

Pacific ACP States Regional Training Workshop on Social Impacts of Deep Sea Mining Activities and Stakeholder Participation

10-14 June, Holiday Inn, Port Vila

*Opening address by the Hon. Ralph Regenvanu,
Minister for Land and Natural Resources, Government of the Republic of Vanuatu*

- Representatives of Governments of the Pacific Islands and other States and territories
- Representatives of SOPAC and other regional multilateral organisations
- Representatives of Non-Government Organisations, both of the Pacific Islands and international
- Representatives of industry and the private sector
- Ladies and Gentlemen.

I thank the organisers for the opportunity to make a few remarks at the opening of this workshop.

Before I go to the substance of what I want to talk about this morning, I firstly want to acknowledge the scientific research that has been ongoing in the Pacific Islands region for the past 40 years under the guidance of SOPAC. As a result of this work, Pacific Island countries have been assisted to establish their Exclusive Economic Zones (or EEZ's) and undertake topographical mapping of the seabed, as well as being able to evaluate seabed minerals and discover some potential seabed mineral deposits within the EEZ's of our states.

It is only very recently, however, that seabed mining has become feasible both technologically and financially. The first seabed mining license has now been famously issued in Papua New Guinea, and companies have applied for and obtained commercial exploration licences in a number of other countries. The Pacific Island States are consequently entering into a brand new area of resource exploitation that we have no prior experience with – in fact, seabed mining is an area in which no countries of the world have any prior experience, which is why it is often termed “experimental”.

Purpose of the Workshop

I note the rationale for this workshop from the Agenda which was circulated to participants in the past weeks as being “...stakeholder concern on the social impacts of deep sea mineral activities and the apparent need to meaningfully engage with key stakeholders...”.

I note also two of the four objectives of the workshop as listed in the Agenda are to:

- (i) demonstrate how informed decisions are made through broad stakeholder engagement; and
- (ii) develop a process that ensures meaningful stakeholder participation in decision making relating to deep sea mineral activities.

I note also that the seabed mining issue has inflamed controversy, debate and outright opposition in our region. Civil society groups across the Pacific, including ACT NOW! and the Bismarck Ramu Group (BRG) in Papua New Guinea, Development

Alternatives with Women for a New Era (DAWN) and the Pacific Network on Globalization (or PANG) based in Fiji, are calling on Pacific leaders to “slow down” on what they describe as a “dangerous and untried new industry”, and that they are circulating an on-line petition which now has over 3200 signatures.

In PNG, where the first seabed mining license has been issued, politicians, students and local communities – and also sectors of government such as fisheries - have expressed their concern and opposition to the fast rate at which seabed mining exploration is proceeding without sufficient debate.

Just three weeks ago, the Rev. Dr. Tevita Havea, Moderator of the Pacific Conference of Churches, issued a statement to all National Council of Churches and Member Churches in the Pacific Islands that said:

The concerns expressed by our communities in the region, including the members of our own respective congregations, have grown in both volume and urgency. The inadequacy, even total absence, of appropriate consultations and dialogue with our communities on mining-related policy making processes is a commonly expressed challenge across the region.

I have also received a letter from the President of the Vanuatu National Council of Women (VNCW) which says:

As President of the Vanuatu National Council of Women (VNCW) who make up 49% of the population of this country ... our women in Vanuatu do not want to see deep sea mining to operate in and around Vanuatu islands due to environmental threats. ...The women of Vanuatu are joining in and supporting their sisters from PNG and Solomon Islands who also do not agree to be exposed to some irreversible catastrophic changes and left with a poisoned and polluted Pacific ocean without fish. Hon. Minister, we look forward to your positive intervention in this regard in ensuring a safe and sustainable environment for the future of this Nation”.

It seems, then, that the Moderator of the Pacific Conference of Churches is speaking the truth when he describes “an environment where the voices and fears of our peoples are unheeded or unheard” when it comes to policy-making on seabed minerals exploitation.

This brings me back to the stated objectives of this workshop I just quoted:

- “to demonstrate how informed decisions are made through broad stakeholder engagement”; and
- “to develop a process that ensures meaningful stakeholder participation in decision making relating to deep sea mineral activities”.

There seems to be quite a significant deficit in the achievement of these objectives to date, which I very much hope this workshop can make some serious effort to attempt to redress.

Lack of consultation in Vanuatu

When I learnt that this workshop was going to happen, as the Minister responsible I decided to find out what I could about this issue. In undertaking my research, I made a very disconcerting discovery, something that in my five years as a parliamentarian and just over one year (accumulated) as a minister of state I never knew: that in the past five years, the Government of Vanuatu has issued about 145 licenses for offshore mining exploration and prospecting, and another 3 for offshore oil exploration.

By announcing this discovery of mine today, I am also making this information public in Vanuatu for the first time, and I have no doubt that this will be the first time that 99% of the population of this country is aware of this.

Needless to say, these licenses have been issued without any proper national regulatory framework for seabed mining or for scientific research, let alone any proper understanding of what the prospecting process entails and what lies on our seabed – this is, after all, the common situation all our countries find ourselves in when engaging with seabed mineral issues.

What concerns me most, however, is that the government has been proceeding down a path of action without the people it is supposed to represent agreeing to or even knowing about what we are doing.

The Vanuatu participants in this workshop know my reputation well as someone who is in politics to increase the transparency and accountability of government, which to me means being accountable and responsible to the people of this country whom we represent and who pay our salaries with their taxes.

As Minister responsible for lands, I am now overseeing a process of a reform to our land laws to ensure that that the principal of “Free Prior Informed Consent” to land dealings by the land-holding clans of this country becomes enshrined in law, to the extent that a substantial majority of the members of a land-owning clan are required to agree to any dealing with their land. I hope to pass these laws in the November session of Parliament this year.

Vanuatu’s Council of Ministers has also just agreed to amend the Constitution to make it mandatory for the National Council of Chiefs to be consulted on all bills relating to land or kastom before they go to parliament. This amendment will go before Parliament in August.

I wish to address myself now specifically to the Pacific Island Government representatives here, my fellow servants of the public and the people. You are here to discuss “social impacts”. “Society” is the noun of “social” – and our society is made up of people: women, men, boys and girls. It is also made up of communities: clan and traditional communities, normally led by chiefs or other forms of traditional leaders, church communities led by bishops, priests, pastors, elders, deacons and deaconesses, village communities, settlement communities. “Society” is made up of the government bureaucracy complemented by civil society organisations and private sector commercial companies. To assess “social impacts”, therefore, as this workshop asks us to do, it is just not possible to disregard the people and the communities we serve – they are the only ones qualified to describe and to judge what the “social impacts” of any policy is on them – and there is simply no other way to determine this.

Accordingly, I ask you as government officials to listen to these voices, the voices of our people, voices like that of the Vanuatu Council of Women and other NGO's, voices like that of the churches. Listen, consider, and do your best to accommodate their views and represent them faithfully in your policy and decision-making.

I ask you to take note of the concept of "Free Prior Informed Consent" (I see there will be a presentation on this) which is an important principle when dealing with our communities, and especially the indigenous communities which make up the majority of the national populations of most of the Pacific Islands and who are – significantly – the stewards of most of our land and sea areas. "Free Prior Informed Consent" as a concept and process is outlined perhaps most clearly in the "Draft Declaration of the Rights of Indigenous Peoples" (or "UNDRIP") which was adopted by the United Nations in 2007.

I also ask you to take note of the "Precautionary Principle" as contained in the Rio Declaration. The leading scientific thinking at present states that we need to adopt the precautionary principle when it comes to seabed mineral exploitation. To understand exactly what the precautionary principle entails for Pacific Island countries, I recommend participants read the legal opinion about the term prepared by the Environmental Law Alliance Worldwide on the website of the Pacific Network on Globalization (PANG).

The Government of the Northern Territory in Australia has established a moratorium on allowing exploration for minerals or mining activities to be undertaken within the coastal waters of the Northern Territory until a review of actual or potential impacts of seabed mining has been undertaken. They are waiting, in fact, to see what happens in the Pacific. I see this as an example of a government correctly applying the precautionary principle, and it is an approach Pacific Island states which have not yet issued licences for seabed mineral exploration would be wise to follow.

In his statement to Pacific Island churches last month, the Rev. Dr. Tevita Havea, Moderator of the Pacific Conference of Churches, said:

Whilst development aspirations are not contested, the pursuit of it must necessarily involve all parties to the covenant of citizenship in all Pacific communities. Churches, government and communities must ensure that we remain true to our collective responsibility for the most vulnerable among us and for the protection and conservation of the environment for future generations".

I hope that the Reverend's sentiments, and these thoughts of mine, can assist you in your deliberations this week as you discuss how the views of your societies can be represented inclusively in policy. If the negative "social impacts" of seabed minerals development are to be minimised, it is essential that such development is determined hand in hand with our communities from the outset.

Thank you for your kind attention.