

Tonga a world leader in seabed minerals law

Written by Administrator

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The Kingdom of Tonga this month became the first country in the world to put in place a law that manages seabed mineral activities within its national marine space and under its sponsorship in international waters.

Tonga's Seabed Minerals Act 2014 was prepared with the assistance of the Deep Sea Minerals Project a partnership between the European Union (EU) and the Secretariat of the Pacific Community (SPC) and 15 Pacific Island countries. The Act received Royal Assent from the King of Tonga on 20 August 2014. This pioneering law, championed by Tonga's Minister for Lands and Natural Resources and his staff, and led by the Kingdom's Attorney-General's Office, with SPC support, positions Tonga at the forefront of good governance for this emerging new industry.

Tonga, like Papua New Guinea, Fiji and Solomon Islands, has already received significant commercial interest in the seabed mineral potential within its national seas. Companies are currently conducting exploratory activities to learn more about Tonga's 'seafloor massive sulphide' deposits. These chimney like structures, formed by hydrothermal activity at the seafloor thousands of metres below sea-level, are being feted as a new source for metals in global demand (such as copper, zinc, gold and silver) – and, if mined, would bring a new source of revenue for Tonga.

The industry is however an untested one: deep sea mining has not yet occurred anywhere in the world; its viability and environmental impact are yet to be determined.

Now, in Tonga, before any seabed mining can commence, the requirements of the Seabed Minerals Act must be followed. This includes a stringent vetting process by government of any new project proposals, and public consultation if mining is proposed. Environmental impact assessment and ongoing monitoring are legal requirements under the Act, and government is given enforcement powers in order to maintain compliance with required performance

standards. The Act also highlights the importance placed by Tonga on the protection and preservation of the marine environment, recognising the need to balance economic development for the people of Tonga against conservation of the biodiversity of the oceans.

Mr Taaniela Kula, Deputy Secretary for Natural Resources and the SPC-EU Deep Sea Minerals Project focal point in Tonga, thanked a wide range of stakeholders this week for their involvement in the law's development, which commenced in 2012, including government colleagues and partners in the private sector and civil society – with special thanks to the EU and SPC for the Deep Sea Mineral Project's assistance preparing an initial draft of the Act.

European Union Ambassador to the Pacific Andrew Jacobs, upon receiving a copy of the Seabed Minerals Act 2014, commented: 'I wish to congratulate Tonga for this bold move, which will allow the Kingdom to effectively regulate and fully participate in deep sea mineral activities. The EU is pleased to have been able to contribute to this world premiere. Tonga is now equipped with a set of tools and regulations that will allow it to maximise the benefits of deep sea mining for its population.'

Prof. Mike Petterson, the Director of SPC's Geoscience Division, which hosts the SPC-EU Deep Sea Minerals Project, added his congratulations to Tonga for its great achievement:

'The Seabed Minerals Act 2014 is not only a world first, but also a world best! With this new law, Tonga establishes a robust and transparent regulatory system, which prioritises good governance of natural resources and environmental management in line with international best practice. With provisions that set a stable and predictable regime, with requirements for the precautionary approach, public consultation and 'free, prior and informed consent', and with the creation of a ring-fenced sovereign wealth fund for seabed mining revenue, through this Act, Tonga has struck a good balance between incentivising the investment that will bring Tonga new income, while protecting the long-term interests of the people of the Kingdom and the health of the oceans.'

Tonga's legislation follows closely the SPC-EU Deep Sea Mineral Project's 'Regional Legislative and Regulatory Framework' launched by Pacific Island Forum Leaders in 2012, and endorsed by all 15 Pacific members of the African, Caribbean and Pacific Group of States (ACP). Several other Pacific Island countries also have seabed mineral Bills under development, with SPC and EU support, and the Deep Sea Minerals Project is supporting a wide range of other deep sea minerals 'good governance' activities across the region, in response to the requests and individual needs of countries.

Tonga will now continue to implement the SPC-EU Deep Sea Minerals Project, with awareness-raising programmes, and the development of further regulations.

For more information, contact SPC-EU Deep Sea Minerals Project Legal Advisor Hannah Lily

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or visit the SPC-EU Deep Sea Minerals Project webpages: <http://gsd.spc.int/dsm>

Photo caption: Acting Attorney General presenting on the lack of laws on seabed minerals in Tonga