Mining projects in the vicinity of the World Heritage property Laponian Area, Sweden

Dear Dr Mechtild Rössler,

The Swedish National Heritage Board, in agreement with the Swedish Environmental Protection Agency would like to update the World Heritage Centre regarding the question of a mining project at Kallak near the World Heritage property the Laponian Area.

Previous correspondence
February 4th 2013 A landowner and members of three Sami communities write to the World Heritage Centre expressing concerns about the mining project at Kallak
February 12th 2013 World Heritage Centre CLT/WHC/6155/SE/JSW
June 18th 2013 Swedish National Heritage Board and Swedish Environmental Protection Agency 3.5.1-1035-2013
January 10th 2014 Swedish National Heritage Board and Swedish Environmental Protection Agency 3.5.1-1035-2013
February 11th 2014 ICOMOS Technical Review for WH property Laponian Area
Background
On May 16th 2013 JIMAB Jokkmokk Iron Mines AB submitted an application, including an Environmental Impact Assessment, to the Mining Inspectorate of Sweden for an Exploitation Concession for rights to mine iron ore at Kallak.

Exploitation Concessions are granted by the Swedish Mining Inspectorate in consultation with the County Administrative Board. The County Administrative Board of Norrbotten is responsible for evaluating the suitability of land use and the Environmental Impact Assessment submitted by the JIMAB Jokkmokk Iron Mines AB. The entrepreneur is responsible for gathering information and assessing the potential impact of the mining project on cultural and natural attributes of the World Heritage Property and including its research in the Environmental Impact Assessment. After having obtained an Exploitation Concession JIMAB Jokkmokk Iron Mines AB will then need to submit an application to the Environmental Court of Sweden for a permit according to the Environmental Code. This permit can examine a larger area including the surrounding territory and ensures the appropriate allocation for roads, workstations, landfill sites, etc.

The Kallak site is situated approximately 30 kilometers southeast of the boundary of the World Heritage Property. The Swedish National Heritage Board and the Swedish Environmental Protection Agency have therefore deemed that the proposed activity will not exert any physical impact on the property. The activity could however adversely affect reindeer herding and the World Heritage property’s values with regard to criterion (iii) and (v). In joint statements to the County Administrative Board we have twice expressed our view that the submitted Environmental Impact Assessment including later additions by JIMAB Jokkmokk Iron Mines AB does not clarify how the World Heritage Property may be affected by the proposed mining activities. The Environmental Impact Assessment does not include a Heritage Impact Assessment in accordance with ICOMOS Guidance.

On October 1st 2014 the County Administrative Board of Norrbotten opposed the mining project stating that the Environmental Impact Assessment including later additions could not rule out the possibility that the proposed land use in the area would lead to irreversible changes of
importance for the current land use. The County Administrative Board specifically mentioned that transports to and from the Kallak site could have negative effects on reindeer herding.

On February 13th 2015 the Swedish Mining Inspectorate, disagreeing with the view of the County Administrative Board, chose to refer the decision to the Swedish Government. According to the Swedish Mining Inspectorate the risk of negative impact on reindeer herding due to altered land use, loss of grazing sites and other disturbances had not been sufficiently examined. The Swedish Mining Inspectorate argued that it is important to eliminate this uncertainty since the Exploitation Concession is formally binding and it will not be possible at a later stage to upheave the decided land use.

Recent developments
Since receiving the referral on February 13th 2015 the Swedish Government has requested statements from JIMAB Jokkmokk Iron Mines AB, the Sami Parliament, Jåhkågasska tjiellde sameby and Sirges sameby (two Sami communities), the County Administrative Board and the Swedish Mining Inspectorate.

According to JIMAB Jokkmokk Iron Mines AB the Environmental Court of Sweden will be able to infer restrictions on the mining project that ensures the safekeeping of reindeer herding in the area in the proceeding that follows the Exploitation Concession. The Sami communities on the other hand have deemed that a mine in the area will make reindeer herding for Jåhkågasska tjiellde sameby impossible and have a negative impact on Sirges samebys reindeer herding and that this in turn threatens the World Heritage Property Laponian Area. The Sami Parliament has judged that the Laponian Area will be adversely affected by the mining project since the Sami culture is affected. The County Administrative Board has made a new assessment and deemed it possible to allow a mine in the area. The new assessment is limited to the exploitation site and does not look at the mining project as a whole which includes the allocation of roads, workstations, landfills etc. outside the exploitation site. Following this statement the Swedish Mining Inspectorate is now in favor of granting an Exploitation Concession.
Comments on the current situation

As yet, no decision has been made, and no timetable for the process of consideration has been presented. If the Swedish Government deems the Environmental Impact Assessment to be incomplete it can request JIMAB Jokkmokk Iron Mines AB to conduct further investigations to obtain necessary information.

It is important to note that the Swedish Government is the last instance that performs a material review of the submitted application. Although it is possible to appeal the Swedish Government’s decision regarding the Exploitation Concession it will only be subject to a legal review.

The Swedish National Heritage Board and the Swedish Environmental Protection Agency do not have the possibility to appeal decisions regarding Exploitation Concessions. We nevertheless maintain that the submitted Assessment including later additions does not clarify how the World Heritage property may be affected by the proposed mining activities. As the Swedish Mining Inspectorate commented in its referral to the Swedish Government it is important to eliminate this uncertainty since the Exploitation Concession is formally binding. It will not be possible at a later stage to upheave the decided land use regarding the exploitation site.

With this information we hope that we have answered the questions in ICOMOS letter, explained the developments since January 10th 2014 and the potential impact on the World Heritage property with regard to criterion (iii) and (v). Our aim has been to inform the World Heritage Centre of the situation at hand in accordance with paragraph 172 of the Operational Guidelines. The Swedish National Heritage Board and the Swedish Environmental Protection Agency would like to thank the World Heritage Centre and ICOMOS for the inquiry and welcome a response to this update.

Qaisar Mahmood
Swedish National Heritage Board
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Swedish Ministry of Culture
Swedish Ministry of the Environment and Energy
Swedish Ministry of Enterprise and Innovation
County Administrative Board of Norrbotten
Sweden's Permanent Delegation to UNESCO, Paris
Swedish Mining Inspector Åsa Persson
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ICOMOS Sweden
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