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ORGANIZATION****CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE****BUREAU OF THE WORLD HERITAGE COMMITTEE****Twenty-fourth Extraordinary session****Cairns, Australia
23 - 24 November 2000****Information Document: Report of the technical workshop on “World Heritage and Mining”, IUCN Headquarters, Gland, Switzerland, 21 – 23 September 2000**

At the twenty-third session of the World Heritage Committee (Marrakesh, Morocco, 1999) consideration was given to issues related to World Heritage and Mining. To help guide future decision-making, it was suggested that an appropriate approach would be to develop general principles for World Heritage and mining based on an analysis of case studies and to bring forward recommendations for review and discussion at the twenty-fourth session of the World Heritage Committee. The technical workshop “World Heritage and Mining”, held at IUCN Headquarters, Gland, Switzerland, 21 – 23 September 2000 can be seen as part of a longer process of collaboration which might deliver a substantial outcome at the next once-in-a-decade World Parks Congress (WPC) which will occur in 2003 in South Africa.

Action required: The Bureau may wish to take note of the report and make recommendations to the Committee following review of the item in the document WHC-2000/CONF. 203/5 on state of conservation.

WORLD HERITAGE AND MINING

REPORT OF THE WORKSHOP HELD AT IUCN HEADQUARTERS, 21-23 SEPTEMBER 2000

INTRODUCTION

The 1999 World Heritage Committee (Marrakesh, Morocco, November, 1999) considered the issue of mining and protected areas. It decided, *inter alia*, to request that a technical meeting be held to analyze case studies on World Heritage and Mining and to develop recommendations for review and discussion by the twenty-fourth session of the Committee.

Following on from this direction, IUCN and the International Council on Metals and Environment (ICME) jointly organized a workshop on World Heritage and Mining, which was held in Gland, Switzerland (at the IUCN Headquarters) from 21 to 23 September, 2000. This workshop involved representatives from UN agencies (UNEP and UN/DESA), the UNESCO World Heritage Centre, the mining sector, several institutes working in this field, ICOMOS, IUCN/WCPA, and site managers and protected area agencies from States Parties. It discussed a range of case studies illustrating issues associated with mining and World Heritage sites (the list of participants and the agenda of the meeting is at Annex A and B).

The deliberations covered mining and mining exploration both within and adjacent to World Heritage Sites, as well as mining activities which may be geographically distant from a site but have potential to impact on the cultural or natural values of such a site in the short or long term.

Examination of case studies was valuable, demonstrating that the mining and conservation communities can reach mutually beneficial arrangements in a range of different circumstances, in relation to mining developments near World Heritage Sites.

The case studies also highlighted the following key points:

- where there is no dialogue, there is no progress;
- common ground can be found where there is a willingness by the parties to seek it out;
- benefits can flow to all parties from finding common ground; and
- sharing information, building trust and good will, and continuing to talk are essential.

The workshop agreed on the importance of dialogue and consultation between key stakeholders. Participants recognized the important contribution that the mining industry can play in relation to World Heritage values: in particular, it could support conservation, contribute to scientific understanding of ecosystems, bring economic and social benefits, help alleviate poverty and assist ecotourism. Participants also agreed that opportunities for co-operation and partnership between the mining industry and protected area agencies should be strongly encouraged. The workshop agreed on a set of principles, recommendations and follow-up activities, which are set out below.

MINING, AND EXISTING AND FUTURE WORLD HERITAGE SITES

There was however a divergence of opinion over the possibility of new and expanded mining operations and exploration activities within existing World Heritage sites. The workshop agreed that the positions of IUCN, ICOMOS, UNESCO and industry participants should be set out for the record in relation to this matter.

The IUCN position is that World Heritage Natural and Mixed Sites are sites of outstanding universal value, which are identified for their unique features and according to strict criteria and conditions of integrity as defined under the World Heritage Operational Guidelines. Such areas (128 natural sites and 22 mixed sites as at 1999) cover less than 1 % of the earth's surface and represent a commitment to future generations to ensure that some areas on earth are left in their natural state in recognition of their outstanding natural values. This is embodied in Article 4 of the World Heritage Convention, which states that: "Each State Party to the Convention recognizes the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in (the Convention)". Article 6(1) of the Convention also states that: "Whilst fully respecting the sovereignty of States, State Parties recognise that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate." Thus, IUCN considers that the exploration and extraction of mineral resources and associated activities are incompatible with the values for which World Heritage sites were established and managed, and in principle should not be permitted.

The ICOMOS position is that World Heritage cultural sites (and more particularly cultural landscapes) and mixed sites (those inscribed under both cultural and natural criteria) are by definition of outstanding value. They contain tangible and intangible manifestations of human cultural heritage of global significance, and it is therefore imperative that the integrity of these sites should be protected and preserved for the benefit of all humankind. For these reasons, ICOMOS considers the exploration or exploitation of mineral resources within World Heritage sites may jeopardize the values for which they have been inscribed on the World Heritage List.

The UNESCO position is to emphasize the fundamental principles of the Convention to protect and conserve sites of outstanding universal value. Guidance on the conservation process is given by the Operational Guidelines for the Implementation of the World Heritage Convention. As a result, UNESCO believes that it is essential to uphold the integrity of sites on the World Heritage List and thus ensure that the values, for which they are inscribed, are maintained.

From the standpoint of industry participants, there is growing recognition that conservation goals cannot be divorced from economic development. Responsible mining can contribute to biodiversity conservation and broader sustainable development objectives, including poverty alleviation. Industry respects legally designated protected areas and acknowledges that exploration and mining activities should not put at risk the characteristics and values forming the basis of the listing of an area as a World Heritage site. However, it is believed that, as technology and societal priorities change, the option of re-evaluating existing boundaries should be preserved.

The workshop agreed however in relation to the issue of the identification of future World Heritage sites. In this situation, a comprehensive approach to planning should be adopted within a commitment to economic, social and environmental considerations. This should recognise the complex relationship between economic development, biodiversity and cultural heritage considerations and the role of protected areas, including World Heritage sites. All protected areas should be established as part of an adequate and representative system, set within the broader landscape, and assessment should be based on the principles of sustainable development and sound scientific assessment of natural and mineral values. This is particularly relevant to the establishment of new World Heritage sites.

PRINCIPLES UNDERLYING THE RELATIONSHIP BETWEEN WORLD HERITAGE AND MINING

The workshop agreed on ten principles that should underpin the relationship between mining and World Heritage interests, as follows:

- ***Protection Of World Heritage Integrity:*** all parties should be committed to the maintenance of World Heritage values and of the integrity of the sites concerned.,
- ***Maximizing Benefits And Minimizing Adverse Impacts:*** mining activities should be designed to maximise economic, social and environmental benefits and reduce to the minimum negative consequences or side effects within or beyond national boundaries; and also be committed to the equitable sharing of benefits. Activities associated with the establishment and management of World Heritage Sites should also aim to maximise social and ecological benefits and to minimise adverse ecological and social impacts.
- ***Respect For Different Value Systems:*** it is important that commercial interests respect the value systems of conservation and World Heritage interests, and *vice versa*; and that both parties should respect cross-cultural values (such as those of indigenous peoples and other traditional communities).
- ***Openness:*** relations between the sectors should be based on transparency, trust, timeliness and honesty, and should include early warning of proposals for new nominations as well as for mining operations.
- ***Inclusiveness:*** all relevant local, national and international stakeholders should be consulted and involved from the earliest possible stage in plans for mining operations and in any plans to nominate World Heritage sites; partnerships should be built at various levels to help secure on-going involvement.
- ***Whole-Of-Life Consideration:*** all aspects of mining operations, from preliminary exploration to closure and after care, should be covered by these principles.
- ***Robust, Adequately Resourced Institutions And Processes:*** there should be clear processes and responsibilities in respect of areas of possible conflict. This requires appropriate regulations, security of tenure, effective World Heritage management capacity, enforcement, conflict resolution procedures, and the timely sharing of information. Where needed, systems should be established to build capacity within all stakeholder groups (industry, institutions, NGOs etc).
- ***Best Practice:*** all relevant activities should be characterised by the use and sharing of best practice in respect of: science and technology, adaptive

management, transboundary cooperation, assessment of societal benefits, stakeholder consultation, comprehensive risk assessment, and thorough emergency preparedness - all reflecting local environmental and social circumstances.

- **Independent Review:** all activities involving the parties should be open to independent review and to reporting on performance without fear or favour
- **Acknowledgement of Uniqueness:** notwithstanding the above, every World Heritage site and every mining operation is different, and specific arrangements must be sensitive to this.

RECOMMENDATIONS

The meeting put forward the following recommendations to various key actors.

WORLD HERITAGE COMMITTEE AND STATE PARTIES are invited to note these findings:

- Mining and conservation specialists are encouraged to work together, taking into account the unique aspects of mining (e.g. mineral potential, deposits) and the unique values and conditions of World Heritage sites; each case needs to be carefully considered, taking account of the conditions and integrity under the World Heritage Convention
- Early in the nomination process, relevant national and local government ministries and agencies, all affected stakeholders and independent third parties should be identified and an open, transparent and effective communication mechanism established, including conflict resolution mechanisms
- An open and transparent multi-disciplinary/science-based approach should be adopted for determining boundaries for World Heritage sites - one that protects World Heritage values and takes into account ecological, cultural, and mineral and other economic values, as well as socio-economic factors
- Tentative lists of potential World Heritage sites should be made public to all stakeholders to encourage input of views and information
- An effective flow of information should be assured between the UNESCO World Heritage Centre, IUCN and ICOMOS regarding mining-related activities and World Heritage sites prior to designation, in compiling state of conservation reports, and during/after emergency situations
- Regarding the evaluation of new nominations, the Advisory Bodies should ask State Parties to confirm that all affected stakeholders, including the mining industry, have been consulted
- Given that World Heritage and mining issues are often polarized, there is a need to protect the process of World Heritage nomination and the state of conservation evaluations
- If a mine is operating near a World Heritage site, facilities should be designed, operated and closed in consideration of World Heritage values and should contribute to the conservation of those values
- Education and awareness programs are required so that local communities understand the importance and the values of World Heritage sites and can benefit from the presence of such areas.

WORLD HERITAGE MANAGEMENT AGENCIES should

- Clarify and communicate roles and responsibilities regarding World Heritage sites
- Put monitoring programs in place, as well as emergency preparedness and response plans, all with effective indicators, to ensure that the integrity of World Heritage values is not threatened by mining, agricultural, tourism or other activities, and to deal with incidents
- Endeavour to link protected areas planning with broader regional land use planning, so that protected areas are seen as an integral element of their region.
- Increase awareness about mining and recognize that mining companies may be key stakeholders
- Establish communication mechanisms with all affected stakeholders
- Work with mining companies in order to integrate their environmental management and community development programs into the overall management objectives of World Heritage sites.

MINING INDUSTRY

The mining industry has the potential to make significant contributions as follows:

a) In respect of World Heritage Protection/Conservation, it can:

- Undertake assessments of unique biodiversity, increase scientific understanding of ecosystems, and contribute to the conservation of flora and fauna affected by exploration, extraction and processing activities
- Support research to expand scientific knowledge and develop improved technologies to protect the environment, and promote the international transfer of technologies that mitigate adverse environmental effects
- Assist in the development of ecotourism
- Contribute to government capacity in World Heritage management and support site management programs
- Contribute to the promotion of the World Heritage Convention and sites through building awareness.

b) In respect of Environmental Management and Protection, it can:

- Encourage all those involved in the mining industry to better understand ecosystem management and adopt these principles
- Work with governments and other relevant parties in developing sound, economic and equitable environmental standards and clear decision-making procedures, based on reliable and predictable criteria
- Comply with all applicable environmental laws and regulations and, in jurisdictions where these are absent or inadequate, apply cost-effective technologies and management practices to ensure the protection of the environment and worker and community welfare
- Conduct environmental assessments of exploration, infrastructure development, mining or processing activities, including secondary effects, and plan and conduct

the design, development, operation, remediation and closure of any facility in a manner that optimizes the economic use of resources while reducing adverse environmental and community impacts to acceptable levels

- Employ risk management strategies and best practices that take account of local cultures and economic and environmental circumstances in the design, construction, operation and decommissioning, including the handling and disposal of hazardous materials and waste
- Ensure that adequate financial resources or surety instruments are in place to meet the requirements of remediation and closure plans
- Implement effective management systems, conduct regular reviews and act on the results
- Develop, maintain and test emergency plans and response procedures in conjunction with the provider of emergency services, relevant authorities and local authorities to deal adequately with any emergency
- At the initial phases of mining projects, develop closure concepts and/or plans that address environmental and community related issues as well as World Heritage values, in consultation with appropriate stakeholders
- Encourage governments to establish communication mechanisms that will promote dialogue amongst local communities and other affected organizations, facilitate the provision of expert advice and serve in a regular planning and/or oversight capacity; and establish effective processes for conflict resolution.

c) In respect of Community Development, it can:

- Assess the social, cultural, environmental and economic impacts of proposed activities and engage with local communities and other affected organizations in the design of community development strategies, including such a strategy for mine closure
- Contribute to, and participate in, the social, economic and institutional development of communities, and encourage the establishment of sustainable local and regional economic activities
- In cooperation with international agencies, public interest groups and national governments, contribute to the development of local government capacity as well as to plans to address secondary impacts created by mining activity
- Mitigate, to the greatest practical extent, adverse effects on communities by activities related to exploration, extraction and closure of mining and processing facilities
- Provide adequate resources and build requisite capabilities so that employees at all levels are able to fulfill their environmental and community responsibilities.
- Develop relevant sustainable development monitoring indicators on a site by site basis
- Respect the authority of national and regional governments, take into account their development objectives, and support the sharing of the economic benefits generated by operations.

Granting of Exploration Licenses

Finally, in respect of granting of exploration licenses, the mining industry should work with stakeholders to create clarity by defining the decision-making process, roles and responsibilities. It is expected that the granting of permits would carry a reasonable

assurance of the right to develop, subject to appropriate approval mechanisms based on a clear decision-making process set out in advance.

FOLLOW-UP ACTIONS

The conclusion of the workshop was that a Working Group on World Heritage and Mining should be formed to carry forward the work in this important field.

It is important that the World Heritage Committee should give its support to such a Group. The Group's membership should be drawn from various UN Agencies, the Advisory Bodies, ICME, and other interested parties. It could be co-chaired by IUCN and ICME. The Group should work closely with other consultative mechanisms such as MMSD and other initiatives.

If established, the Group would be able assist the World Heritage Committee in this area, and in particular it could:

- If invited, assist the Committee in any review of criteria used for assessing potential World Heritage sites
- Arrange for the case studies presented at this meeting and the recommendations arising from the discussions to be widely publicized, possibly in the form of a best practice guidelines volume
- Explore the interest in preparing a guidance document on World Heritage and Mining
- Plan a workshop and other activities on Mining and World Heritage at the World Parks Congress in 2002
- Investigate the development of databases of existing and potential World Heritage sites and other protected areas, along with mineral occurrences and public domain exploration information. This may involve use of existing map databases of protected areas maintained by UNEP-WCMC
- Increase awareness through all possible means of the issues raised by the interaction of World Heritage sites and mining, involving World Heritage Managers as appropriate
- Investigate sources of funding for the Group's program of work.

In addition to its collaboration with ICME on World Heritage and mining, IUCN should consider how best to establish linkages with the wider mining sector on a broad range of issues concerning sustainable development, working with appropriate established initiatives.

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PROGRAMMESeptember 21, 2000 – **Chair David Sheppard IUCN**

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|-----------------|---|
| 9:00 to 9:10 | Welcome and Introductions – Maritta Koch-Weser Director-General, IUCN and Dr. Irwin Itzkovitch ICME |
| 9:10 to 9:20 | The relationship between sustainable development, protected areas, biodiversity conservation, economic development and cultural heritage conservation – David Sheppard, IUCN |
| 9:20 to 9:40 | World Heritage Convention: Goals; Objectives; Criteria; Issues and Challenges with respect to WH and mining – Mechtild Rossler, UNESCO |
| 9:40 to 10:00 | Overview by the mining industry of the nature of mining/metals and how it relates to the sustainable development objectives of society, including biodiversity protection and cultural heritage conservation - Dr. John Groom, Anglo American |
| 10:00 to 10:20 | Break |
| 10:20 to 11:00 | Perspectives from other international bodies (UN agencies, IUCN, ICOMOS, WCMC, major NGOs) on WH and mining.

MAXIMUM 5 MINUTES EACH with pre submission of 1 page point form of points to be made |
| 11:00 to 11:20 | Perspectives from mining industry representatives on mining and WH.

MAXIMUM 5 MINUTES EACH with pre submission of 1 page point form of points to be made |
| 11:20 to 12:30 | Facilitated Discussion on issues and challenges identified by participants |
| 12:30 to 13:30 | Lunch |
| 13:30 to 14:30. | Lorentz National Park/Grasberg Mine, Indonesia (Freeport rep. & Site Manager) |
| 14:30 to 15:30 | Huascarán National Park/Antamina, Peru (Antamina rep., Mountain Institute & Site Manager) |
| 15:30 to 16:00 | Break |

16:00 to 17:00 Donana National Park/Aznalcollar Mine, Spain (Boliden & Donana Site Manager)

17:00 to 18:00 Camp Caiman Gold Project, French Guiana, (Asarco rep.)

19:30 Cocktails and Dinner

September 22, 2000 – Chair Maxine Wiber, Rio Algom

9:30 to 10:30 Ranger Mine and the Kakadu National Park, Australia, (Government of Australia and park management).

10:30 to 11:00 Break

11:00 to 12:00 Greater St. Lucia Wetlands Park, South Africa (Richards Bay Minerals & Site Manager)

12:00 to 13:30 Lunch

13:30 to 14:30 General facilitated discussion on lessons learned, specific issues and considerations identified in the case studies

14:30 to 15:00 Break

15:00 to 16:30 Facilitated discussion on general principles and considerations with respect to exploration, design, operation and closure to be incorporated in the presentation to the 24th Session of the WH Committee

16:30 to 17:00 Synopsis of conclusions, Issues and Challenges and direction to the Drafting Committee on preparation of first draft – Chair

September 23, 2000 – Chair Adrian Phillips, WCPA/IUCN

10:00 to 12:00 Plenary Review and Initial Reactions on First Draft Principles and Considerations

12:00 to 12:30 Next Steps, Process and Schedule to Develop and Achieve consensus on Final Draft – Chair

12:30 Adjournment