

EDITORIAL: TO GO, OR NOT TO GO? WHAT ARE BUSINESS ATTITUDES TO THE PHILOSOPHY OF NO-GO POLICIES AND PROTECTED AREAS?

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We assume that protected areas are protected. We know that this protection is imperfect; that many protected areas are not effectively managed (Leverington et al, 2010) and that there is an increasing tendency for governments to retreat from commitments in a phenomenon labelled Protected Area Downsizing, Downgrading and Degazettement (PADDD) (Mascia & Pailler, 2011). Local people may reject the concept of a protected area and continue to access resources within these areas that they directly depend on for their livelihoods. There is an expectation, at least in the richer countries where people's livelihoods do not directly depend on natural resources from their protected areas, that the mass of society accepts that some areas of land and water should be set aside from development. The large majority of countries that have signed the Convention on Biological Diversity and agreed to its Aichi targets have made a legal commitment to protected areas.

But in reality protection is almost always partial. Human rights, social concerns and the presence of indigenous or local communities mean that many protected areas are designed to accommodate human presence. Most also allow and indeed encourage visitors to enter. Marine protected areas permit shipping to pass as required under international law and very few protected areas have restrictions on air traffic. Some apparently strict protected areas have no control over mineral prospecting, fishing, hunting, use of snowmobiles, etc. Marine protected areas may only protect a certain part of the water column. Many national parks in developing countries that once strictly controlled access are opening up to forms of use such as collection of medicinal herbs, fodder and limited use of other natural resources. The situation is changing all the time.

So in practice, most biodiversity conservation no-go policies refer to specific types of activity, and focus on activities that can permanently destroy or degrade an ecosystem: focusing on new development rather than the continuation of traditional practices. Policies can be subdivided in a number of ways; for instance, restrictions on (not a complete list):

1. Conversion: e.g., complete replacement of a forest with soy, oil palm, intensive tree plantation, farm or cattle pasture;
2. Extraction: e.g., of timber from a natural forest (that remains a forest), hunting, minerals;
3. Significant alteration: e.g., through pollution, hydrological disturbance;
4. Heavy use: e.g., a transport route, major road development or through intense tourism;
5. Any use: e.g., sites where any human visitation is of concern due to presence of highly sensitive species, risks of introducing invasive alien species or disease.

Option number 5 is vanishingly rare and often linked with a sacred or religious taboo rather than a conservation policy, like some islands off the coast of Madagascar or the tops of mountains in Bhutan (Wild et al, 2010). Option 2, on the contrary, is increasingly enforced by indigenous peoples and local communities that control their own territories, which frequently overlap with protected areas or are recognised Indigenous and Community Conserved Areas (ICCAs), by monitoring illegal extraction and lobbying to hold companies and individuals causing environmental damage responsible. Concern about corporate incursion into community-held lands or the territories of indigenous peoples is an important incentive for such groups to collaborate with protected area authorities against a common threat.

HOW HAVE COMPANY ATTITUDES TO NO-GO CHANGED SINCE 2000?

A particular question relates to whether commercial companies unconnected with protected area values and management should have access to protected areas, and if so which kinds and when. Given the huge power of the largest companies, it is important to understand how they interpret no-go policies in protected areas.

The strongest reactions have tended to come from the extractives industry: the discussion below focuses particularly on this sector. The issue of no-go gained additional publicity in 2000, when the IUCN World Conservation Congress (WCC) in Amman, Jordan, passed a recommendation (IUCN Recommendation 2.82) that mining should be banned in category I-IV protected areas. A *recommendation* is not as powerful or binding a WCC decision as a *resolution*, but was significant enough to create a powerful backlash; it quickly became clear that some of the world's largest resource companies had massive investments inside protected areas. The WCC motion created ripples that still reverberate today. It was followed by other WCC recommendations for example: 4.136 Biodiversity, protected areas, indigenous people and mining, 147 Protection of sacred natural sites and also resolutions such as: 3.060 Influencing private sector actions in favour of biodiversity, 3.061 IUCN's interaction with the private sector and 3.075 Applying the precautionary principle in environmental decision making and management. In addition, in 2013 the Wild 10 conference adopted a motion for no mining in any protected area, in 2014 the IUCN World Parks Congress made statements about no-go, particularly in reference to World Heritage sites (Anon, 2014), and the 2016 WCC, taking place in Hawaii, will also debate a recommendation for banning mining in all IUCN categories of protected areas.

So how has industry responded since 2000? A state of knowledge study for WWF UK reveals that while many have developed comprehensive environmental policies over the past fifteen years, they still generally resist a no-go policy and that the strongest opposition remains clustered around the mining sector.

The International Finance Corporation has *Performance Standards*, of which PS6 deals with biodiversity and conservation. This is not a no-go standard but imposes important restrictions on companies that follow its code, including banks following the Equator Principles, a risk management framework. The International Council on Mining and Metals (ICMM) has imposed a voluntary no-

go policy on exploration and operations in natural World Heritage sites since 2003; this is the strongest attempt at a no-go policy within the extractives industry but remains limited in uptake and unpopular within the boards of many signatory companies. The International Petroleum Industry Environmental Conservation Association has a more muted policy, stating that companies should: 'Understand the location and significance of protected areas, endangered species, sensitive habitats and key natural resources' (IPIECA & OGP, undated). The Initiative for Responsible Mining Assurance, a new certification scheme (www.responsiblemining.net/), has released a draft standard that includes stricter controls: "The corporate owner(s) shall not carry out any new mining or related activities in: World Heritage sites, nominated World Heritage sites, IUCN category I-IV protected areas, category I-V marine protected areas and core areas of UNESCO biosphere reserves." It is not yet clear if this clause will be included in the final standards. The World Business Council on Sustainable Development does not have a no-go policy, nor does it mention protected areas in its *Vision 2050: A New Agenda for Business* (WBCSD, 2010). The closest it comes is a statement on forests: "Primary forest coverage is held intact and expanded somewhat" (sic).

Outside the extractives sector, several industry associations have imposed voluntary bans on habitat conversion in specific places, for example a moratorium on clearing Amazon rainforest to establish soy in Brazil (WWF, 2014), and agreement by several soy, oil palm and timber plantation groups that they will not clear areas identified as High Conservation Value (Brown et al, 2013) through an accredited process.

The situation with individual companies is complicated. A growing number have policies that mention High Conservation Value Areas although most fall short of making explicit commitments. Anglo American's position is typical; apart from following ICMM's lead in avoiding natural World Heritage sites, it states: 'We shall demonstrate active stewardship of land, freshwater systems and biodiversity with which we interact' according to CEO Cynthia Carroll in 2007. Nestlé is stronger: 'Suppliers will not source products from IUCN protected areas categories I-IV, UNESCO World Heritage Sites and wetlands on the Ramsar List' (Nestlé, 2013). Conversely, Shell is candid about operating in some strictly protected areas: 'We believe some areas are too sensitive to enter. But we also believe that through a transparent process, partnerships and stringent operating practices it is possible to operate responsibly in some areas that are under protection or rich in

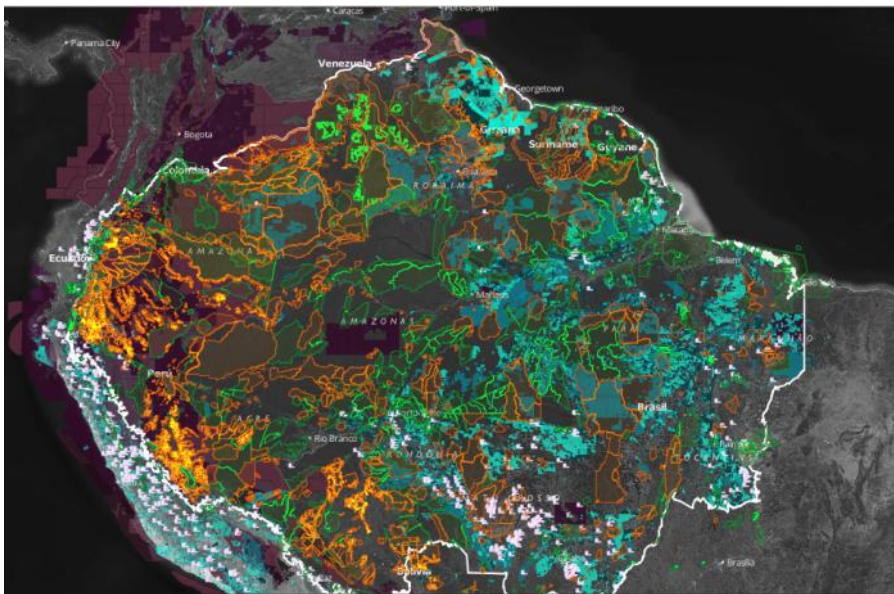


Figure 1: Impact of development in the Amazon.

Legend: purple; oil and gas, turquoise; mining, orange; indigenous territories, green; protected areas, pink; hydropower stations, yellow; deforestation.

biodiversity' and again 'We will further improve the way we operate in IUCN Category I-IV protected areas, and areas of high biodiversity value. We will publicly report on our activities in IUCN Categories I-IV' (Shell, undated). Banks supplying funds for mining operations also have a variable response, with for example some refusing to finance large scale coal mining likely to impact negatively on the Great Barrier Reef in Australia. The World Bank's review process concerning its investments in the extractive industries sector and the International Finance Corporation process of reviewing its safeguard policies make no mention of protected areas or no go policies (World Bank & IFC, 2015).

Many companies take a similar approach to Shell's policies, noted above, and commit instead to minimising impacts when they do operate in protected areas, usually through a Biodiversity Action Plan and offsetting policies. The BG Group's position is typical: '... operations in National Parks or similar nationally legally protected areas ... shall not be implemented unless the following requirements are met: there are no measurable adverse impacts on the ability of the habitat to support the established population of species or functions of the habitat that define it as "critical"; there is no reduction in the overall population or sustainability of any recognised critically endangered or endangered species; and any lesser impacts are mitigated to achieve no net loss of biodiversity' (BG Group, 2013).

What does this really mean in practice? There has never been a survey of the number of companies operating in protected areas so it is impossible to say how common this is, although the trend seems to be for an increase. A study in Africa found 27 per cent of natural World Heritage sites had oil and gas concessions inside their borders although none were currently operational (Osti

et al, 2011); an expected boom in African mining (Edwards et al, 2014) could rapidly change this. Together protected areas and indigenous territories put 49.9 per cent of the Amazon's total habitat under protection (Maretti et al, 2014). This protection is literally being undermined by extractive industries (figure 1). Thirty five per cent of the Amazon is under some form of mining (or oil and gas) development including an overlap of 15 per cent with protected areas (410 in total) and 19 per cent with Indigenous territories (3,043 in total) (Courtesy of InfoAmzonia, based on RAISG, 2013). Analysis of mining relating to four key metals found 6 per cent of protected areas by areal coverage had mines inside their borders and a further 14 per cent had mines within 10 km; a fifth of the world's protected area coverage was affected by aluminium, copper, iron and zinc alone (Durán et al, 2013). The continuing debate about the Arctic National Wildlife Refuge is a clear demonstration of corporate intentions.

Protected areas need a comprehensive policy response to these challenges; one that recognises that a powerful sector in general rejects any concept of protected areas that excludes natural resources use. There have already been important initiatives to build better links with industry, both by IUCN and through groups such as Energy and Biodiversity Initiative. These efforts have undoubtedly improved practice, through best practice guidelines and the use of BAPs.

So on paper the situation is depressing. For instance, many governments have proved reluctant to impose any kind of blanket protection of protected areas from mining and there is potential for a massive increase in mining activity in protected areas. Nonetheless, in some countries there has been strong support for a ban on mining in protected areas. In 2010, the New Zealand

government abandoned a proposal to open up some of their protected areas to mining after a very vocal public and scientific community opposition to the proposal. It is also clear that many in the oil and mining sector do not relish risking a public relations disaster and boycotts through trampling over conservation policies. It is probable that boardrooms and shareholders from a wide range of companies around the world are increasingly split on these issues. Maintaining public pressure against mining in protected areas and areas of high conservation value; through advocacy, law suits and policy lobbying is currently the conservation lobby's best chance of preventing widespread damage from mining in hitherto pristine areas, although we would be naive to expect that changes will come easily.

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REFERENCES

Anon (2014). Joint NGO statement on no-go and no-impact measures for extractive activities in natural and mixed World Heritage sites, <http://worldparkcongress.org/drupal/sites/default/files/documents/news/NGO%20WHS%20no-go%20statement%20final%20with%20logos%2018-11-14.pdf> accessed 30th November 2015

BG Group (2013). *BG Group Standard Environmental Standard BG-ST-HSSE-ENV-001*, version 2.1 May 2013.

Brown, E., N. Dudley, A. Lindhe, D.R. Muhtaman, C. Stewart and T. Synnott (eds.). (2013) *Common guidance for the identification of High Conservation Values*. HCV Resource Network, Oxford.

Durán, A.P., J. Rauch and K.J. Gaston. (2013). Global spatial coincidence between protected areas and metal mining activities. *Biological Conservation* **160**: 272-278. DOI:10.1016/j.biocon.2013.02.003

Edwards, D.P., S. Sloan, L. Weng, P. Dirks, J. Sayer and W.F. Laurance. (2013). Mining and the African environment. *Conservation Letters* **7** (3): 302-311. DOI: 10.1111/conl.12076

HSBC (2014) *World Heritage and Ramsar Wetlands Policy*.

IPIECA and OGP (undated) *Managing Biodiversity Impacts: 10 tips for success in the oil and gas industry*, Information sheet.

Leverington, F., K. Costa, H. Pavese, A. Lisle and M. Hockings (2010). A Global Analysis of Protected Area Management Effectiveness. *Environmental Management*: 48: 685-698. DOI: 10.1007/s00267-010-9564-5.

Maretti, C.C., Riveros S., J.C., Hofstede, R., Oliveira, D., Charity, S., Granizo, T., Alvarez, C., Valdujo, P. and C. Thompson. (2014). *State of the Amazon: Ecological Representation in Protected Areas and Indigenous Territories*. Brasília and Quito: WWF Living Amazon (Global) Initiative. 82pp.

Mascia, M.B. and S. Pailler (2011). Protected area downgrading, downsizing, and degazettement (PADDD) and its conservation implications. *Conservation Letters* **4**: 9-20. DOI: 10.1111/j.1755-263X.2010.00147.x

Nestlé (2013). *Nestlé in Society: Creating shared values and meeting our commitments 2013*, Switzerland.

Osti, M., L. Coad, J.B. Fisher, B. Bomhard and J.M. Hutton. (2011). Oil and gas development in the World Heritage and wider protected area network in sub-Saharan Africa. *Biological Conservation* DOI: 10.1007/s10531-011-0056-6.

RAISG. (2013). *Amazonia under pressure*. Amazonian Network of Georeferenced information. Bogotá (Colombia); Caracas (Venezuela); Lima (Perú); Paramaribo (Suriname); Quito (Ecuador); Santa Cruz de La Sierra (Bolivia); Belém and São Paulo (Brasil)

Shell (undated) *Operating in areas of high biodiversity value*. (accessed November 2015) <http://www.shell.com/global/environment-society/environment/biodiversity/protected-areas.html>

United Nations (2011). *The UN Guiding Principles on business and human rights, Implementing the United Nations; "Protect, Respect and Remedy"* United Nations, Human rights, Office of the High Commissioner, United Nations, Geneva and New York. http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

WBCSD (World Business Council on Sustainable Development). 2010. *Agenda 2050*, Geneva, Switzerland.

World Bank and IFC (2015). Extractive Industries Review. (accessed November 2015) http://www.ifc.org/wps/wcm/connect/Industry_EXT_Content/IFC_External_Corporate_Site/Industries/Oil,+Gas+and+Mining/Development_Impact/Development_Impact_Extractive_Industries_Review/

Wild, R., Verschuuren, B., and Mcneely, J. (2010). Conclusions: Sustaining Sacred Natural Sites to Conserve Nature and Culture. In B. Verschuuren, R. Wild, J. Mcneely, & G. Oviedo (Eds.), *Sacred Natural Sites: Conserving Nature and Culture*. (pp. 281-291). Earth Scan, London

WWF. (2014). *The Growth of Soy: Impacts and solutions*. WWF International, Gland, Switzerland.