

PERSPECTIVE ON THE IUCN PROTECTED AREAS CATEGORY MANAGEMENT SYSTEM

Introduction

There is a growing demand for minerals, with the mines that provide them increasingly being located in undeveloped, more biodiverse areas. At the same time, with the world's biodiversity under threat, societies are requesting more protected areas and improved conservation of natural resources. This has resulted in conflicts between extractive industries, local communities and conservation organizations. In response, ICMM and The World Conservation Union (IUCN) have, over the past four years, engaged in a successful dialogue involving numerous discussions and workshops around mining, biodiversity and related issues. This dialogue has reinforced the need for integrated and joint solutions and has provided a clearer understanding of a common challenge, namely the need to seek the optimum balance between the protection of important ecosystems and socio-economic development.

A key area of debate remains the IUCN protected areas category management system.¹ The debate is not about the need for protected areas. ICMM has acknowledged that "comprehensive and representative lists of various types of designated protected areas are important to ensure that ecosystems, habitats and species are protected from damage and loss, particularly those which are remarkable in terms of richness, rarity, sensitivity and are relatively unmodified by human influence",² and member companies have pledged not to explore or mine in World Heritage Sites. The debate is rather about the process of designating protected areas, integrating them into landscape level approaches to planning and the need for the categorisation system to reconcile biodiversity protection with peoples' need for adequate livelihoods. The IUCN WCPA Task Force has been convened in response to decisions at the World Parks Congress in 2003 and the World Conservation Congress in 2004, and is focusing on how the processes for designating protected areas in the IUCN system can be strengthened. ICMM wishes to participate in this process to contribute its perspective based on the experience of its member companies and associations across the world.

Despite its limitations, the IUCN system remains the only viable international system for categorising protected areas. This was recognised recently by the Conference of the Parties to the Convention on Biological Diversity. The system is internationally recognised and scientifically meaningful. 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 become an effective and relevant tool for governments, conservationists, communities and industry. To this end ICMM has participated in the work of the IUCN/Cardiff University/UNEP project, 'Speaking a Common Language', on the uses and performance of the IUCN system.

ICMM considers that there is a need for a more objective categorisation system that is based on integrated land use planning aimed at achieving sustainable development. What is of concern are the decision-making processes used by governments in establishing land-use priorities and protected areas. From the industry's perspective, much needs to be done, principally by governments, to achieve greater objectivity and transparency. Legal frameworks around biodiversity conservation and protected areas tend to be separated from and, at times, inconsistent with, other legal frameworks. This creates a challenging operating environment for companies in the mining sector, particularly where mining legislation allows activities in areas

¹ ICMM has contributed previously to the debate on the category system, most recently in D Richards and A S Parsons, "International Council on Mining and Metals Perspective on the IUCN Protected Areas Category Management System", *Parks*, **14 (3)**, 39 – 45 (2005).

² ICMM Position Statement on Mining and Protected Areas, www.icmm.com/publications/497ICMMPositionStatementonMiningandProtectedAreas.pdf.

which are formally protected, or where areas become protected after mining concessions have been approved.

The recognition of inventories of protected areas as 'no-go' areas is part of a wider debate about the incompatibility of mining and conservation. ICMM understands that the remit of the current WCPA Task Force does not currently extend to this strategic question. Whatever the outcomes of the current Task Force work, there is a pressing need for a wide-ranging debate on compatibility and the criteria for 'no-go' recognition, voluntary or mandated. In principle, ICMM's position is that the criteria for incompatibility are more often local than global, and that robust and credible risk-based assessments are needed to make such decisions reliably and equitably. ICMM would welcome such a debate and would be fully committed to participating in it.

ICMM considers that a protected areas category system should have the following characteristics:

1. Clearly specified objectives for each protected area;
2. Objective criteria to measure the extent to which the objectives are met;
3. Adequate data to enable informed decisions to be made;
4. A decision making process that takes account of national, regional and local impacts on communities, the environment and the economy, and is public, transparent and accountable (i.e. it is in accordance with the principles of sustainable development); and
5. Effective management and oversight.

Within this context ICMM and its member companies have the following specific concerns with the current categorisation system, and suggestions for its improvement.

Concerns

There is a need for a more systematic and integrated approach that would achieve the conservation objectives identified in any given region, employing an array of conservation tools, including protected areas and applied in a manner that does not compromise the significant role responsible development can play in poverty alleviation and the resulting improved opportunities for biodiversity conservation.

1. *The overall protected areas designation process*

The IUCN protected areas category system is sometimes applied incorrectly or inconsistently. Incorrect categorisation can lead to restrictions on development in areas with low ecological value. Conversely, ecologically valuable areas may be left open to poorly regulated development.

It could be argued that, in impoverished situations, conservation and protection of biodiversity without development are counterproductive. We believe it is critical that the state of the broader environment (biological, physical, social and economic) within which a protected area is located should influence its categorisation. The categorisation should not restrict development where it is clearly needed, but rather enhance multiple land uses, as appropriate.

2. *Application of categories in the regional planning context*

To determine the need for a protected area and the appropriate category, the state of the broader landscape should be considered. If protected areas are considered as one tool in an array of possible tools that can be employed systematically to achieve identified conservation objectives and tailored to specific needs, the conservation and development goals of a region can be maximized. This is particularly relevant in developing economies where there is an urgent need for poverty alleviation, the creation of better livelihoods, protection and enhancement of local cultures, and wise utilisation of natural resources. If protected areas are designated in the absence of an integrated landscape-level planning process there is a strong likelihood that activities external to the protected area will undermine the purpose and benefit of the protected area.

In developed and developing economies the regional context is also important. Factors like existing and planned urban development, the presence and value of geological resources, and the viability of potential conservation areas or the need to establish linked conservation areas all have to be considered.

3. Management effectiveness and current condition

A systematic, integrated approach to planning provides for higher levels of conservation being applied over whole landscapes in comparison to the current situation where protected areas exist as isolated patches in a sea of much lower conservation values.

Once a protected area is designated, certain other land uses may be restricted. Due to this effect on other land uses, it is important to ensure that the protected area is effectively managed and maintained in a condition that meets the category objectives. Should the protected area become degraded, continued protection may not be justified and other forms of land use may then be more appropriate. It is important that some form of public assurance of the management effectiveness and condition of the protected area is provided on a regular basis.

4. Changing categorisation

The categorisation of protected areas is sometimes changed or protected areas are designated without prior assessment or consultation. As a result, an existing mine may suddenly fall within a protected area. This creates an uncertain climate for business and is detrimental to the socio-economic wellbeing of the host community. Equally, the values which once merited listing as a protected area may no longer be present in an area. It is possible to envisage a number of reasons for this, including poverty-driven unsustainable resource use and changing climate. In such a case it would help the rigour and credibility of the protected areas system for there to be a process for re-classifying or de-classifying any such areas.

5. Transparency in decision making process

The decision to designate an area as protected has implications for a wide cross-section of society. Typically, where other forms of development have far-reaching implications, transparency in decision making is a prerequisite. This should be the same for protected areas. Suggestions of how to achieve this in practice are outlined in the next section.

6. Inconsistent application across jurisdictions

The category system has not been consistently applied across the world. Furthermore, local legislation may allow or even facilitate mining within, for example, a protected area designated as category II, in direct contradiction to the category definition. This undermines the rigour of the only viable international system for categorising protected areas, and creates a difficult operating environment for companies in the mining sector.

Suggestions for improvement

- ***Development of clear, well defined category objectives and criteria***

To ensure that the protected areas category system is rigorous and consistently applied across governments, there is a need for clearly defined criteria for each category in addition to broad category descriptions and definitions. Guidance material, including case studies, will likely also assist governments to assign categories.

- ***Make decisions based on proper regional planning***

Decisions on protected areas and other land use zones should come from a proper regional planning process. The overall objective should be to achieve sustainable development (i.e. positive social, economic and environmental outcomes for the immediate and longer terms) in a transparent manner. Thus the planning process should incorporate: clear objectives for all zones including protected areas, an appropriate database to enable alternative land use potential to be determined, and environmental and socio-economic assessment to inform judgements about land use alternatives.

- ***Subject the designation of a protected area to an Environmental and Social Impact Assessment (ESIA)***

The designation of a protected area restricts other potential land uses. This may result in adverse impacts on other sectors of society, which could undermine the purpose and benefits of the protected area. ESIA is a well tested approach that considers the environmental, social and economic aspects of a decision, with the aim of achieving, in this context, the most appropriate designation and land use outcome. An ESIA should include robust public consultation and appeals processes, as described in the following paragraphs.

- ***Consultation of stakeholders on decisions that affect them***

It is well recognised that in considering an activity which could affect other people, such as a change in land access, engaging interested parties in the decision-making process is essential. Stakeholders that represent both short- and long-term objectives and local and international concerns should be represented. Consultation should be linked to an appeals mechanism, with an obligation on decision-makers to respond to all issues in the submissions received.

- ***Develop an appeals mechanism***

Any decision that changes or restricts land use has impacts on other sectors of society. Typically, processes such as ESIA are established to ensure that decision-making takes cognisance of associated impacts. However, this cannot be guaranteed and individuals typically have, through the ESIA process, recourse to an appeal where they feel they have been negatively affected. The right to appeal ensures a fair process and should be incorporated into the protected area categorisation process.

- ***Implement a performance certification system for protected area categories and management effectiveness***

Once designated, a protected area should be managed in accordance with the requirements of the protection category. To provide external assurance that this is in fact happening, a protected areas performance certification process should be developed. In addition a “protected areas in danger” list should be coupled with the certification system, to highlight protected areas that are poorly managed or degrading for some reason and risk losing or even no longer retain the values for which they were protected in the first place. The goal of this system should be to identify remedial actions to be taken, principally development and implementation of recovery plans, but possibly also downgrading or loss of their status.

- ***Allow land use zoning within a protected area***

To accommodate the need for both environmental and landscape protection and socio-economic development, zoning, ranging from high protection zones, through resource utilisation (conservation) zones to limited development zones, should be considered within a protected area, subject to any approved land use being consistent with the conservation values of the protected area. Limited development can enhance conservation because it increases the economic benefits of a protected area, thus reducing pressure on the high protection zone. Corridors are also an important related tool.

Conclusion

ICMM recognises that once an effective categorisation system is in place it will improve the integration and delivery of desired conservation outcomes from landscapes that contain valuable biodiversity. 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. Such systems should be transparent, rigorous, based on clear scientific, socio-economic and cultural criteria, backed by legal controls, and should contribute to the equitable resolution of competing land use, conservation and development objectives.

Prior to listing any areas for protection (including World Heritage Sites) the following should, amongst others, be considered in assessments and related decision-making processes: the mineral development potential of the area, the impacts of alternative mining and processing technologies (e.g. various types of underground and open pit mining), and the ability to restrict secondary and induced impacts. (The footprint of mining itself can be limited and ecological damage around mines is often as a result of the secondary or induced impacts.)

Decisions taken in regard to the evaluation, designation, management and modifications of protected areas should also be based on the principles of sustainable development and take into account the national and regional consequences and the opinions of and impacts upon local communities, including indigenous peoples. Development opportunities, if forgone, should be addressed by alternative plans for poverty alleviation and social development.

Once these improvements to the IUCN protected areas management category system are agreed and implemented, there is a need for a wider debate on the issue of incompatibility between conservation objectives and other land-use activities, including mining. The outcome of this subsequent debate could lead to a process for recognising more classes of protected areas as ‘no-go’ areas. ICMM would welcome the debate developing in these strategic areas and would be fully committed to participating in it.