OVERSIGHT HEARING ON THE PROPOSED WORLD HERITAGE COMMITTEE POLICY PROHIBITING MINING IN AREAS SURROUNDING WORLD HERITAGE SITES

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY
AND MINERAL RESOURCES

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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OVERSIGHT HEARING ON THE PROPOSED WORLD HERITAGE COMMITTEE POLICY PROHIBITING MINING IN AREAS SURROUNDING WORLD HERITAGE SITES

House of Representatives,

SUBCOMMITTEE ON ENERGY
AND MINERAL RESOURCES,
COMMITTEE ON RESOURCES,
Washington, DC.

The subcommittee met, pursuant to call, at 2:23 p.m. In Room 1334, Rayburn House Office Building, Hon. Barbara Cubin [chairman of the subcommittee] Presiding.

STATEMENT OF THE HON. BARBARA CUBIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Mrs. CUBIN. The Subcommittee on Energy and Mineral Resources will come to order.

The subcommittee meets today in its oversight capacity to review a draft policy announced at the 23rd annual meeting of the United Nations Educational, Scientific, and Cultural Organizations Bureau of the World Heritage Committee last year in July.

This policy proposes to ban mining in areas around World Heritage sites. I understand that it has been placed on the agenda for consideration by the World Heritage Committee at its next meeting in early December in Marrakesh, Morocco. As used in this proposal, the term "mining" describes all forms of mineral, salt, and hydrocarbon extraction. The policy forbids mining in land classified as International Union for the Conservation of Nature-protected area management Categories I through IV, and states that in Categories V through VI exploration, minimal and localized extraction is acceptable only where this is compatible with the objectives of that protected area.

I have no idea how to determine in which of these categories any given area is located, nor do I know how one determines how a particular property in the United States is classified under this system. This policy has not been discussed with Congress. I have never heard of the IUCN, nor the World Commission on Protected Areas. Who are these groups and who has a voice in determining the policies they endorse?

Congress has the constitutional role, Article 4, section 3, clause 2, in the making of rules and regulations governing lands belonging to the United States. Congress is accountable to the people.

I am concerned about the World Heritage Committee's interference with Congress' exercise of its constitutional responsibilities to govern lands owned by the United States. Ordinary citizens have no choice in making a policy that may well affect them and their communities. The unelected bureaucrats on the World Heritage Committee have no accountability to the American people, the ultimate sovereign authority in our system of government. People who must satisfy the concerns of outsiders before they act are not sovereign. I believe decisions addressed in the mining policy are purely domestic matters and would like to know why this policy is being considered as a part of an international agreement without consulting American citizens or our domestic mineral business industries.

At a minimum, adoption of this policy will complicate mineral development in the United States since there are 67 World Heritage sites and biosphere reserves in the United States. At worst, the policy becomes a treaty provision that can be used by those opposed to learning to stop development of U.S. mines located near these sites.

I also fear the executive branch will invoke this policy as part of an international agreement in an attempt to administratively achieve an action within the jurisdiction of Congress but without consulting Congress. International commitments must not interfere with the American system of government by denying American citizens participation in the legislative and rulemaking process. A treaty should not be used to change domestic law in a way that has not been approved by Congress.

Today's hearing will focus on the role of the United States Government in advocating the ban on mining around World Heritage sites. We are particularly interested in gaining insights in the following areas: (1) the role the U.S. Government played in drafting the mining policy; (2) the reason Congress was not informed of a policy that is clearly within an area of its constitutional responsibility; (3) why American mineral extraction companies were not consulted about the proposed policy; and (4) the reason that the American people were not included in the process of developing a policy that clearly affects them.

I am sorry that the State Department declined to participate in this oversight function of the U.S. Congress. On October 8, 1999, my subcommittee faxed a letter to the State Department, officially inviting them to testify at this hearing. Amazingly, 3 days before the October 28 hearing, my staff was called by the State Department and informed that they were unable to provide a witness at this hearing. The reason given was that they had only one employee intimately involved with the hearing topic and he was travelling abroad.

I have to point out that the State Department has 25,067 employees of which only one, who has been employed by the State Department less than a year, is the only expert in this area on such a matter of huge importance to the United States. Let me point out that 17 of Wyoming's 22 counties have fewer people than the State Department has employees. Needless to say, I am astonished that given this vast pool of talented employees, only one person had sufficient knowledge to testify about this important issue.

I now recognize our ranking member, the gentleman from Guam, Mr. Underwood, for any statement that he might have.

[The prepared statement of Mrs. Cubin follows:]

STATEMENT OF THE HONORABLE BARBARA CUBIN CHAIRMAN, SUBCOMMITTEE ON ENERGY & MINERAL RESOURCES

Oversight Hearing on the "The Proposed World Heritage Committee PolicyProhibiting Mining in Areas Surrounding World Heritage Sites"
October 28, 1999

The Subcommittee meets today in its oversight capacity to review a draft policy announced at the 23rd annual meeting of the United Nations Educational, Scientific and Cultural Organization's (UNESCO) Bureau of the World Heritage Committee (the Bureau) in Paris last July. This policy proposes to ban mining in areas surrounding World Heritage Sites. I understand that it has been placed on the agenda for consideration by the World Heritage Committee at its next meeting in early December in Marrakech, Morocco. As used in this proposal, the term "mining" describes all forms of mineral, salt and hydrocarbon extraction.

The policy prohibits mining in land classified as International Union for the Conservation of Nature JUCN) Protected Area Management Categories I–IV and states that in Categories V and VI, "exploration and minimal and localized extraction is acceptable only where this is compatible with the objectives of the protected area…" I have no idea how to determine in which of these categories any given area is located. Nor do I know how one determines howw a particular property in the United States is classified under this system.

This policy has not been discussed with Congress. I have never heard of the IUCN or the or the World Commission on Protected Areas. Who are these groups and who has a voice In determining the policies they endorse? Congress has the Constitutional role (Article IV, Section 3, Clause 2) in the making of rules and regulations governing lands belonging to the United States. Congress is accountable to the people. I am concerned about the World Heritage Committee's interference with Congress' exercise of its constitutional responsibility to govern lands owned by the United States.

Ordinary citizens had no voice in making a policy that may well affect them and their communities. The unelected bureaucrats on the World Heritage Committee have no accountability to the American people, the ultimate sovereign authority in our system of government. A people who must satisfy the concerns of outsiders before they act are not sovereign. I believe decisions addressed in the mining policy are purely domestic matters and would like to know why this policy is being considered as part of an international agreement without consulting American citizens or our domestic mining industry.

At a minimum, adoption of this policy will complicate mineral development in the United States since there are 67 World Heritage Sites and Biosphere Reserves in the U.S. At worst, the policy becomes a treaty provision that can be used by those opposed to mining to stop development of U.S. mines located near these sites.

I also fear the Executive Branch will invoke this policy as part of an international agreement in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress. International commitments must not interfere with the American system of government by denying American citizens participation in the legislative and rule-making process. A treaty should not be used to change domestic law in a way that has not been approved by Congress.

Today's hearing will focus on the role of the U.S. Government in advocating the ban on mining around World Heritage Sites. We are particularly interested in gaining insights in the following areas: (1) the role the U.S. Government played in drafting the mining policy, (2) the reason Congress wasn't informed of a policy that is clearly within an area of its Constitutional responsibility, (3) why American mineral extraction companies weren't consulted about the proposed policy, (4) the reason the American people were not included in the process of developing a policy that clearly affects them.

I am sorry that the State Department declined to participate in this oversight function of the U.S. Congress. On October 8, 1999 my subcommittee faxed a letter to the State Department officially inviting them to testify at this hearing. Amazingly, three days before the October 28 hearing my staff was called by the State Department and informed that they were unable to provide a witness at this hearing. The reason given was that the only employee intimately involved with the hearing topic was traveling abroad. I might add that this employee has been at State for less than a year. According to the Office of Personnel Management's May 1999

statistics, the State Department has 25,067 employees of which 8,940 are located in the United States. Let me point out that 17 of Wyoming's 22 counties have less people than the State Department has employees. Needless to say, I am astonished that given this vast pool of talented employees, only one person had sufficient knowledge to testify about this important issue.

I now recognize our Ranking Member, the gentleman from Guam, Mr. Underwood.

STATEMENT OF THE HON. ROBERT A. UNDERWOOD, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

Mr. UNDERWOOD. Thank you, Madam Chairman. I am pleased to welcome our esteemed witnesses to the subcommittee today to discuss the draft World Heritage Committee policy regarding mining in areas surrounding World Heritage sites.

First, let me note, for the record, that the subject document this hearing was called to address has been inaccurately described as a "proposed policy banning mining" in areas surrounding World Heritage sites. The draft policy which we will discuss today is a planning document that sets out guidelines and recommendations toward mining in adjacent and protected areas such as national parks. It does not propose a ban on mining around national parks and other protected areas.

This draft document evolved out of the United States participation in the World Heritage Convention which was established to recognize natural and cultural sites of outstanding value around the world. Since last year, a small and informal group of this organization has met periodically to discuss ways to reconcile environment and development needs and to provide guidance on World Heritage sites whose integrity may be threatened by potential mining projects. The "draft policy on mining and protected areas" document that we are here to discuss is the result of these discussions.

The World Conservation Union draft policy provides a global framework statement that recognizes that clear rules are easier to understand and defend than ones which depend on too much interpretation. As the draft policy notes, while they have provided clear guidance in the draft statement, they leave it to individual countries to consider whether adaptations are needed in local circumstances, and indeed, countries may decide to ignore any recommendations at all.

Their draft policy defines their position towards mining and associated activities in and adjacent to protected areas. It does not and indeed cannot ban mining in areas surrounding World Heritage sites. Any action that the United States might choose to take as a result of this draft mining policy would be taken at our initiative, locally, within the country and within our constitutional processes and under our own system of jurisprudence.

In conclusion, while I welcome the opportunity to review the World Heritage Convention's thoughts on how mining affects our national parks and other protected areas, it is clear that any policy this organization may adopt will not supplant or replace our own laws.

As the National Academy of Sciences recently noted in its report on the adequacy of Federal surface management regulations, mining inevitably affects other resources in the areas in which it occurs. The consequences of this activity can to some extent be miti-

gated through a balanced and reasonable approach that includes planning, compliance with legal and regulatory requirements, and an appreciation of the potentially competing interests of the environment, production of metal and minerals for the society, and employment. The draft policy before us today seems to be consistent with this sound approach and should be seen as reassuring rather than alarming.

I look forward to hearing the testimony of our witnesses.

I would like to add as well, Madam Chairwoman, I do associate myself with the remarks regarding the State Department's lack of participation in this hearing.

Thank you.

[The prepared statement of Mr. Underwood follows:]

Opening Statement
Congressman Robert A. Underwood, Senior Democrat
Subcommittee on Energy & Mineral Resources
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
on the Subcommittee Oversight Hearing entitled "The Proposed World Heritage Committee Policy Prohibiting Mining in Areas Surrounding World Heritage Sites"
October 27, 1999

I am pleased to welcome our esteemed witnesses to the Subcommittee today to discuss the draft World Heritage Committee Policy regarding mining in areas surrounding World Heritage Sites.

First let me note, for the record, that the subject document this hearing was called to addressed has been unfairly and inaccurately described as a "proposed policy banning mining" in areas surrounding World Heritage Sites. The draft policy, which we will discuss today, is a planning document that sets out guidelines toward mining in and adjacent to protected areas such as national parks. It does not propose a ban on mining around national parks and other protected areas.

This draft document evolved out of the United States' participation in the World Heritage Convention which was established to recognize natural and cultural sites of outstanding value around the world. Since last year, a small and informal group of this organization has met periodically to discuss ways to reconcile environment and development need s and to provide guidance on World Heritage Sites whose integrity may be threatened by potential mining projects.

The "draft policy on mining and protected areas" document we are here to discuss today is the result of those discussions. The World Conservation Union draft policy provides "a global framework statement which recognizes that clear rules are easier to understand and defend than ones which depend too much on interpretation." As the draft policy notes, while they have provided clear guidance in the draft statement, they leave it to individual countries to consider what adaptations are needed in local circumstances.

Their draft policy defines their position towards mining and associated activities in and adjacent to protected areas. It does not – as it cannot – ban mining in areas surrounding world heritage sites. Any action the United States might choose to take as a result of this draft mining policy would be taken at our initiative and under our own system of jurisprudence.

In conclusion, while I welcome the opportunity to review the World Heritage Convention's thoughts on how mining affects our national parks and other protected areas, it is clear that any policy this organization may adopt will not supplant or replace our own laws.

As the National Academy of Sciences recently noted, in its report on the adequacy of federal surface management regulations, mining inevitably affects other resources in the areas in which it occurs. The negative consequences of this activity can – to some extent – be mitigated through a balanced and reasoned approach that includes good planning, compliance with legal and regulatory requirements and an appreciation of the potentially competing interests of the environment, production of metal and minerals for the society, and employment. The draft policy before us today appears to be consistent with this sound approach and should be reassuring rather than alarming.

I look forward to hearing the testimony of our witnesses.

Mrs. CUBIN. Thank you, Mr. Underwood.

I would like to welcome Representative Helen Chenoweth-Hage of Idaho, chairman of our committee's Forest and Forest Health Subcommittee and ask unanimous consent that she be permitted to participate in our hearing today. Moreover, because she recently attended a World Heritage Committee meeting in Paris, I understand that she would like to make an opening statement regarding her participation at the Paris meeting.

Without objection, the gentlewoman is recognized.

STATEMENT OF THE HON. HELEN CHENOWETH-HAGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mrs. CHENOWETH-HAGE. I thank the chairman for allowing me the privilege to participate in today's meeting.

During my tenure in Congress, I have been very involved in the development of the American Land Sovereignty Protection Act which requires strong congressional oversight of the United Nations designations such as biosphere reserves and the World Heritage sites. Right now we don't have that kind of oversight.

Congress' concern on this issue largely arose from the Clinton-Gore administration's using the Yellowstone National Park's World Heritage site status as a political weapon to stop gold mining on private property outside the park. American taxpayers paid an astounding $64 million to a Canadian leasehold mining company to stop this mine.

Because of my interest and learning more about using World Heritage site designations as a political tool, I attended the World Heritage Committee's meeting at UNESCO's headquarters in Paris last July. That meeting was entirely devoted to the attempt by international and environmental groups to stop construction of a uranium mine in Australia adjacent to the Kakadu National Park. It defied the imagination how mining opponents, after exhausting all of their administrative and legal remedies in Australia, were given standing before the World Heritage Committee to make their case to stop the mine.

Several days before I arrived at the Paris meeting, UNESCO's World Heritage Committee briefly discussed the World Commission on Protected Area's position paper on mining and associated activities in relation to protected areas. After spending the last several weeks devoted to stopping the Clinton-Gore plan to stop development and access to 40 million acres of American's national forests, I am astounded that an organization of unelected international academics and bureaucrats has drafted a document setting guidelines for mining on private and public lands in the United States.

Madam Chairman, I hope today's hearing helps answer some of the questions that you have expressed, such as what has been the role of the United States Government in drafting this mining policy; and in addition to that, what American mining companies, large and small, have been consulted about this mining policy. And further, how much money does the United States Government transfer to the International Union for the Conservation of Nature, IUCN, which oversees the World Commission on Protected Areas, and finally what assurance can Assistant Secretary Barry give us in the subcommittee that the Pittman-Robertson Federal aid to

wildlife slush funds have not been used for foreign travel or other expenses associated with this mining policy statement.

Miners in Idaho are already overwhelmed by the Clinton-Gore administration's strong antimining policies and all of the meetings and public comment periods associated with them. How can this Congress subject them now to the whim of a World Heritage Committee that is dominated by unelected people from outside the United States?

Thank you, Madam Chairman, for allowing me to sit in on this hearing.

Mrs. CUBIN. Thank you. I will now introduce the witnesses for today's hearing.

Our first witness will testify by way of video conference from the United Kingdom. I would like to welcome Mr. Adrian Phillips, Chair of the World Commission on Protected Areas of the IUCN.

Our second witness is the Honorable Don Barry, Assistant Secretary of the Interior for Fish and Wildlife and Parks of the U.S. Department of the Interior; followed by the Honorable Malcolm Wallop, chairman of the Frontiers of Freedom Institute; and General Richard L. Lawson, Chairman of the National Mining Association.

Let me remind the witnesses that they must limit their oral statements to 5 minutes, but that their entire statements will appear in the record. We will allow the entire panel to testify before questioning the witnesses.

Also, let me mention that these hearings are now broadcast live over the Internet. And there are on an off switches on the microphones for your use in controlling the privacy of your conversations.

STATEMENTS OF ADRIAN PHILLIPS, CHAIR, WORLD COMMISSION ON PROTECTED AREAS (IUCN), EVESHAM, UNITED KINGDOM; HONORABLE DON BARRY, ASSISTANT SECRETARY OF INTERIOR FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR; HONORABLE MALCOLM WALLOP, CHAIRMAN, FRONTIERS OF FREEDOM INSTITUTE; AND GENERAL RICHARD L. LAWSON, PRESIDENT, NATIONAL MINING ASSOCIATION

Mrs. CUBIN. The Chair now recognizes Adrian Phillips.

STATEMENT OF ADRIAN PHILLIPS

Mr. PHILLIPS. Thank you, Madam Chairwoman, and good afternoon, ladies and gentlemen.

I want to begin by saying that only a very small part of your opening statements and those of your two colleagues, were audible here, so I am afraid that we only picked up a little of what you said.

Good afternoon ladies and gentlemen

Thank you for the opportunity to participate in your hearing on mining, protected areas and the world heritage convention. The topic is timely and often controversial, It would be good if more light can be thrown on the facts.

Let me introduce myself first. I am a geographer and regional planner by background. I have worked at the National and Inter-

national level in the environmental field since the early 1960's. For 11 years I headed up a U.K. Government agency on the countryside. Among my current jobs in the U.K. is advice to one of the largest aggregate (i.e. hard rock) companies in Europe.

Since 1994, I have been the elected, volunteer (i.e. unpaid) chair of the World Commission on Protected Areas of IUCN, about which I will say more in a moment. It is in that capacity and as a member of IUCN's council that I appear today.

I want at the outset to say how appropriate it is that this hearing should be undertaken by a Congressional Committee from the United States. Why so?

Well, the U.S. is where the idea of National Parks began. It was such a good idea that it travelled around the world.

Then it was with vision and President Nixon's enthusiastic support that the World Heritage Convention was launched in 1972.

IUCN itself came into being with the help of distinguished Americans, notably Hal Coolidge, a member of *the* Coolidge family. Within IUCN, Coolidge was a passionate advocate of the idea of National Parks and set up what is now the World Commission on Protected Areas which I chair.

More recently, under President Reagan, the United States initiated the process of joining IUCN. This process was completed in 1990 under President Bush.

The United States' contribution to National parks, the World Heritage and IUCN is held in high regard around the world even if we find some areas where we disagree today. I hope you will recognize and support the leadership role that the U.S. has played in these fields over the years.

You have our written testimony. I may well need to refer to it in answering specific questions. But rather than repeat it now, I want to stress just three points:

First: The alphabet soup: What are IUCN and WCPA?

IUCN—The World Conservation Union, is a truly *unique* body. It brings together governments and non-governmental organizations in a union or partnership to tackle the big issues of conservation and sustainable development. No other organization does that.

IUCN's members currently number 933. There are 76 state (i.e. country) members (of which the U.S.A. is one) and 111 Government agencies. The rest are National and International NGO's. They meet every few years in a global World Conservation Congress. This is the highest policy-making body for the union. The next such meeting will be in Amman, Jordan in a year's time.

IUCN is also unique because it includes expert networks, or commissions, in its structure, there are six of these. One of them is the World Commission on Protected Areas, or WCPA for short.

Thus WCPA is part of IUCN, but with a distinct identity. It is a volunteer network of *individual* protected area experts from around the world. We have a number of leading North American experts among our members. A key task for us is to advise on how to plan and manage protected areas.

And so, *secondly,* our position statement. You have no doubt read this. It contains no surprises. It is in fact based on common-sense and good practice.

"Common-sense" because if an area has been "protected" for nature in natural law as a National Park, nature reserve or so on, you would be surprised if large scale mining were allowed within it.

And "good practice" because what we recommend is in fact what many countries already do.

The statement is an opinion and advice from a network of experts, many of whom have experience in dealing with mining issues in respect of protected areas. It gives a clear message about the importance of such areas and their protection. It also recognizes the value of cooperation between protected area agencies and the mining industry.

Thirdly, the title of this hearing seems to be based on a misconception. It is "the proposed world Heritage Committee policy prohibiting mining in areas surrounding world heritage sites". Well, to the best of our knowledge, no such policy has been proposed moreover, the invitation letter to the hearing says that this alleged policy has been developed by IUCN. IUCN has never developed such a policy and the WCPA position statement of mining activities in relation to protected areas could not possibly be construed in this way.

To conclude, WCPA is a global volunteer network. We are committed to IUCN's values: respecting science and technical quality; providing informed advice, encouraging dialogue; and seeking to link protection with finding sustainable livelihood for local people.

That concludes my statement.

[The prepared statement of Mr. Phillips follows:]

STATEMENT

OF

PROFESSOR ADRIAN PHILLIPS
CHAIR, IUCN WORLD COMMISSION
ON PROTECTED AREAS (WCPA)

ON

POSITION STATEMENT OF WCPA ON MINING AND ASSOCIATED ACTIVITIES IN RELATION TO PROTECTED AREAS

BEFORE THE

SUBCOMMITTEE ON
ENERGY AND MINERAL RESOURCES
OF THE
HOUSE COMMITTEE ON RESOURCES

OCTOBER 28, 1999

UNITED STATES HOUSE OF REPRESENTATIVES - COMMITTEE ON RESOURCES, SUB-COMMITTEE ON ENERGY AND MINERAL RESOURCES : 28 October 1999

POSITION STATEMENT OF THE WORLD COMMISSION ON PROTECTED AREAS (WCPA) OF IUCN ON MINING AND ASSOCIATED ACTIVITIES IN RELATION TO PROTECTED AREAS

BACKGROUND NOTE PREPARED FOR THE COMMITTEE BY WCPA

This note provides a background to the above WCPA position statement. It:

- introduces IUCN - the World Conservation Union, of which WCPA is a part,
- introduces WCPA,
- summarises the consultation and approval process for the position statement,
- explains the status and content of the statement,
- clarifies the relationship between the statement and the work of the World Heritage Committee.

IUCN - the World Conservation Union

IUCN is a global alliance of governments, government agencies and non-governmental bodies with the following mission:

> *"To influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature, and to ensure that any use of natural resources is equitable and ecologically sustainable"*

IUCN's members currently number 933, including 76 State (i.e. country) Members and 111 government agencies. They meet every few years in a global World Conservation Congress (WCC). The WCC is the highest policy-making body for the Union. It agrees upon the programme and budget, and elects a Council to govern IUCN between sessions of the WCC. The WCC also elects the Chairs of IUCN's Commissions (see below) and approves the Commissions' mandates. Most importantly, the WCC decides on Recommendations, which is the main way in which IUCN conveys its policy to the world. IUCN members vote in two separate "cameras" or "houses", a governmental and non-governmental one; for a motion to carry, both cameras must support it. The next session of the WCC will be held in Amman in October, 2000.

The Secretariat is the full time staff of IUCN. It is headquartered in Gland, Switzerland and has offices in over 40 countries (including a Washington, D.C. office). In many parts of the world, the member organisations of IUCN have established national committees and regional committees and forums bringing together governmental and non-governmental organisations.

WCPA

Under the terms of the IUCN Statutes (in effect, its by-laws), Commissions are defined as "networks of expert volunteers entrusted to develop and advance the institutional knowledge and experience and objectives of IUCN" (Article 73). Thus while IUCN is made up of member organisations - governments, government agencies or non-governmental organisations - the members of Commissions are individuals.

Among the functions given to Commissions is that to "provide advice on any matter within their fields of competence" (Article 75c). However, as noted above, Commissions do not set policy for IUCN.

WCPA (formerly the Commission on National Parks and Protected Areas - CNPPA) is one of IUCN's 6 Commissions. It was established in 1958. WCPA is an authoritative source of guidance and support on the establishment and management of terrestrial and marine protected areas world-wide. Its mandate was confirmed by Resolution 1.3 of the IUCN World Conservation Congress, Montreal, October 1996.

WCPA has some 1400 members from 140 countries around the world, including over 100 from the USA. It is the only global network of its kind. Its members are all expert in some aspect of protected areas. Many are protected area managers and planners (e.g. park system directors), but included also are people who work for NGOs, academics etc. All WCPA members work as volunteers for the Commission: they are not paid employees of IUCN. Essentially they form a global network of protected area experts, and are, in effect, a voice for the wider constituency of people working in this sector.

WCPA is led by a chair, and by a Steering Committee appointed with the approval of IUCN's Council. The Steering Committee currently consists of the Chair, Deputy Chair, 16 regional vice chairs and 4 "thematic" vice chairs (for marine, mountain, World Heritage and Biosphere Reserves). The present chair of WCPA is Prof. Adrian Phillips (UK), and the regional vice chair for North America (Canada, Mexico and USA) is Bruce Amos (Canada). The Steering Committee oversees the work of the Commission and approves statements coming from it. It has set up an Executive Committee (ExCo) to handle business between annual sessions of the full Steering Committee.

WCPA co-operates with the Secretariat of IUCN, headquartered at Gland, Switzerland. It also collaborates with regional and country offices as appropriate.

WCPA works to a strategic plan and a short-term action plan (attachment A). An important feature of its work is the pooling of best practice and advice from within its own expert network. This is used to prepare policy guidance on topics such as:

- categories of protected areas (see below and attachment B),
- guidance on technical issues (e.g. designing a system plan for protected areas, valuing the economic benefits of protected areas, financing the management of protected areas, and planning and managing marine protected areas),

- issuing position statements and similar advice (e.g. on mining and protected areas, and on indigenous peoples and protected areas).

WCPA collaborates closely with the World Conservation Monitoring Centre (WCMC), which provides information services on the status and conservation of biodiversity. With WCMC, it publishes the *United Nations List of Protected Areas* (so-called, as it was first prepared at the request of the United Nations); this is a global list of all but the smallest protected areas, which is held on the WCMC data base.

WCPA works with many other bodies that are active in conservation. At the international level, it co-operates with UN bodies (notably UNESCO in relation to the World Heritage Convention - see below), with the World Bank (on marine conservation, for example) and with international NGOs, including a number of US-based NGOs, such as Conservation International, the World Resources Institute, The Nature Conservancy and WWF. It co-operates, too, with many government bodies in the field of protected areas; partners in the US include NOAA and United States National Park Service. Many of WCPA's members are key personnel in such organisations. WCPA also works with bodies in the private sector, e.g. with British Airways in promoting environmentally-responsible tourism.

The WCPA Position statement on Mining and Associated Activities in Relation to Protected Areas

The issue of mining and protected areas has become increasingly controversial in recent years. It has arisen in respect of a number of World Heritage sites, but also much more widely in relation to numerous protected areas around the world. The environmental impacts on protected areas of mining activity are both direct and indirect, and occur at various stages in the process of exploration, extraction, processing and transport; some may even continue after the mine has been abandoned. Related social impacts on human communities, especially those of indigenous peoples, living in or near protected areas can also be significant.

In light of the concerns raised on mining issues, the Steering Committee decided early in 1998 to initiate the preparation of a WCPA position on the questions raised by mining in all its forms, including hydrocarbon extraction, in relation to protected areas.

The consultation process took place during 1998, and involved an invitation to WCPA members, and relevant technical and regional programmes of IUCN, to comment. Discussions took place with representatives of International Petroleum Industry Environmental Conservation Association (IPIECA), and the draft was presented for discussion at a meeting of the International Council on Metals and Environment (ICME) in London (October 1998). In March 1999, ICME officials visited IUCN Headquarters to discuss their detailed comments on the text.

In finalising the draft, WCPA also drew on IUCN's experience over many years, other publications issued by IUCN, resolutions passed at past IUCN congresses and by IUCN's

Council, work undertaken by IUCN members, such as the World Resources Institute and WWF, and the views of several IUCN national committees. WCPA also noted the good practice which exists in many countries,

The process of approval involved the circulation of a first draft in the WCPA newsletter, followed by review and agreement on a revised second draft at the WCPA Steering Committee meeting in the Bahamas in June 1998. This draft was circulated again to WCPA members. In light of comments received, a third draft was seen by the Steering Committee and then reviewed by the WCPA ExCo in April 1999. The text was then edited and presented to the Policy Committee of the IUCN Council later in April 1999. The Committee recommended that the Council should welcome the work done by WCPA and "requested that it be published and disseminated broadly as a WCPA position statement". Council acted on the Committee's advice, and WCPA has now distributed the text to its members and made it available on the WCPA web site.

The content of the Position Statement (annex 1)

The position statement is brief and intended to be clear. However, the references to the protected area management categories may require some clarification.

The IUCN system of protected area management categories (IUCN, 1994) has been developed to improve understanding of protected area concepts which is necessary in view of the great diversity of approaches adopted nationally. It is based on an international definition of a protected area as follows:

"An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means"

The system identifies six categories of protected areas based upon their primary management purpose, as follows:

Protected Area Management Categories

I. Strict nature reserve: wilderness area; protected area managed mainly for science or wilderness protection.

II. National Park: protected areas managed mainly for ecosystem protection and recreation.

III. Natural monument: protection area managed mainly for conservation or specific natural features.

IV. Habitat/species Management Area: protected area managed mainly for conservation through management intervention.

V. Protected landscape/seascape: protected area managed mainly for landscape/seascape conservation and recreation.

VI.	Managed resource protected area: protected area managed mainly for the sustainable use of natural ecosystems.

The position statement draws a distinction between mining in protected areas in Categories I-IV, where the over-riding purpose is conservation, and mining in categories V and VI, where a degree of multiple use is accepted. It regards mining as incompatible with the purposes of protected areas in Categories I-IV (Point 2); but it accepts the possibility of some small-scale operations in Categories V and VI (Points 3 and 4). Thus the categories system can be used to explain the place of operations like mining (and indeed logging, infrastructure and other large-scale activities) within protected areas. It can also be used to determine whether an area is indeed entitled to be regarded as protected under the IUCN system.

The statement also recommends that protected areas be developed as part of a comprehensive approach to planning, including assessment of natural and mineral values (Point 1). It supports a cautious approach to boundary changes to permit mineral activities (Point 5). It supports EIA procedures to ensure the protection of protected areas from mining operations outside their boundaries (Point 6). And, while calling on the mining industry to support the position statement, seeks collaboration with it in areas of mutual benefit (Point 7).

The status of the position statement

The statement is a position developed within the expert network of WCPA members, overseen by the Steering Committee. It represents the views of this particular world-wide constituency. Its intended audience is all who play a part in shaping the future of the world's protected areas. The position statement is being distributed through the WCPA Newsletter and is now posted on the WCPA web site. We plan that it will be discussed at the Amman Congress.

Since questions may be raised as to the status of the statement and its impact on issues of national decision-making, it is important to note that:

- it is *not* a policy statement from IUCN as such, but a position statement from an IUCN Commission. Policy positions of IUCN are arrived at through the Recommendations that its governmental and non-governmental members adopt on at the World Conservation Congress,
- the statement comes in the form of an opinion and advice from a network of protected areas experts, and declares their belief in what should be best practice in regard to mining and protected areas, based on experience and current practice in many countries around the world,
- it does not purport to be a negotiated text with mining and other interests, though care was taken to ensure that the views of metal mining interests were considered via ICME's input,
- it is worded, in the opening paragraph, in a way that acknowledges that countries will need to adapt the position to their own circumstances, and

- it specifically encourages dialogue between the mining industry and protected area interests.

The position statement and the World Heritage Convention

Under the terms of the World Heritage Convention, the World Heritage Committee is required to co-operate with three named international organisations: the International Centre for the Study and Preservation and the Restoration of Cultural Property (ICCROM, the Rome Centre); the International Council of Monuments and Sites (ICOMOS); and the International Union for Conservation of Nature and Natural Resources (IUCN) (Article 13.7). The input of IUCN to the World Heritage process is, of course, related to natural properties under the Convention as well as cultural properties with important natural components.

The Operational Guidelines for the Implementation of the World Heritage Convention has been developed by the World Heritage Committee to provide Parties to the Convention with guidance on establishing the World Heritage List, the List of World Heritage in Danger and the use of the World Heritage Fund. It makes clear that the World Heritage Centre - the Secretariat to the Convention - will request the competent advisory bodies (IUCN, ICOMOS or ICCROM) to:

- evaluate nominations for inclusion in the World Heritage list,
- report on the status of World Heritage properties, which this year covers 55 sites,
- advise on World Heritage properties being considered for inclusion on List of the World Heritage in Danger (including participation in missions organised by the World Heritage Committee), and
- provide appropriate services and advice in respect of international assistance to countries under the convention.

In all its work under the World Heritage Convention, therefore, IUCN acts as a source of expert advice to the Committee. Members of WCPA assist the Secretariat of IUCN to fulfil its role as advisor to the World Heritage Committee on matters relating to the World Heritage Convention, in particular the assessment of nominations, monitoring of the status of World Heritage sites, and training of Word Heritage site managers.

In recent years the issue of mining in one form or another affecting World Heritage sites has been a major pre-occupation of the World Heritage Committee. Examples of complex cases include Canaima (Venezuela), Donana (Spain), Huascaran (Peru), Kakadu (Australia), Kamchatka (Russia), Okapi (Congo Republic), Mt. Nimba (Sierra Leone), Virgin Komi (Russia) and Yellowstone (USA).

The recent chronology of the committee's involvement in this matter is as follows:

June 1998 (Paris)

The Bureau agrees to establish an informal group on mining and World Heritage sites to meet during sessions of the World Heritage Committee and Bureau.

November/December 1998 (Kyoto)

The Bureau was informed that contact with the mining industry had commenced: the World Heritage Centre participated in an ICME seminar in London in October 1998. The World Heritage Committee noted that the Bureau's work reflected the decision to establish an informal contact group. The Bureau also learnt that WCPA had under development a position statement on mining and protected areas. The Bureau and Committee requested that the WCPA position statement be transmitted to the World Heritage Centre.

July 1999 (Paris)

The Bureau took note of the position statement. The official report of the Bureau meeting in Kyoto records that the IUCN spokesperson reported that:

> "WCPA is one of six commissions and networks of IUCN. It has more than 1400 members from 140 countries. The Position Statement on mining has been developed within the network. Mining is a key issue in many countries and this statement has been developed for the world's protected areas in general, rather than World Heritage sites specifically. However, the principles in the Position Statement are equally applicable. The aims of the statement are: a) to provide a clear position with regard to mining and protected areas and a global framework statement which recognises that clear rules are easier to understand and to defend than ones which depend too much on interpretation; b) to provide a framework for countries to consider and adapt as needed in local circumstances; c) to set a framework based on the IUCN protected areas categories system which is focused on the objectives of protected area management. Finally it has to be noted that mining is not considered to be compatible with any of the Categories I to IV, and for V and VI only under certain conditions. IUCN is prepared to continue consultations on this issue, including with the mining industry and its International Council on Metals and the Environment (ICME)."

The chair of the World Heritage Committee recommended that the Bureau reflect on the relevance of the WCPA position in the light of mining threats to particular World Heritage sites. He suggested that it be submitted as a working document to the 23rd. meeting of the World Heritage Committee (Marrakesh, Morocco, December 1999).

The Bureau was also informed of other work underway between the World Heritage Committee and UNEP on the subject. As a result, UNEP will assist the centre in a number of ways to deal with the technical questions raised by mining in or near World Heritage sites. In addition, the World Heritage Centre has embarked on a data collection exercise to document the impact of mining on World Heritage sites: this file was also available at the Bureau meeting in July.

December 1999 meetings of Bureau and Committee (Marrakesh) (23rd. meeting)

It is understood that a background paper is in preparation by the World Heritage Centre, to which the WCPA position will be annexed. It is also understood that the paper will propose action along the following lines, for consideration by the World Heritage Committee in December:

- take note of the WCPA position statement,
- recognise that there may be specific issues relating to mining and management of World Heritage sites,
- Request the World Heritage Centre to work with other UNESCO units, advisory bodies, UN agencies, and other concerned agencies and interested States Parties to organise a technical meeting during the year 2000 (e.g. at next IUCN World Conservation Congress in Amman) to develop recommendations for review by the World Heritage Committee at its 24th. meeting.

ANNEX 1 - POSITION STATEMENT OF THE WORLD COMMISSION ON PROTECTED AREAS (WCPA) OF IUCN ON MINING AND ASSOCIATED ACTIVITIES IN RELATION TO PROTECTED AREAS

Introduction

This position statement is put forward as a global framework statement which recognises that clear rules are easier to understand and defend than ones which depend too much on interpretation. It is considered more appropriate to provide clear global guidance in a statement such as this and leave it to countries to consider what adaptations are needed in local circumstances. This statement defines the position of IUCN's World Commission on Protected Areas (WCPA) towards mining[1] and associated activities in and adjacent to protected areas[2]. WCPA is the world's largest network of protected area professionals with 1,300 members in 140 countries. This position statement acknowledges the increasing application of "best practices" environmental approaches and lower impact technology within the mining industry as well as examples of support for conservation activities. However, WCPA also notes that exploration and extraction of mineral resources can have serious long-term consequences on the environment.

WCPA has developed this position statement based on what it believes to represent best practice in respect of mining and protected areas. The guiding principle adopted in this statement is that any activity within a protected area has to be compatible with the overall objectives of the protected area. For this reason, this statement is based on the IUCN Protected Area Management Categories, which reflect management objectives focused on the protection and maintenance of biodiversity and associated natural and cultural values.

The IUCN category system is being increasingly recognised and applied around the world. A summary of the protected area categories is attached. The position statement relates to protected areas, which are one part of a spectrum of land use. This statement thus needs to be considered in the context of broader efforts on the part of the mining industry, conservation groups, governments and others to promote ecologically sustainable development on the part of the mining industry.

The process for preparing this position statement has involved: (a) preparation of a draft statement; (b) wide circulation of the draft to a range of different stakeholders; (c) consideration of comments and amendments; and (d) review by the IUCN Council before adoption by WCPA.

Position Statement

WCPA (The World Commission on Protected Areas) believes:

[1] The term mining in this position statement describes all forms of mineral, salt and hydrocarbon extraction
[2] IUCN defines (IUCN 1994) protected area as "an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means"

1. A comprehensive approach to planning should be adopted where possible to establish an adequate and representative protected area system set within the broader landscape. Assessment should be based on good science including assessments of natural and mineral values. This is particularly relevant to the establishment of new protected areas.

2. Exploration and extraction of mineral resources are incompatible with the purposes of protected areas corresponding to IUCN Protected Area Management Categories I to IV, and should therefore be prohibited by law or other effective means.

3. In Categories V and VI, exploration and minimal and localised extraction is acceptable only where this is compatible with the objectives of the protected area and then only after environmental impact assessment (EIA) and subject to strict operating, monitoring and after use restoration conditions. This should apply "best practices" environmental approaches.

4. That should exploration be permitted in category V and VI, an EIA should be required following such exploration before extraction is permitted. Approval for exploration should not imply automatic approval for extraction.

5. Proposed changes to the boundaries of protected areas, or to their categorisation, to allow operations for the exploration or extraction of mineral resources should be subject to procedures at least as rigorous as those involved in the establishment of the protected area in the first place. There should also be an assessment of the impact of the proposed change on the ability to meet the objectives of the protected area.

6. Exploration and extraction of mineral resources, and associated infrastructure, which are outside of, but negatively affecting the values for which protected areas were established should be subject to EIA procedures which consider, *inter alia*, the immediate and cumulative effects of the activity on the protected area, recommend operating and after use conditions, and ensure that the values of the protected areas are safeguarded.

7. In recognising the important contribution the mining industry can play, opportunities for co-operation and partnership between the mining industry and protected area agencies should be strongly encouraged. Collaboration with the mining industry should focus on securing respect and support for this position statement; broadening the application of best environmental practice for mining activity; and exploring areas of mutual benefit.

ATTACHMENTS

A WCPA SHORT TERM ACTION PLAN

B EXTRACT FROM THE GUIDELINES ON PROTECTED AREA MANAGEMENT CATEGORIES

IUCN WORLD COMMISSION ON PROTECTED AREAS (WCPA)

SHORT TERM ACTION PLAN 1999 - 2002

IUCN
The World Conservation Union

September, 1999

SHORT TERM ACTION PLAN FOR THE IUCN WORLD COMMISSION ON PROTECTED AREAS (WCPA) AND THE PROGRAMME ON PROTECTED AREAS (PPA)

1999/2002

1. INTRODUCING THE SHORT TERM ACTION PLAN

This Short Term Action Plan has been prepared by the World Commission on Protected Areas (WCPA) of IUCN. This updates the current WCPA Strategic Plan and it provides the framework for WCPA activities into the next century.

A plan of this kind is needed to ensure that WCPA focuses on priorities and uses its resources to best effect.

The Short Term Action Plan responds to the needs of protected areas in a fast changing world. It identifies the particular role of WCPA against this background, outlines key principles, identifies global and regional programmes and reviews key implementation issues. It also provides a framework for the activities of PPA, since the work of the Secretariat and the Commission in the field of protected areas is fully integrated.

2. BACKGROUND

2.1. PROTECTED AREAS IN A CHANGING WORLD

The concern of WCPA is with the thousands of protected areas - national parks, nature reserves etc. - which exist around the world, and with the many more that are required. Protected areas:

- safeguard many of the world's outstanding areas of living richness, natural beauty and cultural significance, and are an irreplaceable asset for humanity;
- help to maintain the diversity of ecosystems, species, genetic varieties and ecological processes, which are vital for support of life on Earth and the improvement of human conditions;
- are often the home of communities of people with traditional cultures and irreplaceable knowledge of nature; may contain landscapes which reflect a long interaction between people and their environment; may be models of sustainable use of resources which can be applied elsewhere; and
- have immense scientific, educational, cultural, recreational and spiritual value.

In short, protected areas are for both nature and people.

The importance of protected areas for the conservation of biodiversity, and for other purposes, becomes daily more evident. Yet they face unprecedented threats from rising human populations, destructive resource use, unsustainable patterns of development and pollution. The problems which these give rise to have been well documented, e.g. at the IVth World Congress on National Parks and Protected Areas, Caracas, 1992.

In face of such pressures, a wide-ranging reassessment of conventional approaches to protected area planning and management is underway. Its characteristics include:

- recognition that protected areas will only survive if they are seen to be of value to the country as a whole and to the local community in particular;
- a switch in the focus of protected areas management from a preoccupation with the areas themselves to a concern also with the needs of people living around them;
- a recognition that protected areas should be planned and managed as components within the bioregions of which they are a part;
- a growing interest in the way in which people and protected areas can co-exist, rather than promoting their mutual exclusion;
- recognition that maintenance of traditional cultural integrity and protected area policies and practices are often complementary;
- a relative decline in the role of governments in respect of protected areas, whilst that of communities, NGOs and private organisations and individuals is growing;
- a parallel decline in the role of inter-governmental bodies - e.g. in the UN family - in conservation, and the growing influence of international NGOs;
- increasing availability of funding from new sources, such as the Global Environment Facility;
- rapidly increasing capacity to handle and disseminate data and information about protected areas;
- the huge potential impact on public opinion of world wide media, and the opportunity to use this to raise environmental awareness;
- a recognition that protected areas make a valuable economic contribution on a local, regional and national basis; and
- a growing need for the increasingly urbanised populations of the world to understand, experience and value the natural environment upon which human life depends.

3. BACKGROUND - THE CONTEXT FOR THIS SHORT TERM ACTION PLAN

The WCPA and PPA share this mission:

> *to promote the establishment and effective management of a worldwide, representative network of terrestrial and marine protected areas, as a integral contribution to the IUCN mission.*

The WCPA sees its role as being:

> *the world's recognised source of guidance, support and expertise in protected areas.*

In 1996, the WCPA adopted a Strategic Plan to enable it to achieve the above mission and vision, based upon the Caracas Action Plan, adopted at the IVth. World Parks Congress, 1992. The strategic plan was intended to provide broad guidance to WCPA and the PPA until the next World Parks Congress in Africa in 2002.

In 1997 and 1998, WCPA/PPA undertook two reviews (see annex 1):

- an "external" one, conducted for the Albany symposium (November 1997) which reviewed the context of protected areas in today's society, and specifically progress since Caracas, and
- and the "internal" Crofts/Lahmann review which examined how the structures and processes of WCPA/PPA could be improved.

In response to recommendations in these reviews, WCPA and PPA have adopted this Short Term Action Plan. It is intended to provide more detailed guidance than is available in the Strategic Plan on priorities over the period January 1999 to the next World Parks Congress (to be held in Durban, South Africa in September 2002). It will be reviewed and, if necessary, amended after the World Conservation Congress to be held in Amman, Jordan in October 2000.

4. PRINCIPLES OF THE SHORT TERM ACTION PLAN

The short term action plan plays to WCPA's strengths:

- part of the IUCN family;
- the only global network of protected area professionals;
- committed to working as volunteers;
- internationally representative;
- terrestrial and marine expertise;
- strong regional and thematic structure;
- a record of achievement;
- a membership with shared values; and
- close working relationship with a number of other organisations working on protected areas issues (TNC, CI, MAB Programme, WWF, IRF, etc.)

Strengths should be balanced against the existing limited human and financial resources which are available to support the voluntary network. Consequently the Short Term Action Plan also seeks specifically to:

- focus on a relatively small number of priority themes which (a) are relevant to the mission of IUCN and WCPA; (b) offer a comparative advantage for WCPA; and (c) offer potential for raising financial support;
- maintain a fully integrated Programme between the Secretariat (PPA) and Commission (WCPA), and ensure full integration between global, regional and thematic aspects of the programme;
- increase integration between the protected areas programme and other IUCN initiatives at global, regional and country level;
- increase linkages and provision of technical and policy input to key international processes and initiatives, such as the CBD, UNFCCC, and IFF;
- meet contractual commitments, such as that relating to the World Heritage contract with the UNESCO World Heritage Centre; and
- generate the financial resources needed for implementation purposes (to cover, as far as practicable, the costs of PPA staff, projects and network activities).

The Short Term Action Plan distinguishes between:

- activities which are to be pursued jointly between the network of WCPA and the staff of PPA, (Global and Regional Programmes - see below), and
- activities which are to be primarily network-driven, with minimal input from the staff (Network-driven Programmes - see below).

5. GLOBAL AND REGIONAL PROGRAMMES

In line with these principles, six global programme areas have been identified for joint action between WCPA and PPA:

1. Shaping the protected areas agenda for the 21st century;
2. Seeking protection for key biomes of global concern;
3. Connecting protected areas to social and economic concerns;
4. Saving the crown jewels - the World Heritage Convention;
5. Promoting environment and security through a Parks for Peace programme; and
6. Building capacity to manage protected areas.

A further WCPA/PPA programme addresses regional action for protected areas.

Global Programme 1: Shaping the protected areas agenda for the 21st century

Rationale

The major occasion for setting the global agenda for protected areas in the next century will be provided by the IUCN Vth World Congress on Protected Areas - Benefits Beyond Boundaries. This will be held in South Africa, in September, 2002. The congress will be organised for IUCN by PPA/WCPA. It represents a critical opportunity to establish the place of protected areas in the 21st century. Over the next three years, the 2002 Congress will become the focus of much of WCPA's work, globally, thematically and (with RCOs) regionally. In addition, the CBD has decided to focus on protected areas at its COP7 in 2004. A strong link between the WPC and CBD needs to be built.

Programme elements:

- secure a staff secondment from New South Wales (1999-2003) as the focal point for the event in the IUCN Secretariat;
- develop the programme for the WPC, including the establishment of an International Congress Planning Committee and planning and implementation of input into the World Parks Congress by WCPA regions and themes over the period up to September 2002;
- identify opportunities to use the WPC as a focus for developing and implementing protected areas initiatives;
- develop a Congress Staging Plan as a strategic framework for implementing the WPC;
- develop and implement a fund raising and media strategy, involving project development and the appointment of a Patrons Committee;
- begin planning in-country aspects, including (with South African colleagues and ROSA) the establishment of a National Planning Committee;
- the setting up of a Task Force within WCPA on CBD/COP7, which will plan for the 2004 COP and develop the links between the WPC and that event;
- produce a new UN List for the WPC and other relevant information products on protected areas; and
- take the opportunity provided by the World Conservation Congress in 2000 to advance preparatory work for the World Parks Congress in 2002.

Global Programme 2: Addressing Biomes of Global Concern

Rationale

The marine environment and the forest environment are biomes of significant international concern. Preparatory work is also needed for the International Year of the Mountain in 2002. These will all contribute to the World Parks Congress.

In the marine environment, the value of marine protected areas for the conservation and sustainable use of marine resources is increasingly being recognised. WCPA/PPA is well placed to contribute in this area as it has a well-established and strongly led global network of experts in the field of marine protected areas. It is also involved in the development of three field projects (Samoa, Vietnam, Tanzania) which can be developed as demonstration sites in the planning and management of marine protected areas. In 1996 WCPA published a world-wide review of marine protected areas, which will, by 2002, be in need of updating. The whole programme needs stronger links with the issue of sustainable fisheries and coastal tourism.

Forests provide many benefits, and at many levels. These range from the provision of essential materials and services for local communities to biodiversity conservation and carbon sequestration at the global scale. Forests play a vital role in conserving the diversity and integrity of nature, and they are the largest repository of terrestrial biodiversity, comprising about 80% of all land based species. IUCN has developed a Forest Conservation Initiative, with four key objectives, including the establishment and effective management of ecologically representative forest protected area systems. PPA/WCPA is well placed to contribute to the IUCN initiative, and work with it in making an input to the IIF process.

Mountain ecosystems are critically important for protection of habitat and provision of services, such as clean water. They are also home to many people in many countries of the world. There is a need for appropriate conservation and sustainable development strategies in a mountains. WCPA has had a Mountain Protected Area Theme for a number of years and this brings together mountain conservation specialists in many countries. The work of this Theme Programme will be increasingly focused on activities associated with the International Year of the Mountain in 2002.

Programme elements

- Develop an up-dated programme on marine protected areas, which would aim to:
  - provide MPA policy guidance to WCPA/MPA Regional Working Groups, WCPA partners, IUCN members and MPA managers, highlighting issues and experiences in sustainable fisheries, ICZM, sustainable tourism and global representative system of MPAs;
  - advise on MPAs aspects of global treaties, initiatives and programmes;
  - integrate WCPA Marine Theme fully into the agendas of IUCN commissions, IUCN programmes, RCOs and key IUCN members; and
  - revitalise regional MPA Theme network structure through new membership and leadership.
- Develop and implement a project on forest protected areas as an integral element of the IUCN Forest Conservation Initiative, with the following elements:
  - assessment of the adequacy of current forest protected area systems in a number of key forest bio-geographic regions;

- development of ways to assess the effectiveness of management of current forest protected area systems (working through the WCPA Task Force on Management Effectiveness) and to apply the results to management;

- development of guidelines to support the process for establishing and reviewing protected area systems, including recommendations for the establishment of new forest protected areas;

- provide technical input to global forums relating to forest protected areas, such as the IFF inter-sessional meeting in 1999. Priority would be giving to provide IUCN technical advice on the role of the IUCN Protected Areas Management Categories and their application to forest conservation; and

- implement a global programme on mountain protected areas, including: (a) providing input to the implementation of chapter 13 of Agenda 21, dealing with mountain conservation; (b) continuing the publication and distribution of the "mountain update" newsletter; (c) sponsoring/organising one major workshop dealing with mountain protected areas in the Andes; (d) development and implementation of a project (if resources are secured) on the role of MtPAs to support conservation and sustainable development in mountain ecosystems.

Global Programme 3: Connecting protected areas to social and economic concerns

Rationale

PPA/WCPA promotes:

- the role of protected areas in the broader landscape as part of integrated land/water planning and management, and

- approaches to protected areas management which involve working for, with and through local communities, not against them.

Many innovative approaches on bioregional planning and sustainable use of natural resources have been developed from a basis in protected areas management. This integrated approach is also supported by the new system of protected areas management categories, developed by WCPA which is increasingly being adopted by countries in preparing National Biodiversity Strategies etc. There is a clear niche for WCPA/PPA to capitalise on existing experience on this issue and to move it forward as a priority programme.

It is now widely accepted that the successful management of protected areas requires the support and involvement of local people directly affected. Techniques such as "collaborative management" have been developed to link social objectives to protected areas aims - and there is a need for WCPA/PPA to help promote wider awareness and use of such approaches.

Programme elements:

- implement the Biodiversity in Development Project (EC/DFID/IUCN Project funded by DFID and the EC) and development of a second phase of this project to assess the extent by which it has helped to mainstream biodiversity into development co-operation;

- develop and implement an initiative on sustainable financing of protected areas to address the challenge of decreasing support from national governments to protected areas management;

- Implement a tourism and protected areas programme, with global, regional and national elements;

- Initiate a programme to promote the Category V Protected Landscape concept of lived in working landscapes as protected areas;

- Initiate a programme to identify and promote the non-material benefits of protected areas;

- develop the Bioregional Planning project as part of the Ecosystem Management Initiative, as a joint WCPA/WRI/CEM effort; and

- establish a WCPA task force on local communities and protected areas, jointly with the CEESP Collaborative Management Task Force. TOR for this will be established during 1999 and a programme of work prepared up to the 2002 World Parks Congress.

Global Programme 4: Saving the crown jewels - the World Heritage Convention

Rationale

IUCN has a unique role in relation to World Heritage and is identified in the Convention as the global advisor in relation to natural World Heritage Sites. IUCN has an annual contractual commitment with the UNESCO World Heritage Centre to deliver a range of advisory services on proposed and existing world heritage sites. World Heritage sites include the outstanding natural areas on earth, and can serve as models for demonstrating how protected areas can contribute to biodiversity conservation and sustainable development.

Programme elements:

- Implement the contract between IUCN and the UNESCO World Heritage Centre, involving evaluation of new sites for addition to the World Heritage list, the preparation of monitoring reports on existing sites, and promotional, training and technical assistance. This will be undertaken in collaboration with RCO's where possible; and

- Develop a project to maintain the integrity of World Heritage sites and use them as models to demonstrate the benefits of protected areas in contributing to biodiversity conservation and sustainable development.

Global Programme 5: Environment and Security: Parks For Peace

Rationale

A key issue in the 21st century will be the linkage between security and the environment, with an increasing number of disputes over access to natural resources and land degradation. WCPA/PPA is making a contribution to solving this issue through its Parks for Peace initiative, which examines the contribution of transboundary protected areas (areas shared between two or more countries) to enhanced regional co-operation as well as

to biodiversity conservation. Two international conferences (South Africa (1997) and Italy (1998)) have produced draft products such as a Code of Conduct for transboundary protected areas in peace and war time (with CEL/ELC), management guidelines for TBPAs and a "declaration of principles". The Parks for Peace programme should be an integral component of the IUCN Environment and Security Initiative.

Programme Elements:

- With CEL/ELC, publish and distribute advice on transboundary protected areas from South Africa and Italy conferences;
- Also with CEL/ELC, design and implement a Parks for Peace programme so as: (a) to assist national governments to protect and manage shared ecosystems for biodiversity conservation and confidence building; and (b) to enhance international co-operation by transboundary protected areas as an integral contribution to ecosystem management; and
- Provide expert advice from within the WCPA network on "Parks for Peace" initiatives for application to topical issues in which peace parks are relevant, e.g. Peru/Ecuador peace initiative, Wye (Middle East) accords, the Balkans and the Korean DMZ.

Global Programme 6: Building capacity to manage protected areas

Rationale

WCPA plays a leadership role in relation in the development of policies, guidelines and standards relating to protected areas, drawing on expertise in the volunteer network; this work should continue and be strengthened. Also WCPA works in partnership with leading protected area agencies around the world and with relevant organisations such as the UNESCO World Heritage Centre.

Programme elements:

- develop and implement a world protected area leadership forum, by 2000, with representatives of the world's leading protected areas agencies from developed and developing countries (jointly organised by WCPA and the US National Parks Service), to secure support for the 2002 World Parks Congress;
- develop and implement the PARC/BCIS system to provide protected area managers with up-to-date access to data and information on protected areas;
- develop and disseminate authoritative policy statements and guidelines on key issues relating to protected areas, such as on mining and indigenous peoples;
- continue the world best practice guidelines on key protected area issues, such as marine protected areas, the financing of protected areas, indigenous peoples and protected areas, tourism and protected areas, and management effectiveness. These guidelines will be linked to priority issues identified by the CBD, WHC and other international agreements; and
- continue to publish PARKS and WCPA Newsletter as a means to inform and involve the network and improve protected areas standards world wide.

Regional Action for Protected Areas:

WCPA is the most effectively regionalised of the IUCN Commissions, having 16 terrestrial regions. Each WCPA region is encouraged to develop its own regional programme and a number have developed Regional Action Plans for Protected Areas. However, the possibility of direct Secretariat support to the WCPA regions is limited. Thus, support from PPA will focus on two regions:

- Europe (in relation to the implementation of Parks for Life); and
- East Asia (in relation to the implementation of priority projects in the Regional Action Plan)

In addition, it is proposed to initiate partnerships, with support from the WCPA Commission Operations Fund, between one or more Regional Offices of IUCN and Regional Vice Chairs.

6. NETWORK-DRIVEN PROGRAMMES

The network will largely drive these activities, with less input from PPA than in the programmes listed. Activities will take place in the following areas, but will also contribute to the global and regional programmes listed above:

Other biomes

Grassland protected areas

Cave and karst

Other themes

Training and protected areas

Climate change and protected areas

Biosphere Reserves

Systems planning

PA design and selection (except marine and forests)

Non-material benefits of protected areas

Biodiversity in general (except marine and forests)

Other regional programmes

Brazil

Hispanic South America

Central America

Caribbean

North America*

North Eurasia*

Eastern and Southern Africa

West and Central Africa

North African and Middle East

South Asia

South East Asia

Australia and New Zealand

Pacific

Antarctica

(*these two regions, and Europe, have set up an Arctic Working Group)

7. IMPLEMENTATION

These programmes will be undertaken to TOR approved by the WCPA Steering Committee. A number of activities will be required to support the above and ensure that there is capacity to implement the Short Term Action Plan. These are summarised below.

Membership development

priority will be given to:

- implementing ways of involving the membership more in the Commission activities; and
- completing and making use of the WCPA membership data base.

Strengthening the WCPA structure

priority will be given to:

- implementing an effective annual Steering Committee meeting;
- implementing meetings and regular conference calls of the Executive Committee;
- effective participation in the next World Conservation Congress (Amman, October 2000)
- establishing the International Programme Committee for the 2002 WPC; and
- establishing new task forces on: local communities and protected areas; Category V; and CBD/COP7 (see Global Programmes above).

Developing partnerships

Priority will be given to:

- working with RCOs;

- working with leaders in national protected areas agencies, particularly through the Protected Areas Leadership Forum;
- developing a working relationship with TNC, IRF, BirdLife International;
- maintaining a strong partnerships with WWF, WCMC and UNESCO; and
- re-establishing a credible relationship with UNEP.

Raising funds

Priority will be given to developing fundable project proposals to assist implementation of the Global Programmes 1 to 6 in the above action plan.

Communications

Priority will be given to:

- updating the WCPA web site;
- preparing leaflets, brochures for WCPA to present to the 2000 WCC and the 2002 WPC; and
- preparing different language versions of WCPA publications.

Regional Meetings

WCPA aims to hold a number of regional sessions by the time of the 2002 congress. In 1999, these will be in East Asia, South East Asia, with priority thereafter focussed on South Asia and Africa.

ANNEX 1

THE ALBANY SYMPOSIUM AND THE CROFTS/LAHMANN REVIEW

WCPA is conscious of the need to be continually reviewing its progress and thus commissioned two major reviews in 1997 and 1998. The first review looked at the external context and specifically reviewed the implementation of the Caracas Action Plan adopted at the. This review (the Albany Symposium) was implemented in Albany, Australia in November, 1997. The second review (the Crofts/Lahmann Review) looked at the internal context, within IUCN, and was undertaken by Roger Crofts and Enrique Lahmann in 1998.

The Albany Symposium bought together 80 of the world's leading experts and examined the broader picture in relation to protected areas: specifically, the role of such areas in the 21st century and how they can be most effectively established and managed. The symposium noted that protected areas face significant challenges and that these must be addressed if protected areas are to be viable in the 21st century. These challenges include the need:

- to move from an "island" to a "network" view of protected areas;
- for protected areas must be mainstreamed into other areas of public policy;
- for protected areas to be managed by, for and with local communities, not against them; and
- for management standards to be raised, and capacity built to this end.

The Crofts/Lahmann Review noted the significant achievements of WCPA and welcomed the total integration of the WCPA and PPA work. However, the review noted a number of challenges and issues and specifically recommended that:

- the WCPA Strategic Plan was far ambitious, in relation to available resources and, accordingly, that the work of WCPA and PPA should be focused on a limited number of high priority areas;
- the work of WCPA and PPA should be better integrated with IUCN's regional level of activity, particularly activities implemented through IUCN Regional and Country Offices;
- better use should be made of the volunteer capacity of the Commission; and
- the relevance of protected areas to key contemporary issues needs to be better demonstrated.

Part II

The Management Categories

This part of the guidelines examines each of the six categories in turn and considers them under the following headings:

- Definition
- Objectives of Management
- Guidance for Selection
- Organizational Responsibility
- Equivalent Category in 1978 System

CATEGORY I **Strict Nature Reserve / Wilderness Area: protected area managed mainly for science or wilderness protection**

CATEGORY Ia **Strict Nature Reserve: protected area managed mainly for science**

Definition

Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.

Objectives of Management

- to preserve habitats, ecosystems and species in as undisturbed a state as possible;
- to maintain genetic resources in a dynamic and evolutionary state;
- to maintain established ecological processes;
- to safeguard structural landscape features or rock exposures;
- to secure examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;
- to minimise disturbance by careful planning and execution of research and other approved activities; and
- to limit public access.

Guidance for Selection

- The area should be large enough to ensure the integrity of its ecosystems and to accomplish the management objectives for which it is protected.
- The area should be significantly free of direct human intervention and capable of remaining so.
- The conservation of the area's biodiversity should be achievable through protection and not require substantial active management or habitat manipulation (c.f. Category IV).

Organizational Responsibility

Ownership and control should be by the national or other level of government, acting through a professionally qualified agency, or by a private foundation, university or institution which has an established research or conservation function, or by owners working in cooperation with any of the foregoing government or private institutions. Adequate safeguards and controls relating to long-term protection should be secured before designation. International agreements over areas subject to disputed national sovereignty can provide exceptions (e.g. Antarctica).

Equivalent Category in 1978 System

Scientific Reserve / Strict Nature Reserve

CATEGORY Ib Wilderness Area: protected area managed mainly for wilderness protection

Definition

Large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.

Objectives of Management

- to ensure that future generations have the opportunity to experience understanding and enjoyment of areas that have been largely undisturbed by human action over a long period of time:
- to maintain the essential natural attributes and qualities of the environment over the long term;
- to provide for public access at levels and of a type which will serve best the physical and spiritual well-being of visitors and maintain the wilderness qualities of the area for present and future generations; and
- to enable indigenous human communities living at low density and in balance with the available resources to maintain their lifestyle.

Guidance for Selection

- The area should possess high natural quality, be governed primarily by the forces of nature, with human disturbance substantially absent, and be likely to continue to display those attributes if managed as proposed.
- The area should contain significant ecological, geological, physiogeographic, or other features of scientific, educational, scenic or historic value.
- The area should offer outstanding opportunities for solitude, enjoyed once the area has been reached, by simple, quiet, non-polluting and non-intrusive means of travel (i.e. non-motorised).
- The area should be of sufficient size to make practical such preservation and use.

Organizational Responsibility

As for Sub-Category Ia.

Equivalent Category in 1978 System

This sub-category did not appear in the 1978 system, but has been introduced following the IUCN General Assembly Resolution (16/34) on Protection of Wilderness Resources and Values, adopted at the 1984 General Assembly in Madrid, Spain.

CATEGORY II National Park: protected area managed mainly for ecosystem protection and recreation

Definition

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

Objectives of Management

- to protect natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational or tourist purposes;
- to perpetuate, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources, and species, to provide ecological stability and diversity;
- to manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will maintain the area in a natural or near natural state;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation;
- to maintain respect for the ecological, geomorphologic, sacred or aesthetic attributes which warranted designation; and
- to take into account the needs of indigenous people, including subsistence resource use, in so far as these will not adversely affect the other objectives of management.

Guidance for Selection

- The area should contain a representative sample of major natural regions, features or scenery, where plant and animal species, habitats and geomorphological sites are of special spiritual, scientific, educational, recreational and tourist significance.
- The area should be large enough to contain one or more entire ecosystems not materially altered by current human occupation or exploitation.

Organizational Responsibility

Ownership and management should normally be by the highest competent authority of the nation having jurisdiction over it. However, they may also be vested in another level of government, council of indigenous people, foundation or other legally established body which has dedicated the area to long-term conservation.

Equivalent Category in 1978 System

National Park

CATEGORY III Natural Monument: protected area managed mainly for conservation of specific natural features

Definition

Area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

Objectives of Management

- to protect or preserve in perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual connotations;
- to an extent consistent with the foregoing objective, to provide opportunities for research, education, interpretation and public appreciation;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purpose of designation; and
- to deliver to any resident population such benefits as are consistent with the other objectives of management.

Guidance for Selection

- The area should contain one or more features of outstanding significance (appropriate natural features include spectacular waterfalls, caves, craters, fossil beds, sand dunes and marine features, along with unique or representative fauna and flora; associated cultural features might include cave dwellings, cliff-top forts, archaeological sites, or natural sites which have heritage significance to indigenous peoples).
- The area should be large enough to protect the integrity of the feature and its immediately related surroundings.

Organizational Responsibility

Ownership and management should be by the national government or, with appropriate safeguards and controls, by another level of government, council of indigenous people, non-profit trust, corporation or, exceptionally, by a private body, provided the long-term protection of the inherent character of the area is assured before designation.

Equivalent Category in 1978 System

Natural Monument / Natural Landmark

CATEGORY IV Habitat/Species Management Area: protected area managed mainly for conservation through management intervention

Definition

Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

Objectives of Management

- to secure and maintain the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment where these require specific human manipulation for optimum management;
- to facilitate scientific research and environmental monitoring as primary activities associated with sustainable resource management;
- to develop limited areas for public education and appreciation of the characteristics of the habitats concerned and of the work of wildlife management;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation; and
- to deliver such benefits to people living within the designated area as are consistent with the other objectives of management.

Guidance for Selection

- The area should play an important role in the protection of nature and the survival of species, (incorporating, as appropriate, breeding areas, wetlands, coral reefs, estuaries, grasslands, forests or spawning areas, including marine feeding beds).
- The area should be one where the protection of the habitat is essential to the well-being of nationally or locally-important flora, or to resident or migratory fauna.
- Conservation of these habitats and species should depend upon active intervention by the management authority, if necessary through habitat manipulation (c.f. Category Ia).
- The size of the area should depend on the habitat requirements of the species to be protected and may range from relatively small to very extensive.

Organizational Responsibility

Ownership and management should be by the national government or, with appropriate safeguards and controls, by another level of government, non-profit trust, corporation, private group or individual.

Equivalent Category in 1978 System

Nature Conservation Reserve / Managed Nature Reserve / Wildlife Sanctuary

CATEGORY V Protected Landscape/Seascape: protected area managed mainly for landscape/seascape conservation and recreation

Definition

Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

Objectives of Management

- to maintain the harmonious interaction of nature and culture through the protection of landscape and/or seascape and the continuation of traditional land uses, building practices and social and cultural manifestations;
- to support lifestyles and economic activities which are in harmony with nature and the preservation of the social and cultural fabric of the communities concerned;
- to maintain the diversity of landscape and habitat, and of associated species and ecosystems;
- to eliminate where necessary, and thereafter prevent, land uses and activities which are inappropriate in scale and/or character;
- to provide opportunities for public enjoyment through recreation and tourism appropriate in type and scale to the essential qualities of the areas;
- to encourage scientific and educational activities which will contribute to the long term well-being of resident populations and to the development of public support for the environmental protection of such areas; and
- to bring benefits to, and to contribute to the welfare of, the local community through the provision of natural products (such as forest and fisheries products) and services (such as clean water or income derived from sustainable forms of tourism).

Guidance for Selection

- The area should possess a landscape and/or coastal and island seascape of high scenic quality, with diverse associated habitats, flora and fauna along with manifestations of unique or traditional land-use patterns and social organisations as evidenced in human settlements and local customs, livelihoods, and beliefs.
- The area should provide opportunities for public enjoyment through recreation and tourism within its normal lifestyle and economic activities.

Organizational Responsibility

The area may be owned by a public authority, but is more likely to comprise a mosaic of private and public ownerships operating a variety of management regimes. These regimes should be subject to a degree of planning or other control and supported, where appropriate, by public funding and other incentives, to ensure that the quality of the landscape/seascape and the relevant local customs and beliefs are maintained in the long term.

Equivalent Category in 1978 System

Protected Landscape

CATEGORY VI Managed Resource Protected Area: protected area managed mainly for the sustainable use of natural ecosystems

Definition

Area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

Objectives of Management

- to protect and maintain the biological diversity and other natural values of the area in the long term;
- to promote sound management practices for sustainable production purposes;
- to protect the natural resource base from being alienated for other land-use purposes that would be detrimental to the area's biological diversity; and
- to contribute to regional and national development.

Guidance for Selection

- The area should be at least two-thirds in a natural condition, although it may also contain limited areas of modified ecosystems; large commercial plantations would *not* be appropriate for inclusion.
- The area should be large enough to absorb sustainable resource uses without detriment to its overall long-term natural values.

Organizational Responsibility

Management should be undertaken by public bodies with a unambiguous remit for conservation, and carried out in partnership with the local community; or management may be provided through local custom supported and advised by governmental or non-governmental agencies. Ownership may be by the national or other level of government, the community, private individuals, or a combination of these.

Equivalent Category in 1978 System

This category does not correspond directly with any of those in the 1978 system, although it is likely to include some areas previously classified as 'Resource Reserves', 'Natural Biotic Areas / Anthropological Reserves' and 'Multiple Use Management Areas / Managed Resource Areas'.

Mrs. CUBIN. Thank you for your testimony. The Chair now recognizes the Honorable Don Barry, Assistant Secretary for Fish and Wildlife and Parks.

STATEMENT OF HONORABLE DONALD J. BARRY

Mr. BARRY. Thank you, Madam Chairman. I would like to thank the committee for the opportunity to appear today to discuss the Department of the Interior's views regarding the proposed policy to prohibit mining in areas surrounding World Heritage sites. At the outset of this discussion it is important to clarify exactly what is at issue today and what is not.

First, I note that the invitation the Department received to testify references, quote, "the proposed World Heritage Committee policy prohibiting mining in areas surrounding World Heritage sites," end of quote, which is an understandable, but incorrect characterization of the document that you invited us here today to discuss. The document entitled, quote, "a position statement on mining and associated activities in relation to protected areas," end of quote, a copy of which is attached to my testimony, has been drafted by one of the six subgroups or commissions of the IUCN.

This statement does not propose an all-out ban on mining in parks or protected areas. Moreover, this statement has not been formally proposed for adoption by the World Heritage Committee; there is no indication that it will be proposed for adoption. It was provided to the World Heritage Committee as an information document only.

Furthermore, even if such a statement of policy were adopted by the World Heritage Committee, it would not bind the United States in any way. The World Heritage Convention explicitly recognizes the sovereignty of parties' oversights in their territories on the World Heritage list.

Actions taken in the United States to protect World Heritage sites are taken pursuant to our own domestic laws. Further background on the mining position statement and on the United States participation of the World Heritage Convention was offered in the interests of putting concerns surrounding this document to rest.

The World Heritage Committee was established under the 1972 Heritage Convention to place natural and cultural sites of outstanding universal value on the World Heritage list. The committee also identifies sites for inclusion on the list of World Heritage in danger. The United States has had a longstanding and leading role in all aspects of the World Heritage Convention. To begin with, the idea of negotiating the convention was an environmental initiative of the Nixon administration. Following the ratification of the convention by the United States Senate in 1973 with a 95 to 0 vote, the United States has been active in the work of the World Heritage Committee. The first meeting of the convention, for example, took place in Washington, D.C. In 1978.

The World Heritage list currently includes 20 of America's most outstanding natural wonders and cultural sites and are recognized as of world importance: Mesa Verde, Grand Canyon, the Hawaii volcanoes national parks, and the Statue of Liberty are some of the United States sites on the World Heritage lists. These United

States World Heritage sites are beloved by the American public; they also attract tourists from all over the world.

The International Union for the Conservation of Nature, IUCN, also known as the World Conservation Union, is an international organization comprised of governmental entities and nongovernmental organizations. Established in 1948, it is one of the world's oldest international conservation organizations. IUCN is a union of government agencies and nongovernmental organizations who work with scientists and experts to protect nature in cultural areas. The State Department, NOAA, EPA, USAID, the National Park Service are some of the U.S. Government agency members.

In addition to bringing together the governments and nongovernment organizations, IUCN has set up international networks of volunteer experts grouped together and six global commissions that perform specialized work. The World Commission on Protected Areas is one of these commissions. It is concerned with parks and nature reserves generally, and drafted the document on mining that we are discussing at this hearing today.

The World Heritage Convention designated IUCN as an official advisor on natural site issues. The World Heritage Bureau, a subcommittee of the World Heritage Committee, was informed in December of 1998 that a position statement on mining and associated activities was being prepared by the World Commission on Protected Areas under the auspices of IUCN. The bureau requested that the document be made available for information purposes at the bureau's July 1999 meeting. To the best of our knowledge, it would be nothing more than an information document for the full committee meeting in December.

I would like to emphasize again that the statement is not being proposed for adoption by the committee as a policy to be applied to World Heritage sites. Insofar as the content of the mining statement is concerned, it defines positions towards mining and associated activities in and adjacent to protected areas.

The statement recommends that mining be considered an incompatible activity within national parks and equivalent reserves that are managed mainly for science, wilderness protection, ecosystem protection or the protection of some specific natural features or species. In protected areas managed for mixed uses, the statement suggests that mining could be permitted under controlled circumstances and conditions. Regarding mining outside parks, it concerns itself only with the indirect impacts that mining may have on parks.

In summary, the Department receives advice all the time from many quarters on how to manage and operate national parks and wildlife areas in the United States. These suggestions are considered, but they do not control us nor do they dictate in any way United States park policy.

We protect parks because they are America's national treasures, and it is our responsibility under United States domestic law, not because IUCN documents or World Commission on Protected Areas documents suggest that we should. We are sworn to protect the parks, and the American people and your constituents expect us to do so.

In conclusion, let me emphasize that there would be no occasion for the United States to either endorse or adopt this mining policy statement inasmuch as such informational policies by organizations like the World Commission on Protected Areas, or IUCN, or the World Heritage Committee do not supersede U.S. law under any circumstance.

That concludes my statement. Thank you.

Mrs. CUBIN. Thank you.

[The prepared statement of Mr. Barry follows:]

STATEMENT OF DONALD J. BARRY, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES OF THE HOUSE COMMITTEE ON RESOURCES FOR AN OVERSIGHT HEARING CONCERNING A "PROPOSED WORLD HERITAGE COMMITTEE POLICY PROHIBITING MINING IN AREAS SURROUNDING WORLD HERITAGE SITES."

October 28, 1999

I want to thank the Chairman of the Committee for the opportunity to appear before the Subcommittee today to discuss the Department of the Interior's views regarding the proposed policy to prohibit mining in areas surrounding World Heritage Sites.

At the outset of this discussion it is important to clarify exactly what is at issue here and what is not. First, I note that the invitation the Department received to testify references "The Proposed World Heritage Committee Policy Prohibiting Mining in Areas Surrounding World Heritage Sites," which is an understandable but incorrect characterization of the document you have invited us here to discuss. The document entitled "A Position Statement on Mining and Associated Activities in Relation to Protected Areas," a copy of which is attached to my testimony, has been drafted by the International Union for the Conservation of Nature (IUCN).

This statement does not propose a ban on mining around parks and protected areas. Moreover, this statement has not been formally proposed for adoption by the World Heritage Committee and there is no indication that it will be proposed for adoption. It was provided to the World Heritage Committee as an information document only.

Furthermore, even if such a statement of policy were adopted by the World Heritage Committee, it would not bind the United States in any way. The World Heritage Convention explicitly recognizes the sovereignty of parties over sites in their territories that are on the World Heritage List. Actions taken in the United States to protect World Heritage Sites are taken pursuant to our own domestic laws.

Further background on IUCN's Position Statement and on United States participation in the World Heritage Convention is offered in the interest of putting concerns surrounding this document to rest. The World Heritage Committee was established under the 1972 World Heritage Convention to place natural and cultural sites of outstanding universal value on the World Heritage List. The Committee also identifies sites on the List for inclusion on the List of World Heritage in Danger.

The United States has played a long-standing and leading role in all aspects of the World Heritage Convention. To begin with, the idea of negotiating the Convention was an environmental initiative of the Nixon Administration. Following the ratification of the Convention by the United States Senate in 1973 with a 95-0 vote, the United States has been active in the work of the World Heritage Committee. The first meeting under the Convention to list sites took place here in Washington in 1978. The Committee's 1992 meeting was held in

Santa Fe. The United States is just concluding a second consecutive 6-year term on the Committee under the Convention. With 150 parties, the Convention is one of the most universally adopted international environmental treaties.
The lead authority for United States participation in the World Heritage Convention rests in the Office of the Assistant Secretary for Fish and Wildlife and Parks of the Department of the Interior. This responsibility was prescribed in Federal law of 1980 and program regulations promulgated during Secretary of the Interior Watt's tenure in 1982.

The World Heritage List currently includes 20 of America's most outstanding natural wonders and cultural sites that are recognized as of world importance. Mesa Verde, Grand Canyon, and Hawaii Volcanoes National Parks, and the Statue of Liberty are some of the United States sites on the World Heritage List. These United States World Heritage Sites are beloved by the American public. They also attract tourists from all over the world.

The International Union for the Conservation of Nature (IUCN), also known as the World Conservation Union, is an international non-governmental organization. Established in 1948, it is one of the world's oldest international conservation organizations. IUCN is a union of governments, government agencies, and non-governmental organizations who work with scientists and experts to protect nature. The State Department, NOAA, EPA, USAID, FWS, and NPS are some of the U.S. government agency members. In addition to bringing together governments and non-governmental organizations, IUCN has set up international networks of volunteer experts grouped together in six global commissions that perform specialized work. The World Commission on Protected Areas is one of these commissions; it is concerned with parks and nature reserves generally.

The World Heritage Convention itself designated IUCN as its official advisor on natural site issues. The World Heritage Bureau, a subcommittee of the World Heritage Committee, was informed in December 1998 that a "Position Statement on Mining and Associated Activities" was being prepared by IUCN. The Bureau requested that IUCN make the document available for information purposes at the Bureau's July 1999 meeting. To the best of our knowledge, it will be nothing more than an information document for the full Committee meeting in December. I would like to emphasize again that the Statement is not being proposed for adoption by the Committee as a policy to be applied to World Heritage Sites.

Insofar as the content of IUCN's mining statement is concerned, it defines positions towards mining and associated activities in and adjacent to protected areas. The statement recommends that mining be considered an incompatible activity within national parks and equivalent reserves that are managed mainly for science, wilderness protection, ecosystem protection, or the protection of specific natural features or species. In protected areas managed for mixed uses, the statement suggests that mining could be permitted under controlled conditions. Regarding mining outside parks, it concerns itself only with the indirect impacts that mining may have on the parks.

The Department receives advice all the time from many quarters on how to manage and operate the national parks in the United States. These suggestions are considered, but they do not control us nor do they dictate in any way United States park policy. We protect parks because they are

America's national treasures and it is our responsibility under United States law, not because an IUCN document suggests we should. We are sworn to protect the parks and the American people and your constituents expect us to do so.

In conclusion, let me emphasize that there will be no occasion for the United States to either endorse or accept the IUCN's statement, inasmuch as such informational policy statements by IUCN or the World Heritage Committee do not supersede U.S. law under any circumstances.

This concludes my prepared statement.

Mrs. CUBIN. The Chair now recognizes the Honorable Malcolm Wallop, chairman of Frontiers of Freedom

STATEMENT OF HONORABLE MALCOLM WALLOP

Senator WALLOP. Thank you, Madam Chairman, and thank you for holding the hearing.

I am here as a representative of my group called the Frontiers of Freedom, which has been a strong supporter of Chairman Don Young's American Lands Sovereignty Protection Act since it was first introduced in the 104th Congress, and we are grateful for your strong support. We are pleased that it has once again passed the House, and it is now awaiting action in the Senate; but it is crucial that this important legislation be passed and enacted into law as soon as possible.

The latest actions of the IUCN and the proposed action of the World Heritage Committee are troubling validation for supporters of the American Land Sovereignty Protection Act. Nearly 3 years ago Frontiers of Freedom was invited to testify at a hearing of an earlier version of this legislation, and testifying on the same panel on behalf of the United Nations was Nina Sibal, the Director of the New York and Washington offices of UNESCO. Director Sibal testified that, quote, "The United Nations and its specialized agencies, such as UNESCO, have absolutely no jurisdiction over the territories designated as biosphere reserves or World Heritage sites which remain totally under national jurisdiction."

Madam Chairman, you would agree that this is a good and clear statement and would be reassuring if it were only true in practice. But in fact the World Heritage Committee, while protesting that it in no way threatens to infringe on national sovereignty, does just that. The intervention of the World Heritage Committee over the New World Mine and mentionied by Representative Chenoweth north of Yellowstone Park, one of the original 12 World Heritage sites, is the best known example in this country. And one of the great effects of that was to stop a mining company which was engaged in reclamation of former mining waste, and disposal was stopped in that. So not only did the park receive no protection, it in fact exacerbated the problems that already existed at that site. There is an expanding list of others.

On December 1, as mentioned again by Representative Chenoweth-Hage, the Jabiluka uranium mine constituted a threat to Australia's Kakadu National Park, despite an official finding of the Australian Government that it did not constitute a threat. The Australian Government made this finding after an exhaustive environmental review process over many years as prescribed by their own environmental laws. The World Heritage Committee made its finding after a brief visit, such as the one visited upon us, by a special investigation team from outside the country; and they generated a huge amount of hysteria, called by my friend, Assistant Secretary Barry, "dialogue by environmental pressure groups." The World Heritage Committee and the UN may not yet have the power to enforce any findings, but it is clearly an attempt to assert authority over management of Kakadu National Park.

In December, in Morocco, the committee will consider the recommendations to ban mining near World Heritage sites. This is

outrageous on three counts. First, it is a blatant attempt to establish management jurisdiction over buffer areas or zones around the sites. The intention to assert buffer zones has been repeatedly and expressly denied by UN officials.

Secondly, the World Heritage Committee has no authority and should have no role. Those decisions should be left, as you mentioned, to the elected representatives of the United States.

Third, the behavior of our own administration is equally outrageous. Secretary Barry was saying that everything would be followed by U.S. laws, but we have come to find that U.S. laws can be superseded by executive orders, and we are worried that executive orders would do just this.

It appears that the administration thinks little of our Nation's tradition of conducting the people's business in the open, and in a way to involve the very people and businesses most impacted by these proposed policies. How else can they explain their attempt to use the U.N. to slip this proposed policy by the American public without involving the people's representatives and the people in the industry that have the most at stake? The result would be a disaster for American sovereignty, for private property rights, Federal land management, and environmental protection and to the industries affected.

Surely such a policy should not be pursued in secret nor should such authority be ceded to international bureaucrats. It is for Congress to decide such policies and not the Clinton Administration.

Another issue is the fact that this policy, whether it has any authority or not, will be another weapon in the arsenal of environmental pressure groups to stop economic development all around the world. Just as in the case of the New World Mine, north of Yellowstone, pressure groups will use this policy to have World Heritage sites declared as in peril and will use the publicity to whip up public opinion against proposed oil, gas, and mining activity.

Madam Chairman, this concludes my testimony and I would be happy to answer any questions that you or the committee may have.

Mrs. CUBIN. Thank you, Senator Wallop.

[The prepared statement of Senator Wallop follows:]

FRONTIERS OF FREEDOM
Senator Malcolm Wallop (ret.)
Chairman

Testimony of Malcolm Wallop
Before the U.S. House of Representatives
Committee on Resources
Subcommittee on Energy and Mineral Resources
October 28, 1999

Chairman Cubin, thank you for inviting me to testify today. My name is Malcolm Wallop. As a third generation rancher from Big Horn, Wyoming, I have a lifetime of experience dealing with federal land agencies. I also serve as chairman of Frontiers of Freedom. Frontiers of Freedom is dedicated to protecting the constitutional economic, political, and legal freedoms of every American. It is our goal to protect freedom and resolve economic, political, and legal challenges by applying free market principles and the ideals embodied in the Declaration of Independence and the Constitution. In everything Frontiers of Freedoms does, we promote a free and empowered citizenry served by a limited government. Before founding Frontiers of Freedom, I served 18 years in the United States Senate representing Wyoming. During my service in the Senate, I served on the Energy and Natural Resources Committee.

Frontiers of Freedom has been a strong supporter of Chairman Don Young's American Land Sovereignty Protection Act since it was first introduced in the 104th Congress. And we are grateful, Madam Chairman, for your strong support. We are pleased that it has once again passed the House and is now awaiting action in the Senate.

It is crucial that this important legislation be passed and enacted into law as soon as possible. This is a timely oversight hearing on the current activities of the elite international environmental movement. The latest actions of the International Union for the Conservation of Nature (IUCN) and the proposed action of the World Heritage Committee are troubling validation for supporters of the American Land Sovereignty Protection Act.

Nearly three years ago, Frontiers of Freedom was invited to testify at a hearing on an earlier version of this legislation. Testifying on the same panel on behalf of the United Nations was Nina Sibal, the Director of the New York and Washington offices of UNESCO. Director Sibal testified that: "The United Nations and its specialized agencies, such as UNESCO, have absolutely no jurisdiction over the territories designated as biosphere reserves or World Heritage sites, which remain totally under national jurisdiction."

That is a good and clear statement and would be reassuring if it were true in practice. But in fact, the World Heritage Committee, while protesting that it in no way threatens to infringe on national sovereignty, is finding more and more ways to meddle in the internal affairs of nations.

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The intervention of the World Heritage Committee over the New World Mine, north of Yellowstone National Park, one of the original 12 World Heritage Sites is the best known example in this country. But there is an expanding list of others. The World Heritage Committee on December 1, 1998 declared that the proposed Jabiluka uranium mine constituted a threat to Australia's Kakadu National Park, despite an official finding by the Australian government that it did not constitute a threat. The Australian government made this finding after an exhaustive environmental review process over many years, as prescribed by Australia's own environmental laws. The World Heritage Committee made its finding after a brief visit by a special investigation team and a huge amount of hysteria generated by environmental pressure groups. The World Heritage Committee and the UN may not yet have any power to enforce this finding, but it was clearly an attempt to assert authority over management of Kakadu National Park.

In December in Morocco, the World Heritage Committee of UNESCO will consider the recommendation of the IUCN to adopt a policy to ban mining in areas near World Heritage Sites. This ban would apply to all forms of mining including oil and natural gas exploration and production as well as hardrock mining.

This is outrageous on at least three counts. First, this is a blatant attempt to establish management jurisdiction over buffer areas or zones around World Heritage Sites. The intention to assert buffer zones has been repeatedly and expressly denied by UN officials.

Second, the World Heritage Committee has no authority and should have no role in deciding how to best protect World Heritage Sites. Those decisions should be left up to the countries that have the World Heritage Sites. These sorts of policy decisions need to be made by the people's elected representatives -- not by UN delegates from Spain or Mozambique.

Third, the behavior of our own Administration is equally outrageous. As active participants in the World heritage Committee, they have been aware of this proposed policy, but have not communicated their position to the Congress or affected parties in the mining and oil and gas industries. We have sunshine laws, which require government to operate in the open and in such a way that those affected by the law can comment on it and observe the process.

It appears that the Administration thinks little of our nation's tradition of conducting the people's business in open and in a way to involve the very people and businesses that will be most impacted by the proposed policy. How else can they explain their attempt to use the UN to slip this proposed policy by the American public without involving the people's representatives and the people and industries that have the most at stake with such a policy?

If this proposed policy is given effect, the result will be a disaster for American sovereignty, for private property rights, federal land management, environmental protection, and to the industries affected, not only in this country but also worldwide. Surely such a policy should not be pursued in secret, nor should such authority be ceded to international bureaucrats. It is for Congress to decide such policies, not Clintonian fiat, and certainly not foreign UN delegates.

It is especially important to notice the effect of this proposed policy on property rights. Private property is not included in World Heritage Sites, at least in the United States. But by asserting regulatory control over mining in buffer zones around World Heritage Sites, the World heritage Committee is proposing to violate property rights on a massive scale and effectively take the value of countless landowners' property. Under the Takings Clause of the Fifth Amendment to the Constitution, property owners must be compensated for such takings. If this rule is adopted and further if it is carried out by the Administration, the current or future ones, who will pay the takings claims -- U.S. taxpayers or UNESCO. I think we know the answer to that. The taxpayers should not be required to fund stealth UN policies.

Another issue is the fact that this policy, whether it has any authority or not, will be another weapon in the arsenal of environmental pressure groups to stop economic development all around the world. Just as in the case of the New World Mine north of Yellowstone, pressure groups will use this policy to have World Heritage Sites declared as in peril and will use the publicity to whip up public opinion against proposed oil, gas, and mining activity.

The Clinton-Gore Administration has a lot of explaining to do. Their actions in this matter make it obvious that they think they can continue to administer the World Heritage program without consulting Congress or standing up for the interests of the American people. This is simply another confirmation that the Administration has little respect for the values of representative democracy as embodied in our Constitution.

Madam Chairman, this concludes my testimony. I would be happy to answer any questions you or members of the subcommittee may have.

Mrs. CUBIN. The Chair now recognizes General Richard Lawson, the President of the National Mining Association.

STATEMENT OF RICHARD L. LAWSON

Mr. LAWSON. Thank you, Madam Chairman. I am Richard Lawson, the President of the National Mining Association, and our association represents those enterprises that deliver to public use most of the metals, minerals and coal that are required to uphold and strengthen America in daily life. This hearing is a public service of the first order, the first open and public discussion of an international proposal of national and global importance.

The governing apparatus of the World Heritage Convention of the United Nations appears poised to initiate a no-mining policy. Yet, until now, it scarcely could have moved forward with less notice had stealth and stratagem been their principal implementing strategy. The United States and other signatories will be pressured intensely to use this policy vigorously in the guise of expanding control over already-designated areas. Indeed, some recent mine-related interpretations of policy at the Department of the Interior, including the new policy directive on millsites, seems to have this no-mining policy already in mind. Yet the scope, intent and origins of this policy have yet to be offered for public examination. They have not been explained or justified as representative democracy requires, not so much as even mentioned by the participating agencies in the U.S. Government to the mining industry.

The U.S. contains a major portion of the world's minable resources, a major share of the world's natural sites with the Heritage designation, and a major number of the areas categorized for protection in the world, well over 18 Heritage sites in all. U.N. Documents list about 426,000 square miles of the United States as so protected. Just for your information, that is equal to Germany and the United Kingdom and Japan and throwing in Bosnia and Croatia just to make an idea of the amount of area that we are talking about.

The United States mining industry is a major producer and major participant in world markets for most of the material resources and energy needed to uphold modern life. It is the world's most efficient and the world's most technologically adept at environmental protection and remediation. Such a policy would affect present and future output of our mining industry. Yet the industry has neither been advised nor consulted, not by the convention or the governing committee, not by the committee bureau of the affiliate from which the policy comes, the International Union for the Conservation of Nature, not by the U.S. Department of State and not by the U.S. Department of the Interior as part of the U.S. participation in the convention or its like participation in the International Union for the Conservation of Nature, the IUCN.

Indeed, IUCN policy excludes from membership and participation any that it finds not in accord with its beliefs and objectives. Members include such organizations as the World Resources Institute, the National Resources Defense Council, the Environmental Defense Fund, the Sierra Club, Defenders of Wildlife and the World Wildlife Fund, but no mining organization.

It is true that the World Heritage Convention cannot require compliance. It is equally true that these organizations are likely to wage campaigns of pressure and possibly litigation to make no-mining a formal policy. That would be wielded as a weapon whenever and wherever a mine is proposed. The danger is that a no-mining policy quickly will be made to function as the following:

As a de facto obligation of the United States of America;

As a policy, even though it has not been authorized by any act of the Congress;

As a sanctioned regulatory practice, even though imposed in defiance of the Administrative Procedures Act;

As the regulatory equivalent of a law even though there can be no proper judicial review or appeal as provided for by the Constitution; and

Finally, it will certainly be used and abused in the campaigns of intimidation to nullify and override proper decisions of representative governments—local, State, and Federal.

The ultimate results of a no-mining policy may well include:

The removal of vast resources from public use and benefit, a crude form of rationing;

Higher prices than necessary for energy goods and services;

The distortion of world markets for energy and material resources;

Strains on national and global economic security; and

Increased demands for the commitment of U.S. national security forces to keep world affairs stable.

In sum, the World Heritage Committee's no-mining policy is an instrument of manipulation, mischief and maladministration. I urge you to do all in your power to ensure it falls back into the mists of vagueness and obscurity from which it arose.

It shows cause for the enactment of the American Land Sovereignty Protection Act in the 106th Congress; and it suggests that Congress could constructively inquire into the functions and relationships of the organizations and groups involved.

Written testimony that I have attached goes into further detail. Thank you for your attention and this opportunity.

Mrs. CUBIN. Thank you, General Lawson.

[The prepared statement of Mr. Lawson follows:]

National Mining Association
Foundation for America's Future

The World Heritage Committee and the New No-mining Policy: An Instrument of Manipulation, Mischief and Mal-administration

Testimony
of
Richard L. Lawson
President
National Mining Association

Subcommittee on Energy and Mineral Resources
Committee on Resources
U.S. House of Representatives

October 28, 1999
Washington, D.C.

Chairperson Cubin, members of the committee, I am Richard L. Lawson, the president of the National Mining Association. Our members are the enterprises that deliver to public use most of the basic material resources required to uphold and strengthen America in daily life – the miners and producers of coal, metals and useful minerals; and the manufacturers of their equipment; and the suppliers of goods and services.

This committee is performing a public service of the first order in bringing into first public knowledge and into its only open discussion an international policy proposal of national and global importance.

The governing apparatus of the World Heritage Convention of the United Nations is poised as you hear me today to take up next month a no-mining policy.

Yet until this moment the policy scarcely could have been moved forward with less notice had stealth and stratagem been the principal implementing strategy of its proponents.

The United States and other signatories will be pressured intensely to use it vigorously in the guise of further protecting already protected areas by ever-widening areas of control. The argument of moral obligation will be made.

Indeed, some recent mine-related interpretations of policy in the Department of the Interior seem outwardly to conform to the international proposal, including the new policy directive on millsites.

Yet the scope, intent and origins of the convention's no-mining policy have yet to be submitted by the moving parties for public examination. They have not been explained or justified as representative democracy requires – not so much as mentioned by participant agencies of the U.S. government.

The U.S. contains a major portion of the world's mineable resources, a major share of the world's natural sites with a Heritage designation, and a major number of the areas categorized for protection in the world – well over 1,800 in all. U.N. documents list about 426,000 square miles of the U.S. as so protected.

The U.S. mining industry is a major producer and major participant in world markets for most of the material resources and energy required to uphold modern life. It is the world's most efficient and the most technologically adept at environmental protection and remediation. Such a policy would affect present and future output.

Yet the U.S. mining industry has been neither advised nor consulted nor offered the opportunity to participate in the activities that led to this point:

- Not by the convention or the governing committee;
- Not by the committee's bureau nor the affiliate from which the policy comes, the International Union for the Conservation of Nature;
- Not by the U.S. Department of State, which takes a bystander's role;
- And not by the U.S. Department of the Interior as a result either of U.S. participation in the convention's governing apparatus or its membership participation in the International Union for the Conservation of Nature, called the IUCN.

Indeed, the IUCN's posted criteria specifically exclude from membership and participation any entities it adjudges not in accord with its beliefs and objectives. Admitted to IUCN participation are such as the World Resources Institute, the Natural Resources Defense Council, the Environmental Defense Fund, the Sierra Club, the Defenders of Wildlife and the World Wildlife Fund.

It is true that the World Heritage Convention cannot require compliance. It is equally true that organizations of the kind I just mentioned are likely to wage campaigns of pressure and opinion and, possibly, litigation to make no-mining a formal policy. It will be wielded as a weapon when a mine is proposed.

The danger is that a no-mining policy quickly will be made to function as the following:

- As a *de facto* and acquiesced-to obligation of the Government of the United States – a moral obligation;
- As a policy, even though it has not been authorized by any act of the Congress of the United States;

- As a sanctioned regulatory practice, even though imposed in ways and by means that ignore the universally accepted practices of good government as set down in the Administrative Procedures Act;
- As the regulatory equivalent of a law even though there can be no proper judicial review or appeal as provided for by the Constitution;
- And finally, it will be used and abused in campaigns to nullify and override by intimidation and the distortion of opinion the proper decisions of duly elected, representative governments – local, state, and federal.

The ultimate results of a no-mining policy may well include:

- The needless removal of vast resources from public use and benefit – a crude kind of rationing;
- Higher prices than necessary for energy, goods and services;
- Distortion of world markets for energy and material resources;
- Strains on the national and global economic security;
- And increased demands for the commitment of U.S. National Security forces to keep world affairs stable.

In sum: The World Heritage Committee's no-mining policy is an instrument of manipulation, mischief and mal-administration.

I urge you to do all in your power to ensure that it falls back into the mists of vagueness and obscurity from which it arose.

It shows cause for the enactment of the American Land Sovereignty Act before the 106th Congress adjourns.

And it suggests the Congress could constructively inquire into the functions and the relationships of the IUCN and the Department of the Interior and the groups such as those named. The written testimony touches on this in more detail.

Thank you for your attention.

The written testimony will proceed as follows:

- Section 1: The Origins and the Originators of the No Mining Policy;
- Section 2: The Policy's Potential for Manipulation, Mischief and Mal-administration;
- Section 3: Has Anybody Asked the Secretary of the Interior What He Thinks?;
- Section 4: Due Process of What?...The Dangers of Single-Concern Policies.

1. The Origins and Originators of the No-mining Policy:

The bureaucratic apparatus and the governing committee of the World Heritage Convention have taken up on their own initiative a proposal to restrict mining worldwide – in essence a no-mining policy to impose expansive new buffer zones for its already protected sites and, possibly, buffer zones for the buffer zones in ripples and waves of outward expansion as whim dictates.

The World Heritage Convention is a treaty to which the U.S. is signatory. The convention and its governing committee and the bureaucratic apparatus through which it executes its functions are part of the United Nations' Educational, Scientific and Cultural Organization – called UNESCO.

The convention arose and was placed within UNESCO in large part through the activities of the International Union for the Conservation of Nature – called the IUCN.

In the formal bureaucratic apparatus of the convention the sponsoring body (the IUCN) also functions as the technical arm on natural sites of the governing committee – functions as the advisor and the evaluator of signatory compliance with the directives of the governing committee and the convention.

It is from and though the IUCN that the World Heritage Convention's no-mining policy arises.

In IUCN press releases the president of the union has referred to it as – and I quote directly – "the world's largest environmental organization." When a new director general was named in 1998 she promised to be "activist...to set milestones and accelerate concrete action."

The IUCN is a hybrid organization. Its practices, priorities and policies are set by representatives of many governments, many nature-oriented professional organizations, and much of what we have come to recognize as the professional green lobby – the so-called public interest groups that want to reorganize and reshape societies rather than protect the environment. The IUCN also sponsored the sustainable-development concept, which is embedded in the convention's proposal by indirect reference.

The posted criteria for membership in the IUCN say that members must prove to the IUCN the following – must prove!

- That their activities do not conflict with IUCN;
- That they share and support the objectives of the IUCN;
- That they have a substantial record of activity suitable to the IUCN;
- And that they have as a central purpose the achievement of IUCN's mission.

U.S. government participation in the IUCN is chiefly in the hands of the Department of the Interior.

Last July in Paris the meeting of the Bureau of the World Heritage Committee quietly put the policy on the agenda for the November-December meeting in Morocco of the governing body – did so with little discussion and minimal explanation.

Records say that in calling up the policy the chairman took note that mines are involved in several on-going disagreements between the convention's governing apparatus and nations that are signatory to the agreement. In general in these matters the committee is threatening to formally find the sites as "in danger" unless the member governments quash mines. The members insist the projects meet all environmental requirements and are no danger to the sites.

The report of the meeting says the purposes of the policy are as follows:

- To communicate to signatories a clear position;
- To give them a global framework of criteria and classification to use in assessing what kinds of additional land should be closed to mining;
- And to give them a system that focuses on area management rather than site protection.

They chose as the template, or "working document," for this the pre-existing standards and guidelines set down by a constituent body of the International Union for the Conservation of Nature – called the *Policy on Mining and Associated Activities in Relation to Protected Areas* of the World Commission on Protected Areas.

The World Heritage-IUCN no-mining policy deals with all activities of exploration and extraction "in and adjacent to" the areas, and holds that neither exploration nor extraction is compatible with management objectives in four of the proposal's six protected categories. It places severe limits on mining in the other two.

The working document says that mining and exploration should be "prohibited by law or other effective means" in each of the four forbidden categories. Keep in mind the phrase "other effective means" as it relates to mining in the United States. The testimony will return to it in a moment.

The Heritage bureau's report suggests the need for a policy was first mentioned in 1998.

Nevertheless, there was a World Heritage team involved in the incident at Yellowstone National Park in 1995. This team used words, phrases and concepts from the policy in its public comments and findings. In this incident a company with valid permits and environmentally sound methods was coerced

into giving up a plan to mine – to mine not in the park but at a site several miles removed from the park.

Documents of the IUCN suggest the guidelines, the categories and the criteria have been around at least since 1994.

The Yellowstone team from World Heritage had with it a representative of the IUCN. The committee was invited to investigate by a group of groups in the American green lobby. The invitation was extended by the National Parks and Conservation Association, the Natural Resources Defense Council, the World Wildlife Fund and others.

Coincidentally, the IUCN office for the U.S. lists among its participants the following: The National Parks and Conservation Association, the Natural Resources Defense Council, the World Wildlife Fund, the Environmental Defense Fund, the Sierra Club, the World Resources Institute and more than 25 others.

2. The Potential for Manipulation, Mischief and Mal-administration:

This policy arises from a world of facades, shadows and intellectual in-breeding. Competing requirements and contrary opinion are simply excluded from membership and participation as the right-thinkers, the true-belivers and the enlightened design and impose from above the restrictions they want – do so where they want, do so when they want and do so without the inconvenience of due process.

Groups that want to set up a controversy and to build pressure for political change simply call in a so-called outside and objective authority such as the World Heritage Committee to evaluate whatever it is they don't like. Then the evalution is made and the recommendations moved forward according to criteria that was profoundly influenced by those who called in the evaluators in the first place.

The circumstances and the participants suggest that one early use of a World Heritage no-mining policy could be to bring increased and renewed pressure against the multiple-use policies of the United States government – that such capability could well be an unstated reason for, and goal of, this new policy.

Imagine some of the possible headlines – headlines such as:

- *World Heritage Body Condemns U.S. Land Policy;*
- *World Heritage Panel Says U.S. Fails to Meet Treaty Obligations;*
- *World Heritage Calls on Congress to Change U.S. Land Law;*
- *Congress Defies World Body to Help Special Interests;*
- *NRDC Says Heritage Report Shows U.S. Shirks Duty to Americans;*
- And so on and so on.

3. Has Anybody Asked the Secretary of the Interior What He Thinks?

Circumstances also suggest that in at least four instances since 1995 the Secretary or the Department could have made at least passing reference to these same guidelines in quashing by administrative action otherwise valid or previously permissible activity:

The instances are as follows:

- In 1996, in Utah, the Escalante Canyons Expropriation by the President;
- In 1997, in Georgia, the Okefenokee Intervention by the Secretary;
- In 1998, in Missouri, the Secretary's refusal-by-exhaustion of exploration permits in the vicinity of the Ozark River;
- And this year, in Washington, the Secretary has attempted to quash an otherwise valid mine by fostering a reinterpretation of the law and practice governing millsites.

How do these acts fit the IUCN categories and the 1997 United Nations List of Protected Areas as maintained by the World Conservation Monitoring Center? by the way, the center's web page says it was established by the IUCN, the World Wide Fund for Nature and the United Nations Environmental Program.

The center lists the Escalante Canyons area a category #3 natural monument, one that must be closed to exploration and mining by law or "other effective means." When it looked like mining might go forward, it was closed by executive order. Most effective.

The Okefenokee Swamp is both a federal wilderness and a wildlife refuge. In 1997 a company attempted to move ahead with plans to mine outside the park but near a boundary. The wilderness area is category #1 and the refuge category #3, both of which the IUCN says must be closed to exploration and mining by law or by "other effective means."

The IUCN's policy statement explains that: "The World Commission on Protected Areas...believes that exploration and extraction of mineral resources are incompatible with the purposes of protected areas..."

The Secretary went suddenly to Georgia with the press in tow to personally scold and intimidate the proposers. Reports say he condemned the proposal as "not compatible" with the neighboring ecosystem. He promised an extensive and protracted regulatory and legal fight, which might qualify as another effective means.

The Okefenokee refuge also is on the list of nomination-ready World Heritage sites.

into giving up a plan to mine – to mine not in the park but at a site several miles removed from the park.

Documents of the IUCN suggest the guidelines, the categories and the criteria have been around at least since 1994.

The Yellowstone team from World Heritage had with it a representative of the IUCN. The committee was invited to investigate by a group of groups in the American green lobby. The invitation was extended by the National Parks and Conservation Association, the Natural Resources Defense Council, the World Wildlife Fund and others.

Coincidentally, the IUCN office for the U.S. lists among its participants the following: The National Parks and Conservation Association, the Natural Resources Defense Council, the World Wildlife Fund, the Environmental Defense Fund, the Sierra Club, the World Resources Institute and more than 25 others.

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Groups that want to set up a controversy and to build pressure for political change simply call in a so-called outside and objective authority such as the World Heritage Committee to evaluate whatever it is they don't like. Then the evalution is made and the recommendations moved forward according to criteria that was profoundly influenced by those who called in the evaluators in the first place.

The circumstances and the participants suggest that one early use of a World Heritage no-mining policy could be to bring increased and renewed pressure against the multiple-use policies of the United States government – that such capability could well be an unstated reason for, and goal of, this new policy.

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- *Congress Defies World Body to Help Special Interests;*
- *NRDC Says Heritage Report Shows U.S. Shirks Duty to Americans;*
- And so on and so on.

- And not by the U.S. Department of the Interior either as a result of U.S. participation in the convention's governing apparatus or its membership in the IUCN.

Yet the U.S. mining industry is the world's most efficient and the most technologically adept at environmental protection and remediation. We seek to make the industry even more adept at resolving concerns such as those professed by the World Heritage Convention though the *Mining Industry of the Future* program.

It is true that the World Heritage Convention cannot require compliance. It is equally true that many of the 33 members of the professional green lobby on the rolls of IUCN-US are likely to wage campaigns of pressure and opinion and, possibly, litigation to coerce acquiescence and compliance.

There are two chief dangers in the World Heritage proposal for the United States – the second flowing from the first.

The first is that such a policy may come to override the balance of representative government – that it will be made to be seen and to function as the following:

- As a *de facto* obligation of the Government of the United States – a moral obligation;
- As a policy, even though it has not been authorized by any act of the Congress of the United States;
- As a sanctioned regulatory practice, even though imposed in ways and by means that ignore the universally accepted practices of good government as set down in the Administrative Procedures Act;
- As the regulatory equivalent of a law even though there can be no proper judicial review or appeal as provided for by the Constitution;
- And, finally, that it will be used and abused in campaigns to nullify and override by intimidation and distortion of opinion the proper decisions of duly elected, representative governments – local, state, and federal.

The second danger is to economic stability and National Security if balance is overridden.

The U.S. contains a major portion of the world's mineable resources, a major portion of the world's natural sites with the World Heritage designation, and a major portion of the world's internationally categorized protected areas.

The U.S. mining industry is a major producer and a major participant in world markets for most of the material resources and the energy required to uphold modern life. In the world we are first, second, or third in production of nine important metals and 18 important minerals and coal. Coal delivers of most of

the nation's electric power. Low-cost electric power upholds U.S. competitiveness in the global economy. We are otherwise significant producers of many additional material resources.

The U.S. presence in world markets does much to keep those markets and the price of resources in balance, especially energy markets. The balance is a function of both reserve position and industry capability.

There are 22 World Heritage sites in the U.S. and at least 65 more on the Department of the Interior's list of potential nominations. There are 1,800 sites covering 246,000 square miles in 48 states of the United States on the official list of classified, categorized and protected places. The list includes state and federal holdings. Only Rhode Island and Connecticut have no listings.

To compare: 426,000 square miles is a little more than the combined land area of Germany, Japan and the United Kingdom with Bosnia-Herzegovina and Croatia mixed in just to come close.

Much of America's reserves of metals and minerals and coal are in the West. So too are many of the listed Heritage sites, of the potential Heritage sites, and of the 1,800 categorized places.

The ultimate results of such a no-mining policy might well include:

- The needless removal of vast resources from public use and benefit – a crude kind of rationing;
- Higher prices than necessary for energy, for goods, and for services;
- Distortion of world markets for energy and important material resources;
- Strains on the national and global economic security;
- And increased demands for the commitment of U.S. National Security forces to keep world affairs stable.

To sum up: The World Heritage Committee's no-mining policy is an instrument for manipulation, mischief and mal-administration. It arises from cozy and closed relationships that usefully could be dragged into the light of day and thoroughly examined.

Until this moment this policy scarcely could have moved forward with less notice had stealth and stratagem been the principle implementing strategy of the proponents – whoever they are.

Chairman Cubin, members of the committee, for the public record, it is the belief of the National Mining Association that you have performed a public service of the first order by bringing to first public knowledge and open discussion a policy proposal of national and international importance.

National Mining Association
Foundation For America's Future

NEWS RELEASE

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FOR IMMEDIATE RELEASE
October 28, 1999

United States, Other Countries Pressured to Implement No-Mining Policy

NMA President Richard L. Lawson calls proposal an instrument of manipulation, mischief and maladministration

Washington -- The World Heritage Committee is poised to demand of the United States and other nations a no-mining policy which could result in needless removal of resources from public use, higher prices for energy, goods and services, and strains on national and global security according to testimony from National Mining Association President and CEO Richard L. Lawson.

Speaking before the House Subcommittee on Energy and Mineral Resources, Lawson said the proposal - set to be discussed at next month's World Heritage Convention of the United Nations - will bring pressure on the United States and other signatories "in the guise of further protecting already protected areas by ever-widening areas of control."

Lawson admonished the World Heritage Committee and U.S. government agencies for the stealth-like manner in which the no-mining policy is being considered. "The scope, intent and origins of the convention's no-mining policy have yet to be submitted by the moving parties for public examination. They have not been explained or justified as representative democracy requires -- not so much as mentioned by participant agencies of the U.S. government."

Lawson further explained that the proposal originated from the International Union for the Conservation of Nature (IUCN), a group who's members include the Natural Resources Defense Council, the Environmental Defense Fund, the Sierra Club and other environmental activist groups - yet the ICUN excludes any industry groups.

-more-

"The U.S. mining industry is a major producer and major participant in world markets for most of the material resources and energy required to uphold modern life. It is the world's most efficient and the most technologically adept at environmental protection and remediation. Such a policy would affect present and future output. Yet the U.S. mining industry has been neither advised nor consulted nor offered the opportunity to participate in the activities which have led to this point," Lawson said.

Lawson described to the Subcommittee the ultimate results of a no-mining policy that would include:

- The needless removal of vast resources from public use and benefit - a crude kind of rationing;
- Higher prices than necessary for energy, goods and services;
- Distortion of world markets for energy and material resources;
- Strains on the national and global economic security;
- And increased demands for the commitment of U.S. National Security forces to keep world affairs stable.

Concluding his testimony, Lawson said "the World Heritage Committee's no-mining policy is an instrument of manipulation, mischief and maladministration" and he urged Congress to "do all in your power to ensure that it falls back into the mists of vagueness and obscurity from which it arose."

The U.S. mining industry produces coal, metals, building materials, and many other essential minerals that define the daily lives of 267 million Americans. In 1995, the industry generated almost $524 billion in total economic benefit and helped to sustain nearly 5 million U.S. jobs.

-NMA-

www.nma.org

Mrs. CUBIN. I thank all of the witnesses for their testimony. Can you hear better now, Mr. Phillips?

Mr. PHILLIPS. Yes, I can hear better now.

Mrs. CUBIN. I do thank all of the witnesses for their testimony and the members for their attention. The Chair will now recognize members for questions of the panel, and I will begin by asking Chairman Chenoweth to begin.

Mrs. CHENOWETH-HAGE. Thank you, Madam Chairman. I am directing my questions to Mr. Phillips.

I am sure that you are aware of a document entitled, Metals from the Forest, which is published jointly by IUCN and the World Wildlife Fund. This publication was issued in January of 1999. Mr. Phillips, it appears to have a very strong bias against mineral protection by making some very outrageous claims. Let me read to you some of those claims in part of the article entitled "Social Impacts"; that section is found on page 24.

One of the statements that they make is, "Large-scale mines displace local communities." I find that astonishing. This statement and the rest of this fails to mention communities that are being created throughout the world where mining companies are building housing and schools and other facilities to actually improve people's lives.

Another statement that is made in this document states, "State or private armies are sometimes used to secure mines." now, the document cites the Grasberg-Ertsberg mine in Indonesia as an example, but armies in Indonesia have done many heinous acts in East Timor and have no relationship whatsoever with mining.

This is obviously an outrageous example intended to promote an antimining agenda, sir.

Furthermore, this article states, "Life expectancies of people living near mining sites can be substantially reduced," end quote. Let me assure you that life expectancies can be reduced by living near a high-crime area like within 1 mile of this hearing room. Needless to say, this is another bizarre statement in this document.

And they state that mineral wealth can actually depress social conditions in developing countries. Is this not why the Congressional Black Caucus earlier this year urged the International Monetary Fund not to depress world gold prices and devastate black mine workers in South Africa by conducting large gold sales?

And finally, sir, in this article it ends by saying, "In fact, the superior resources base of a mineral economy has been more of a curse than a blessing." .

Now, these are shocking statements. Let me ask you, did IUCN have a peer review process before this publication went out?

Mr. PHILLIPS. Well, thank you for drawing my attention to that, and obviously I am aware of the document. I have a copy here. I would like to make two points by way of reply.

The first is to completely refute the idea that IUCN has, as you put it, an antimining agenda. That is wholly wrong. We recognize that mining companies make a very significant contribution to national economies and indeed to the development of society as a whole. It would be our wish to have more contact with mining companies. I would like to come back to this issue in a moment when

I address some of the specific points that you just made about the publication.

The publication is, I think, a well-documented and well-researched effort to establish some of the problems associated with mining. We have received one letter which has pointed out some apparent errors, a very constructive letter from Freeport which relates to the mining in Irian Jaya, Indonesia. If there are other shortcomings in the text, we would be very pleased to receive information about these and comment on them, but I want to come back to the first point.

The view of IUCN towards the mining industry is that there are important environmental responsibilities that they should take on, and many of the best companies do. But we would like to get into a much more constructive dialogue with the mining industry. There is fortunately a possibility of that being developed at the global level through a current initiative of the major mining companies under the World Business Council for Sustainable Development. I would like it to be known, and put on record, that IUCN would like to participate with the major mining companies in that discussion. I believe that is a constructive way forward.

Mrs. CHENOWETH-HAGE. Will there be a peer review process before documents such as this are issued in the future? And what would the peer review process consist of?

Mr. PHILLIPS. Well, as I said, I think that we now need to move into a process of dialogue with the mining companies and work on this issue together. I have got here beside me a number of examples where IUCN has worked with different sectors of industry and, in fact, produced guidance that has the support of both the IUCN network and the mining sectors concerned. (I am using the word "mining" in the broader context).

I think peer review for publications on mining and the environment can best be done by bringing together the conservation world and the mining or developmental world. That is a healthy approach, and an appropriate desire for publications issued by IUCN.

Mrs. CHENOWETH-HAGE. Thank you, Professor.

I am now looking at your statement that you have submitted to this committee where you state that this document in question before the committee is not a policy statement, but rather a position paper—I don't feel very sanguine about that because of what happened to us in the New World Mine—but that these positions are arrived at through recommendations through the governmental and nongovernmental members of the World Conservation Congress, and the statement comes in the form of an opinion. It does not purport to be a negotiated text, but they do take care to try to consider the views of the mining industry and to encourage dialogue.

I also note in your testimony that the protected area management categories are referred to back here on page 7, and that there is also a quote here from the 1999 Paris meeting where the bureau took note of the position paper that came out of the 1998 Kyoto meeting. And the final sentence that is quoted here indicates that mining companies don't seem to fall into any one of the six categories that are under consideration for management.

So, in essence, Professor, it appears you have, through this statement, defined mining out of the argument by definition. And so this does not assure us very much of, first of all, our own sovereign ability to control our resources; and secondly, that mining is considered a category for management.

Let me read to you what your statement says. It says, "Finally, it has to be noted that mining is not considered to be compatible with any of the Categories I through IV and, for V and VI, only under certain conditions. IUCN is prepared to continue consultations on this issue including with the mining industry and its International Council on Metals and the Environment."

I yield back the balance of my time which I see I don't have any left.

Thank you, Madam Chairman.

Mrs. CUBIN. The Chair now recognizes Mr. Underwood.

Mr. UNDERWOOD. Thank you, Madam Chairman. There are two ostensible issues that have been raised in concern of the activities of the World Heritage Council and the IUCN. One pertains to, as outlined by our colleague from Idaho, that there is an existing antimining bias in the nature of your work, Professor Phillips. The other is the concern that somehow or other the work that you engage in erodes national sovereignty and infringes upon the rights of independent states to somehow manage their own resources.

I am interested in your reaction to the characterization of your efforts regarding that perhaps you have a kind of stealth agenda, not in terms of an antimining bias, but simply in terms of how do you—what is the nature of your work? Do you have something else in mind as you proceed?

If indeed you adopt these guidelines at the World Heritage Committee—which I understand are not your guidelines; they are being proposed to you and you are to address them sometime next month. If you adopt these, what do you foresee in terms of the interaction in the nature of your work that would conceivably alter the capacity of independent states to manage their resources?

Mr. PHILLIPS. Thank you very much. I think it is important, first, to make it clear that this position statement comes from a body of experts in protected areas. It is not IUCN policy. If that requires further explanation, I would be very pleased to provide it.

It is a position adopted by experts and offered as advice, in a sense, to anybody in the protected areas world who wishes to listen. It clearly doesn't have the power to override or even affect sovereignty. Governments, state governments and others are entirely free, obviously, to determine what happens in their national parks and other protected areas according to national laws, and they are accountable to their national populations for that purpose.

I think the most useful contribution that this position statement can make is to illuminate the discussions that will take place within countries it would help, for example, many developing countries to decide whether or not to grant mining licenses and where priority should be given to conservation. So it is a technical contribution to an ongoing debate.

I don't see, as I said, anything in this which by any stretch of the imagination could be said to affect, let alone erode, sovereignty—not in the way in which it is written nor given the origin

of the organization responsible for it. Because as I said, the World Commission on Protected Areas is a network of experts operating in this field. We have no powers, none whatsoever, to instruct other people. That is a totally unreal representation of this work.

Mr. UNDERWOOD. Professor, wouldn't you concede that by—since you are a world body of experts, wouldn't you concede that by making sweeping statements or perhaps making recommendations or adopting recommendations that you are, in effect, interposing your considerable influence in what are normally conceived of as internal debate?

Mr. PHILLIPS. No, I don't think so. I don't think that I would accept it as being sweeping. I would say that most of this, as I said in my introductory oral statement, is really no more than what many countries do in any case. So it is just a statement of good practice.

Governments all around the world are on the receiving end of a great deal of advice from different sources; there are other sources, and some of that advice will be contrary. It doesn't override sovereignty, it is just a piece of information that governments and others could make use of when they have to make decisions on land use planning and protected areas in the future and so forth.

Mr. UNDERWOOD. I certainly thank you for your participation today and your comments have been very illuminating.

I just wanted to ask Senator Wallop and perhaps General Lawson just a quick question on how you see this issue, because the issue of national sovereignty is, I think—I appreciate the concern about mining, but I want to stick to the issue of whether this in some way erodes—since both of your testimonies make reference to that—it erodes or inhibits our capacity to manage our own resources.

Is it the position of either of you that any kind of participation in international agencies or activities of this kind is undesirable, and we should withhold from that; or are you just upset with the fact that they seem to be going in a given direction?

Senator WALLOP. That is sort of a magnificent generalization of the position that we think any kind of participation would be out of acceptable—.

Mr. UNDERWOOD. Is there some redeeming value to our participation in World Heritage?

Senator WALLOP. Not generally, as General Lawson would tell you. There has been no dialogue with the mining industry. In fact, they refused to allow them in. There have been no dialogues with the administration, with any level of it, in any participation.

I think you mentioned that the State Department, they wouldn't even come to talk to your committee. Neither would the Environmental Protection Agency, neither would Interior, before going off and making these recommendations. Professor Phillips says they don't have any intention of influencing national policy; clearly they do. They did in Australia, they did in Wyoming with the Noranda mine. And it was used by the Clinton administration's Department of the Interior to generate and whip up a public furor and to eliminate all chances of dialogue.

A stereo is not dialogue; it requires a couple of people to talk before you do that. There is not one group of people shouting, and

that is what it was used to do. The President, taking his manly vacations, in Wyoming in those years managed to take a little trip up there; and then we invited Canadians, Norwegians, and some other people, French, to come and tell us that we did not know how to take care of our own property and that we were threatening a World Heritage site. So the fact of it is, our experience tells us that they do have the intention of and are very effective at influencing national policy.

Mr. UNDERWOOD. General Lawson.

Mr. LAWSON. I think one of the aspects that concerns us about the issue was, first of all, the reference to the mining industry. And the representative has indicated that he has no experts on his group that are experts in mining, that they are only experts about the so-called Heritage areas. Then how could he suggest, for example, as Congressman Chenoweth points out, that mining is not appropriate in I, II, III and IV, and only marginally appropriate in V and VI?

The minerals of this globe are not uniformly distributed. They happen where they happen. This not only talks about mining; it talks about the association, the exploration, all aspects of the industry. This kind of action is used not just where a mining activity would occur, but it wants to preclude any examination at all. As I cited, this is not an insignificant amount of the U.S. land. It is a very large amount of area, 462 million acres.

Mr. UNDERWOOD. I thank you. And I thank the indulgence of the Chair.

Just a brief comment. I wanted to point out that in the categories as I understand them that Categories I through IV include wilderness areas and national parks; we don't allow mining in any of them.

But the concern that I want to—because the term "hysteria" has been used. To the extent that I understand how sometimes statements are used by various advocacy groups and the statement by the World Heritage Committee, I am sure, could carry a great weight and sometimes could be used in a way that may appear to elicit an overly emotional response.

I think when we start dealing with issues of national sovereignty, I think we run into the same kind of problem. I think characterizing some of these things as infringements on national sovereignty, I think goes beyond the pale also in terms of the debate about what we are confronting within terms of the actions of the World Heritage Council.

Senator WALLOP. If I may, yes, language does tend to run upstream from reality in some of this, but we are operating from experience.

We have in this country a well-tested procedure for determining threat or danger of environmental or otherwise when undertaking major national issues. It is called an Environmental Impact Statement. This administration was unwilling to wait for that result; they got a hold of the foreign inspector—I don't know what they call them, but they were—they were the ones that brought them down.

So testifying from experience, maybe not in every instance, I am perfectly willing to concede that in every instance they don't seek

to influence national policy. But when they do, they are very effective at it because they do whip up hysteria and they do stop dialogue; and they did in this instance stop the procedure that has been set down in law to determine threat.

Mr. UNDERWOOD. I think my point is, even in the short time that I have been associated with this subcommittee, I have received numerous messages about the activities of the World Heritage Committee which I would consider hysterical in terms of the fact that they are some way infringing upon our capacity to do regular business. That is what I am saying. So I think the use of the term "hysteria" or the introduction of it into the debate could cut both ways.

Of course, we are free to ignore whatever the World Heritage Committee says or whatever they point out. So I just wanted to, in a sense, balance the books on that.

I also wanted to congratulate Mike there for his work on this televideo conditions. We heard that trans-Atlantic sneeze very clearly.

Mrs. CUBIN. Thank you, Mr. Underwood.

Mr. Gibbons.

Mr. GIBBONS. Thank you, Madam Chairman. I appreciate your leadership on this issue and the fact that you have taken the time to bring a hearing together on this very troubling issue. I want to follow on some of the comments of my colleague from Guam, Mr. Underwood, with the sovereignty issue.

It seems only too clear that if we cede part of the power of the United States Government over its own internal affairs, its own internal property to an agency outside of the United States without the concurrence of the Congress, then we have yet conceded power of the United States Government. When you concede power of the government, you then concede the rights of people under the Constitution of the United States to those properties as well.

I am concerned that we now have an agency with a concurrence of this government that may very well, without notice, without right of recourse, be able to have or give a direction and influence property in the United States.

I would like to turn, if I could, to Mr. Barry and ask him, what role did the Department of the Interior have or play in inviting or bringing the World Heritage people—I presume it is the World Heritage Committee—to the New World project? What role did you play?

Mr. BARRY. I was not the Assistant Secretary at the time, and I had no personal involvement in the New World Mine situation. But it is my recollection that George Frampton, my predecessor, did indicate that it would be worthwhile to have some experts come from the World Heritage Center to take a look at the situation at New Mine.

Mr. GIBBONS. So your testimony is that the Department of the Interior invited the World Heritage Committee and its experts on mining to view—come to the New World project; is that correct?

Mr. BARRY. That is correct.

Mr. GIBBONS. Now, you testified in paragraph 4, the last sentence of your testimony that you wrote here today, that actions taken in the United States to protect World Heritage sites are

taken pursuant to our own domestic laws. According to our U.S. domestic law—and may I cite to you 16 USC 470(A)(1)(c), "No non-Federal property may be nominated by the Secretary of Interior to the World Heritage Committee for inclusion on the World Heritage list unless the owner of the property concurs in writing to such nomination."

Now, since the Interior Department invited the World Heritage Committee to that property, how do you balance that invitation with the laws that say that U.S. property is protected according to our own domestic laws, when in fact it ended up being a World Heritage nomination and excluded from further operations?

Mr. BARRY. The reference is to Yellowstone, not to the New World Mine site. It was Yellowstone that was the World Heritage site. Most of the sites that we have on the World Heritage list are national parks. There are only about three or four examples that are not national park units and they were all put on the list with the concurrence of the owners. Monticello, Jefferson's home, is an example.

Mr. GIBBONS. Was the New World project put on the list with the concurrence with the owners?

Mr. BARRY. No, it's not on the list.

Mr. GIBBONS. Did those experts go to the New World project?

Mr. BARRY. It was Yellowstone—.

Mr. GIBBONS. Did they go to the New World project?

Mr. BARRY. They took a look at it, as I understood, but I wasn't there at the time.

Mr. GIBBONS. The point was just made by staff that they were using a designation on private property outside of the park, so it was an extension of what you have been testifying in strong support of here today, that they used on private property ultimately.

Let me ask another question. This IUCN mining statement that you say is just a statement. Will the United States and this administration oppose any adoption, any proposal of adoption, of that statement if it is proposed in the World Heritage Committee?

Mr. BARRY. We will have no opportunity one way or the other to vote for it or against it because the United States is not a member of the bureau, will not be a member of the committee. We are just going in as observer status for this particular meeting, so we will have no opportunity to express our views about it one way or the other.

I have to also let you know that we are not under any impression that this document is going to be brought up by any vote by anybody.

Mr. GIBBONS. Will this administration use its influence knowing the disastrous effect it is having on the United States to oppose any adoption of this statement?

Mr. BARRY. I would have to disagree with your characterization of the effect of this document or the effect of the World Heritage Convention on World Heritage sites in this country. I should point out that it was a Republican-controlled Congress that gave us $64 million to buy the New World Mine. If this was such a disaster in the making, why did the Republican-controlled Congress give us the money to buy that out?

Mr. GIBBONS. That is like saying once the horse is out of the barn we are going to close the door and stop everything from happening that is disastrous. What we were doing was saving the lawsuit and the contract and the agreement that these people had invested in that property before this designation came along.

I yield back the balance of my time to the chairman.

Mrs. CUBIN. I tell you, this stuff gets out of hand. Thank you for your question, Mr. Gibbons.

I would like to start my questioning with Adrian Phillips. Was the mining position endorsed by the IUCN Council?

Mr. PHILLIPS. No, it was not. It was welcomed by the Council. I could read you the text from the council minutes. Would you like me to do that or—.

Mrs. CUBIN. Well, I don't know exactly—I don't understand your terminology, so I guess, yes, go ahead and read it.

Mr. PHILLIPS. I will quote from the minutes first so that we can be quite clear what the official record is:

"The Council welcomes the World Commission on Protected Area's position statement on mining and associated activities in relation to protected areas as an important contribution to IUCN's work in protected areas and partnership with the private sector." That is from the minutes of the Council of the IUCN meeting in April of this year.

Mrs. CUBIN. I don't think that that actually is what I intended. I must not have made myself clear in the question.

I have a document in front of me that says "The WCPA Position Statement on Mining and Associated Activities in Relation to Protected Areas," and it says, "endorsed by the IUCN Council on 27 April 1999.".

Mr. PHILLIPS. Which document is that, Madam Chairwoman?

Mrs. CUBIN. It is one that was passed out in Paris. The document is WHC–99/conference.201/INF.14.

Mr. PHILLIPS. Yes. I know the document and what it states is incorrect. When I learned about this, I informed the World Heritage Center and I said, this is a misrepresentation of the status of the position statement. And the document that goes to the participants in the World Heritage Committee meeting in Marrakesh, Morocco will make clear the status of this document, and will correct that mistake in the cover note.

Mrs. CUBIN. I would like to go back to the statements that were in the document that Mrs. Chenoweth referred to. She asked you if you agreed with these or if this was the position of the IUCN, if it remains a position. I didn't understand your answers, so if you could just respond to these, I will just cover them.

"Large-scale mines displace local communities." The point that I am getting at is while I think the statements made in that document appear to have a very strong bias against mineral production because these, what I consider to be outrageous claims were made especially when there is no mention whatsoever of the good that mining provides to the people of the world. I think leaving that out terribly distorts the whole picture. You do agree with this statement, "large scale mines displace local communities"? You do or you don't?

Mr. PHILLIPS. Well, I am sure there are one or two cases where that is correct. But I would have expected that in this document and I believe there is a reference to it there should also be a proper recognition of the positive role that mining and minerals can play in the economy and the lives of people.

But the document also quite rightly points out there are problems, too, environmental and social problems. It is not a particularly dramatic thing to identify those. They are pretty well-known and often referred to. To my mind, the most constructive way forward now would be to focus on these problems through a proper dialogue between the mining industry and the principal conservation organizations, as I suggested earlier.

Mrs. CUBIN. So at this point in time do you or do you not think that that statement is relevant and reflects reality?

Mr. PHILLIPS. Well—.

Mrs. CUBIN. Yes or no would be better.

Mr. PHILLIPS. You are taking one line out of context.

Mrs. CUBIN. No, I am not. It says after that—pardon me? I am going to be taking these others, I am not taking them out of context. These are statements that are made.

The next one is "State or private armies are sometimes used to secure mines." Do you think that is fair, accurate and not misleading?

Mr. PHILLIPS. I think it is misleading if one identifies a particular issue without providing justification for it. The particular reference goes on to quote a number of examples of mines which have led to some displacement of people. And that seems to me to be a perfectly fair thing to put in the social impacts.

I also think that it would be helpful to put in some of the positive things that mining contributes, and I am well aware that the livelihoods of many people depend upon an effective mining industry. But to deny there are problems seems to me to be unreal.

Mrs. CUBIN. Are you familiar with the term "multiple use" and what it means in the United States?

Mr. PHILLIPS. Sorry?

Mrs. CUBIN. Are you familiar with the term "multiple use" and what it means in the United States?

Mr. PHILLIPS. I am familiar with the term. Please proceed, and I will see if I understand its application in the United States.

Mrs. CUBIN. "multiple use" means the public lands can be used for multiple purposes and that that is the policy by which our public lands are used; we don't think that you necessarily need to eliminate one use or another.

I am going to ask Mr. Barry this next question if can I find it. In Wyoming—just a second. I just scribbled all over it. Thank you.

In Wyoming there are Category III locations which your—there are—two that I am going to speak specifically, of which your policy says that mining should be prohibited by law or other effective means; and these areas include Como Bluff near the town of Medicine Bow and Lance Creek fossil area near the town of Lusk. As I am—you know, both of these areas have checkerboard ownership patterns with significant amounts of private property.

In the United States, the Constitution provides strong protections for private property rights. Why does your policy recommend prohibiting mining on private property lands in my State?

Mr. BARRY. First of all, it is not my policy. The U.S. Government has nothing to do with that statement.

Mrs. CUBIN. I'm sorry?

Mr. BARRY. The U.S. Government has had nothing to do with the preparation of that statement that the subject of this hearing is all about. So it is certainly not our policy.

Mrs. CUBIN. The United States gives $1.5 million to IUCN. I would think that —.

Mr. BARRY. We have had nothing to do with the drafting of that policy. Not a single Federal employee was involved with the drafting of that policy. It has not been reviewed by us and it has not been endorsed by us. I think it is inappropriate to refer to it as our policy.

Mrs. CUBIN. So you disagree with it?

Mr. BARRY. I am saying that our policy on mining within units of the national park system are directly covered by statutes that this Congress has enacted. The Mining in the Parks Act, the National Parks System Organic Act, and the Redwoods amendment in 1978 are just three examples. That is what controls mining in the parks and within units of the national park system, like a national monument, but not this statement that we have in front of us today.

Mrs. CUBIN. I would like to turn my questioning to Senator Wallop.

You were a member of the United States Senate during a period when many international organizations, such as UNESCO, were vehemently promoting policies that excoriated the United States and democratic traditions like capitalism and the free press. In fact, the United States pulled out of UNESCO during the mid-1980s partially because of these excesses. Having heard the quotes from the document that is before us, does this remind you of the very attitude that caused the United States to withdraw from UNESCO in the first place?

Senator WALLOP. Madam Chairman, it is the mirror image. Notwithstanding Professor Phillip's attempts at explanation of it, the quotes which Representative Chenoweth and you have cited are all isolated from any other accommodation to the benefits of mining. And I would point out, in their definitions, mining includes oil and gas exploration and other kinds of mineral exploitation.

So the answer is, yes. Here they come. "large-scale mines displace local communities." there is nothing about large-scale mines providing jobs nor, I might remind Professor Phillips that we wouldn't have him in front of us if it were not for mining. Neither the television sets nor the computers nor the glass screens or anything else that bring him in front of us would be possible without mining. These are typical of the kinds of inflammatory statements that characterized UNESCO during the 1980s and caused the United States to withdraw.

Mrs. CUBIN. I want to go back to Mr. Barry and your adamant belief that this policy will have no effect on decisions that are made by your department.

You just told me you totally disavow almost any connection with them. So I want to—I am going to make this statement and ask you to respond to it if you want to.

When we look back at the New World Mine, I guess then that you would say that it was entirely coincidental that the labeling of Yellowstone Park as a World Heritage site in danger preceded the President's negotiation to buy out the New World Mine project, a promise which was made by the executive branch before coming to Congress to seek the dollars to do so.

You would say that that is all coincidental, and it had absolutely no effect on the result of what happened to people who owned private property that were not allowed to develop that?

Mr. BARRY. First of all, I would have to say that the fact that it was a World Heritage site in danger had nothing to do with our desire to prevent a potentially significant adverse impact on Yellowstone National Park. I should point out that one of your own State's Senators, Craig Thomas, supported the acquisition of the New World Mine. I am sure he didn't do it because he was worried about its impact in the World Heritage—.

Mrs. CUBIN. I did not oppose it. The only thing that I opposed in the whole process was the way the administration went around the block and came in the back door to get their policy done. I frankly wasn't really excited about that mine being developed up there either. But I feel that it is my job to protect the processes which protect the freedoms of the people of the United States of America and my State of Wyoming. And when the administration manipulates the information to, as Senator Wallop said, create hysteria and have attitudes based not on fact—I mean, we had scientists working on that EIS for years and then the committee came in and in 3 days determined what other scientists, American scientists, including some of your colleagues, couldn't get done in years. They got it done in 3 days and they were certain about it.

That judgment is what caused the buy-out of that mine. I am not opposed to that. I am opposed to the sneaky, underhanded way the administration got their agenda fulfilled.

Mr. BARRY. Let me just correct one thing for the record or add one thing for the record.

The people that came to visit the site on behalf of the World Heritage Convention did so with the acceptance of—the invitation of the company that owned the property. They did not trespass on the property. The company allowed them to come on the property to take a look at the site.

Mrs. CUBIN. I don't think that anyone implied that they trespassed.

Mr. BARRY. No, but I just wanted to correct the record that the company itself was willing to let them come to the site and to view the site.

Mrs. CUBIN. But the Department of the Interior invited them.

Mrs. CHENOWETH-HAGE. If the chairman would yield, I don't believe that the company invited them in. I think they were willing to let them in on the property. But they did not invite them in unless we see documentation otherwise.

Mr. BARRY. I didn't mean to create the impression that they invited them in. What I did say was that they allowed them on the property.

Mrs. CHENOWETH-HAGE. But you did say that, sir. You need to say what you mean and mean what you say.

Mrs. CUBIN. So does your boss and so do I.

I would like to thank all of the witnesses for their testimony and their time in answering the questions. I thank the members of the subcommittee. If they have any additional questions for the witnesses, we would ask you to respond to these questions in writing, and the record will be held open for these responses.

If there is no further business, the chairman again thanks the members of the subcommittee and our witnesses. The subcommittee stands adjourned.

[Whereupon, at 3:43 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows.]

Committee on Resources, Subcommittee on Energy & Mineral Resources, 1334 Longworth H.O.B., 2:00 p.m.

Thursday, October 28, 1999

Agenda

Oversight hearing on: "The Proposed World Heritage Committee Policy Prohibiting Mining in Areas Surrounding World Heritage Sites."

WITNESSES

Adrian Phillips, Chair [VIA VIDEO CONFERENCE]World Commission on Protected Areas (RJCN), Evesham, United Kingdom

Honorable Don Barry, Assistant Secretary of Interior for Fish and Wildlife and Parks U.S. Department of the Interior

Honorable Malcolm Wallop, Chairman Frontiers of Freedom Institute

General Richard L. Lawson, President National Mining Association

COMMITTEE ON RESOURCES
Subcommittee on Energy and Mineral Resources

TO: Members, Subcommittee on Energy and Mineral Resources

FROM: Bill Condit, Staff Director
John Rishel and Kurt Christensen, Legislative Staff

DATE: October 26, 1999

SUBJECT: Subcommittee Oversight Hearing on "The Proposed World Heritage Committee Policy Prohibiting Mining in Areas Surrounding World Heritage Sites"

The Subcommittee on Energy and Mineral Resources is scheduled to meet on **Thursday, October 28, 1999 at 2:00 P.M. in Room 1334, Longworth House Office Building** to hold a hearing on the "The Proposed World Heritage Committee Policy Prohibiting Mining in Areas Surrounding World Heritage Sites."

BACKGROUND

Introduction

At the 23rd annual meeting of the United Nations Educational, Scientific and Cultural Organization's (UNESCO) Bureau of the World Heritage Committee (the Bureau) in Paris last July, a policy (attached) which would ban mining in areas surrounding World Heritage Sites was discussed and placed on the agenda for consideration by the World Heritage Committee at its upcoming meeting in early December in Marrakech, Morocco. As used in this proposal, the term "mining" describes all forms of mineral, salt and hydrocarbon extraction. This policy has not been discussed with the relevant Congressional committees nor have mineral extraction industries been given opportunity to comment.

Congress has the Constitutional role (Article IV, Section 3, Clause 2) in the making of rules and regulations governing lands belonging to the United States. The Subcommittee is concerned about the WHC interference with the power and sovereignty of the Congress to exercise its constitutional responsibility to make the laws that govern U.S.-owned land. Another concern is that neither ordinary citizens, nor their state and local elected representatives, had a voice in making a policy that may well affect them and their communities.

The Convention Concerning Protection of the World Cultural and Natural Heritage

World Heritage Sites are natural sites or cultural monuments recognized by UNESCO under "The Convention Concerning Protection of the World Cultural and Natural Heritage." This Convention was

ratified by the United States in 1972. There are presently 156 signatories to the Convention.

The Convention is implemented by a 21 member group known as the World Heritage Committee (WHC). The WHC meets once a year and operates by consensus. The Bureau acts as a smaller working group or executive committee within the WHC, which monitors the day-to-day operations of the Convention. The Bureau has 7 members and meets twice a year.

International Union for the Conservation of Nature

The International Union for the Conservation of Nature (IUCN) is one of 3 important organizations advising the WHC (the other two advisory bodies are the International Committee on Monuments and Sites and the International Centre for the Study of the Preservation and the Restoration of Cultural Property). The WHC places great weight on the recommendations of its advisory bodies in making decisions, routinely approving most the recommendations.

IUCN was founded in 1948 as an independent organization. Presently, the IUCN membership consists of 70 plus countries, over 200 government agencies and 600 non-governmental organizations (NGOs). NGOs have to show that they are conservation-oriented to join IUCN. The World Wildlife Fund started as a fund-raising arm of the IUCN in the late 1950's but became a separate organization about five years ago. IUCN has an annual budget of approximately $50 million.

The IUCN is basically a bicameral body divided into a government side and an NGO side. Decisions are made by consensus. Both sides have to agree before IUCN can adopt a policy. The membership of IUCN meets every 4 years. The World Council on Protected Areas (WCPA) is one of 6 commissions of IUCN. WCPA is concerned with various protected areas in the world, such as national parks, forests and marine sanctuaries.

In the interim between membership meetings, the IUCN is run by the Council, essentially a Board of Directors. The IUCN Council meets twice a year. The mining policy was adopted by IUCN Council on April 27, 1999.

CONCERNS

The Subcommittee is particularly interested in gaining insights in the following areas:

1. What role has the U.S. Government played in drafting the mining policy as a member of the IUCN?

2. What role has the U.S. Government played in advocating the mining policy as a member of the WHC?

3. Why wasn't Congress informed of a policy that is clearly within an area of its Constitutional responsibility?

4. Why weren't American mineral extraction companies asked to comment on the proposed policy?

5. How is the IUCN accountable to the American people for a policy that affects them?

6. If adopted, how would this policy affect the domestic mineral production of the United States?

7. How can one determine the WCPA land use classification for a particular area?

WITNESSES

The following witnesses are scheduled to testify:

Adrian Phillips, Chair, WPCA
General Richard L. Lawson, President, National Mining Association
Honorable Don Barry, Assistant Secretary of Interior for Fish, Wildlife and Parks
The Honorable Madeleine K. Albright [DESIGNEE]
Honorable Malcolm Wallop, Frontiers of Freedom

Adrian Phillips will be testifying from the United Kingdom via video conference.

FOR FURTHER INFORMATION, PLEASE CONTACT BILL CONDIT AT X59297, KURT CHRISTENSEN AT X67388 OR JOHN RISHEL AT X60242.

World Heritage **23BUR**

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

BUREAU OF THE WORLD HERITAGE COMMITTEE

Twenty-third session
Paris, UNESCO Headquarters (Room X)
5 - 10 July 1999

Information Document: World Commission on Protected Areas (WCPA) Position Statement on Mining and Associated Activities in Relation to Protected Areas

SUMMARY

In June 1998, the Chairperson proposed to establish a small and informal contact group during World Heritage Committee and Bureau meetings to reconcile environment and development needs. Such a group could provide guidance to World Heritage sites whose integrity is threatened by potential mining projects. The Centre and IUCN informed the Bureau at its twenty-second extraordinary session (Kyoto, November 1998) that a dialogue with the mining industry has commenced. The Bureau noted that the Centre, IUCN and ICOMOS were invited by the International Council on Metals and the Environment (ICME) to a working session on "Mining and Protected Areas and other Ecologically Sensitive Sites" on 20 October 1998 in London, UK. IUCN's World's Commission on Protected Areas (WCPA) has prepared a "Draft policy on mining and protected areas" which has been reviewed within the WCPA and IUCN network. Following the Committee's and the Bureau's requests to circulate this document, IUCN transmitted to the Centre the « WCPA Position Statement on Mining and Associated Activities in Relation to Protected Areas », which was endorsed by the IUCN Council on 27 April 1999.

Furthermore, a meeting between the Centre and UNEP staff was held at UNESCO Headquarters on 12 April 1999 to discuss collaboration in the field of management of World Heritage sites in relation to mining and mining tailings.

Action by the Bureau : The Bureau may wish to take note of the Document « WCPA Position Statement on Mining and Associated Activities in Relation to Protected Areas ».

WCPA POSITION STATEMENT ON MINING AND ASSOCIATED ACTIVITIES IN RELATION TO PROTECTED AREAS

(Endorsed by IUCN Council on 27 April 99)

Introduction

This position statement is put forward as a global framework statement which recognises that clear rules are easier to understand and defend than ones which depend too much on interpretation. It is considered more appropriate to provide clear global guidance in a statement such as this and leave it to countries to consider what adaptations are needed in local circumstances. This statement defines the position of IUCN's World Commission on Protected Areas (WCPA) towards mining[1] and associated activities in and adjacent to protected areas[2]. WCPA is the world's largest network of protected area professionals with 1,300 members in 140 countries. This position statement acknowledged the increasing application of "best practices" environmental approaches and lower impact technology within the mining industry as well as examples of support for conservation activities. However, WCPA also notes that exploration and extraction of mineral resources can have serious long-term consequences on the environment.

WCPA has developed this position statement based on what it believes to represent best practice in respect of mining and protected areas. The guiding principle adopted in this statement is that any activity within a protected area has to be compatible with the overall objectives of the protected area. For this reason, this statement is based on the IUCN Protected Area Management Categories, which reflect management objectives focused on the protection and maintenance of biodiversity and associated natural and cultural values.

The IUCN category system is being increasingly recognised and applied around the world. A summary of the protected area categories is attached. The position statement relates to protected areas, which are one part of a spectrum of land use. This statement thus needs to be considered in the context of broader efforts on the part of the mining industry, conservation groups, governments and others to promote ecologically sustainable development on the part of the mining industry.

The process for preparing this position statement has involved: (a) preparation of a draft statement; (b) wide circulation of the draft to a range of different stakeholders; (c) consideration of comments and amendments; and (d) review by the IUCN Council before adoption by WCPA.

Position Statement

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[1] The term mining in this position statement describes all forms of mineral, salt and hydrocarbon extraction

[2] IUCN defines (IUCN 1994) protected area as "an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means"

WCPA (The World Commission on Protected Areas) believes:

1. A comprehensive approach to planning should be adopted where possible to establish an adequate and representative protected area system set within the broader landscape. Assessment should be based on good science including assessments of natural and mineral values. This is particularly relevant to the establishment of new protected areas.

2. Exploration and extraction of mineral resources are incompatible with the purposes of protected areas corresponding to IUCN Protected Area Management Categories I to IV, and should therefore be prohibited by law or other effective means.

3. In Categories V and VI, exploration and minimal and localised extraction is acceptable only where this is compatible with the objectives of the protected area and then only after environmental impact assessment (EIA) and subject to strict operating, monitoring and after use restoration conditions. This should apply "best practices" environmental approaches.

4. That should exploration be permitted in category V and VI, an EIA should be required following such exploration before extraction is permitted. Approval for exploration should not imply automatic approval for extraction.

5. Proposed changes to the boundaries of protected areas, or to their categorisation, to allow operations for the exploration or extraction of mineral resources should be subject to procedures at least as rigorous as those involved in the establishment of the protected area in the first place. There should also be an assessment of the impact of the proposed change on the ability to meet the objectives of the protected area.

6. Exploration and extraction of mineral resources, and associated infrastructure, which are outside of, but negatively affecting the values for which protected areas were established should be subject to EIA procedures which consider, *inter alia*, the immediate and cumulative effects of the activity on the protected area, recommend operating and after use conditions, and ensure that the values of the protected areas are safeguarded.

7. In recognising the important contribution the mining industry can play, opportunities for co-operation and partnership between the mining industry and protected area agencies should be strongly encouraged. Collaboration with the mining industry should focus on securing respect and support for this position statement; broadening the application of best environmental practice for mining activity; and exploring areas of mutual benefit.

ANNEX

CATEGORY I Strict Nature Reserve/Wilderness Area: protected area managed mainly for science or wilderness protection

CATEGORY Ia Strict Nature Reserve: protected area managed mainly for science

Definition

Area of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.

Objectives of Management

- to preserve habitats, ecosystems and species in as undisturbed a state as possible;
- to maintain genetic resources in a dynamic and evolutionary state;
- to maintain established ecological processes;
- to safeguard structural landscape features or rock exposures;
- to secure examples of the natural environment for scientific studies, environmental monitoring and education, including baseline areas from which all avoidable access is excluded;
- to minimise disturbance by careful planning and execution of research and other approved activities; and
- to limit public access.

Guidance for Selection

- The area should be large enough to ensure the integrity of its ecosystems and to accomplish the management objectives for which it is protected.
- The area should be significantly free of direct human intervention and capable of remaining so.
- The conservation of the area's biodiversity should be achievable through protection and not require substantial active management or habitat manipulation (c.f. Category IV).

Organizational Responsibility

Ownership and control should be by the national or other level of government, acting through a professionally qualified agency, or by a private foundation, university or institution which has an established research or conservation function, or by owners working in cooperation with any of the foregoing government or private institutions. Adequate safeguard and controls relating to long-term protection should be secured before designation. International agreements over areas subject to disputed national sovereignty can provide exceptions (e.g. Antarctica).

Equivalent Category in 1978 System

Scientific Reserve / Strict Nature Reserve

CATEGORY Ib **Wilderness Area: protected area managed mainly for wilderness protection**

Definition

Large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.

Objectives of Management

- to ensure that future generations have the opportunity to experience understanding and enjoyment of areas that have been largely undisturbed by human action over a long period of time;
- to maintain the essential natural attributes and qualities of the environment over the long term;
- to provide for public access at levels and of a type which will serve best the physical and spiritual well-being of visitors and maintain the wilderness qualities of the area for present and future generations; and
- to enable indigenous human communities living at low density and in balance with the available resources to maintain their life style.

Guidance for Selection

- The area should possess high natural quality, be governed primarily by the forces of nature, with human disturbance substantially absent and be likely to continue to display those attributes if managed as proposed.
- The area should contain significant ecological, geological, physiogeographic, or other features of scientific, educational, scenic or historic value.
- The area should offer outstanding opportunities for solitude, enjoyed once the area has been reached, by simple, quiet, non-polluting and non-intrusive means of travel (i.e. non-motorised).
- The area should be of sufficient size to make practical such preservation and use.

Organizational Responsibility

As for Sub-Category Ia.

Equivalent Category in 1978 System

This sub-category did not appear in the 1978 system, but has been introduced following the IUCN General Assembly Resolution (16/34) on Protection of Wilderness Resources and Values, adopted at the 1984 General Assembly in Madrid, Spain.

CATEGORY II National Park: protected area managed mainly for ecosystem protection and recreation

Definition

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.

Objectives of Management

- to protect natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational or tourist purposes;
- to perpetual, in as natural a state as possible, representative examples of physiographic regions, biotic communities, genetic resources, and species, to provide ecological stability and diversity;
- to manage visitor use for inspirational, educational, cultural and recreational purposes at a level which will maintain the area in a natural or near natural state;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation;
- to maintain respect for the ecological, geomorphologic, sacred or aesthetic attributes which warranted designation; and
- to take into account the needs of indigenous people, including subsistence resource use, in so far as these will not adversely affect the other objectives of management.

Guidance for Selection

- The area should contain a representative sample of major natural regions, features or scenery, where plant and animal species, habitats and geomorphological sites are of special spiritual, scientific, educational, recreational and tourist significance.
- The area should be large enough to contain one or more entire ecosystems not materially altered by current human occupation or exploitation.

Organizational Responsibility

Ownership and management should normally be by the highest competent authority of the nation having jurisdiction over it. However, they may also be vested in another level of government, council of indigenous people, foundation or other legally established body which has dedicated the area to long-term conservation.

Equivalent Category in 1978 System

National Park

CATEGORY III **Natural Monument: protected area managed mainly for conservation of specific natural features**

Definition

Area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.

Objectives of Management

- to protect or preserve in perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual connotations;
- to an extent consistent with the foregoing objective, to provide opportunities for research, education, interpretation and public appreciation;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purpose of designation; and
- to deliver to any resident population such benefits as are consistent with the other objectives of management.

Guidance for Selection

- The area should contain one or more features of outstanding significance (appropriate natural features include spectacular waterfalls, caves, craters, fossil beds, sand dunes and marine features, along with unique or representative fauna and flora; associated cultural features might include cave dwellings, cliff-top forts, archaeological sites, or natural sites which have heritage significance to indigenous peoples).
- The area should be large enough to protect the integrity of the feature and its immediately related surroundings.

Organizational Responsibility

Ownership and management should be by the national government or, with appropriate safeguards and controls, by another level of .government, council of indigenous people, non-profit trust, corporation or, exceptionally, by a private body, provided the long-term protection of the inherent character of the area is assured before designation.

Equivalent Category in 1978 System

Natural Monument / Natural Landmark

CATEGORY IV **Habitat/Species Management Area: protected area managed mainly for conservation through management intervention**

Definition

Area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

Objectives of Management

- to secure and maintain the habitat conditions necessary to protect significant species, groups of species, biotic communities or physical features of the environment where these require specific human manipulation for optimum management;
- to facilitate scientific research and environmental monitoring as primary activities associated with sustainable resource management;
- to develop limited areas for public education and appreciation of the characteristics of the habitats concerned and of the work of wildlife management;
- to eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation; and
- to deliver such benefits to people living within the designated area as are consistent with the other objectives of management.

Guidance for Selection

- The area should play an important role in the protection of nature and the survival of species, (incorporating, as appropriate, breeding areas, wetlands, coral reefs, estuaries, grasslands, forests or spawning areas, including marine feeding beds).
- The area should be one where the protection of the habitat is essential to the well-being of nationally or locally-important flora, or to resident or migratory fauna.
- Conservation of these habitats and species should depend upon active intervention by the management authority, if necessary through habitat manipulation (c.f. Category Ia).
- The size of the area should depend on the habitat requirements of the species to be protected and may range from relatively small to very extensive.

Organizational Responsibility

Ownership and management should be by the national government or, with appropriate safeguards and controls, by another level of government, non-profit trust, corporation, private group or individual.

Equivalent Category in 1978 System

Nature Conservation Reserve / Managed Nature Reserve / Wildlife Sanctuary

CATEGORY V **Protected Landscape/Seascape: protected area managed mainly for landscape/seascape conservation and recreation**

Definition

Area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

Objectives of Management

- to maintain the harmonious interaction of nature and culture through the protection of landscape and/or seascape and the continuation of traditional land uses, building practices and social and cultural manifestations;
- to support lifestyles and economic activities which are in harmony with nature and the preservation of the social and cultural fabric of the communities concerned;
- to maintain the diversity of landscape and habitat, and of associated species and ecosystems;
- to eliminate where necessary, and thereafter prevent, land uses and activities which are inappropriate in scale and/or character;
- to provide opportunities for public enjoyment through recreation and tourism appropriate in type and scale to the essential qualities of the areas;
- to encourage scientific and educational activities which will contribute to the long term well-being of resident populations and to the development of public support for the environmental protection of such areas; and
- to bring benefits to, and to contribute to the welfare of, the local community through the provision of natural products (such as forest and fisheries products) and services (such as clean water or income derived from sustainable forms of tourism).

Guidance for Selection

- The area should possess a landscape and/or coastal and island seascape of high scenic quality, with diverse associated habitats, flora and fauna along with manifestations of unique or traditional land-use patterns and social organisations as evidenced in human settlements and local customs, livelihoods, and beliefs.
- The area should provide opportunities for public enjoyment through recreation and tourism within its normal lifestyle and economic activities.

Organizational Responsibility

The area may be owned by a public authority, but is more likely to comprise a mosaic of private and public ownerships operating a variety of management regimes. These regimes should be subject to a degree of

planning or other control and supported, where appropriate, by public funding and other incentives, to ensure that the quality of the landscape/seascape and the relevant local customs and beliefs are maintained in the long term.

Equivalent Category in 1978 System

Protected Landscape

CATEGORY VI Managed Resource Protected Area: protected area managed mainly for the sustainable use of natural ecosystems

Definition

Area containing predominantly unmodified natural systems, managed to ensure long term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

Objectives of Management

- to protect and maintain the biological diversity and other natural values of the area in the long term;
- to promote sound management practices for sustainable production purposes;
- to protect the natural resource base from being alienated for other land-use purposes that would be detrimental to the area's biological diversity; and
- to contribute to regional and national development.

Guidance for Selection

- The area should be at least two-thirds in a natural condition, although it may also contain limited areas of modified ecosystems; large commercial plantations would *not* be appropriate for inclusion,
- The area should be large enough to absorb sustainable resource uses without detriment to its overall long-term natural values.

Organizational Responsibility

Management should be undertaken by public bodies with a unambiguous remit for conservation, and carried out in partnership with the local community; or management may be provided through local custom supported and advised by governmental or non-governmental agencies. Ownership may be by the national or other level of government, the community, private individuals, or a combination of these.

Equivalent Category in 1978 System

This category does not correspond directly with any of those in the 1978 system, although it is likely to include some areas previously classified as "Resource Reserves", "Natural Biotic Areas/Anthropological Reserves" and "Multiple Use Management Areas / Managed Resource Areas".