

CMSI Consultation Response

Respondent Details

NAME

Patrycja Breskvar

COUNTRY

France

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Intergovernmental / multi-lateral organisation

ORGANISATION

UNESCO World Heritage Centre

COMMENTS & QUESTIONS BY DOCUMENT

QUESTION 1

Overall does the revised version of the Consolidated Standard system (including Standard, Assurance Process, Governance Model* and Claims Policy) meet your expectations for improvement relative to the original public consultation version?

Response: No Response

QUESTION 2

From your perspective, does the updated Consolidated Standard system, including Standard, Assurance Process, Governance Model* and Claims Policy meet expectations for driving performance improvement across the industry at a global scale?

Response: No Response

Document:
Assurance

QUESTION 1

From your perspective, does the Assurance Process meet your expectations of a robust, credible, replicable and transparent approach?

Response: No Response

Document:
Standard

Introduction

COMMENT:

Section "Implementation is principally during the operational phase, with some requirements relevant to other stages including pre-operations and closure": Performance Area 15: Cultural Heritage and Performance Area 19: Biodiversity, Ecosystem Services and Nature should also be named among examples of PAs which require implementation at the pre-operational phase of a mine life. It is precisely before operations begin that risk assessments should ensure protected areas such as World Heritage sites are avoided.

COMMENT:

8) *Key Terms and Guidance, g. Use of mitigation hierarchy -Offset is also not possible in the case of World Heritage properties which are included on the World Heritage List for their "Outstanding Universal Value". See <https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>*

Overarching Glossary

COMMENT:

"Remedy" - This definition in the glossary differs from remedy referred to in the case of adverse impacts to cultural heritage. Please ensure consistency with glossary.

COMMENT:

"Unavoidable impacts" features the word "impractical", which is very subjective. Unavoidable is more conclusive. Someone might consider mitigation that has a financial cost as impractical.

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Good Practice, 3

COMMENT:

"Develop and implement management plans..." - This should be foundational practice and done in conjunction with the ESIA.

SECTION: 4.1 Environmental and Social Impact Assessments, Good Practice, 5

COMMENT:

"Publicly disclose the ESIA" - Should be foundational practice.

SECTION: 4.1 Environmental and Social Impact Assessments, Towards Good Practice, 1

COMMENT:

"1. Collect baseline data..." - Preceded by (spatial) screening for areas to be excluded.

SECTION: 4.1 Environmental and Social Impact Assessments, Towards Good Practice, 2

COMMENT:

"Conduct an environmental and social impact assessment (ESIA) of the proposed new project or significant change to an existing operation consistent with jurisdictional regulations or, ..." - Sometimes international legal provisions may apply, such as in the case of World Heritage properties. <https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>. The no-project scenario should also be included.

SECTION: Applicability

COMMENT:

"The Consolidated Standard is designed for implementation principally during the operational phase of a mine life" - this is not the case for requirements set out for protection of natural and cultural World Heritage. It is precisely before operations begin that risk assessments should ensure protected areas such as World Heritage sites are avoided.

COMMENT:

"Social and environmental impact management at existing operations is addressed through multiple Performance Areas listed above, particularly PA5, PA13, PA15, PA24..." - Unusual not to recall also PA19 when referring to environmental impact

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage, Good Practice, 4

COMMENT:

In the case of cultural heritage more broadly, important also to set the conditions for when an activity outweighs the loss of cultural heritage.

SECTION: 15.1 Cultural Heritage, Leading Practice, 2

COMMENT:

"Training should be developed and delivered in collaboration with stakeholders and rightsholders and experts where possible." - It is also advisable to involve heritage experts who can educate workers about the legal and regulatory frameworks governing cultural heritage and how these should be incorporated into the daily operations of the facility.

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 1

COMMENT:

Align with IFC performance standard 8, "identify and protect cultural heritage by ensuring that internationally recognized practices for the protection, field-based study, and documentation of cultural heritage are implemented."

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 2

COMMENT:

Government competent authorities on cultural heritage should also be consulted for inventories of cultural heritage, which, as noted above, is not only sites and tangible. The standard should apply to all cultural heritage regardless of whether or not it has been legally protected or previously disturbed. Formal guidance exist on inventory and documentation of the cultural heritage, and governments have increasingly sophisticated databases at their disposal.

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 3

COMMENT:

“Where there are potential adverse impacts to Indigenous Peoples’ critical cultural heritage...” - The word “critical” is not clear. All cultural heritage of indigenous peoples should be subject to appropriate review and consultation procedures with their representative organisations (whether formal or not).

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 5

COMMENT:

More precise and accurate wording would be: “Do not explore, mine or undertake other operational activities within World Heritage Sites and ensure that no current or future operations adversely impact their Outstanding Universal Value”. Original phrasing “Do not explore, mine or undertake other operational activities within cultural World Heritage Sites...” gives an impression as if such activities within natural sites are allowed. The World Heritage Convention provides equal protection to both cultural and natural sites.

COMMENT:

Whenever it is identified that a World Heritage site may be affected, an impact assessment should be undertaken in line with international best practice standards, Operational Guidelines for the Implementation of the World Heritage Convention (<https://whc.unesco.org/en/guidelines/>), and Guidance and Toolkit on Impact Assessments in a World Heritage Context (<https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>).

SECTION: Glossary and Interpretive Guidance

COMMENT:

“World Heritage Sites” definition - since the Standard rightfully aims to determine all World Heritage sites (both natural and cultural) as no-go zones, there is no need for making a distinction between cultural/natural. A better formulation would thus be: “World Heritage sites: sites of Outstanding Universal Value protected under the World Heritage Convention of 1972 and inscribed on the World Heritage List.” (consistent with the definition provided under PA19)

COMMENT:

“Intangible cultural heritage” should appear in the glossary. See the UNESCO definition here: <https://whc.unesco.org/en/glossary/>

SECTION: Intent

COMMENT:

“Identify risks to cultural heritage and develop practices and procedures that respect, preserve and safeguard cultural heritage in collaboration with relevant stakeholders and rights-holders for cultural heritage” - Please compare also with the IFP Performance Standard 8 on Cultural Heritage. <https://www.ifc.org/en/insights-reports/2012/ifc-performance-standard-8>

COMMENT:

Please refer to the international human rights framework and cultural rights.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Good Practice, 4

COMMENT:

Protected area managers should be involved in the consultations regarding the development and implementation of the biodiversity management plan - please make that explicit in the glossary and interpretive guide. This is essential to ensure that the plan aligns with the specific conservation objectives of the area.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 1

COMMENT:

A modified formulation would be more fitting: "Do not explore, mine or undertake other operational activities within World Heritage sites and ensure that no current or future operations adversely impact their Outstanding Universal Value." This is consistent with the wording proposed for PA15.

COMMENT:

Whenever it is identified that a World Heritage site may be affected, an impact assessment should be undertaken in line with international best practice standards, Operational Guidelines for the Implementation of the World Heritage Convention (<https://whc.unesco.org/en/guidelines/>), and Guidance and Toolkit on Impact Assessments in a World Heritage Context (<https://whc.unesco.org/en/guidance-toolkit-impact-assessments/>).

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 2

COMMENT:

"2. Comply with restrictions..." - Restrictions and management objectives as well

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 3

COMMENT:

The same requirement to communicate the prohibitions around World Heritage Sites should be established under PA 15 "Cultural Heritage".

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 5

COMMENT:

"5. Establish a biodiversity baseline in..." - Refer to biodiversity and ecosystem services consistently and across the document. These are not the same thing. This approach would also better align with the standard on water resources.

COMMENT:

"5. Establish a biodiversity baseline in the area of influence to understand the extent of natural, modified or critical habitats, and the presence or proximity of legally designated protected areas (including Ramsar sites)..." - add "and World Heritage sites" in brackets next to Ramsar sites

COMMENT:

"...and identify significant biodiversity values..." - Suggest to delete significant, which is not defined.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 7

COMMENT:

"...address impacts on significant biodiversity values..." - Suggest to delete significant, which is not defined.

COMMENT:

"...address impacts on significant biodiversity values..." - biodiversity values and ecosystem functions and services

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice

COMMENT:

Another Requirement in this section very relevant from the World Heritage perspective would be to establish processes to regularly assess, measure and monitor compliance with the standards set herewith. For transparency's sake, results of such assessments should be publicly disclosed. This is relevant for all Performance Areas established under the consolidated standard.

COMMENT:

Adverse impacts to biodiversity and ecosystem services should be avoided to the extent possible, and when unavoidable, the mitigation hierarchy should be applied. This should be a foundational practice. Align with IFC performance standard 6.

SECTION: Glossary and Interpretive Guidance

COMMENT:

"Ecosystem services: Any positive benefit that plants, animals or ecosystems provide to people." - More broadly also contributions of ecosystem structure and function.

COMMENT:

"Outstanding universal value: Outstanding universal value means ..." - rephrase as follows: "Outstanding universal value: Outstanding universal value of World Heritage properties means ..."

COMMENT:

"World Heritage Sites" - Since the Standard rightfully aims to determine all World Heritage sites (both natural and cultural) as no-go zones, there is no need for making a distinction between cultural/natural. A better formulation would thus be: "World Heritage sites: sites of Outstanding Universal Value protected under the World Heritage Convention of 1972 and inscribed on the World Heritage List." (consistent with the definition proposed under PA15).

COMMENT:

Among references, include also "United Nations Educational, Scientific and Cultural Organization (UNESCO):

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations for responsible production practices?

Response: No Response

QUESTION 2

Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?

Response: No Response

QUESTION 3

From your perspective, does the three-level performance structure (Towards Good Practice, Good Practice, Leading Practice) of the consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of good practice and effective path to continuous improvement?

Response: No Response

Document:
Claims

QUESTION 1

Does the level of transparency provided by the Claims Policy (i.e. through disclosing scores for each Performance Area, aggregated scores to indicate overall progress towards Good Practice, and Performance Claims) meet your expectations to incentivise continuous performance improvement?

Response: No Response