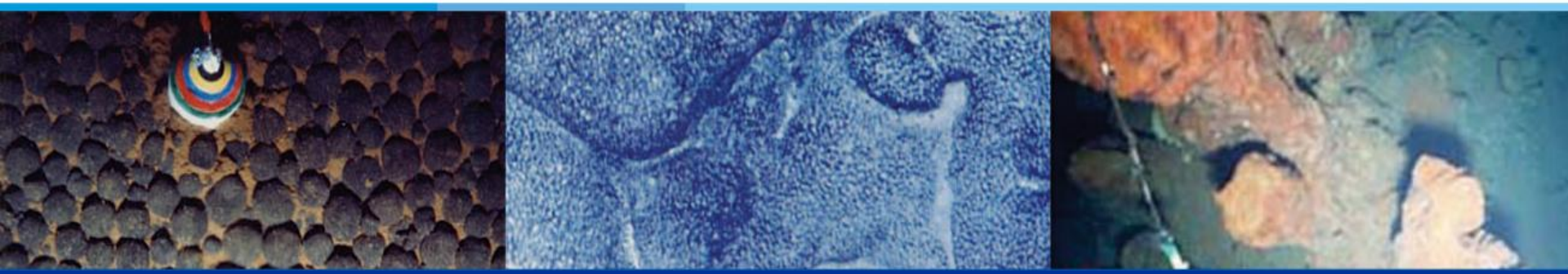
Deep Sea Mineral Projects Inaugural Workshop
&
The International Seabed Authority Workshop (2011)



Workshop Outlines – Objectives and Outcomes

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DSM Project Workshop Participants

Workshop Participants

- 14 member countries of the Secretariat of the Pacific Community (SPC) were represented including Timor Leste;

- The following governments also sent representatives: South Korea and Peoples Republic of China

- International, Regional and National Agencies represented were: IUCN, SPREP, PIFS, Commonwealth Sec, World bank etc.

- The following private sector and civil society entities were represented: NORI, Nautilus, Greenpeace Australia Pacific, WWF etc

Workshop Objectives

1. Captures the significance of deep sea mineral for the region and the need for in-depth information sharing on this new industry;

2. Experts to talk on a broad range of issues related to deep sea minerals and mining;

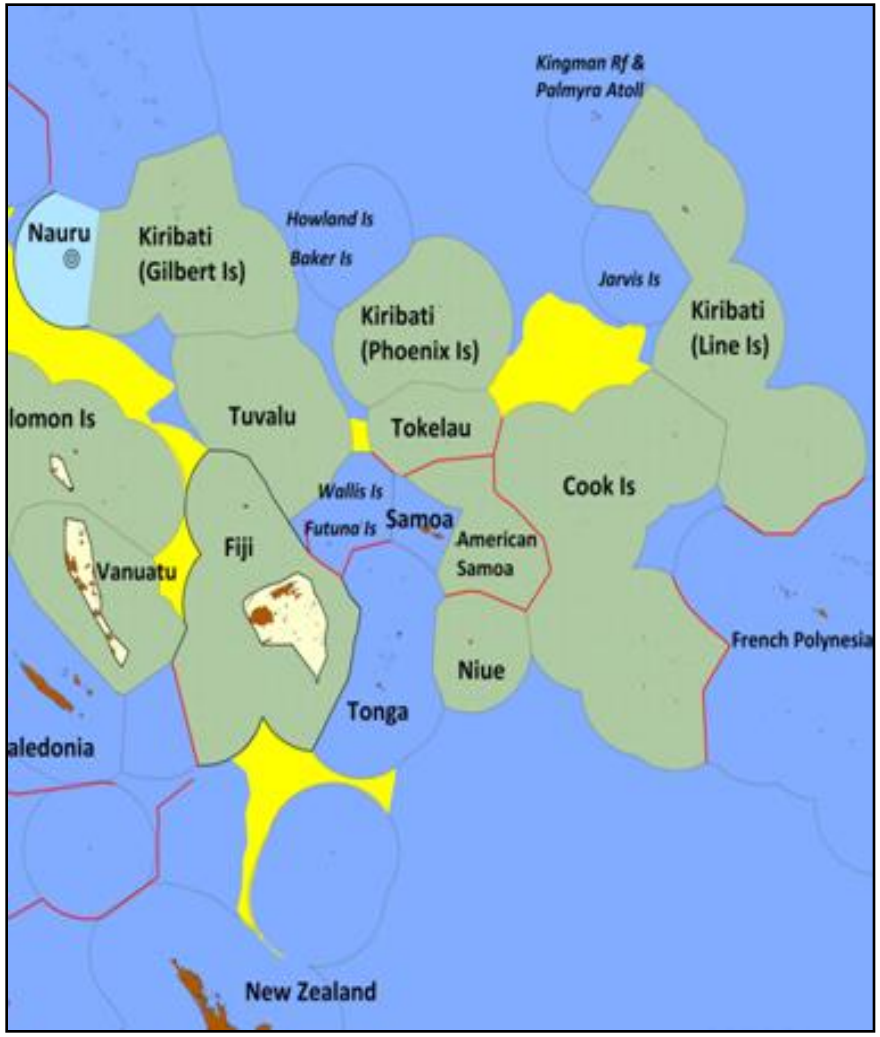
3. Stakeholders to discuss the challenges and opportunities, needs and priorities and agree on a number of broad outcomes for the way forward.

Workshop Outcomes

Workshop participants' discussions and suggestions are synthesized into the following 18 outcomes:

- **(1) Regional Approach:** A regional approach to regulate the DSM sector and address seabed mining and related issues.
- **(2) Capacity Building:** A great need for capacity building in all aspects of DSM and the priority areas have been identified.
- **(3) Technology Development and Transfer:** Encourage and support long-term technology development and transfer through partnership and participation.

Workshop Outcomes

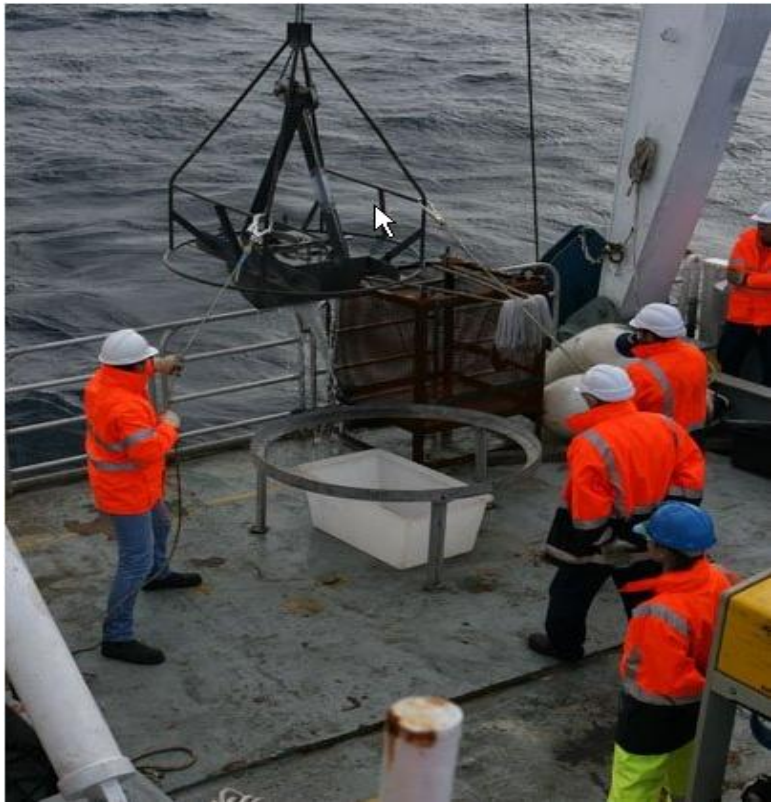


(4) Maritime Boundary and Trans-boundary Challenges: Maritime boundary issues and trans-boundary challenges need to be addressed in accordance with UNCLOS.

(5) Benefit Sharing: Sharing of benefits derived from mining projects is a concern hence mechanisms for equitable sharing of financial and other benefits are proposed.

(6) Data & Information: Collation of existing DSM data and information and the establishment of a regional database are crucial to understanding the state of knowledge.

Workshop Outcomes



(7) Marine Scientific Research: MSR needs to be encouraged and promoted in the region through relevant initiatives in accordance with LOSC.

(8) Community Concerns and Stakeholder Consultation: Inclusive and ongoing consultations must be encouraged together with community engagement and participation.

(9) Environment Protection Guidelines: Suggested guidelines that support environment protection have been identified and regional and national environment frameworks must conform to existing international and regional mechanisms.

Workshop Outcomes

(10) Environment Conservation and Monitoring: Need to balance exploitation and conservation, and protect and conserve marine biodiversity in accordance with the precautionary approach concept and LOSC.

(11) Information Sharing and Outreach: Information sharing is an integral part of a regional approach and transparency in ensuring stakeholders are better informed through various awareness programs.

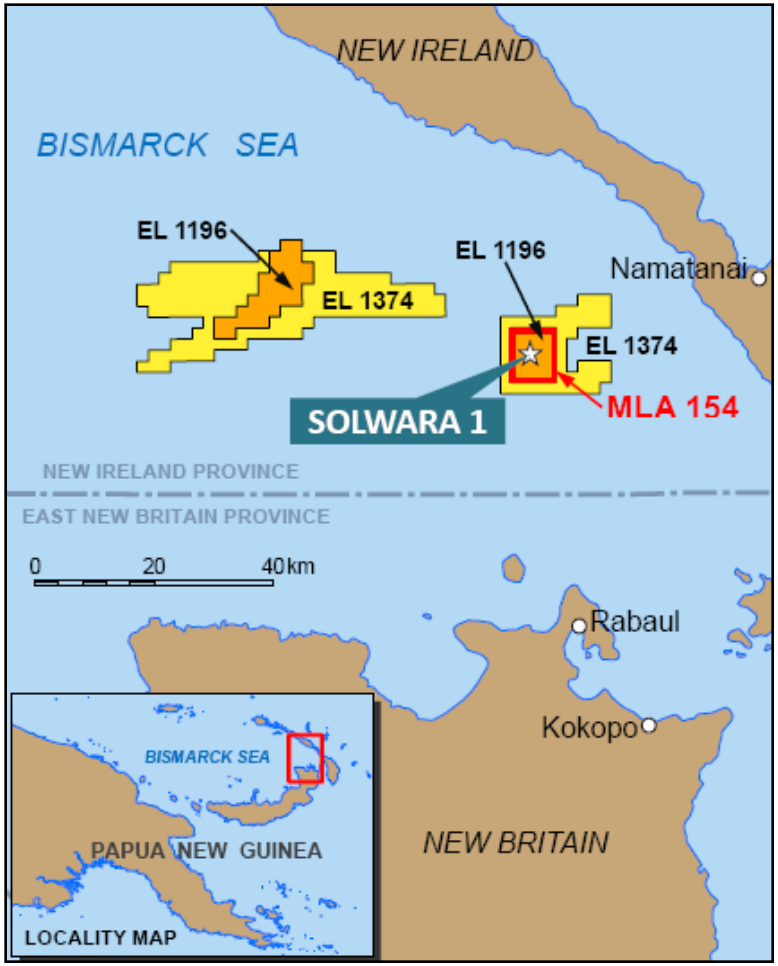
(12) Fisheries: Perceived impacts on fishery resources are a concern hence the application of precautionary integrated approach to ocean resources management is crucial.

Workshop Outcomes

(13) Resource Assessment: Systematic and detailed seabed mineral assessments are required to better understand mineral potential in the region.

(14) Mining Technical Information: Mining technical terms and processes need to be presented/explained in simple terms to stakeholders.

(15) Legal Frameworks: Development of regional and national frameworks needs to apply an adaptive approach as well as to ensure they are harmonised with international and regional treaties and conventions.



Workshop Outcomes

(16) Fiscal Regime: Countries must avoid reinventing the wheel and consider existing fiscal regimes in mining and other extractive industries, and tax instruments should be flexible and regionally harmonized.

(17) Sustainable Economics: DSM deposits are finite hence the need to balance economic imperative with the precautionary approach to optimise revenue streams and long-term sustainable benefits.

(18) Governance and Transparency: Proposed transparency mechanisms include the adoption of the "Norwegian Model" and the Extractive Industry Transparency Initiative (EITI) for managing offshore mining revenues and benefits.

“International Workshop on Environment Management Needs for Exploration and Exploitation of Deep Sea Minerals” – ISA Workshop.

Workshop Participants

- 9 member countries of the Secretariat of the Pacific Community (SPC) were represented:

- International, Regional and National Agencies represented were: IUCN, Duke University, KORDI, PIFS, SPREP

- The following private sector and civil society entities were represented: Fiji Environmental Law Association, Nautilus Minerals Inc, and North-South Environmental Law, Nauru Ocean Resources Inc (NORI)

Workshop Objectives

1. Increase awareness of the nature of the mineral resources beyond the limits of national jurisdiction ("the Area"), and on the outer continental shelf, and the

2. Measures taken by the ISA with regard to the protection of the marine environment from the harmful effects of deep seabed mining and the applicability of such measures to the development of marine minerals within the EEZ

3. Formulate preliminary recommendations for environmental impact assessments (EIA) of seabed mining both within and beyond national jurisdiction.

Participants were divided into 3 working groups:-

1. **Environmental Impact Assessment Working Group**

- Formulate a provisional template to guide the format of EIA by companies wishing to apply for exploration licenses.

- Template represents a generalized framework targeted at requirements of ISA for the Area, applicable for DSM within the EEZs.

- Environmental Impact Statement submitted by the developer should comply with this Technical Guidance Document.

2. Legal Working Group

Identify legislative and regulatory provisions that should form the basis of environmental management of DSM activities, both within and beyond national jurisdiction.

- Parts of a national legislative template should address:

I. International Obligations e.g.

- Duty to protect and preserve marine environment (Article 192 LOSC)
- Precautionary Approach (Rio Declaration Principle 15)
- On-going monitoring of environmental impacts (Article 204 LOSC)
- 'Polluter Pays Principle' (Rio Declaration)
- Identifying mechanisms for capacity building (Part XI LOSC) etc.

Legal Working Group (cont).

II. Administering Authority – powers, duties and functions

- Need for a specialized body to regulate on behalf of the state, a regional body is considered ideal to avoid perception of bias, conflict of interests etc.

Function of this body is to –

- Conduct due diligence (gather and evaluate information about financial and technical capabilities of mining proponents)
- Requiring and assessing EIAS
- Permitting/licensing; and
- Monitoring compliance and enforcement

III. Permitting/licensing requirements and EIA – sequence of stages

1) Application for permit/license with supporting EIA
2) Public notification of application
3) Written submission on notified application
4) Public hearing of notified application
5) Decision and 6) Appeal Process

3. Capacity Building Working Group

Key areas identified for capacity building include:

1) Funding
2) Competencies and training
3) Knowledge management
4) Regional cooperation

1) Funding

- Current funding models in the ISA are inadequate to meet needs of managing and responding to EIAs; monitoring, management and regulation of mining related activities within the Area

- The ability of PICs to engage in the Area or respond to EIAs within the EEZs

Capacity Building Working Group (cont)

Recommendations:

1) Proponent/contractor pays EIA related costs (ISA & PIC)
2) Environmental management levies (ISA)
3) Membership fees (ISA)
4) Government allocation and commitment and from external funding or in-kind assistance from external bodies such as SOPAC

Capacity Building Working Group (cont)

2) Competencies and training

- Full utilization of existing opportunities such as the ISA Endowment fund and UOS
- Better coordination/awareness of existing new training opportunities i.e. USP and UPNG

3) Knowledge management

- Sharing existing datasets via a regional database
- Key to success would be the willingness of nations and regional bodies to contribute data
- Shared resource rather than one owned by the body hosting it (DSM Project deliverables)

Capacity Building Working Group (cont)

4) Regional cooperation

- Strong support for strengthening regional cooperation
- Suggest for an existing regional body to provide expert advice to states on EIA, technical & specific DSM matters.
- RB need to be legitimized and empowered by PIC with TOR
- Proposal will be put forward to SOPAC Division meeting for PICs to decide as far as the concept is concerned.