

Committee of Permanent Representatives
Subcommittee Meeting
Thursday 23 January 2020
9:00 am - 12:00 pm, 1:30 pm – 4:30 pm
United Nations Office of Nairobi
Conference Room 4

Background Document for Agenda Item 3:

Update on the implementation of UNEA resolution 4/19 on Mineral Resource Governance and briefing on the Global Tailings Review

This note serves as a background document for consideration under Agenda Item 3: Update on the implementation of UNEA resolution 4/19 on Mineral Resource Governance and briefing on the Global Tailings Review.

The United Nations Environment Programme, the International Council on Mining and Metals (ICMM), and the Principles for Responsible Investment (PRI) have co-convened this review, which is led by Dr. Bruno Oberle.

The briefing will be followed by an exchange of views with Member States.

The fourth session of the United Nations Environment Assembly (UNEA-4) adopted resolution UNEP/EA.4/Res.19 on Mineral Resource Governance. The resolution recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals, and the dependence of low-carbon clean technologies on metals and minerals. It also underlines the need to share knowledge and experience on regulatory approaches, implementation practices, technologies and strategies for the sustainable management of metal and mineral resources, including over the whole life of a mine and the post mining stage. The resolution builds on the findings of three reports: the summary report “*Mineral Resource Governance in the 21st Century: Gearing Extractive Industries Towards Sustainable Development*” for policymakers and business leaders from the International Resource Panel (2019), the UNEP/GRID Arendal report “*Mine tailings storage: Safety is no accident*” (2017) and the UNEP/GRID Geneva report on “*Sand and Sustainability: Finding New Solutions for Environmental Governance of Global Sand Resources*” (2019).

The resolution requests UNEP to collect information on sustainable practices, identify knowledge gaps and options for implementation strategies, and undertake an overview of existing assessments of different governance initiatives and approaches on sustainable management of metal and mineral resources, and report at the 5th session of the UN Environment Assembly. It also encourages governments, businesses, non-governmental organizations, academia and international institutions to take action within their different areas of competence.

The 2017 UNEP/GRID Arendal report “*Mine tailings storage: Safety is no accident*”, which was then followed by the 2018 report “*A roadmap for improved mine waste management*”, acknowledges the human and environmental costs of continued tailings dam disasters. It highlights the opportunities to reduce risk and improve safety of tailings storage and recommends, among the priorities to improve mine waste management, to strengthen existing standards relevant to responsible mine waste management.

To this end, the International Council on Mining and Metals (ICMM), UNEP and the Principles for Responsible Investment (PRI) have co-convened a Global Tailings Review to establish an industry standard for the safe management of tailings storage facilities that can be applied to all tailings dams wherever they are located and whoever operates them. The aim is to finalize the industry standard early in 2020. The Review has evaluated current global good practices in the mining industry, and beyond, as well as evidence and lessons learned from catastrophic failures of tailings storage facilities at Brumadinho (2019), Mariana (2015), Mount Polley (2014) and others to develop the standard.

UNEP has brought to the Review its experience in engaging with industries and business associations across different sectors, including the extractive and finance sectors, with the objective to promote progress towards more resilient supply chains, green investment opportunities, and increased availability of sustainable products in the global market, thereby advancing towards the realization of an inclusive green economy and more sustainable consumption and production practices. It also contributed the lessons learned in the elaboration of an industry standard for the sound management of cyanide in gold mining operations, which led to the establishment of the International Cyanide Management Code (www.cyanidecode.org). Over time, this industry standard became a reference in a number of national regulatory frameworks, as well as included as requirement by financial institutions.

Annex 1: Letter from the Chair of the Global Tailings Review

Annex 2: Presentation on the Global Tailings Review

14 January 2020

Dear Honorary Ambassadors and Permanent Representatives,

Committee of Permanent Representatives Subcommittee meeting – A presentation of the work of the Global Tailings Review

I write to you in my capacity as Chair of the Global Tailings Review (the Review) which is an initiative co-convened by the International Council on Mining and Metals (ICMM), the Principles for Responsible Investment (PRI) and the United Nations Environment Programme (UNEP) to establish an international standard for the safe management of tailings facilities.

We continue to experience catastrophic failures of tailings facilities with the most notable recent tragedy occurring in Brumadinho, Brazil in January 2019, which took the lives of 259 people at the latest count. This event triggered a call for an urgent response, acknowledging that no single party in isolation can fully and effectively address the wide range of issues associated with a tailings facility failure. This unique convergence of interest from three disparate perspectives brought the three co-conveners to the same table.

For me personally, while I have been involved in issues surrounding mining for all of my career, it was the first time I have worked within mining. I believe I was invited to Chair the Review specifically because of my distance from the industry in order to further maintain this independence.

In order to complete the work, I selected a multidisciplinary panel of experts to draft the Standard and I also gathered a multi-stakeholder advisory group to ensure that the perspectives of a cross-section of stakeholders are solicited and represented throughout the process. The initial phase of the Review culminated in a draft Global Tailings Standard (the Standard) which was launched for public consultation in November 2019.

Feedback was collected online and via multiple in-country consultations which took me to Kazakhstan, China, Chile, Ghana, South Africa and Australia. On my travels, I had the opportunity to meet with members of relevant government Ministries to learn about the regulatory variations across jurisdictions as they pertain to the aspects of tailings management with which the Standard is concerned. Of course, we also met with representatives of the mining industry, consultants to the mining industry, NGOs, project affected communities, academics and other interested parties. Right now, we are in the process of assimilating and reviewing the feedback received and we will use this information to further develop the Standard.

It is our hope that the Standard will reflect the most current and forward-focused thinking on tailings management. It is also our hope that the Standard will be seen as a tool to support the industry, the investment community, regulators and, most crucially, to support project affected communities and the public.

The purpose of my time with you on the January 23 is to share with you more information about the work of the Global Tailings Review and the current phase of the project; to provide some reflections on the process and the potential future for the Standard.

The work of the Review is limited in scope to the development of the Standard and an accompanying recommendations report. The Standard would be a voluntary initiative by industry and investors and it is intended that it would complement national legislation.

There are a number of natural linkages between this work and the work of your Sub-Committee not least with regard to responsible resource governance. In my capacity as a member of the International Resource Panel, I was honored to be the lead author of the Global Resource Outlook 2019 which showed that over the past five decades the global population has doubled, and global domestic product has increased four times. In the same period, annual global extraction of materials grew from 27 billion tons to 92 billion tons (by 2017). This will double again by 2060 on current trends, which will inevitably result in more mine tailings and waste. We must also accept that the transition to renewable energy technologies will require even more natural resources to build the infrastructure required.

With the Sustainable Development Goals in mind, reducing extraction levels is not an option but extracting in a safer and more sustainable manner must be the way ahead. With this increasing emphasis on extracting more from less, changing how we think about mine tailings presents an opportunity to push for improvements in processing technologies to reduce or eliminate the need for tailings storage.

I appreciate the opportunity to present our work to you and I look forward to our discussion on January 23. It is my hope that you will find the presentation interesting and that it will give you some insight into the work underway globally on this important issue.

Yours faithfully,

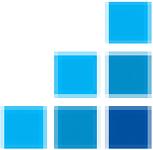
A handwritten signature in black ink, appearing to read 'B. Oberle', with a horizontal line underneath.

Dr Bruno Oberle
Chair of the Global Tailings Review
Former State Secretary for the Environment, Switzerland

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GLOBAL TAILINGS REVIEW

ICMM
International Council
on Mining & Metals

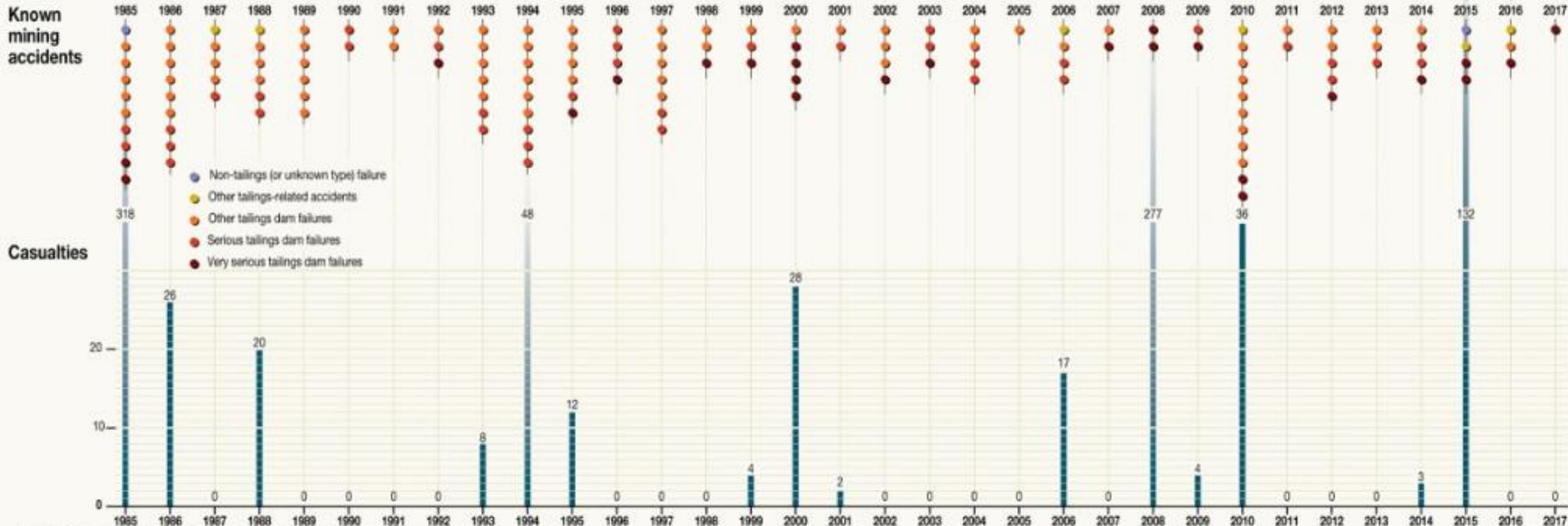
 **PRI** | Principles for
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UN 
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ORIGINS OF THE REVIEW

- **One of the worst mining tragedies occurred in January 2019 when a tailings storage facility in Brumadinho, Brazil, collapsed. The disaster devastated the local community, resulting in the deaths of 259 people (as of January 2020).**
- **The disaster marked a watershed moment for the mining sector and the investor community and it highlighted the urgent need for an industry response in the form of a benchmark global standard on the management of tailings facilities.**
- **In March 2019, the International Council on Mining & Metals (ICMM), the Principles for Responsible Investment (PRI) and the United Nations Environment Programme (UNEP) announced they would co-convene a global tailings review to establish an international standard on tailings facilities.**

Initiatives to improve mine waste management

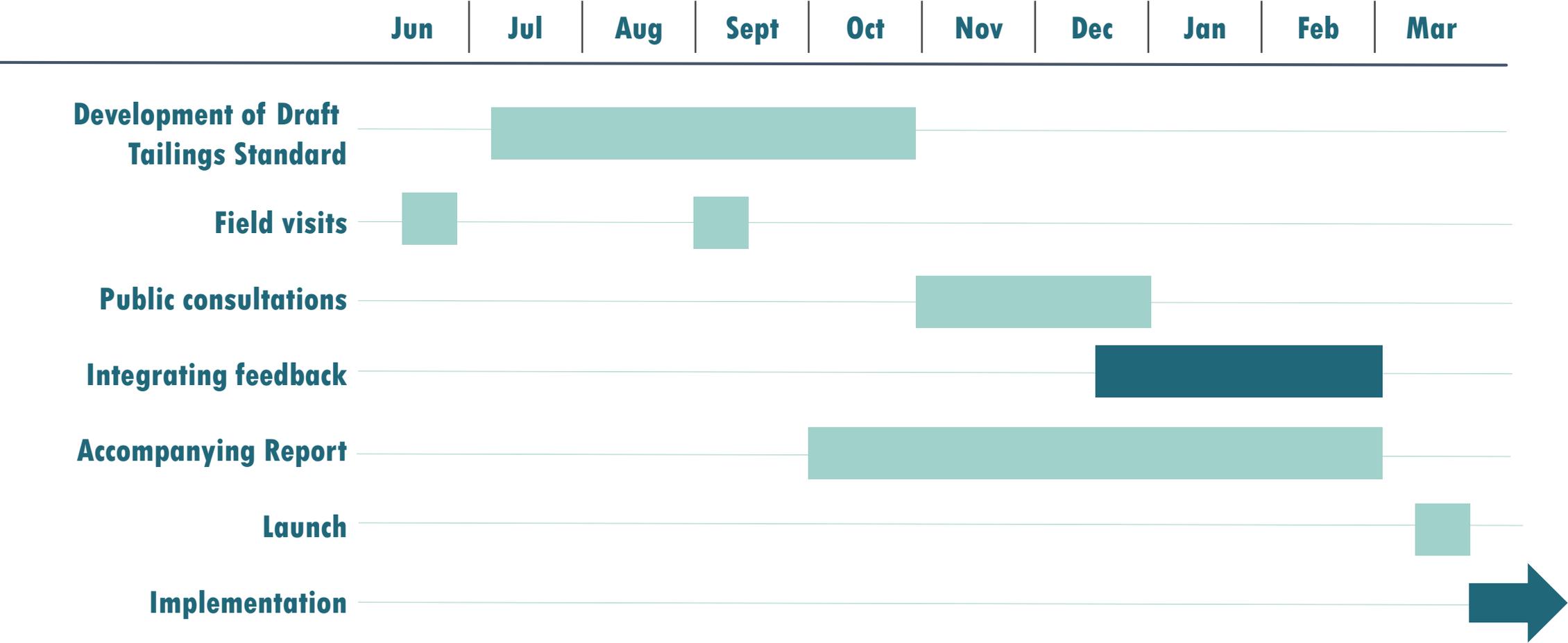


OBJECTIVE OF THE GLOBAL TAILINGS REVIEW

Develop a Global Tailings Standard that improves the management of tailings facilities by mandating a number of step-change improvements including but not limited to:

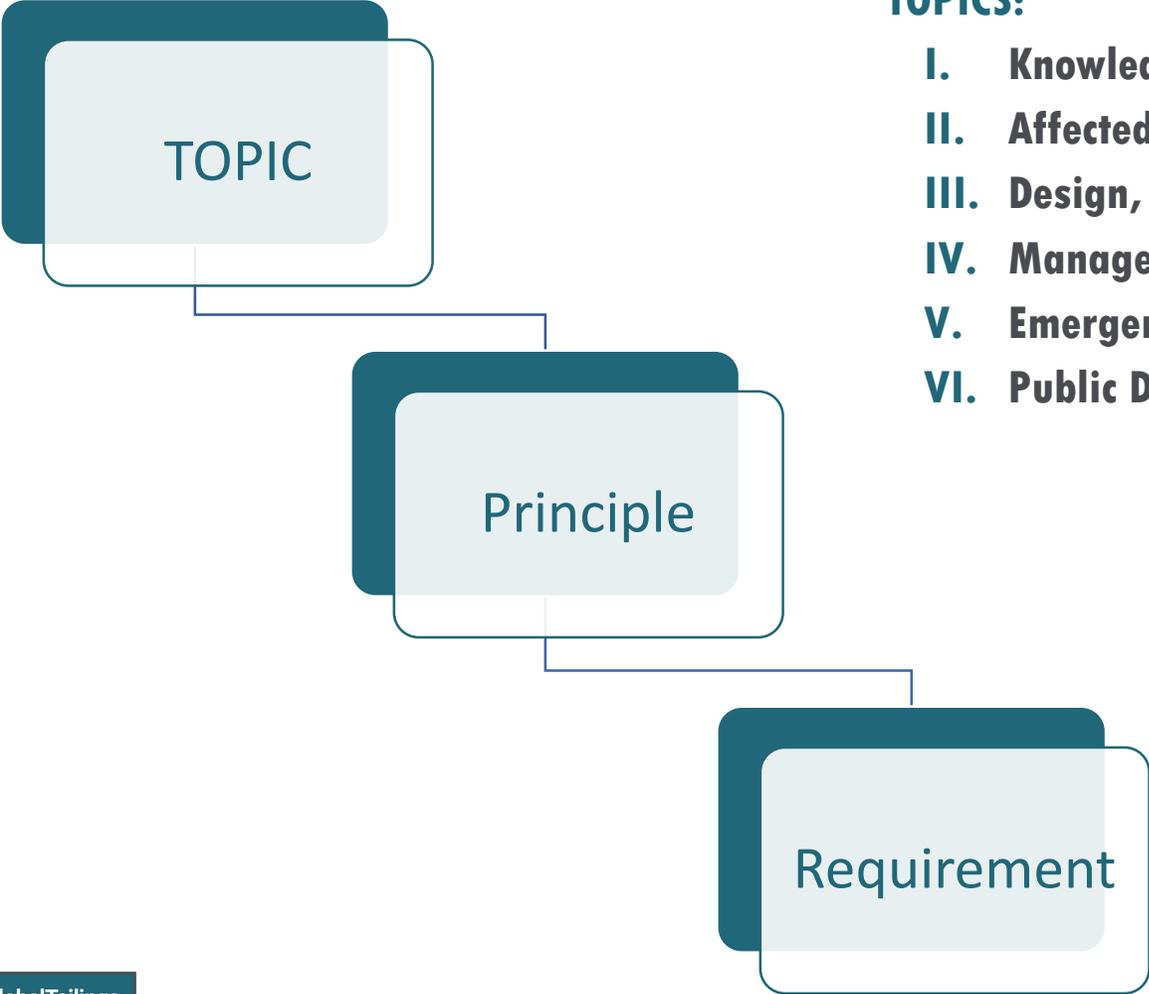
- **Taking a zero-harm approach to tailings management across the entire lifecycle;**
- **The development and maintenance of a comprehensive knowledge base that includes social and environmental conditions;**
- **The concept of a presumption of extreme consequences which can be rebutted under certain circumstances;**
- **An independent and robust review process;**
- **Emergency preparedness capacity and planning for long term recovery;**
- **Elevating accountability & strengthening corporate governance, and**
- **Enhancing public disclosure.**

CURRENT EXECUTION PLAN



January 2020: Reviewing and assimilating feedback from public consultation.

OVERVIEW OF THE STANDARD



TOPICS:

- I. Knowledge Base
- II. Affected Communities
- III. Design, construction, operation and monitoring of the tailings facility
- IV. Management & Governance
- V. Emergency Response & Long term recovery
- VI. Public Disclosure and Access to Information

Each **TOPIC** contains a number of **Principles (17)** within which sit specific **Requirements (77)**.

IMPLEMENTATION

Once the Standard has been approved by the three Co-conveners, a process will be needed for its implementation and ongoing development.

Guiding principles framing the implementation phase include:

- ✓ **Clear requirements**
- ✓ **Independent assessment**
- ✓ **Transparent decision making**
- ✓ **Inclusive process**
- ✓ **Capacity building**

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QUESTIONS & ANSWERS