

Environmental Management Regime for Deep Sea Mining in TONGA



Ministry of Lands, Environment, Climate Change & Natural
Resources

Tonga Strategic Development Framework 2011/14

Vision “To develop and promote a just equitable and progressive society in which the people of Tonga enjoy good health, peace, harmony and prosperity, in meeting their aspirations in life”

Outcome Objective 2 “ Dynamic public and private sector partnership as the engine of growth”

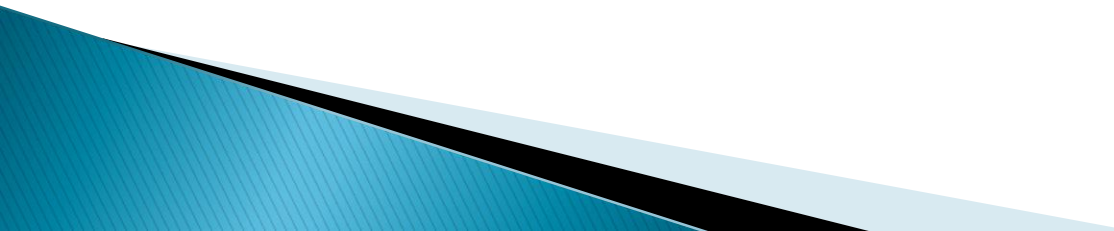
Strategy 6: Improving output of the productive sectors
(iii) Seabed Minerals

Outcome Objective 7 “Cultural awareness, environmental sustainability, disaster risk management and climate change adaptation, integrated to all planning and implementation of programmes”

Cont.

Strategy 22: Ensuring sustainable use of the environment, and creating incentives for limiting the use of resources and production of waste.

Cont.

- ▶ Relevant sector plans: Joint National Action Plan (JNAP) on Climate Change Adaptation (CCA) and Disaster Risk Management (DRM), MDG 7 Ensure Environmental Sustainability, National Biodiversity Strategic Action Plan (NBSAP), National Implementation Plan (NIP) on Persistence Organic Pollutants (POPs), Corporate Plans and Annual Management Plans
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Ministry's Mandate

Environmental Legislation	Objective
Environmental Impact Assessment Act 2003	To provide for the application of environmental impact assessment to the planning of development in Tonga
Waste Management Act 2005	To manage and oversee the function of the Waste Authority Ltd, Collection and Disposal of Waste
Parks and Reserves Act 1976	To provide for the establishment of Parks and Reserves Authority and for the establishment, preservation and administration of Parks and Reserves
Environmental Management Act 2010	To established the Ministry of Lands, Environment, Climate Change and Natural Resources
Environmental Impact Assessment Regulation 2010	Regulation under the Environmental Impact Assessment Act 2003
Biosafety Act 2009	To regulate living modified organisms and the applications of modern biotechnology consistent with Tonga's obligations and rights under the Convention on Biological Diversity

Ministry's Mandate

Environmental Legislation	Objective
Hazardous Waste and Chemicals Act 2010	To implement Tonga's international obligations under the Stockholm, Basel, Rotterdam and Waigani Conventions
Ozone Layer Protection Act 2010	To implement Tonga's international obligations under the Protocol on Substances that deplete the Ozone Layer, and phase out the consumption of specified ozone depleting substances
Land Act 1927 (Removal of Sand Regulations 1936)	To regulate the removal of sand
Minerals Act 1949	To established the ownership and provide for the control of minerals found within the Kingdom
Petroleum Mining Act 1969	To make provision in relation to exploration, prospecting and mining for petroleum. Deletes all references to petroleum exploration and mining in the Minerals Act

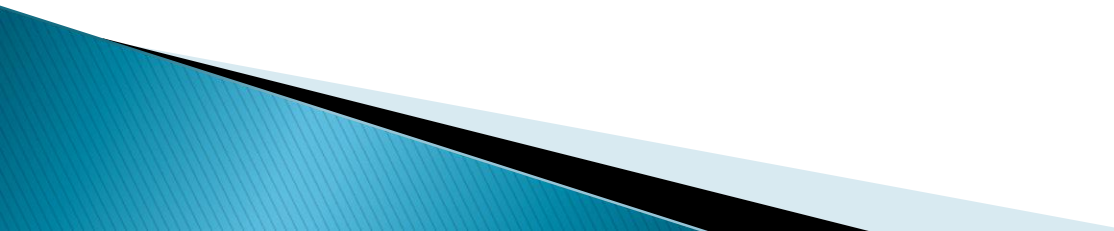
Ministry's Mandate

Environmental Legislation	Objective
Spatial Planning Act 2012	To provide provision in relation to land-use in urban areas
Proposed Bills/Regs	Objective
Seabed Mining Bill	
Draft Seabed Mining Licenses Regulation	

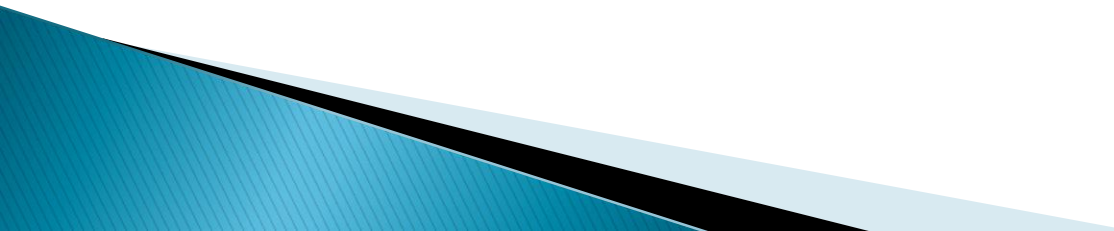
Other Mandate

Legislation (Regulating Agency)	Objective
Continental Shelf Act 1970 (PMO)	Provisions dealing with prevention of pollution. Applies the provision of the Petroleum Mining Act and the Minerals Act, protects installations from ships entering designated areas
Marine Pollution Prevention Act 2002 (MOI)	To provide for the prevention of and response to marine pollution and dumping of wastes at sea, and to give effect to international marine pollution conventions
Fisheries Management Act 2002 (MAFFF)	Offense to use any poison, explosives, noxious substance or chemicals in fishing
Business Licenses Act 2002 (MCTL)	Law of this type permit the application of environmental policies and international obligations through the designation of prohibited or regulated commercial activities
Preservation of Objects of Archaeological	The need to preserve and protect the

Gaps

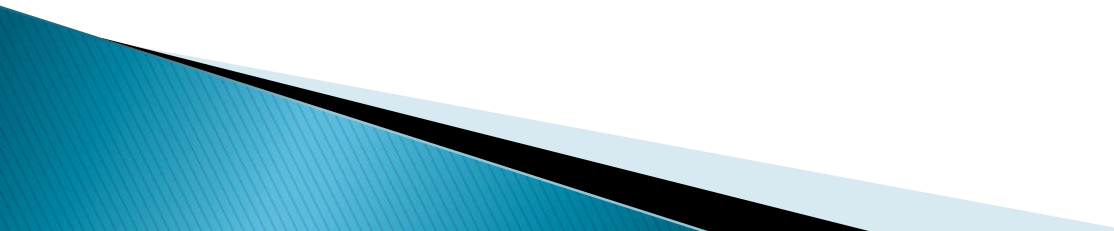
- ▶ National environmental laws outdated
 - ▶ Fragmentation of mandates
 - ▶ Lack of baseline data
 - ▶ No umbrella legislation
 - ▶ Lack of technical expertise and capacity
 - ▶ Lack of enforcement capacity
 - ▶ Lack of public awareness and education
 - ▶ Lack of adequate finances
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Assistance Required

- ▶ Review and Update of existing legislations
 - ▶ Development of an umbrella Legislation
 - ▶ Data system in place
 - ▶ Need to strengthen capacity of local technical expertise
 - ▶ Need to strengthen enforcement capacity
 - ▶ Increase public awareness and education
 - ▶ Secure budget allocation
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Exploration companies

- ▶ Blue Water Metal (Aust)
 - ▶ Nautilus (Aust)
 - ▶ KIOST (Korea)

 - ▶ **Companies awaiting license**
 - ▶ Tonga Offshore Minerals Ltd (Tonga)
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Malo 'Aupito