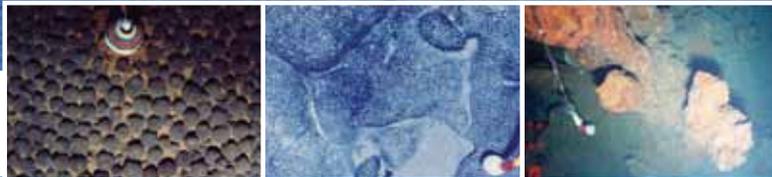




The Prospect



Issue 2. September 2013

NEWS FROM THE PACIFIC DEEP SEA MINERALS PROJECT

Welcome to The Prospect!

The second issue of The Prospect is pleased to bring you news and developments from the SPC-EU Pacific Deep Sea Minerals Project and its participating member countries. The Deep Sea Minerals Project is designed to help Pacific Island governments ensure that any efforts to harvest deep sea minerals will directly support national economic development while also minimizing any negative impacts on the environment and local communities.

The Project is funded by the European Union and managed by SOPAC, the Applied Geoscience & Technology Division 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.

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Strong Pacific Presence at 19th Annual Session of the International Seabed Authority

By Lisepa Paeniu (DSM Project Legal Intern) and Hannah Lily (DSM Project Legal Advisor - pictured right)

The nineteenth Annual Session of the International Seabed Authority ('ISA') was held from 8–26 July 2013 in Kingston, Jamaica. The International Seabed Authority was established by the UN Convention on the Law of the sea to allow State parties to organize, control and administer activities and resources in ocean areas beyond the limits of national jurisdiction, commonly referred to as "the Area".

All Pacific Islands, are members of the ISA Assembly and this year delegations from the Cook Islands, Fiji, FSM, Kiribati and Tonga were all represented during the ISA meeting. The DSM Project is pleased to have been able to support this year's PIC delegations and interns at the ISA Annual Session, and hopes to be able to support an increased PIC presence next year.

In a session about national legislation, the Cook Islands, Tonga and Fiji spoke about their progress, with Fiji announcing the recent promulgation of its International Seabed Mineral Management Decree 2013. In other sessions Cook Islands and Tonga

also eloquently brought to the meeting the particular perspective of Small Island Developing States.

T. Suka Mangisi, from Tonga said: "As a developing member state, our economy, our country, our people, are searching for ways in which we may be able to improve our livelihood through better social and economic circumstances"

These and other interventions from the Pacific Island delegations in attendance were well-received. Cook Islands also held a popular side event at which the Seabed Minerals Commissioner described the Cook Islands' nodules potential and the plan to open the EEZ for tender in early 2014.

Key decisions are now being taken now that will affect the States interested in sponsoring activities in the Area, and all other developing States, as the ISA grapples with how to implement the 'Common Heritage of Mankind' principle of the UN Convention on the Law of the Sea.



Hannah Lily

Key issues discussed at the meeting¹:

- Two applications for contracts for exploration for Cobalt-Rich Crusts (from China and Japan) were unanimously approved, and described as an exciting, important and positive development for the ISA.
- Trainees were identified for ISA contractors' capacity-building opportunities. These included one candidate from Kiribati and PNG, and back-up candidates from the Cook Islands and Vanuatu.
- A review of annual reports of existing contractors (7 of whom have held contracts since 2001) suggested a lack of urgency or progress.
- The cost to the ISA of supervising each current exploration contract was calculated to be US\$47,000. It was agreed that this sum would be included in the terms of future exploration contracts as an annual fee (in addition to the US\$500,000 application fee).
- A proposal from Nautilus to negotiate a joint venture with 'the Enterprise' (the commercial branch of the Authority, which does not yet exist) for exploration of 8 reserved areas was discussed, and rejected as 'premature'. It was decided that further study would be conducted as to the financial, legal and technical implications of setting up the Enterprise. In the meantime the 8 reserved areas of the Nautilus proposal are open for applications.



Paul Lynch (Cook Islands) is congratulated by Malakai Finau (Fiji) at the conclusion of a successful side event at the ISA Annual Session 2013



The DSM Project was very pleased to sponsor two Pacific Island Government lawyers: Ms. Rose Kautoke (from the Attorney General's Office of Tonga pictured left) and Ms. Timaima Vakadewabuka (from the Attorney General's office of Fiji) to undertake a four-week internship at the ISA, working with the ISA Secretariat prior to and during the Annual Session. Rose Kautoke said: "I learnt so much about the International Seabed Authority within a short span of time. I was able to gain a lot of knowledge in relation to the responsibilities of sponsoring states which I know will be beneficial for my country."

Fiji Passes International Seabed Minerals Management Decree

Congratulations to Fiji for passing its International Seabed Minerals Management Decree on 12th July. This is one of the first and only pieces of legislation in the world to provide a legal framework for future sponsorship or contract-holding in 'the Area'. The SPC-EU Deep Sea Minerals Project prepared a first draft of this Decree in January 2013 and provided ongoing support as the draft was further developed by the Fiji Government, through a multi-departmental committee led by Foreign Affairs. Ms. Timaima Vakadewabuka, of Fiji's Attorney General's Office was responsible for reviewing and finalizing the Decree.



During the DSM Project Training Workshop on DSM Law and Contract Negotiations - Tima receiving her Certificate of Participation award from the Attorney General of the Kingdom of Tonga

¹ <http://www.isa.org.jm/en/sessions>

Solomon Islands Holds Public Consultation Meetings in Temotu Province

In July the Solomon Islands Government began holding awareness and information sharing meetings in Lata, Temotu Province where deep sea exploration activity for seafloor massive sulphides has been initiated by Blue Water, a subsidiary of Neptune Minerals. A second awareness meeting was held in Honiara in the same month. These stakeholder awareness meetings were made possible with the financial support of the SPC-EU DSM Project.

The Solomon Islands is currently working towards developing its national deep sea minerals legislation and the Government began holding consultation programmes with the people of Temotu and Honiara on the potential social and environmental impacts of any deep sea mining activities. In its consultations the Government emphasized the importance of taking a precautionary approach and ensuring public involvement in a fair and informed decision making process

Australia-based Bluewater Metals has been granted exploration licences to search for SMS deposits containing copper and gold in sites around Temotu. The company insists it is taking a very cautious approach to its work and Bluewater's co-founder, Timothy McConachy, told Radio New Zealand that their highest priority is the environment. "In exploration we're not damaging the environment in really any way. It's as much or as little as researchers would do



Mr Joseph Ishmael, the Solomon Islands' Deputy Director of the Mines Division is presenting during the stakeholder awareness in July in Lata, Temotu Province.

carrying out scientific investigations, and that's exactly what we're carrying out at this stage - a scientific excavation," he says.

Cook Islands Launches National Youth Debate on Deep Seabed Minerals

In September the Cook Islands Seabed Minerals Authority announced that it is working with the Te Ipukarea Society to hold a National Youth Debate on Seabed Minerals. The SPC-EU Deep Sea Minerals Project is providing financial support for this initiative which will encourage up to 12 young Cook Islanders (14–19 years) to participate in this national debate.

The overall winner of the debate will be invited to accompany the representatives from the Cook Islands to attend and contribute to the next SPC-EU Deep Sea Minerals Workshop taking place in Fiji in early December. Return flights, meals, accommodation and travel insurance will be provided.

Teina Mackenzie, from the Te Ipukarea Society, says this prize will be awarded to the young person who can demonstrate an ability to understand and articulate the various issues related to deep sea minerals, regardless of which position they advocate.

The SPC-EU Deep Sea Minerals Project hopes this initiative will lead to the development of similar youth debates in other Pacific Island countries that will assist its effort to increase public understanding of the key issues related to the management of deep sea minerals resources right across the Pacific region.



Courtesy of Ms Teina McKenzie



Documentary increases awareness of deep sea minerals issues

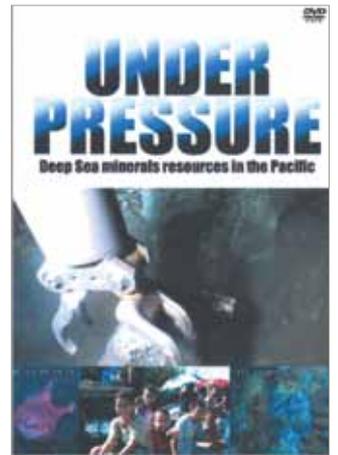
In late June the SPC-EU Pacific Deep Sea Minerals Project launched a new documentary in an effort to increase public awareness about the potential benefits and impacts of deep sea mining in the Pacific. The 25-minute film 'Under Pressure' screened on Fiji TV's Close Up current affairs program and it has already been viewed thousands of times on the SOPAC website (www.sopac.org).

'Under Pressure' examines the deep sea mining issue from a number of perspectives including anti-deep sea mining NGO's, politicians, government agencies, and deep sea mining companies. Professor John Collen, Senior Fellow at Victoria University of Wellington's School of Geography, Environment and Earth Sciences, said the film was "very impressive and enjoyable to watch".

"I thought the competing views were handled very well and it gave those of us from outside the region a real insight into the pressures on all involved. I've given it to my environmental science students who are working on manganese nodules in order to give them some

background to their research, and I plan to use it in lectures next year - so many thanks for that!" he said.

Following the success of the first film the SPC-EU project is producing two more about how the minerals are formed and the potential environmental impacts of deep sea mining, and the community engagement process in New Ireland, Papua New Guinea, where Nautilus Minerals has been working on the Solwara 1 Project.



To order a free copy of the Under Pressure DVD please email: viraa@spc.int

Vanuatu Workshop Calls for Wider Public Consultation on Deep Sea Minerals

From 10-14 June the Government of Vanuatu hosted a regional workshop that was primarily designed to increase understanding of the potential social impacts of deep sea mineral activities. In his opening address Vanuatu's Minister for Lands and Natural Resources, the Hon. Ralph Regenvanu, said there needed to be wide consultation before any further activities to do with seabed mineral exploration could occur in Vanuatu.

Mr Akula Tawake, Manager of the SPC-EU Pacific Deep Sea Minerals Project, said the Minister's comments were highly valued at a workshop that was also designed to support greater stakeholder consultation on the issues related to the governance of deep sea minerals resources in Pacific Island countries.

Mr Tawake said one of the main benefits of the workshop was that it enabled a wide cross-section of participants to interact and share their concerns with each other. He said he was pleased to see a wide range of participants including representatives from civil society organizations, religious groups, deep sea mining companies and government officials from 14 Pacific Island countries.

Mr Tawake said the range of issues discussed at the workshop ranged from the concept of 'free, prior and informed consent', to potential challenges and opportunities for Pacific Island nationals if this new sector was to expand throughout the region.

"The workshop included discussions on the potential social impacts of deep sea mining, and the importance of public debate and

engagement as Governments develop policy and take decisions about whether or not to engage with this emerging industry. The SPC-EU Pacific Deep Sea Minerals Project is 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," he said.

The workshop included presentations by international experts including Professor Colin Filer, who specialises in the social impacts of mining, and Tim Ofor, an expert on stakeholder participation processes. The workshop ended with a practical role play on how to increase community and wide stakeholder participation in State decision-making processes for development projects.



Vanuatu's Minister for Lands and Natural Resources, Honourable Ralph Regenvanu (right) with Ambassador Gerson Jackson (left) of the FSM during the June workshop.



Pelenatita Kara, from the Civil Society Forum of Tonga, said she intended to use knowledge gained from this workshop to create a platform for public consultation and dialogue where civil society organisations, the wider community, the private sector and government agencies in Tonga could continue to discuss deep sea minerals issues.

"I hope everyone else will do this as well so we can make use of the excellent strategies and framework proposed during this week's training. We are looking at being as inclusive as we can to ensure we maximize the chances for people to get their queries clarified and have both government and companies table their cases," she said.

Margaret Aulda, Environment Officer for Papua New Guinea's Mineral Resources Authority said the main objective of the workshop was to bring the different stakeholders together into one room to talk about the potential social impacts of deep sea mining activities.

"There has to be transparent and effective consultation between all stakeholders and this process can be achievable if countries have legislation and policies in place that can give effects and legality

to the whole process. At the end of the day the onus is with the government of the day to decide in the best interest of its people," she said.

Mr Tawake said the SPC-EU Deep Sea Minerals Project is designed to provide countries with the relevant information and advice they need to make informed decisions about deep sea mining within their national jurisdictions.

"The DSM Project has been sharing as much information as it possibly can through national and regional workshops, training workshops and awareness programmes to ensure that countries have all the relevant information to make informed decisions.

"We believe that through these stakeholder participation and knowledge enhancing initiatives the various stakeholders from government, the private sector, civil society, local communities, and different national, regional and international organisations will be in a much better position to discuss and address their different concerns," he said.

Workshop participants share their thoughts:



"The workshop was a real eye-opener for me personally as well as for Vanuatu as a whole. I sincerely thank the SOPAC Team for making it a reality for Vanuatu."

Richard Balkonan, Chargé d'Affaires, High Commission of the Republic of Vanuatu, to the Republic of Fiji



"I thought beforehand that they (the impacts of deep sea mining) were unlikely to be very significant, but I can now see that the indirect impacts in the smaller countries of the region could be quite substantial. So if it ever happens, mind how you manage the revenue streams!"

Professor Colin Filer



"(The workshop) was a great opportunity to understand the many factors that influence sound decisions and the need to encourage broad participation. Discussing the issues regarding economic development, and to what extent they may or may not supersede the need to proceed with caution when there are many social factors that will be affected, is a great start.

Teina Mackenzie, Te Ipukarea Society, Cook Islands



"I take this opportunity to thank you all for a wonderful workshop. I am sure that information and knowledge share during this workshop will benefit us all while our differences with the NGOs/CSOs will enrich our understanding moving forward. Thank you Vanuatu reps. Vanuatu you are the happiest place that I have been to.

Joses Gallen, Assistant Attorney General of the Federated States of Micronesia



"As a 'responsible CSO' representative, I will endeavour to create a platform for public consultation and dialogue where both CSO, NGO, FBO, CBO, Private Sector, Youth, Women, Disability, Government and Mining Companies will dialogue on this issue. I hope everyone else will do this as well so we can make use of the excellent strategies and framework proposed during this week's training. We are looking at being as inclusive as we can to ensure we maximize the chances for people to get their queries clarified and have both government and companies table their cases."

Pelenatita Kara, Civil Society Forum of Tonga



"Thanks again to the SOPAC team for all your hard work behind the scenes to make the meeting happen and to the warm welcome from our Vanuatu friends. A special thanks to PCC representative Murray Isimeli for his very thoughtful intervention to the SOPAC meeting. I sincerely hope that all representatives at the meeting consider the importance of policy development, and the principles and process of Free, Prior and Informed Consent and the precautionary principle in considering opening the Pacific up to deep sea mining."

Natalie Lowrey, Communications coordinator, Deep Sea Mining Campaign



"Words of gratitude and "Kam bati n Rabwa" to the Vanuatu Team, SOPAC-SPC DSM Team and the rest of the Participants in making last week's workshop a great one!!! Especially our friends from CSO's and NGO's. And not forgetting our gratitude to natural phenomenon which gives us our first experience of Earthquake in the early morning!!!!!! Last but not the least, thanks to the facilitators who had and always emphasize the importance of working with and involving local communities in all Projects where in this case DSM.

Tebete England, Minerals Development Officer, Kiribati



"I am enjoying the workshop and I compare this to a walkathon through the forest, collecting and gathering new fruits and root crops. They will serve to sustain me and my interest in using the materials collated for a course I can teach my Forms 1 to 4 students on Deep Sea Mining this and future terms."

Makiuti Tongia, SBA Board Member, Cook Islands



VANGO and Vanuatu CSOs who attended the DMS workshop learned a great deal on 'communications', 'stakeholder' & 'consultation' processes at all levels and most of all how to engage all at the various levels to understand DSM and associated positive and negative social implications. The sessions were interesting and I thoroughly enjoyed the presentations and style of engaging with participants."

Charlie Timpoloo Harrison, VANGO Secretariat, Vanuatu

Profile

Vira Atalifo, Project Assistant of the Pacific Deep Sea Minerals Project



Vira Atalifo

Vira graduated with a Bachelor of Arts (Marine Affairs and Tourism Studies) from the University of the South Pacific in 2009 and PGDip Climate Change in 2012. She was attached with SOPAC in 2011 as a trainee with the Maritime Boundaries Project and joined the DSM Project in 2011 as the Project Assistant where she is responsible for the development of Regional Marine Minerals Database, advising PIC counterparts on the development of their National Offshore Minerals Committees, and generally keeping everyone on their toes!

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

A: I'm from a small island called Rotuma. Growing up on the island was the happiest days of my life. If I could live it twice I would do it all over again.

Q: What do you like most about your job?

A: My team! I guess, because we're a small team, we're quite close-knit and everyone helps out wherever and whenever necessary. We celebrate in each other's achievements, correct when one is wrong and joke with each other. Mostly we leave at the end of the day looking forward for each other's company the next day

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

A: Watch movies, sleep and spend time with family

Q: What's your favourite movie?

A: I have many but they have got to be action thrillers – latest is Pacific Rim!

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

A: Travel to places I haven't been to. If I have to name one it would be Scotland. Why? "Brave Heart"!

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

A: I want to visit Africa. I watched this movie when I was a kid about the apartheid in South Africa and never really got over it. Heaven permitting, I would love to go and work there someday.

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

A: I think my youngest sister, although being the oldest I don't get that many privileges.

Legal Trainee Scheme Builds Experience in International Law

Since 2012 the Deep Sea Minerals Project has run a Legal Trainee Scheme that allows government officials and aspiring lawyers from the 15 P-ACP States to get first-hand experience of the international law framework governing the deep sea minerals sector.

The aim of this training programme is to enable Pacific Island states to seek advice from in-house lawyers with improved knowledge and experience of this emerging industry.

A short placement for in-depth training and the drafting of national legal instruments is offered to government lawyers. There is also a separate, longer internship scheme for young lawyers and law students who are Pacific Island nationals. For more information about the internship scheme please visit:

<http://www.sopac.org/dsm/index.php/internship-program>

The scheme has involved representatives from 8 of the 15 P-ACP States of the Project and the project hopes to continue the programme until all 15 countries have benefitted. Recent participants in the Internship Scheme include:



Daniel Damilea is a Senior Crown Counsel at the Attorney General's Office in the Solomon Islands. Mr Damilea was attached to the DSM Project for 2 weeks in June 2013, to focus more specifically on the relevant laws of the Solomon Islands.



Joses Gallen, the assistant Attorney General of the Federated States of Micronesia, joined the DSM Project for two weeks in August, in order to focus on developing a first draft Seabed Minerals Bill and Regulations for the Federated States of Micronesia.



Lisepa Paeniu is our ninth legal intern. She is currently pursuing her Masters in Environmental Law at the University of the South Pacific. A proud Tuvaluan, she was an intern with the DSM Team for a period of 6 weeks (July-August). Apart from conducting legal research and legal drafting for the DSM Team, under the guidance of Ms Hannah Lily, Lisepa also produced an explanatory guide for a Draft Seabed Minerals Bill and Regulation for Tuvalu.