

Ligia Noronha, Director of Division of Technology, Industry and Economics
United Nations Environment Programme
United Nations Avenue,
Gigiri PO Box 30552,
00100 Nairobi, Kenya

Cc: Elisa Tonda, Head of Consumption and Production Unit, Economy Division

Re: Independent international institute to support the implementation of the Global Industry Standard on Tailings Management¹

March 15, 2021

Dear Ms. Noronha,

We are writing to you as a group of organizations and independent mining experts concerned about the risks to communities, ecosystems and livelihoods posed by mine tailings storage facilities. Mine tailings facilities are failing with increasing frequency and severity, necessitating significant changes to the design, construction, operation and closure of tailings facilities across the globe,² as highlighted in *Mine Tailings Storage: Safety Is No Accident*.³

We commend UNEP for recognizing the urgent need for improved tailings management and oversight, as well as for your leadership in pushing for change on a global scale.

The collaboration recently announced between UNEP and Principles for Responsible Investment (PRI) to form “an independent international institute to support the implementation of the Global Industry Standard on Tailings Management”⁴ is an important move toward more robust tailings facility oversight. It is crucial that a credible, transparent, well-resourced, independent agency have the capacity, expertise, and authority to:

- implement, and enforce safe tailings disposal practices and regulations worldwide,
- efficiently update the Global Industry Standard on Tailings Management (GISTM) based on Best Available Technology and Best Available Practices for design, construction, management, monitoring, closure, and post-closure like those outlined in *Safety First: Guidelines for Responsible Mine Tailings Management*,⁵

¹<https://www.unep.org/news-and-stories/press-release/partnership-support-global-tailings-standard>

² E.g. Chambers, David & Geop, P. (2019). THE INCREASING NUMBER OF TAILINGS FACILITY FAILURES: NAVIGATING THE DECADE 2020-2029. Presented at the Canadian Dam Association 2019 Annual Conference. In ResearchGate (https://www.researchgate.net/publication/337842403_THE_INCREASING_NUMBER_OF_TAILINGS_FACILITY_FAILURES_NAVIGATING_THE_DECADE_2020-2029). Bowker, L. N. & Chambers, David, 2017. In the Dark Shadow of the Supercycle Tailings Failure Risk & Public Liability Reach All Time Highs. In *Environments* 4-75 (<https://www.mdpi.com/2076-3298/4/4/75>) Bowker, L.N. and Chambers, D.M., 2015. The Risk, Public Liability, and Economics of Tailings Storage Facility Failures, in ResearchGate (www.researchgate.net/publication/283321865_The_Risk_Public_Liability_Economics_of_Tailings_Facility_Failures). See also <https://worldminetailingsfailures.org>

³ Roche, C., Thygesen, K., and Baker, E., 2017. *Mine Tailings Storage: Safety Is No Accident*. UN Environment, GRID-Arendal (<https://www.grida.no/publications/383>), <https://www.unenvironment.org/news-and-stories/press-release/partnership-support-global-tailings-standard>

⁴<https://www.unenvironment.org/news-and-stories/press-release/partnership-support-global-tailings-standard>

⁵ Morrill, J., et al. (2020), [Safety First: Guidelines for Responsible Mine Tailings Management, Summary Table-Safety First: Guidelines for Responsible Mine Tailings Management](#). Earthworks and MiningWatch Canada 2020. [Scorecard THE GLOBAL](#)

- investigate failures and release publicly available findings, recommendations, and worldwide safety orders for mandatory changes in practices,
- expand on current work to build a publicly available global inventory of tailings storage facilities, including information for each tailings storage facility on the physical and chemical characterization, associated hazard level, consequences of failure, factors of safety, and annual probability of failure with a complete explanation of the process to determine that probability,
- monitor and disclose the status of corporate, government and community readiness to implement emergency and preparedness plans in case of tailings storage failure,
- provide technical assistance and training to governments and regulators on tailings management and oversight, and
- create and implement mechanisms for continued engagement with communities, Indigenous Peoples, labor representatives, civil society organizations, and independent experts from the outset.

We ask that governance of this independent institution include key civil society stakeholders and rights-holders, including affected communities, Indigenous Peoples, labor, and NGOs. Communities and workers must have equal representation with industry in the decisions that directly impact their safety and livelihoods. We were disappointed that many contributions from communities and independent civil society organizations submitted during the public comment period were largely omitted from the final version of the GISTM.⁶ There must be space for meaningful participation and feedback from affected communities, workers, and civil society organizations on the front end of this process to ensure that its structure, priorities and accountability mechanisms will serve multiple stakeholders.

There are precedents for co-governance models to inform this new institution, such as the UN-based International Civil Aviation Organization, or in the mining sector, the voluntary Initiative for Responsible Mining Assurance (IRMA), which is structured to include co-equal representation from labor, communities, NGOs, mining companies and downstream users of minerals.

We would like to congratulate you on your new position as Assistant Secretary-General and Head of the New York Office and we wish you success in your new role. We also respectfully request a meeting between representatives from UNEP and representatives of the undersigned organizations to discuss in more detail the proposed independent institution and how communities, workers, and civil society can engage with these efforts. We hope our connections to a broad range of stakeholders, including the over 150 signatories of *Safety First: Guidelines for Responsible Mine Tailings Management*, and our technical qualifications and expertise can serve as a resource for this important work moving forward. We look forward to a response and welcome the opportunity for a more in-depth exchange on these matters.

⁶ [INDUSTRY STANDARD ON TAILINGS MANAGEMENT vs SAFETY FIRST GUIDELINES](#). Earthworks and MiningWatch Canada. 2020.

Sincerely,

Community and Regional Organizations

Alyansa Tigil Mina, Philippines

First Nations Women Advocating Responsible Mining (FNWARM), Canada

Movimento dos Atingidos Por Barragens (MAB), Brazil

The Interamerican Association for Environmental Defense (AIDA), Colombia

Union of BC Indian Chiefs (UBCIC), Canada

WoMin African Alliance, South Africa

Independent Experts

Buka Environmental

Center for Science in Public Participation

Malach Consulting

International Organizations

Earthworks

E-Tech International

Inclusive Development International

IndustriALL Global Union

London Mining Network

MiningWatch Canada