



Akuila Tawake

Before joining the project Akuila worked as SPC-GSDs Senior Adviser in Aggregates Geology for more than seven years. During his professional career Akuila has worked with a broad range of stakeholders in the minerals sector including: governments; regional and international organisations; academic institutions; the private sector; civil society; communities and resource owners.

Q: Where are you from and what was it like growing up there?

A: I come from the island of Matuku in Fiji's Lau Group and I am proud of it!

Q: What inspired you to become a Geologist?

A: Simply the beauty of minerals, their colours, appearance and shapes, in some books that I read in high school. I wanted to know more about them

Q: What do you like to do when you're not at work?

A: I am a family man and I have four children, three sons and a daughter. I like playing with my kids, gardening and reading

Q: What's the one thing you'd really like to do that you haven't done yet?

A: To build a family house in my village so we can visit my home island more regularly

Q: What's your favourite movie?

A: Gladiator!

Q: Who would play you in a movie about your life?

A: My youngest son - my relatives say he behaves just like me when I was young.

Q: What would you really like to be doing in 10 years time?

A: To start a family business but I have yet to figure out what actually it'll be.

Project Highlights

1. The Pacific Deep Sea Minerals Project runs a fully funded legal internship programme for Pacific Island lawyers (working for up to 3 months in Suva with the DSM Project Legal Advisor), and would like to receive government nominations or applications from individuals in particular from: FSM, Marshall Islands, Nauru, Niue, Palau, PNG and Timor Leste – contact marieb@spc.int for more information.
2. The Project Communication Strategy was finalised in February 2013 and is currently being implemented with the assistance of a Communication Specialist.
3. The PNG country visit occurred between 29th April – 3rd May 2013. The DSM Project in collaboration with the Department of Minerals Policy and Geohazard Management (DMPGM) held the PNG national deep sea minerals stakeholder consultation workshop in Port Moresby on 2nd May, in order to present the DSM Project to in-country stakeholders and collectively discuss national priorities in relation to DSM issues.
4. The 2012 DSM Project Annual Report has been completed and sent to representatives of Pacific ACP States in early May 2013.

Upcoming Events

1. Pacific ACP States' Regional Training Workshop on "Understanding Social Impacts: Prioritising Public Participation" (to be held from 10th – 14th June 2013, in Vanuatu)
2. Pacific ACP States' Regional Training Workshop on Environmental management for Deep Sea Minerals (to be held in partnership with the Secretariat of the Pacific Regional Environment Programme (SPREP) in September 2013, in Fiji).
3. Pacific ACP States' Regional Training Workshop on Fiscal regimes and the responsible investment of revenues from Deep Sea Minerals (to be held in partnership with the IMF's Pacific Financial Technical Assistance Centre (PFTAC) in the Cook Islands, in the first quarter of 2014).



Tonga Workshop Participants.

The Last Word on the Tonga Workshop



"Thanks to all presenters who shared so many wonderful things with us. Thanks to Mary Louise Vitelli for your evidence and experience charged legal insights and advice that I know were extremely well received. I very much welcome the inputs and genuine participation from all sides: civil society, industry, and government. I am left with a great impression of people genuinely wanting to achieve the most optimal solution possible. I thought all sectors and parties showed care and concern for environmental impacts and downstream social implications. As Mary Louise so wisely put it, we cannot pretend that mining is an altruistic business. There are money incentives on all sides including Government and NGOs who want to see that communities and countries benefit."

Professor Mike Petterson, Director, SPC-GSD



The Prospect



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NEWS FROM THE PACIFIC DEEP SEA MINERALS PROJECT

Welcome to the first newsletter of the SPC-EU Pacific Deep Sea Minerals Project

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The SPC-EU Pacific Deep Sea Minerals Project is helping Pacific Island countries to improve the governance and management of their deep-sea minerals resources. The Project is helping the countries to improve legal frameworks, increase technical capacity and to develop effective monitoring systems.

The Pacific Deep Sea Minerals Project is funded by the European Union and managed by the Geoscience Division (GSD) of the Secretariat of the Pacific Community (SPC) of the Secretariat of the Pacific Community, on behalf of 15 Pacific Island Countries: the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru,

Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor Leste, Tonga, Tuvalu and Vanuatu.

Initiated in 2011, the SPC-EU Pacific Deep Sea Minerals Project is the first major initiative designed to regulate this new activity in a coordinated way within the Pacific Region. The €4.4 million EU-funded project is designed to help national governments develop the legal, fiscal and environment management frameworks needed to ensure that any exploitation of deep sea minerals will directly support national economic development while also minimizing any negative impacts on the environment and local communities.

Tonga Workshop Builds Vital Contract Negotiation Skills

From March 11th-15th 2013, the SPC-EU Pacific Deep Sea Minerals Project held a regional workshop on "Law and Contract Negotiations for Deep Sea Minerals" in Nuku'alofa, Tonga. Workshop participants included government officials and representatives from NGOs and the deep sea mining companies.

A mixture of expert presentations and interactive role play exercises were designed to provide government officials with the knowledge, skills and confidence to negotiate effectively with well-resourced deep sea mining companies. The workshop participants also benefitted directly from listening to the negotiation experiences of a range



Figure 1: Tonga Workshop Participants.

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of international experts including Mary-Louise Vitelli, an international lawyer who specializes in negotiating on-land mining agreements between companies and governments of developing countries.

Hannah Lily, Legal Advisor for the Pacific Deep Sea Minerals Project, says one of the main objectives of the Project is to enable countries to make informed decisions about whether or not to give out exploration and mining licences for their deep sea minerals resources. "If those licences are issued it is critical that they contain terms that protect the country from environmental damage, protect the people from impacts on their livelihoods, and ensure a proper financial return that will be collected and managed responsibly," she says.

Mr. Taaniela Kula, Deputy Secretary for Tonga's Natural Resources at the Ministry of Lands, Environment, Climate Change and Natural Resources, believes the workshop provided critical skills for public administrators from throughout the region.

"The workshop helped to build much needed skills in areas such as international law and contract negotiations. These skills are obviously critical when you are sitting around a negotiation table with a well-resourced company where there may already be the perception that they have great status, wealth and access to a lot of the technical knowledge about deep sea mineral resources," he says.

Mr. Akuila Tawake, Manager of the Pacific Deep Sea Minerals Project, says Pacific Island countries need to have the capacity to deal with this important resource management issue over the next 20 to 30 years. "We are trying to assist the Pacific Island countries to learn from the mistakes that have been made in other industries like fisheries and on land mining. For the Tonga workshop we invited representatives from governments, civil society, mining companies and some experts from outside the region. I think this holistic approach signifies that we are serious about taking an inclusive approach to work with all stakeholders interested in deep sea minerals in the Pacific," he says.

SPC Director General, Dr Jimmie Rodgers talks Deep Sea Minerals



Dr Jimmie Rodgers

environmental analysis, before they push in. And there is only a limit to which some countries will be able to withstand that.

For those that say we don't need the SPC-EU Pacific Deep Sea Minerals Project I would say - do they prefer to see a country without any information, that doesn't have the capacity to respond and defend themselves and are run over by multinational companies?

SPC is about providing the right information to the countries. The decision to mine or not is not SPC's, the decision to mine is the country's. It is their resource. Our interest is that, before they make the decision, they must have the information that tells them of the benefits as well as the consequences.

Are you worried that countries will be pressured into mining deep sea minerals by multinational companies?

Governments are usually put in the position of, "Well if they don't do it, we get nothing anyway. Therefore we'll go along because we get something". I think governments need to move away from that and actually put up a fairly strategic defence that there are going to be some things that are not negotiable. For instance, benefit sharing - 'You're interested in my resource – this is the minimum we're getting out of it. If you're not interested in that partnership, thank you very much, but we're not interested in you.'

Why do you think there is a need for the SPC-EU Pacific Deep Sea Minerals Project?

At the moment none of the Pacific countries and territories have properly developed legislative framework that will guide the protection of these resources and guide procedures for harvesting them in a way that is sustainable and protects the environment.

The issue is urgent because multinationals are not going to wait to give Pacific Island countries time to look at all the studies,

What the workshop participants said:



"I want to thank SPC-GSD for taking the lead in mobilising all the stakeholders to come. I think this is the first time that a workshop like this was organised for all stakeholders - the government representatives, miners, and the civil society - to come and learn the skills of negotiation, and developing contract that is appealing to all parties in order to get a favourable benefit."

Mr. Wenceslaus Magun, Mas Kagin Tapani Association, Papua New Guinea - Representative of the Deep Sea Mining Campaign



"The content of the workshop really made a big difference in upgrading the knowledge of the participants with regards to deep sea mining contracts, especially when negotiating with the companies."

Mr. Mike Aroi, Acting Secretary, Department of Foreign Affairs and Trade, Nauru



"It was truly a remarkable opportunity for Pacific Islanders to get together and dialogue about issues that are very essential to their livelihoods.... We are getting a better understanding of the deep sea mineral issues and what the Government is doing. [We are also] learning what we Civil Society Organisations could do better to achieve a stronger, accountable and transparent government that will invite trust and faith."

Ms. Pelenatita Kara, Civil Society Forum Tonga



Personally, that workshop has been the best I have ever attended. I think not only because it is timely but also the cross section of interests represented made it for me a session that was more realistic and practical."

Mr T. Suka Mangisi, Deputy Secretary, Ministry of Foreign Affairs, Tonga



"I wanted to say for the record our thank you and appreciation of the workshop well presented, well done and well accomplished."

Mr Jose R. Gallen, Assistant Attorney General, Federated States of Micronesia



"It was a privilege to learn so much and to hear from the different regional countries, key speakers and companies on deep sea minerals activities in the region. I have learnt so much and have come away with so much more knowledge and confidence on the issue."

Timaima Vakadewabuka – Tora, Office of the Attorney-General, Fiji



"The workshop in Tonga was a great experience and I really enjoyed the negotiations part."

Toepenina Hekau (Ms), Senior Crown Counsel, Niue Crown Law Office, Niue



"The presentations were very informative, the negotiation role-plays taught valuable skills and the organisation was flawless."

Mr Ashvin Degnarain, Advisor, Mauritius



"The Tonga trip was amazing and I love the passion in the Pacific for protecting our islands and I appreciate all of the expertise and sincere advice that you bring to the table."

Ms Brengyei Katosang, Assistant Attorney General, Palau



"The trip to Tonga was highly beneficial and the workshops were informative and a delight to attend."

Ms Christine Swift , Deputy Parliamentary Counsel, Nauru

Tonga Workshop Highlights Need for Greater Integration between Government & Civil Society Organisations



Teina MacKenzie

"We need to change the current mindset from "Let's let governments do this, and let's let CSOs do that". It really needs to be a much more integrated approach with a wider range of interested stakeholders, quite often, different Civil Society Organizations support Government divisions with different initiatives and health initiatives are a good example of where this type of collaboration has been very successful," she says.

Miss MacKenzie believes the opportunities provided by deep sea minerals also bring greater responsibilities on the part of Governments and Civil Society Organisations. "You can't be naive about the issue of seabed mining. You have to realise that if governments see economic benefits then they will engage in that activity," she says.

In September 2012 the Te Ipukarea Society collaborated with a wide range of non-government and academic institutions to pass Resolution 79 at the World Conservation Congress in Jeju, Korea, which focuses on the protection of deep-ocean ecosystems and biodiversity from the threats of sea bed mining. It was the only motion submitted that was dedicated to seabed mining and, as a result, is one of the resources to be consulted when nations are creating policies in this area.

I think the key message is, "How do we sustain economic growth?" Firstly, governments need to be very clear on what is it that they want to get out of this. They have to have fairly definite milestones that are not negotiable, and use that as a negotiating basis.

There are many companies out there and governments should not look at the very first one that offers to invest. They should actually be looking at it from the perspective of 'What is the best deal for my country that gives me a) the resources at the level I need, and b) that will harvest the resource in a way that is environmentally and economically sustainable.'

How do you respond to organisations that are worried about the potential impacts of deep sea mining?

The ocean is the biggest resource that the Pacific has. The last thing that we want to see happen is that in extracting deep sea mineral resources, we actually pollute our biggest resource. I think that's very, very important for people to understand.

As part of wider the consultative process there will be some people that will not believe in deep sea mineral mining until the day they die. But, rather than being kept in the dark, I think these people would be happier if they can be assured that whatever occurs is not going to destroy the environment or undermine future generations.

Miss MacKenzie says the recent workshop in Tonga was crucial given the rapidly growing commercial interest in deep sea mining in the region. "It's a real concern if there are contract negotiations going on when there is such a lack of frameworks and legislation in place. But, if negotiations are taking place, it is better that the SPC-EU Project is providing the tools to help countries to navigate their way through the beginning of negotiations," she says.

Miss MacKenzie believes governments must ensure there is comprehensive stakeholder engagement before licenses and contracts are even negotiated. She says it is now even more urgent for Civil Society Organisations to get directly involved in this process as quickly as possible.

"We need to be involved to make sure that legislation is robust and there are no loopholes. It's important that communities in all the countries really engage in the process of developing the legislation, frameworks and policies in each of their own countries. Transparency will come when the communities really understand what the issues are. We all need to be a part of this conversation," she says.

Miss MacKenzie says that Pacific Island governments have an obligation to get the necessary resources, information and systems

I think that's very important for the critics to understand that we are all on the same side of the fence. What SPC wants to see is that if those resources are harvested, they're harvested in a sustainably and environmentally friendly manner, that they're harvested such that current generations and future generations will benefit.

I think my message to critics is to step back a little bit. We want to work with them, and I would encourage them to work with us.

Do you think any deep sea mining activities should be banned until all the environmental studies have been carried out?

The ideal situation will be to have all the assessments completed, and then see what the best option is. But we are not in an ideal world and right now the pressure in government is driven by economic instability. Many governments in the Pacific have a huge problem forecasting economic growth and this is a resource that they see that they can benefit from.

We need to move into the practical zone and ask the question, "What is the best combination of options we need to look at" and the Deep Sea Minerals Project fills part of that void – it is part of the answer. The Project is not saying, 'go and do mining' - it is saying, 'should you decide to go and do mining, please, these are the key areas you need to consider first.'

in place before they start making hurried negotiations with the private sector. "If countries really want to develop this resource they need to prioritize and give it the dedicated human resource and expertise that is required," she says.

While Governments need to dedicate more resources and make substantial efforts to include members of the community, Miss MacKenzie believes that Civil Society Organisations throughout the region also need to work harder to ensure they take the opportunities to engage with Government and are asking the right questions.

"Since many Pacific Island nations do not yet have adequate enough resources available to them for such an important issue such as possible seabed mining, the "us and them" approach previously engaged in does not enable improved governance and management of deep-sea minerals resources. The most successful way forward is to work in a much more proactive and integrated manner. Without that, we all fail to secure true economic development to provide for citizens and to protect the Ocean that has supported us for centuries," she says.