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SPC-EU EDF10 Deep Sea Minerals Project Proceedings of the Samoa National Deep Sea Minerals Stakeholder Consultation Workshop Samoa Convention Center, Apia, Samoa 8 March 2012



June 2012

SOPAC WORKSHOP REPORT (PR99)

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This report may also be referred to as SPC SOPAC Division Published Report 99

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Minerals Stakeholder Consultation Workshop
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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	4
ACKNOWLEDGEMENTS	5
1. INTRODUCTION.....	6
1.1 Objectives of the Workshop.....	6
1.2 List of Participants	6
2. RECORD OF THE WORKSHOP PROCEEDINGS.....	7
2.1 Workshop Opening	7
2.2 Responding Remarks	8
2.3 Presentations and Discussions.....	9
2.4 Working Groups.....	15
Attachments	
1. Workshop Programme	20
2. TOR NOMC.....	22
3. List of Participants.....	25
4. Record of One-on-One Meetings with Stakeholders.....	28

EXECUTIVE SUMMARY

The Samoa National Stakeholder Consultation Workshop on Deep Sea Minerals ('**DSM**') was hosted by the SPC-EU EDF10 Deep Sea Minerals Project (the DSM Project) in collaboration with the Ministry of Natural Resources and Environment (MNRE) at the National Convention Centre in Apia, Samoa on the 8th of March 2012. The workshop was a concerted effort to present the Project to in-country stakeholders and collectively discuss national priorities in relation to deep sea minerals issues. In attendance were representatives from various government ministries and departments including the Ministries for Agriculture, Forestry and Fisheries (MAFF), Works Transport and Infrastructure (MWTI), Foreign Affairs and Trade (MFAT), Attorney General's Office (AGO), and Ministry of Finance (MOF).

Other in-country stakeholders such as civil society groups, private sector, educational institutions and communities were also invited to the workshop.

The workshop aligned with the DSM Project's aim to encourage a stakeholder participatory approach: to keep in-country stakeholders informed, propagate sound technical and policy advice, and to provide a forum at which all voices can be heard. Copies of the six information brochures on deep sea minerals related issues, and a country specific information brochure highlighting Samoa's deep sea minerals potential were distributed to participants.

Oral presentations were delivered by the DSM Project Team, as well as representatives of the MNRE and the AGO. Topics covered included an overview of the DSM Project, a regional overview of deep sea minerals potential in the Pacific Islands region, Samoa's deep sea minerals potential, significance of the regional legislative and regulatory framework (RLRF), international legal requirements and the Samoa legal system.

The DSM Project recommended the formation of a National Offshore Minerals Committee (NOMC) as an advisory forum to assist the process of developing national offshore minerals policy, legislations and other deep sea mineral related activities in-country. It was agreed that the formation of such a committee will be presented by the MNRE officials for discussion with other relevant authorities. Samoa would then advise the DSM Project on the next step forward.

The afternoon session required participants to be divided into two groups: a technical working group, and a policy working group. After the group discussions, each group then presented in plenary the outcomes of their discussions for consideration and further deliberations. Four key action points were identified by the workshop (i) to review existing policy and legislation and to remedy any gaps for regulating DSM, (ii) to encourage further surveys within Samoa's Exclusive Economic Zone ('**EEZ**') preferably a regional survey similar to the 1985-2005 Japan-SOPAC cooperative study, (iii) to express interest in participating in the exploration and exploitation of deep sea minerals in 'the Area', and (iv) to build capacity in all aspects of deep sea minerals and mining to enable Samoa to fully participate in this new industry.

ACKNOWLEDGEMENTS

Much gratitude is extended to Mr Taulealeausumai Lavasa Malua, CEO of MNRE for delivering the keynote remarks and opening the workshop, to Pastor Viliamu Mafoe for the prayer service and Mr Mulipola Ausitalia (ACEO-MET, MNRE) for chairing the workshop.

Special thanks is extended to staff of MNRE; Mr Lameko Talia, Ms Faainoino Laulala, Mr Francis Malaki and Ms Tessa Tafua for their assistance prior to and during the workshop. The Project also wishes to acknowledge all senior government officials and all participants for their active involvement throughout the workshop.

1. INTRODUCTION

Deep sea minerals investigation in Samoa started in the late 1970s assessing the potential for manganese nodules, phosphate, Cobalt-rich Crusts (CRC) and precious corals. However due to the geologically young age of the seamounts in the Samoan chain coupled with the fact that Samoa holds possibly the smallest EEZ in the region, deep sea mineral prospecting to date has produced less than satisfactory results. Alternatively, Samoa may wish to join other Pacific Island Countries such as Nauru and Tonga and participate in exploration and potential exploitation of deep sea minerals in the International Seabed Area (the Area).

Due to the lack of specific policy, legislation and regulations for the governance of DSM resources in many Pacific states, the DSM Project, in consultation with the participating countries of the Project and a broad range of stakeholders, is developing a regional legislative and regulatory framework, from which national offshore minerals policy, legislation and regulations can be developed.

The DSM Project is currently being implemented in 15 Pacific-ACP States for a period of 4 years (2011-2014). Apart from developing a regional framework and supporting the formulation of national deep sea minerals legal instruments, the Project is initiating capacity building opportunities in collaboration with participating countries and implementing partners to prepare P-ACP States to fully engage in this new industry.

It is therefore crucial to bring together key in-country stakeholders such as representatives of relevant government agencies, national and regional organisations, and NGOs and to present the DSM Project, discuss various issues and concerns relating to deep sea minerals and mining, and collectively agree on an integrated way forward.

1.1 Objectives of the Workshop

The objectives of the Samoa National Stakeholder Consultation Workshop were to:

- Identify key in-country stakeholders and present the DSM Project;
- Discuss various issues and concerns relating to deep sea minerals and mining;
- Determine the needs and priorities of Samoa in terms of policy and legislation development, capacity building and other deep sea minerals related issues;
- Provide the necessary guidance for the implementation of the DSM Project in Samoa;
- Discuss collaboration with key stakeholders (e.g. government agencies and NGOs), and form a steering committee or other mechanism, to involve all interested parties in project activities in Samoa;
- Identify in-country technical focal point for the DSM Project;
- Obtain from stakeholders answers to the SPC-EU DSM Project's questionnaire to assist the Project staff better understand the situation in Samoa; and
- Disseminate the DSM Project information brochures to stakeholders.

1.2 List of Participants

A full list of attendees can be found at Attachment 3 of this Report.



Participants of the Samoa National Deep Sea Minerals Workshop

2. RECORD OF THE WORKSHOP PROCEEDINGS

2.1 Workshop Official Opening

The workshop was officially opened by Mr Taulealeausumai Malua, Chief Executive Officer of the Ministry of Natural Resources and Environment (MNRE). In his opening address, Mr Malua mentioned that the Government of Samoa is hopeful that the stakeholder deliberations during the workshop will focus on the marine mineral potential in the Pacific especially within Samoa's Exclusive Economic Zone. He emphasized that efforts to explore and mine deep sea mineral resources need to consider the challenging environment in which these minerals occur. Mr Malua suggested that more detailed assessments need to be undertaken in order to gain sufficient knowledge on environmental issues and the viability of any mining operation prior to a decision to mine.

Mr Malua proposed that emerging interests to extract marine minerals from the seabed needs to be rigorously guided under a regional legislative and regulatory framework to ensure protection of the marine environment and biodiversity, and also bearing in mind that over-regulation can disincentivise investment opportunities in this new industry. He hopes that this national stakeholder workshop will provide a forum where the following issues can be addressed:

- I. Appropriate mining methods need to be used considering the nature and depth of occurrence of these mineral deposits;
- II. Development of robust mining equipments which can operate at such water depths and challenging environments;
- III. Need to consider the fluctuation in metal prices on the global market and its impact on any offshore mining operation and
- IV. Issues relating to environment management and mitigation of possible environmental impacts.

He noted the presence of key in-country stakeholders in the workshop and advised participants to try and learn as much and take back the lessons learnt that can contribute to the development of a deep sea minerals industry in Samoa. With those words he declared the Samoa National Deep Sea Minerals Stakeholder Consultation Workshop open.



Mr Taulealeausumai Malua, Chief Executive Officer of the Ministry of Natural Resources and Environment delivering the opening speech at the Workshop.

2.2 Responding Remarks by Akuila Tawake on behalf of the SPC-EU DSM Project

The responding remarks were delivered by Mr Akuila Tawake, the Deep Sea Minerals Project Team Leader. Mr Tawake acknowledged the presence of senior government officials, representatives of the private sector and Non-Governmental Organisations in the workshop and thanked Mr Malua for his words of encouragement and sound advice. Mr Tawake also acknowledged the European Union, for its financial assistance which enabled the SOPAC Division of the Secretariat of the Pacific Community (SPC) to implement the SPC-EU EDF10 Deep Sea Minerals Project.

Mr Tawake highlighted that scientific research and exploration for deep sea minerals and associated biological communities have been ongoing in the Pacific Islands region for the last 40 years. Since 1972, CCOP/SOPAC that later became the Pacific Islands Applied Geoscience Commission (SOPAC) in collaboration with developed countries such as USA, Australia, Japan and Germany were actively involved in the evaluation of seabed minerals within the EEZ of Pacific Island Countries (PICs). These efforts have led to the discovery of some potential seabed mineral deposits within the EEZ of Cook Islands, PNG, Tonga, Marshall Islands, Fiji and Kiribati.

Mr Tawake mentioned that due to the rise in metal prices triggered by sustained increase in global demand coupled with the discovery of high grade precious and base metals in Papua New Guinea (PNG) and Tonga have contributed to renewed interests in deep sea mineral deposits in the Pacific Islands region. Commercial interests from mining companies have led to

the granting of a mining lease to Nautilus Minerals in PNG in early 2011, exploration licenses to Nauru Ocean Resources Incorporation (NORI – Nauru registered company) and Tonga Ocean Mining Limited (TOML – a Tonga sponsored company) to explore identified areas in the International Seabed Area ('the Area').

Mr Tawake said that other PICs such as Kiribati, Tuvalu, Samoa and Fiji have expressed their interests to follow Nauru and Tonga and participate in deep sea minerals exploration in the Area. However, Mr Tawake emphasized that with limited knowledge on deep sea ecosystems and environments, the application of the precautionary approach is crucial to ensure the protection of marine biodiversity and environment. He quoted Principle 15 of the Rio Declaration on Environment and Development (1992) which states that...

...“in any development where there are threats of serious harm to the marine environment, the lack of full scientific data shall not be used as a reason for postponing that development. However, that particular development shall use cost-effective measures to prevent environmental degradation.”

Mr Tawake then concluded that the SPC-EU Deep Sea Minerals Project is encouraging a stakeholder consultative and participatory approach in the governance and management of deep sea minerals in the region therefore he hopes to work with in-country stakeholders on the implementation of Project activities in Samoa and to collectively identify the priority areas for deep sea minerals and mining and plan for a way forward in addressing them.

2.3 Presentations and Discussions

All presentations that were delivered during the workshop are made available in the Data CD attached to the back pocket of this report. The summary of presentations together with questions and comments raised by participants after every presentation are specified below.

Presentation 1: Overview of the Deep Sea Minerals (DSM) Project

Presenter: Akuila Tawake (DSM Project Team Leader)

Summary of Presentation

This presentation highlighted some of the background information on the rationale and goals of the SPC-EU Deep Sea Minerals Project. The Project's overall objective is to expand the economic resource base of Pacific States by facilitating the development of a viable and sustainable marine minerals industry. The Project aims to do this by strengthening the system of governance and capacity of Pacific States in the management of DSM through the development and implementation of sound and regionally integrated legal frameworks, improved human and technical capacity and effective monitoring systems.

The reasons why the project is taking a regional approach as well as implementation period and the four Key Result Areas of the DSM Project were presented. Activities under each Key Result Area were discussed in detail together with the Project implementation calendar summarizing the four years (2011-2014) work plan. The DSM Project beneficiaries, implementing partners and the expected outputs and outcomes were also discussed.

An update on the implementation of Project activities was also presented in order to give in-country stakeholders the progress made since the commencement of the Project in early 2011.

Activities highlighted included: the inaugural DSM workshop that was held in June 2011 in Nadi, the dissemination of a draft RLRf in January 2012 to a wide range of stakeholders for comments, four national stakeholder workshops have been convened, work on a publication to provide an assessment of DSM knowledge is underway, ongoing capacity building initiatives, the production of a DSM documentary is in progress, proposed collaboration with implementing partners, dissemination of information to key in-country stakeholders through 6-monthly updates, information brochures, and press releases, and work on a dedicated DSM Project mini-website is in progress.

Presentation 2: Deep Sea Minerals and Mining in the Pacific Islands Region

Presenter: Akuila Tawake (DSM Project Team Leader)

Presentation Summary

This presentation gave a general overview of mining issues and deep sea mineral potential in the Pacific Islands region. Different types of mining in the Pacific were explained as well as the fact that deep sea mining is a new frontier in mineral development. Mr Tawake described the trend of marine mineral exploration which occurred from the 1960s to the mid 2000 and highlighted the potential areas for Manganese Nodules (MN), Sea-floor Massive Sulphides (SMS) and Cobalt-rich crusts (CRC) in the region; the depth at which they occur and the mineral contents.

From 1985 to 2005, the Government of Japan (through JICA) in collaboration with SOPAC conducted surveys within the EEZs of twelve Pacific Island Countries including Samoa. Seabed mineral occurrences and potential within the EEZ of PICs were summarized and explained. Mining companies that are currently involved in offshore exploration in the region were listed, including Nautilus Minerals (exploring in PNG, Solomon Islands and Tonga), Neptune Minerals (previously explored in NZ), Korea Ocean Research and Development Institute (KORDI), and Blue-water Metals. Nautilus Minerals is currently developing technology designed for the mining of SMS at their Solwara 1 Project in PNG. The benefits and challenges of offshore mining were also discussed together with a comparison between terrestrial and marine mining.

Discussion on Presentations 1 and 2:

- ***Possibility of mining SMS deposits.***

A question was raised on the possibility of mining Seafloor Massive Sulphides (SMS) from the seabed. Mr Tawake responded that Nautilus Minerals has done the necessary resource assessment of the Solwara 1 Project SMS deposit in PNG and the company is confident that they can become the first entity to mine the deep part of the ocean floor. Currently, Nautilus is developing appropriate mining equipments and hopes to start mining in PNG at the end of 2013. Additionally, recent assessments by KORDI (the mining company currently exploring SMS deposits in Tonga's EEZ) have confirmed that mining SMS deposits is possible.

- ***Deep Sea Mineral Potential for Samoa.***

A question was posed on the seabed mineral potential of the Samoa EEZ. Mr Tawake explained that based on previous studies including the Japan-SOPAC surveys in 1990, the mineral deposit discovered within the EEZ of Samoa was Cobalt-rich Crusts (CRC) however, due to the geologically young Samoa volcanic chain and seamounts, the CRC

deposits are discontinuous and thin compared to other Pacific Island Countries such as Marshall Islands and Federated States of Micronesia.

- ***The International Seabed Area.***

What area does the International Seabed Area cover? The International Seabed Area is any seabed area that occurs beyond national jurisdictions (i.e. any part of the seabed that is situated outside of any country's EEZ and extended Continental Shelf). It is commonly known as "the Area". Under UNCLOS, countries have the authority to manage the resources within their EEZ and on the seabed and subsoil of their extended Continental Shelf. In the Area, resources therein are managed by the International Seabed Authority (ISA) on behalf of the all countries in the world. Any country that is interested to explore and/or mine in the Area has to submit necessary application to the ISA.

- ***Challenges of offshore mining.***

One of the participants commented that there is likely to be more problems associated with offshore mining than terrestrial mining. He explained that offshore mining in the Area or even within the EEZ will be tedious to manage with associated security issues such as piracy. Mr Tawake explained that piracy is a possible security risk if offshore mining commences, however issues relating to security are not a new thing in the mining industry. As is the case in Papua New Guinea, security companies are contracted to safeguard mining sites because of the high security issues such as trespassing, illegal mining and sabotage attempts. Mr Tawake also mentioned a recent event disclosed by the PNG delegates during the DSM Projects inaugural workshop where local communities are claiming ownership of the sea beyond their traditional fishing grounds.

- ***Environmental costs of seabed mining***

With Samoa's potential coupled with environmental costs that might occur if mining commences, will it be viable at all to mine. Environmental pollution emanating from offshore mining may occur in a number of ways. One is during the pumping of slurry (rock materials and seawater) from the seabed to the ship. If spillage occurs during this process for an extended period, bearing in mind that the most productive part of the ocean is the first 150m, living marine resources surrounding the area may possibly be affected. That being said, Mr Tawake stated that Nautilus Minerals has affirmed that the company is going to put in place the necessary prevention mechanism to ensure spillage does not occur during the hauling of ore materials to the surface and the return of effluent to the seafloor. Mr Tawake also reiterated that with the poor-moderate CRC potential within Samoa's EEZ based on previous survey data, it is highly recommended for Samoa to seriously consider participating in offshore exploration and possible mining in 'the Area'.



Mr Mulipola Ausitalia (left) and Mr Lameko Talia delivering his presentation on Samoa.

- ***The potential at the Machia Seamounts***

Mr Mulipola Ausitalia commented that during the 1995 - 2005 Japan-SOPAC survey cruises, the focus was mainly on the Back Arc Basins such as the Manus Basin but little was done on the region of Samoa. He suggested if more explanations can be made on the potential at the Machias Seamounts that occur within Samoa's EEZ. Mr Tawake responded that Mr Talia is going to present on the Samoa Deep Sea Minerals Potential including the Machias seamount surveys.

Presentation 3: Deep Sea Minerals Technical Issues in Samoa.

Presenter: Lameko Talia (MET Division, MNRE)

Presentation Summary

The presentation covered the various definitions used to characterize minerals, as well as the geological setting of the Samoa island chain and the bathymetry (i.e. the depth) of its surrounding EEZ. Previous offshore minerals exploration in Samoa occurred from 1977-1990 with Japan-SOPAC survey cruise in 1990 where four seamounts were surveyed for CRC. The results of previous surveys within Samoa's EEZ were presented together with the average CRC grades of the four seamounts and estimated mineral resources. When compared with other countries such as Marshall Islands and FSM, the Samoa CRC potential is considered low. The poor offshore minerals potential within the EEZ of Samoa is deemed to be caused by the young formation age of the Samoan Islands (i.e. 5Ma – present).

Discussions

- Clarification was sought with regard to Samoa being mentioned to possess possibly the smallest EEZ compared to other Pacific Island Countries and Territories. Mr Talia redirected the question to the Attorney General's Office Legal Adviser Ms Constance Rivers to comment on this issue and other issues relating to maritime boundaries in her presentation.
- The previous query raised regarding the Machias seamount is now confirmed with results showing moderate potential for CRC and poor prospect for manganese nodules. Of all the seamounts, SD02 seamount appears to be the most promising but relatively low potential compared to other countries. With reference to his earlier discussions on the

International Seabed Area, Mr Tawake reiterated that should Samoa be interested in offshore exploration and mining, they should follow in Nauru and Tonga's footsteps to participate in exploration and possibly exploitation in 'the Area'.

Presentation 4: Outcomes of the DSM Project Inaugural Workshop and the ISA-SPC Workshop. *Presenter: Vira Atalifo (SOPAC Division, SPC)*

Presentation Summary

This presentation was split into two parts and discussions were on the two main events involving the DSM Project in 2011; the DSM Inaugural workshop in June and the ISA-SPC Workshop in December, both events were held in Nadi Fiji. The DSM Inaugural workshop objectives, participants and the two steering committee meetings that were held back-to-back with the workshop were presented followed by the outcomes of the workshop. The second part of the presentation was on the ISA-SPC Workshop that was held in Nadi last year. Objectives, attendance and outcomes of the three working groups: (i) environment impact assessment, (ii) legal and (iii) capacity building were discussed in detail.

Presentation 5: Legislation to Regulate Deep Sea Mining.

Presenter: Akuila Tawake (SOPAC Division, SPC)

Presentation Summary

Legislation requirements for deep sea mining are very important; not only is it required by international law, it promotes Samoa's reputation internationally, provides comfort to its people and regulatory certainty to encourage investments. Harmonizing national frameworks and regulations with international law principles is important in ensuring the best environmental practice is observed in deep sea mining. The presentation also covered the significance of developing the regional legislative and regulatory framework (RLRF) and how important it is for P-ACP states. Lastly, what Samoa needs to accomplish in terms of policy, legislation and regulations development.

Discussions on both Presentations 4 and 5

- *A suggestion was made that Samoa would like to participate in future ISA organized workshops similar to the one held in December at Nadi Fiji, 2011.* Mr Tawake responded that the ISA organized international workshops are held in different regions around the world and the chance of having another workshop in the region in the next 5 years is pretty slim. In the last December workshop, the ISA had no funds to splurge for more participants from Pacific Island Countries; hence the SPC through the DSM Project had to provide the necessary financial support. Funding support was provided for presenters, including a candidate each from PNG, Cook Islands, Tonga, Kiribati and Fiji as well as a number of experts.
- Further, Mr Tawake explained that the DSM Project's regional approach is basically encouraging countries in the region to work together to ensure that issues relating to deep sea minerals exploration and mining are appropriately addressed. This was supported by one of the ISA workshop outcomes of strengthening regional cooperation. In addition, the Capacity Building working group in the ISA workshop recommended that an existing regional body should be responsible for providing expert advice to states on EIA, technical issues and other DSM related matters. Since the SPC through the DSM Project is already

performing this role, it was suggested that SPC should build on the DSM Project to ensure the regional approach is sustained beyond the lifespan of the Project.

Presentation 6: National Legal Framework for Samoa.

Presenter: Ms Constance Rivers (Attorney General's Office)

Presentation Summary

Samoa practices a Westminster legal system which is adopted by many Commonwealth Countries, 3 main components of the legal system – executive, legislative and judiciary. A flowchart of the legislative process from instructions to act of parliament was explained in detail. Samoa is signatory to a number of maritime conventions which resulted in the passing of their Shipping Act in 1998 and the Marine Pollution Prevention Act in 2008. The 1999 Maritime Zone Act provisions coupled with the Fisheries Act in 1988 were discussed in relation to the sovereign rights of Samoa to resources within areas of its EEZ. The maritime zones act was also highlighted with particular emphasis on Samoa to declare its baseline and EEZ.

Discussions

- ***Difference between Functional rights and Sovereign rights.***

Sovereign rights mean countries have complete rights over the resources and the activities within its national jurisdiction without accountability whereas functional rights are limited to a certain extent and countries can only exercise its rights to a minimum.

- ***Why does the DSM Project information brochure on the Samoa Deep Sea Minerals Potential show the limit of Samoa's EEZ when the government has not signed any treaty with neighbouring countries?***

Ms Rivers explained that the lines are only indicative of Samoa's EEZ based on the equi-distant points measured from the baselines of Samoa and each neighbouring country. The equi-distant lines that currently exist will be confirmed once Samoa validates its baseline therefore the exact EEZ of Samoa can only be determined then. Samoa has now revived its participation in the Maritime Boundaries delimitation programme in collaboration with the SOPAC Division and UNEP/GRID and hopes to finalize its maritime boundaries soon. Ms Rivers and Mr Ioane recently attended a Maritime Boundaries workshop in Sydney and reports drawn so far have now been relayed to the appropriate ministries for their enactment. Declaration of its maritime boundaries and zones will be crucial in determining the resources that fall within Samoa's EEZ including seabed mineral potential.

- Mr Tawake added that with the lack of promising mineral deposit within the country's EEZ, Samoa may wish to adopt the concept used by Nauru and engage and sponsor a joint venture partner to explore 'the Area'. Developed countries have been exploring in 'the Area' for many years. Under UNCLOS, any mining company cannot apply directly to the ISA to explore or mine in the 'Area', they have to be sponsored by a State. Pacific ACP States have the opportunity to benefit from this arrangement by sponsoring mining entities to access the mineral resources in the Area. Needless to say, in order to protect themselves from unforeseen environmental liabilities caused by exploration and/or mining, it is important that Pacific ACP States develop and implement the necessary legal frameworks to regulate the activities of mining vessels in 'the Area'.

- Pacific ACP States do not have the resources and expertise to independently engage in offshore exploration and mining. A preferred option is to work in partnership with mining

companies hence countries can be exempted from financial burden and risks associated with exploration and mining. In PNG, Nautilus Minerals has been providing financial support for all exploration activities, calculated to be about \$60 million Kina.

- ***Request for additional minerals survey within Samoa's EEZ.***

Mr Tawake explained that a request for another mineral assessment survey within Samoa's EEZ is possible if other countries in the region have similar requests. He also highlighted that mining companies normally rely on past survey data to choose the areas to be explored and the required methods of exploration. With the unpromising data based on previous studies that were carried out within Samoa's EEZ, it is highly unlikely for commercial entities to come and explore in Samoa.

2.4 Working Groups

Workshop participants were divided into two groups: (i) a technical and (ii) a law and policy working group, for the discussion session.

The technical working group was tasked to discuss technical DSM issues in relation to the needs and priorities of Samoa, whilst the policy working group was mandated to discuss the state of national DSM legal instruments and the necessary requirements to put in place relevant to national policy, legislation and regulation. Each group then presented back in plenary on the outcomes of their discussions for consideration and further deliberations.

2.4.1 Outcomes of Working Group 1: Law and Policy

(1) Development of Offshore Minerals Policy, Legislation, and Regulation

Existing law and policy include:

- *Constitution*: Covers public land, private land, freehold and customary land. Land below high water mark is land vested in Government.
- *Lands Survey and Environment Act (LSEA)*: Where powers are derived from for protection of coastal zones and for marine uses;
- *Sand Mining Policy*: Outlines procedures for extracting sand and gravel from all water bodies;
- Coastal Zones – Protection of the foreshore environment
- Others include – Water Resources Management Act, Planning and Urban Management Act, Maritime Zones Act etc.

Suggestions and recommendations for improvement include:

- Expanding the definition of public land under the LSEA;
- Amend Maritime Zones Act to include specific powers of management of marine resources;
- Attain consistency in the Fisheries Act.

The group highlighted that some key issues appended with offshore mining and exploration include over-extraction of seabed minerals and the development of sound environmental impact assessments. In order for Samoa to obtain authority of offshore activities sponsored under its umbrella, the MNRE is recommended to administer, enforce and manage licences for offshore exploration and mining. However, Samoa would first need to make a decision on how to

participate in this new industry, whether its interest lies within the EEZ and/or in the international seabed area.

(2) Appropriate fiscal regime policies for deep sea mining.

Ensure that development of national policy frameworks such as the Public Finance Management Act (MOF) is inclusive of relevant provisions addressing fiscal regime in offshore mining. Issues pertaining to tax, licensing fees/charges should all be covered under the national act. With lack of appropriate human resources to effectively draft Samoa's deep sea mining fiscal regime, financial assistance will be sought from the DSM Project or external support to assist in this area.

(3) Environmental management and monitoring frameworks / guidelines for deep sea exploration and mining.

Samoa should utilize and build on existing practices under the national legislation. Current practices include:

- Waste Management Act
- Marine Pollution Prevention Act etc.
- Strengthening the *Planning and Urban Management Agency* (PUMA): Environmental Impact Assessment.

Being mindful that legal frameworks for offshore exploration and mining are relatively new, it is essential to ensure that national environmental management and monitoring frameworks comply with international guidelines and conventions.

(4) Offshore Mining Legal Instruments in relation to existing National policies, and Regional and International Conventions (e.g. Noumea Convention and UNCLOS).

The incorporation of international and regional conventions into national policy, legislation and regulations for offshore exploration and mining in Samoa is crucial. To ensure the effective management of ocean resources, the application of the precautionary integrated approach is strongly suggested for implementation. In relation to the Land, Surveys and Environment Act, proposition was put forward by the group for Samoa to study comparable regional frameworks and tailor it to suit their needs.

(5) Development of Marine Scientific Research Policy.

Marine Scientific Research (MSR) is encouraged for Samoa to characterize and enhance understanding of DSM ecosystems. An existing body that was suggested to carry out this function was the *Scientific Research Organization of Samoa* (SROS). An MSR policy is necessary to regulate functions performed under SROS and also ensure ongoing funding support for marine research and development. MNRE and MAFF are recommended to be responsible for monitoring and management of all offshore activities relating to DSM.



Policy Working Group during discussion session focusing on the legal aspects of DSM.

2.4.2 Outcomes of Working Group 2: Technical Issues

(1) Current institutional capacity and priority areas for capacity building

There is a need to build and strengthen institutional capacity in Samoa through the participation of nationals in DSM awareness training and also attendance in regional and international forums. It was recommended that part of these trainings should include conducting intensive research on how deep sea mining will impact fisheries and other marine resources that are commonly used by the locals. Issues relating to maritime boundaries were also raised with recommendations for Samoa to finalize its maritime limits and zones, this can be achieved through appropriate capacity building initiatives so technical people can provide sound advice to decision makers, in case Samoa wishes to pursue DSM related activities within its EEZ.

(2) Opportunities for capacity building

Support capacity building opportunities for Samoa nationals to participate in onboard vessels during marine scientific research and exploration cruises to gain insight on how offshore mineral assessment is carried out. Participating as an observer is no longer considered appropriate hence any hands-on capacity building initiative must ensure that the trainees get the necessary exposure and experience in deep sea minerals exploration and mining. Data collected during these surveys must be shared to the host country in order to build its knowledge base on issues relating to deep sea minerals. The group reiterated that Samoa should declare its deep sea mineral interests within its EEZ as well as in the international seabed area.

(3) Environmental monitoring and management for deep sea exploration and mining

Environmental monitoring and management of offshore exploration and mining can be expensive and Samoa has neither the experience nor the resources to carry out this process. Individuals from relevant government departments should be selected to attend international or regional training, workshops and conferences when the opportunity presents. These selected groups of trainees can later become trainers at the national level conducting training of government officials and other stakeholders. This will ensure that Samoa has the in-house capacity to regulate deep sea minerals exploration and mining. Training opportunities must not be restricted to government officials alone but also to include non-government organizations

and the private sector. This is an area where the DSM Project can assist Samoa under the Capacity Building component of the Project.

(4) Technical and technological challenges and recommendations for deep sea mining

A collaborative approach is recommended to address the technical and technological challenges of deep sea minerals exploration and mining. Regional organizations such as SPC should be considered as repository of deep sea minerals data and information and should have the capacity to provide expert advice to countries in the region as well as to provide assistance in environmental management and monitoring. Some specific recommendations for deep sea mining include:

- Prioritize DSM related field for government scholarships;
- Request the SPC to assist in remote sensing training for the seabed;
- Request the SPC through the DSM Project to consider Samoa in any form of training and attachment opportunities relating to DSM.

(5) Stakeholder Partnership (e.g. Government-Private sector-SPC-NGO partnership)

Strengthening stakeholder partnership between the Government of Samoa, the SPC and Geoscience Australia are encouraged to build capacity and encourage information sharing and resources.



The Technical Working Group looks on as Mr Fagaloa facilitates discussion.

General Issues

(1) Benefits and adverse impacts of offshore exploration and mining

The benefits of offshore exploration and mining include generation of employment for local people which will contribute to improvement of social livelihoods and boost the country's economy. The adverse impacts on the other hand are concentrated largely on the marine environment and the resources therein. The extend of disturbance and/or destruction of offshore exploration and mining on marine biodiversity such as species migration and/or extinction is not fully understood therefore the adverse impacts will only be known once deep sea mining commences.

(2) Formation of the National Offshore Minerals Committee (NOMC)

The establishment of the NOMC in Samoa will have to be endorsed by the MNRE. It was therefore agreed that MNRE officials to follow-up on this development and advise the DSM Project accordingly. If the NOMC were to be established its membership should include:

- Ministry of Natural Resources and Environment (MNRE)
- Ministry of Agriculture, Forestry and Fisheries (MAFF)
- Ministry of Works Transport and Infrastructure (MWTI)
- Ministry of Foreign Affairs and Trade (MFAT)
- Ministry of Commerce, Industry and Labour (MCIL)
- Attorney General's Office (AGO)
- Ministry of Finance (MOF)
- Civil Societies and
- Private Sector.

While some felt that a seating allowance would be a good idea, others considered that this was not necessary and if allowance is to paid, it should be made to members of the committee representing non-government organizations and the private sector. MNRE is expected to discuss the seating allowance issue with relevant authorities.

(3) Nomination of the DSM Project focal points

Special references were made that the DSM Project focal points be nominated from the MNRE and the office of the Attorney General (AGO). The decision will be left to these two ministries to make a decision on the official nominees.

2.4.3 Conclusion of the Working Group Session

It was confirmed by Mr. Tawake that the Project's 'NOMC' funds would be available for Samoa to utilize in accordance with the agreed NOMC Terms of Reference. In regards to the allowance, Mr Lameko Talia will confirm with relevant authority whether seating allowances are required or is it part of the responsibility of government ministry officials.

It was agreed that the relevant Samoan government representatives would consider the options (i.e. decision-making regarding the NOMC with its drafted TOR; and whether to have one or more Project focal points) and views expressed from the workshop. Once a decision is made on the NOMC, MNRE will inform the DSM Project.

It was also confirmed that Samoa strongly considers reviewing its existing policy and laws to cover offshore exploration and mining.

ATTACHMENT 1:**Workshop Programme**

Time	Activity	Presenter
8:30 – 9:45 am	Registration	All Participants
9:45 – 10:45	<p>Official Opening</p> <p>Prayer Service</p> <p>Keynote Remarks</p> <p>Responding Remarks</p> <p>Overview of the SPC-EU EDF10 Deep Sea Minerals (DSM) Project</p> <p>[Group Photo for workshop Participants]</p>	<p>ACEO - MET (MNRE) Mr Mulipola Ausitalia</p> <p>Pastor Viliamu Mafoe (Samoa Worship Center)</p> <p>Mr Taulealeausumai Malua (MNRE CEO)</p> <p>Mr Akuila Tawake (DSM Project Team Leader – SPC)</p> <p>Mr Akuila Tawake (SPC)</p> <p>All Participants</p>
10:00 – 10:15	Morning Tea	
	<p>Deep Sea Minerals and Mining in Pacific Islands Region</p> <p>DSM Technical Issues in Samoa</p> <p>Outcomes of the DSM Project Inaugural Workshop and the ISA-SPC Workshop</p> <p>Legislation to Regulate Deep Sea Mining</p>	<p>Akuila Tawake (SPC)</p> <p>Mr Lameko Talia (MNRE)</p> <p>Ms Vira Atalifo (DSM Project Assistant – SPC)</p> <p>Akuila Tawake (SPC)</p>
12:30 – 1:30 pm	Lunch	
1:30 – 3:00	<p>Deep Sea Mining in Samoa; policies, gaps, requirements; needs and priorities</p> <p>Stakeholder Discussions Participants will be split into 2 groups (policy and technical) and will be required to discuss on the issues listed below :</p> <p>Group 1: Policy Issues</p> <ul style="list-style-type: none"> • Development of Offshore Minerals Policy and Legislation, and Regulation • Appropriate Fiscal Regime policies for deep sea mining • Environmental Management and Monitoring Frameworks/guidelines for deep sea exploration and mining • Offshore Mining Legal Instruments in relation to existing National policies, and Regional and International Conventions (e.g. Noumea 	<p>Ms Constance Rivers (Attorney Generals' Office)</p> <p>Participants</p>

	<p>convention and UNCLOS)</p> <ul style="list-style-type: none"> • Development of Marine Scientific Research Policy <p>Group 2: Technical Issues</p> <ul style="list-style-type: none"> • Determine current institutional capacity and identify priority areas for capacity building • Opportunities for Capacity Building (e.g. attachment in offshore exploration and mining) • Environmental Management and Monitoring for Deep Sea Exploration and Mining • Technical and Technological Challenges of Deep Sea Mining and Recommendations • Stakeholder Partnership (i.e. Government-SPC-Private Sector-regional and international organizations-NGO partnership) <p>General Issues:</p> <ul style="list-style-type: none"> • Benefits and Adverse Impacts of Offshore Exploration and Mining • Formation of the National Offshore Committee (NOMC) and nomination of the DSM Project technical focal points • Any additional DSM issues 	
3:00 – 3:15	Afternoon Tea	
3:15 – 4:30	Wrap up discussions and team leaders to present on individual team reports	Participants

ATTACHMENT 2:

National Offshore Minerals Committee (NOMC)

Terms of Reference

1. BACKGROUND

The SPC-EU Deep Sea Minerals Project recommends the establishment of a National Offshore Mining Committee ('NOMC'); and is able to offer funding for technical and policy advisory assistance to support the NOMC in-country activities.

2. MEMBERSHIP

The NOMC will be broad ranging in its composition, and inclusive of:

- potentially affected communities
- government officials
- non-state actors (NSA)
- national technical experts

Where possible the NOMC should aim to represent different genders, ages, and ethnicities or other relevant background characteristics, to reflect national demographics.

3. SCOPE

The NOMC will:

- provide a forum for informed discussions about marine mineral exploration and mining;
- spearhead and assist the development of national offshore minerals policy, legislation and regulation as well as other deep sea minerals related activities that are within the scope of the DSM Project; and
- provide an accessible means for local communities and interest groups to raise concerns and queries, and to learn more about the opportunities and challenges that will be brought about by deep sea minerals exploration and mining.

4. OBJECTIVE

The aim of establishing the NOMC is to facilitate decision-making in relation to the implementation of in-country deep sea minerals activities.

The creation of a cross-agency, multi-disciplinary and participatory committee like the NOMC should ensure that the Government has at its disposal all relevant information for policy and operational decisions; and should enhance public knowledge, understanding and awareness. This should increase the likelihood that policies and decisions related to deep sea minerals will be implemented with public consent and commitment. The NOMC

may also serve to encourage trust and avoid conflicts, and to meet national legal, policy, and good governance requirements.

5. RESOURCES AVAILABLE

Agreed costs of forming and operating the NOMC will be covered by the SPC-EU Deep Sea Minerals Project.

The NOMC will work in collaboration with the SPC-EU Deep Sea Minerals Project Technical Assistance Team (TAT) (i.e. Team Leader, Legal Advisor, Project Assistant) to ensure effective and timely implementation of Project activities. Depending on circumstances and priorities, relevant experts can be contracted to assist the NOMC.

6. SUGGESTED NOMC ACTIVITIES AND RESPONSIBILITIES

- Convene quarterly meetings per year and develop an annual plan of work.
- Develop a national offshore minerals policy.
- Advise upon the drafting of national offshore minerals legislation.
- Make recommendations for other State decisions regarding deep seabed mineral exploration and exploitation.
- Identify opportunities and suitable candidates for capacity building opportunities; and assess the effectiveness of capacity-building initiatives.
- Work with the SPC-EU Deep Sea Minerals Project, identifying particular activities useful in the local context, or particular national support needs with which the Project can assist.
- Facilitate and mediate discussion and consultation between (i) key stakeholders, affected communities and the general public, and (ii) mining companies and/or relevant Government agencies.
- Raise awareness and disseminate accurate information about offshore marine minerals exploration and mining issues.
- Prepare regular (e.g. quarterly) progress reports/updates and submit them to TAT.
- Represent the country, and provide updates of NOMC activities, at national, regional and international meetings/workshops.

7. FINANCIAL PROCEDURES

Reasonable and agreed costs incurred as a result of the NOMC in-country activities will be covered by the SPC-EU Deep Sea Minerals Project. The funds can be drawn down in advance from SPC, and acquitted for subsequently.

Upon written confirmation of bank account details, electronic transfer of funds will be made directly to the responsible ministry and will be managed by the DSM Project focal point in Samoa. The SPC-EU DSM Project contact for funding requests, and acquittals, is Vira Atalifo, on vira@sopac.org/vira@spc.int.

An estimate of the annual allocation of agreed costs that will be funded by the SPC-EU DSM Project is set out below, for guidance. The initial transfer of funds required for the seating allowance and any other reasonable costs of holding the inaugural meeting of the NOMC will be transferred immediately upon request.

At that meeting, the NOMC should prepare a provisional budget for the first year's activities of the NOMC, including invoices/quotations for its impending activities after the first meeting. Once this has been submitted to, and agreed by, the SPC-EU DSM Project, the funds for those activities can then also be drawn down.

Any expenditure over the total allocation contained in the agreed budget, or on activities that are not contained in the agreed budget and were not otherwise agreed in advance with the SPC-EU DSM Project, will not be funded by the SPC-EU DSM Project.

All expenditure made will have to be acquitted for by the focal point before the NOMC's next meeting, and before any subsequent request for funding can be approved. SOPAC will release funds based on satisfactory work done, work plan and progress report. The acquittal must demonstrate how the funds have been spent, and attach original receipts, invoices or other evidence that will meet auditing standards.

The NOMC should provide the SPC-EU DSM Project a quarterly progress report that includes the details of activities that had been carried out in the last quarter, and a work plan with budget for the next 3 months.

ATTACHMENT 3:**Participants List**

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ATTACHMENT 4:**Notes of Other Meetings Attended by the DSM Project Team in Samoa**

1.	<i>First Stop – European Union (EU) Office in Samoa</i>
Date	7 March 2012
Attendees	Ms Tessa Tafua, Ministry of Natural Resources and Environment (MNRE) (TT) Mr Akuila Tawake, SPC-EU DSM Project (AT) Ms Vira Atalifo, SPC-EU DSM Project (VA)
Reason	Courtesy visit to formally invite the EU to the <i>SPC-EU Deep Sea Minerals Project National Stakeholder Consultation Workshop for Samoa</i> .
2.	Samoa Umbrella of NGO's (SUNGO)
Date	7 March 2012
Attendees	Ms Roina Vavatau, CEO – SUNGO (RV) Ms Tessa Tafua, Ministry of Natural Resources and Environment (MNRE) Mr Akuila Tawake, SPC-EU DSM Project Ms Vira Atalifo, SPC-EU DSM Project
Record of Discussion	<ul style="list-style-type: none"> • AT provided an overview of the SPC-EU DSM Project and its objectives; and the importance of the Workshop in addressing the needs and priorities of Samoa in relation to DSM. • RV explained that marine resources are the region's biggest sanctuary in terms of tackling food security issues. With deep sea mining and exploration, SPC should look into creating EIAs at the initial state to acquire the possible impacts that these activities may bring forth. • AT confirmed that whilst the SPC-EU DSM Project is at its initial stages, efforts are underway for a consultant with vast experience in resources management to conduct an EIA for offshore mining. While this may be a generic reproduction at first, countries can then use these and tailor it to suit their specific case studies. • AT then enquired if there were appropriate NGO's in which RV can recommend for the team to visit before the workshop. RV recommended the National Council of Churches, Community Tumama which is very active in awareness campaigns however have issues relating to the location of office therefore currently closed. Olesiosiomaga Society was also recommended though Mr Fiu Elisava was unavailable to meet with the team.

3.	National Council of Churches (NCC)
Date	7 March 2012
Attendees	Reverend Maauga Motu, Secretary General, NCC Ms Tessa Tafua, (MNRE) Mr Akuila Tawake, SPC-EU DSM Project Ms Vira Atalifo, SPC-EU DSM Project
Record of Discussion	<ul style="list-style-type: none"> • AT introduced the SPC-EU DSM Project and discussed the key deliverables that the project will deliver against and in which it can assist Samoa. • Rev enquired why it was important that the DSM Project consult the churches as well to be part of its key stakeholders. AT responded that the Church plays a key important role in the community therefore in its effort to convey the message far and wide to a range of stakeholders and community members, it is important that the Church as well be informed. He also commented that the NCC was recommended by SUNGO. • Rev apologized that due to earlier scheduled commitments, he cannot make it to the workshop but will sent a member to inform him of the discussions that were carried out during the workshop. Recommended that such meetings and workshops be organized and invitations sent a week prior to the activity so participants can plan accordingly.





Applied Geoscience and Technology Division (SOPAC)

