectives of the Convention on Biological Diversity could have strengthened the Report. These objectives – conservation of biodiversity, sustainable use of biological resources and equitable sharing of the benefits arising from this use – clearly link biodiversity to the broader agenda of sustainable development. After all the Convention is a product of the Rio Summit in 1992 and, hence it is a

pity, that the Report misses the opportunity of linking biodiversity more substantively to the economic and social dimensions of sustainable development.

What is to be done?

It is suggested that:

“Perhaps the main result of this report is the recommendation to establish a Sustainable Development Facility that can provide technical support to governments, insurers, lenders, or companies to help them build capacity and ensure that appropriate impact assessment, mitigation, and so forth are incorporated within the plans and programmes of the mining sector. This may well be an institution where IUCN could be expected to play a role.”

Whether such a facility is the way to proceed, IUCN clearly welcomes the Report and considers it a very valuable contribution to promoting dialogue between stakeholders and to influencing future action.

Furthermore, though it is not appropriate for IUCN to endorse the conclusions of the Report, it is fair to say that that Report has stimulated thinking within IUCN and opened up an internal dialogue on how IUCN could play a value-added role in follow up activities. These activities could include a new sustainable development facility as suggested or a more diversified programme of partnerships with the mining industry in support of the objectives of sustainable development, including biodiversity conservation.

IUCN – The World Conservation Union
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