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Safeguarding Africa's Natural Heritage: The Case of Mining in Protected Areas

ROMY CHEVALLIER

EXECUTIVE SUMMARY

Protected areas (PAs) are conservation management tools designed to safeguard the world's most threatened species and protect essential ecosystem services and biological resources. Today 200 000 PAs, including national parks and indigenous and communal areas, cover approximately 14.6% of the world's land surface and 2.8% of its oceans. Africa is home to 7 000 registered PAs, of which only 41 are listed under UNESCO's natural World Heritage (WH) site status.[1] Although often imperfectly designed, PAs can legally enforce at least a degree of protection, making them the cornerstones of most national and international conservation strategies.

The use of prestigious conservation labels and an elevated environmental status creates a special 'duty of care' for extractive companies wishing to operate in ecologically sensitive areas, setting out guidelines to regulate intrusive activities while demanding standards that adhere to international best practice.

ABOUT THE AUTHOR

ROMY CHEVALLIER is a senior researcher for the Governance of Africa's Resources Programme at SAIIA.

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However, despite these restrictions there is growing concern about the adverse impact of extractive industries on biodiversity in PAs.

Conservation designations and international standards alone do not ensure PA management effectiveness, biodiversity protection or an increased contribution to poverty reduction. In mid-2014, mining, oil, gas and quarrying exploration affected nearly 27 natural WH sites worldwide.[2] According to the WH Outlook 2014, 13 African natural WH sites (32%) were declared to be 'in danger', the highest number of any region,[3] while 23% were listed as being 'of significant concern'.

The 'conservation status' of a PA is a guideline to regulate intrusive activities within designated areas. There is an urgent need to enforce a global benchmark to ensure that all intrusive activities in WH sites are restricted and that global PA policies and legislation are upheld and implemented by national management authorities and private companies. Where mining is unavoidable in other PAs, it is essential to implement strict operational guidelines and criteria as a precondition for mining. The private sector is also a custodian of the environment.

INTRODUCTION

PAs are designed to protect functioning natural ecosystems, to act as a refuge for threatened species and to maintain ecological processes within managed landscapes/seascapes. Larger and more efficiently managed PAs provide space for evolution and future ecological adaptation and restoration, responding directly and indirectly to local development challenges and providing resources and natural services to buffer water, food and energy insecurity.

Despite their importance, PAs and WH sites continue to be degraded and many struggle to achieve their conservation objectives. These threats include, among others, an increased demand for natural resources by a growing population, global inequity and poverty, and competing land-use options. It is often within the most productive ecosystems that extractive industries (mining, oil and gas) overlap with conservation priorities.

In Africa, improving the management effectiveness and governance of PAs is an urgent priority. This needs to be accompanied with financial incentives that prioritise the environmental services and non-market values provided by conservation areas. A conservation designation, such as a WH ranking, can translate into substantial income generation through well-marketed tourism opportunities and increased public awareness.

To increase PAs' success as conservation tools, it is important to acknowledge the substantial socio-economic gains made from protecting designated areas as opposed to less sustainable land uses, such as mining or extractive industry processes. Their success also lies in how the benefits of PA conservation are

Mountain gorillas, Virunga National Park, Democratic Republic of the Congo

distributed among the people living within their immediate vicinity. Mechanisms needed to achieve this include co-ownership and management, as well as compensation schemes for conservation and protection.

GOVERNANCE MODELS FOR PROTECTED AREAS

A variety of governance types and management models are used to protect sites and promote ecosystem benefits through conservation. PA categories are designated according to the ecological, historical and social importance of a specific area, as well as its assessed vulnerability.[4] These criteria inform conservation objectives, clarify land tenure decisions and guide appropriate levels of human use activities. The most common classifications include national parks, nature reserves, wilderness management areas and community

conservation areas, ranging from highly protected sites with strict access to parks where less restrictive management approaches, zoning and limited sustainable resource extraction occur.[5] The 'conservation status' of a PA is also the guideline used to regulate intrusive activities within designated areas. These positions are embodied in the International Union for Conservation of Nature's (IUCN) PA Management Categories Index. In PA Categories I–IV all exploration and extraction of mineral resources should be prohibited by law, while projects within Categories V–VI sites should undergo thorough environmental and social impact assessments (ESIAs). The use and strict enforcement of no-go zones should also be implemented at all WH sites.

Being listed as a WH site is the highest status and level of protection that a PA can obtain. These sites account for only one-tenth of the global PA area estate and offer learning laboratories and a source of inspiration for the broader PA network. WH status is designated in accordance with strict criteria, conditions of integrity and requirements for protection and management.[6] These include general regulatory provisions to safeguard these sites from intrusive activities taking place within their designated boundaries and buffer areas. To uphold these management conditions, the WH Convention provides these sites with financial and technical support, while countries benefit from the increased public and political exposure. Other PA networks also have enhanced legal statuses, including wetlands recognised for their importance under the Ramsar Convention and biosphere reserves listed under UNESCO's Man and Biosphere Programme.

PROTECTED AREAS, WORLD HERITAGE SITES AND EXTRACTIVES IN AFRICA

The UNESCO WH Convention, ratified by 191 member countries, provides a framework for the conservation of places recognised for their outstanding universal value. Under the convention, countries submit area sites for inclusion on the WH List which, if created and well maintained, are then eligible for funding from the WH Fund. According to the WH 2014 Outlook,[7] the WH List was extended to include 1 007 properties worldwide, of which 197 are inscribed for their values of natural importance.[8] Of the total number of WH sites, 9% are located in Africa – 89 sites in 33 states.

All mining activities within WH sites are subject to rigorous appraisal processes

The WH Committee holds that mineral and oil/gas exploration and exploitation (and the associated infrastructural development) is incompatible with WH status and therefore cannot be permitted within protected sites. All mining activities within WH sites are subject to rigorous appraisal processes and should conform with the IUCN's WH advice note on ESIA before being granted any consents or licences. Equally important is the rigorous preservation of the integrity of the PA. As such, boundary modification to accommodate mining or allow for hydrocarbon extraction is not appropriate under WH criteria. However, despite these requirements for continued WH status, the

UN Environment Programme (UNEP) states that there are current examples of WH sites that overlap with extractive industry activities[9] or are close to producing operations and exploration activities. Of the 217 natural WH sites analysed by UNEP worldwide, between 13 (based on reliably located data) and 24 (including less reliably located data) overlap with or are close to an extractive site of some sort (active exploration/development and producing). Similarly, in 2012 UNESCO estimated that nearly a quarter of its sites (217 natural properties were examined) were under development pressure from the existing or future activities of extractive industries.[10]

The WH Committee also says that globally, mining, oil, gas and quarrying exploration is affecting 27 natural sites it examined in mid-2014. There are 13 natural WH sites 'in "danger"' in Africa, and a further 10 listed as of 'significant concern'.[11] The results of the IUCN World Heritage Outlook show that poaching is the most serious current threat to the natural WH sites in Africa, while the most significant potential threats are mining, oil and gas exploration and exploitation and dams, followed by road construction. Recent examples include the iconic Virunga National Park in the Democratic Republic of the Congo (DRC). Africa's oldest park, it is currently exposed to threats related to oil prospecting.[12] Virunga has been 'danger-listed' for 20 years. The park contains the highest concentrations of biodiversity on the continent, including populations of the endangered mountain gorilla. It also provides livelihoods to some 50 000 fishermen from Lake Albert. Similarly, the Selous Game Reserve in Tanzania has been listed as a WH site 'in danger' due to unprecedented levels of poaching. Selous now has 90% fewer elephants than when it was granted WH status in 1982. Furthermore, there have been proposals for prospecting and mining oil, gas and uranium inside the game reserve, with the associated dam infrastructure. Other natural African WH sites listed by the WH Committee where conflicting areas of mining and oil/gas exploration[13] exist, include the Comoé National Park (Côte d'Ivoire); Mount Nimba Strict Nature Reserve (Côte d'Ivoire and Guinea); and Dja Faunal and Wildlife Reserve (Cameroon). There are also other examples where extractive processes are taking place in important buffer zones within 10km from the WH sites.

The Selous Game Reserve now has 90% fewer elephants than when it was granted WH status in 1982

Although WH sites can be de-listed, more tools need to be considered as ultimate sanctions against non-performing member countries and companies. Many countries use their WH status as marketing tools merely to attract tourism instead of as a litmus test for improved conservation.

INDUSTRY PLAYERS AS CUSTODIANS FOR CONSERVATION AND PROTECTED AREAS

Demonstrating a commitment to responsible development and conservation is essential in managing business risk and opportunity at all stages of industrial operations, from the initial exploration to mine planning, implementation and closure. Inflicting irreversible impact on biodiversity in PAs can erode a

Some companies have also refused products produced in WH sites that have threatened the integrity of the system or where governance is questionable

company's licence to operate and diminish shareholder value, while positive actions can improve its reputation among key stakeholders. This has been evident in cases where companies have foregone concessions in WH sites due to the overwhelming pressure from international conservation bodies, the WH Committee and consumers (the British oil company SOCO temporarily withdrew its prospecting activities in Virunga Park in 2014). Some companies have also refused products produced in WH sites that have threatened the integrity of the system or where governance is questionable (for example, Tiffany's policy on diamond sourcing).

It is important that non-compliers are prevented from profiting from the exploitation of resources in these sensitive areas at the expense of both local communities and biodiversity. Blanket regulations are needed to declare all extractive/intrusive activities in WH sites illegal.

Increasingly, financial institutions also demand that performance standards such as the Equator Principles are adhered to as a condition for accessing financing. Other initiatives also contribute to best practice, such as the International Finance Corporation's Policy and Performance Standards on Environmental and Social Sustainability and the World Bank's Environmental, Health and Safely Guidelines. These include general and industry-specific examples of good international practice and are used as a technical source of information during project appraisal.

Better monitoring and evaluation systems are now used to grade the management effectiveness of PAs. The Measurement Effectiveness Tracking Tool (METT), for example, developed by the World Commission for Protected Areas and World Wide Fund for Nature, is a self-evaluation tool applied by PA managers to track longer-term trends in management effectiveness. The Global Environmental Facility has made the METT mandatory for use in all projects in PAs.

Many of these standards now create a reputation effect, as listed companies generally have to adhere to these guidelines in order to maintain their share price (or at least avoid share price decline due to widespread investor stigma).

The private sector can further its role as a custodian for nature conservation through committing to international standards to avoid mining in areas where harm to biodiversity is unacceptable.[14] One such commitment was made by International Council on Mining and Metals members not to mine or explore in WH sites. Where mining is taking place in PA networks, companies can work through relevant impact assessment procedures to implement a mitigation hierarchy for biodiversity management to avoid, minimise and mitigate unacceptable impacts or, where residual impacts are unavoidable, to restore areas and offset impacts. All activities affecting biodiversity need careful planning and management to achieve zero net loss to biodiversity, or even make a positive contribution to biodiversity protection.[15] Biodiversity offsets should be contained within national environmental authorisations as a legal

requirement for operating in a PA. This will help leverage benefits from the mining sector to financially support PAs.

In jurisdictions where public funding for the governance of natural resource use is restricted and the coverage and effectiveness of natural resource use controls are incomplete, the private sector, non-governmental organisations, private foundations and local communities can work with national and local institutions to enhance capacity and procedures for effective environmental management. Additionally, assisting governments to develop regulatory agencies and promote more effective standards and procedures are viable support options. The private sector can also assist in extractive data collection for current and future operations where it is incomplete or spatially inaccurate.[16]

Opportunities for co-operation and partnership between the mining industry, PA agencies and governments should be strongly encouraged. Numerous initiatives and discussions are currently underway, such as the World Heritage–Extractive Industries engagement, which took place in Nairobi, February 2014; the development, in September 2014, of the first regional best practice guidelines to facilitate biodiversity conservation during the exploitation of mineral and hydrocarbon resources in SADC;[17] and global discussions at the IUCN's World Parks Congress in Sydney, December 2014 as part of the programme of Stream 5: 'Reconciling Development Challenges'.[18]

Box 1: Preserving Botswana's Okavango Delta

The Okavango Delta was listed in June 2014 as the 1 000th UNESCO WH site. It is Africa's largest inland delta and is well known for its rich biodiversity. In order to maintain its WH status, the government of Botswana withdrew prospecting concessions and agreed not to grant any further prospecting or mining concessions within the core protected area.

The government needs to ensure that national development interests and regional plans are recognised without threatening the integrity of the entire transboundary system. This means that all proposed developments near the delta and in the upstream tributaries in Namibia and Angola must be managed appropriately. Proposed plans include large-scale irrigation schemes and commercial agriculture; iron-ore prospecting and other mining developments; and water storage projects. However, unauthorised water abstraction is taking place in all three riparian countries and deforestation and overgrazing are causing ecological destruction in the buffer zone.

Basin-wide planning and regional management responses are necessary to demonstrate when water abstraction increases are above sustainable levels. Botswana's priorities and concerns are included in its Okavango Delta Management Plan (2008) and its more recent National Action

Plan (2011–2016). The regional water governance body overseeing the system, the Permanent Okavango River Basin Water Commission, has also developed a strategic action programme (2010). In addition, a strategic environmental assessment has been undertaken and an associated action plan for the upstream basin has been drawn up to better integrate land and water resource planning. In cases where mining and other intrusive activities have been terminated or avoided to adhere to WH criteria, other economic income-generating structures may be devised, including financing tools such as payment for environmental services schemes, that could enhance the economic gains of communities living on the outskirts of parks and of all transboundary member countries sharing natural resources.

CONCLUSION

PAs are not just iconic places of exceptional natural value; they also provide multiple benefits that contribute to economic development, climate stability and human well-being. Recognising their important national and global significance, PA management decisions must seek to balance the conservation of important biodiversity with sustainable alternatives to intrusive developments. Where mining is unavoidable due to its socio-economic importance, mining companies should credibly commit to best practice, and where necessary should exceed the requirements set by the national government concerned. Companies operating in PAs must do so under structured PA and WH criteria, following

Aerial view of the Okavango Delta

accepted guidelines for identifying, measuring and managing impacts and risks to biodiversity. This includes company-wide commitments to strengthen and respect the international system of PA categorisation. There is a government responsibility to develop decision-making processes and tools that better integrate biodiversity conservation, PAs and mining into land-use planning and management strategies. This is particularly important for extractive activities at the concession or exploration stages, and within buffer zones.

It is equally important for mining companies to offset their residual impacts through support for conservation, either on site or elsewhere, and to demonstrate social and environmental benefits through sustainable offsets or compensatory measures.

The following steps should be considered.

- As a prerequisite for mining, companies should be expected to follow structured and accepted guidelines for identifying, measuring and managing risks to biodiversity. This includes a commitment to acknowledge and uphold WH and other PA definitions, their categorisation and importance, including an industry-led policy to respect Category I–IV PAs.
- The use of 'no-go zones' should be implemented at all WH sites.
- Where mining is unavoidable in PA networks, it should be attempted to minimise or mitigate the direct impacts through prior planning. This must include offsetting residual impacts through support for other conservation initiatives.
- National authorities, together with mining companies and financial institutions, must implement best practice guidelines to enhance industry's contribution to biodiversity conservation in and around PAs.
- Governance support for conservation efforts from the private sector, including through data collection, capacity building and financial assistance, must be prioritised throughout the policy formulation and implementation process.

ENDNOTES

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Jan Smuts House, East Campus,
University of the Witwatersrand
PO Box 31596, Braamfontein
2017, Johannesburg, South Africa
Tel +27 (0)11 339-2021
Fax +27 (0)11 339-2154
www.saiia.org.za
info@saiia.org.za

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