



## LISTENING TO THE PACIFIC

### FRAMEWORK FOR PACIFIC REGIONALISM REGIONAL INITIATIVE SUBMISSION TEMPLATE 2016

#### **The Framework for Pacific Regionalism**

The Framework for Pacific Regionalism represents a high-level commitment to pursuing deeper regionalism and establishes a process for developing and prioritising regional public policy. It articulates the vision, values and objectives of an enhanced Pacific regionalism. It also sets out an inclusive process by which anyone can propose ideas for regional initiatives to address key challenges facing the Pacific. For more information, [click here](#).

#### **Regional Issues and Guidance**

When preparing your submission, think carefully about why this is an issue of regional significance and why it should be placed before the Leaders of the Pacific Islands Forum. For further information on the process and types of submissions being sought, please refer to the guideline below.

#### **To Submit a Regional Initiative**

1. Complete the below regional initiative template below.
2. Submit initiative to the Forum Secretariat by deadline: **5pm, Fiji time, Sunday 10 April 2016.**
3. Initiatives should be submitted to the Forum Secretariat, through one of the following ways:



## FRAMEWORK FOR PACIFIC REGIONALISM – REGIONAL INITIATIVE TEMPLATE

*Please complete each section below.*

### 1. Contact Details

*Please provide the following contact details:*

**Name of individual or group submitting initiative**

Pacific Network on Globalisation

**Name and position of primary contact**

Maureen Penjueli  
Coordinator

**Email address**

**Phone number**

**Fax number**

**Mailing address**

### 2. Name of Initiative

*Oceania is our source, Not just another resource*



### 3. What is the common regional issue or challenge that this regional initiative aims to address?

*You may also want to address the following: What are the causes of this issue? Are there links to national, regional or international goals/policies?*

***Please limit your response to no more than 750 words.***

In 2012, a collective of national (Act Now! PNG, Bismarck Ramu Group), regional (Pacific Conference of Churches, Pacific Network on Globalisation) and international southern feminist network (Development Alternatives with Women in a New Era) armed with petition of over 30,000 signatures sought (unsuccessfully) the intervention of the Pacific Islands Forum Leaders on the issue of seabed mining. As a collective we are concerned by the significant risks and uncertainties surrounding seabed mining. Little is known about seafloor mining technology, its efficacy, safety, and the impacts that may arise from the process. In addition, the deep sea environment is a unique and diverse realm that has yet to be extensively researched and understood. Both of these uncertainties in our collective views warranted unprecedented caution and attention before proceeding with full-scale development of deep seabed mining. The Pacific ocean in our view was going to be yet another proving ground (first nuclear testing ground) and now deep sea mining. The call for a moratorium by pacific collective is supported by international law (precautionary principle)<sup>1</sup>.

The political endorsement by PIFL in our view legitimised and fast tracked the SPC/EU Deepsea Mining project without giving due consideration to the growing concerns of collective of Pacific peoples voices including and specifically indigenous communities. This charted a pathway that today directly challenges the premise of subsequent ocean policies undertaken at the regional level including the Pacific Oceanscape framework and the Palau declaration on Oceans<sup>2</sup>.

#### **Palau Declaration on: The Ocean Life and Future. Charting a course to sustainability.**

*As Leaders of the Pacific Islands Forum, we have and will continue to play a central role in the stewardship of one of the greatest natural endowments in the world – the Pacific Ocean. It is the lifeblood of our economies and societies and is crucial to global climatic and environmental stability. It is the fabric of unity upon which we have woven individual and collective relationships and agreements on sustainable development, now and into the future. The Ocean is our Life and our Future. The people of the Pacific Ocean are a living testament to that truth. Our way of life, our culture, our direction and our actions should reflect that truth, as it is our very identity: People of the Ocean.*

As people of Oceania we affirm that the ocean is our source, not just another resource for economic exploitation and growth.<sup>3</sup> Overall the SPC/EU DSM project paints an overly positive picture of DSM – one that arguably prioritises creating a climate favourable to industry and operators (by discouraging states imposing regulatory obligations) over the economic and cultural rights of indigenous communities. Rather than emphasising the regulatory responsibilities of States, the emphasis of the SPC/EU DSM project leans more on attracting and incentivising the industry to attract foreign investment.

By downplaying the range of adverse impacts (actual and potential) and stating that any impacts are likely to be extremely minimal or almost non-existent, the burden of proof is removed from industry and conveniently placed onto communities. Further the SPC/EU DSM project relegates the concerns of indigenous communities to the sidelines by ignoring their right to land, culture and their own resources. This leaves pacific peoples and communities to demonstrate why the region must proceed with unprecedented caution.

<sup>1</sup> [http://pang.org.fj/wp-content/uploads/2013/03/ELAW\\_dsm\\_opinion.pdf](http://pang.org.fj/wp-content/uploads/2013/03/ELAW_dsm_opinion.pdf)

<sup>2</sup> [http://www.forumsec.org/resources/uploads/attachments/documents/AnnexB\\_Palau\\_Declaration\\_on\\_The\\_Ocean\\_Life\\_and\\_Future.pdf](http://www.forumsec.org/resources/uploads/attachments/documents/AnnexB_Palau_Declaration_on_The_Ocean_Life_and_Future.pdf)

<sup>3</sup> See examples of public submissions to the Vanuatu national consultation on draft DSM policy on fb: Nautilus the Protector, Solwara Em Laif.



As a consequence of fast tracking DSM in the Pacific, over 1,500,000 sq km (a conservative estimate) of ocean floor within the majority EEZ's of Pacific island nations is currently being held under exploration and exploitation licenses by multinational companies. While PNG is set to begin commercial scale seabed mining in 2018. Most of these licenses were issued without the free and prior informed consent of the people of Oceania. In the case of Vanuatu, previous governments had issued over 140 licenses without the knowledge of parliament let alone the free and prior consent of the people of Vanuatu. Today, mining companies seeking to profit from deep seabed mining cannot credibly demonstrate that the impacts of their activities are negligible, much less reversible yet the regional policy SPC/EU framework and PIFL political endorsement has given them the green light to proceed.

An independent Assessment of the SPC/EU Legislative and Regulatory Framework for DSM exploration and Exploitation by Blue Ocean Law in collaboration with PANG, has found that both in consultations and in the final framework, the exclusion of key voices from civil society, particularly those representing indigenous communities, who are likely to be greatly – perhaps most impacted by DSM. According to the assessment such exclusion is no longer passable under international law and existing frameworks devoted to the protection of human rights of indigenous communities. Further the assessment found oversights which could expose individual pacific island countries to liabilities including compensation claims – resulting from harms from DSM that occur from activities under their control both within and beyond domestic waters. <sup>4</sup>

As people of Oceania, we bring the issue of experimental seabed mining once again to the attention of our Pacific leaders for their re-consideration as the stewards of the greatest natural endowments our Pacific Ocean. As the stewards of this great resource, leaders are called to relook at the case of seabed mining as a way to reconsider where the checks and balances exist within the current CROP agencies as a way to pursue deeper regionalism. In addition to provide mechanisms for pacific collective voices to present their case directly to leaders.

#### **4. Briefly describe this regional initiative**

*You may also want to address the following in this section:*

*How would this initiative contribute to a positive change to the region?*

*Who are the main beneficiaries?*

*How would the initiative contribute to the vision, values and objectives of the Framework for Pacific Regionalism?*

*Has the initiative been carried out previously?*

*What are the key risks in implementing this initiative?*

*Are there any complementary projects and programmes that are currently active?*

***Please limit your response to no more than 750 words.***



This regional initiative seeks to encourage the PIFL to consider the case of seabed mining in light of the growing concerns of Pacific collectives and to re-dress in innovative ways that enhance regionalism and the accountability mechanisms of regional institutions in particular around the common stewardship of our Pacific ocean. Where there are significant gaps, leaders need to consider how to create mechanisms for Pacific collective voices to present their case directly to leaders.

Since 2012, different actors within the civil society sector have actively taken it upon themselves the task of proving why a moratorium is necessary whilst some of our indigenous communities who are at the forefront, supported by civil society groups are asking for an outright ban of seabed mining activities including at the exploration stage.

On the 17<sup>th</sup> of January, 2014, the Lutheran church of PNG gathered over 1.2 million signatures at the 29<sup>th</sup> ELCPNG Synod to present to the Peter O'Neill government as a demonstration of concern and calling for a stop to seabed mining in PNG.<sup>5</sup> While different groups (scientific, environmental, conservation, community groups, faith based, women and feminist groups, customary landowners, legal community) have formulated positions to demonstrate their concerns. Some groups have gone further to published independent research papers (scientific in nature, independent analysis of Environment Impact Assessment, assessment of the SPC/ EU legal framework etc) to broaden the knowledge base of information which our governments can now access. The artistic community across this great ocean have also expressed in various art forms the concept of Oceania being our source, more than just a resource. While academic institutions have created spaces for debate and discussion and to raise awareness while the media continues to play a significant role in providing avenues for communities and Pacific collectives to raise their concerns.

Today the situation in terms of knowledge base is certainly much richer as a result of the burden of proof undertaken by collectives of Pacific groups to inform broader policy considerations including whether seabed mining should proceed at all in the Pacific.

Significant risks and uncertainties surrounding seabed mining remain. Little is known about seafloor mining technology (which in PNG's Solwara 1 project is currently being tested in Oman and Canada), its efficacy, safety, and the impacts that may arise from the process. In addition, the deep sea environment is a unique and diverse realm that has yet to be extensively researched and understood. It is still unclear at this stage the extent of knowledge about the deep sea environment in the Pacific where the current licenses for exploration and exploitation exist to fully understand and appreciate the potential impacts – cultural, competing industries (fisheries), ecological impacts. The fact that there is no mention at all of all options available to states including that states may freely elect to delay or even disallow seabed mining activities in the absence of critical information is a concern.

We acknowledge the good intention of the SPC/EU DSM project to undertake independent assessments including – a Cost Benefit Analysis for prospective DSM in the Pacific which has been undertaken by Cardno, an impact assessment on fisheries as well as an independent assessment of CSO concerns about DSM. However we contend that the SPC/EU DSM project has a very specific interest to ensure an enabling environment for seabed mining to take place in the Pacific is therefore not the appropriate agency that should look into the substantive matters of concerns that Pacific collectives have on the matter. Preliminary assessments of the Cost Benefit Analysis by Cardno indicates an unrealistic assessment of true costs of seabed mining in part because the SPC/ EU DSM project already assumes a position that there are minimal to almost no risks. There is a perception that the manner in which the SPC/ EU DSM project is constructed is pushing for a race to the bottom, where Pacific states continually lower standards and protection for people and the environment in pursuit of investment and economic gains.

It should however be stated that the SPC/EU DSM project is not the only project at the regional level which seeks to continually lower the states regulatory rights and obligation to protect our very own people, our environment, cultures and resources. From current negotiation of free trade agreements such as PACER Plus, West Papua, climate change, even the Palau Ocean declaration are notable examples of how the pursuit of economic growth overshadows and attempts to minimise the real concerns around impacts around violations of rights which are protected and afforded under international law and even our own national laws and constitutions.

---

<sup>5</sup> The Evangelical Lutheran Church of PNG 29<sup>th</sup> national Synod outcome statement. No to experimental seabed mining in PNG. 17<sup>th</sup> of January 2014.



## 5. Why does this initiative require the attention of the Leaders of the Pacific Islands Forum?

*Please consider whether this initiative requires the attention and consideration of the Leaders of the Pacific Islands Forum in order to be implemented and outline why this is the case. Could it not be overseen or implemented at the level of Ministers, officials or by a regional agency?*

***Please limit your response to no more than 750 words.***

In accordance with the Palau Declaration, the Pacific Islands Forum continues to play a central role in the stewardship of our great ocean. It is on this premise that this initiative argues that the Leaders need to reconsider the political decision of 2012 - the resulting consequence of the fast tracking of DSM activities in the Pacific - and its responsibilities to the growing concerns of Pacific collective voices.

This regional initiative seeks to encourage the PIFL to consider the case of seabed mining in light of the growing concerns of Pacific collectives and to re-dress in innovative ways that enhance regionalism and accountability of regional institutions in particular around the common stewardship of our Pacific ocean.

### **Existing Regional Architecture (CROP):**

In order to give confidence and trust in the process of independent assessments, Pacific leaders should explore innovative ways, first, within the existing regional architecture to ensure that there are effective checks and balances or accountability mechanisms at the regional level to inform policy decision making. This is particularly important considering the increasing demand for competing (extraction and exploitation) oceanic resources including those of communities whose voices continually are left behind. The DSM activities are one of many competing priorities for the regions oceanic resources – fisheries (coastal, high seas), tourism, cultural etc.

What role(s) can other regional CROP agencies such as the Secretariat of the Pacific Regional Environmental Programme, the Forum Fisheries Agency, Parties of the Nauru Agreement (PNA), the University of the South Pacific and within SPC key areas of work such as the Social Development (gender, human rights, cultural), fisheries (coastal fisheries). Even within the Pacific Islands Forum itself, what role does the Ocean Commission and in particular the Ocean Commissioner play? Within these agencies who is best placed to provide the support to facilitate the concerns of Pacific collectives. Who is best placed to undertake independent assessment?

### **Member states:**

Secondly what roles can member states play for example NZ and Australia whose legal jurisdiction is far advanced but can offer



significant support to the region on experiences of how to handle the contentious issue of seabed mining within territorial waters?

How does the existing regional architecture provide support to national governments in order to enhance its regulatory authority?

**Development Partners:**

What responsibility does the European Commission have given its funding of the SPC/EU DSM project.

**Mechanism for Pacific peoples collective voices:**

Finally and perhaps most significantly, mechanisms to facilitate Pacific collective voices on a host of different and contentious issues around the collective stewardship of this great ocean – the Pacific Ocean. Where there are significant gaps, leaders need to consider how to create mechanisms for Pacific collective voices to present their case directly to leaders. On a host of critical issues Leaders can consider it an option to invite direct engagement by Pacific collective voices to present their case. Sea bed mining is but one of those critical issues – the case of West Papua, PACER + , Climate Change all issues in which leaders can make direct intervention possible.

**6. Attachments**

Please attach additional information in support of this initiative.

*Please attach no more than 3 pages.*

**7. Uploading initiatives to the Forum Secretariat website**

In line with the process outlined in the [Framework for Pacific Regionalism](#), all submitted initiatives, inclusive of all attachments, will be publicly available via the Forum Secretariat website.

**8. Guidelines and Contact Details**

For further information on completing this template, consult the submissions guideline below or contact Pacific Regionalism Adviser Joel Nilon at the Forum Secretariat:



## Submission Guidelines

These guidelines are designed to assist those submitting regional initiatives through the Framework for Pacific Regionalism. For more information contact Pacific Regionalism Adviser Joel Nilon at the Forum Secretariat:

### 1. About the Framework for Pacific Regionalism

The Framework for Pacific Regionalism represents a high-level commitment to pursuing deeper regionalism and establishes a process for developing and prioritising regional public policy. It articulates the vision, values and objectives of an enhanced Pacific regionalism. It also sets out an inclusive process by which anyone can propose ideas for regional initiatives to address key challenges facing the Pacific. For more information, [click here](#).

### 2. How do I submit a regional initiative?

To submit a regional initiative, complete all sections of the submission template and submit to the Forum Secretariat by no later **5pm, Fiji time, Sunday 10 April 2016**.

Submissions must be made on this template. Submissions made directly via email, letter or other format will not be considered.

Delivery of submissions can be made via one of the following



### 3. Who can submit an initiative?

Any interested stakeholder can submit a regional initiative. This may include individuals, or groups of individuals or organisations, including government, civil society (including church or religious organisations), the private sector, community groups, multilateral agencies and CROP agencies.

### 4. What information is required?

In completing the regional initiative template, you should:

- a. Identify and seek to respond to issues and challenges that are common to the Pacific region and that could be best addressed through a regional response.
- b. Demonstrate that a high level political decision needs to be made.

**This is not a process for seeking endorsement of existing projects or activities. No standing fund exists in which to allocate funds to initiatives that are endorsed.** Submissions that consist of projects or initiatives that may be ordinarily carried out under the governance arrangements or work-plan of the submitting organisation are unlikely to be successful.

- c. Demonstrate how the initiative would contribute to one or more of the objectives of the Framework for Pacific Regionalism.

### 5. What assistance will the Forum Secretariat provide through this process

The Forum Secretariat will provide general advice and suggestions to those making submissions. This advice will include clarifying the information set out in this guideline, such as how initiatives can be completed and submitted; the type and level of information sought; the assessment process; and clarification of the overall process.

### 6. Assessment process

**Step 1** The Forum Secretariat will collate all submitted initiatives and check them for completeness.

**Step 2** The Forum Secretariat will, in collaboration with CROP agency officials and other experts as required, conduct a first round of assessment of all submitted initiatives using the tests for regional action (see Table 1 below).

**Step 3** The Forum Secretariat will provide all assessed initiatives to the Specialist Sub-Committee on Regionalism (SSCR), which will assess initiatives against the vision, values and objectives set out in the Framework (see Table 2 below). Reports on current regional initiatives under the Framework for Pacific Regionalism that are in progress will also be considered by the SSCR when they assess initiatives.

**Step 4** Based on its assessment of all submissions, the SSCR may recommend a limited number of initiatives to Forum Leaders. Those initiatives recommended to Leaders will be first sent to the Forum Officials



Committee for commentary and incorporation on the Leaders' annual meeting agenda. Forum Leaders will then receive the final recommendations of the SSCR and make decisions on these at the annual Forum Leaders Meeting. In 2016 this meeting will take place in the Federated States of Micronesia

Proponents whose initiatives have been selected for Leaders' consideration will be informed of this selection within two weeks of the SSCR's decision. All proponents will be informed in due course of the outcome of their submissions.

**7. Leaders' decisions on initiatives**

Forum Leaders' decisions on initiatives will be publicly announced through the Forum Leaders' Communique that is issued at the conclusion of the Leaders' meeting. As directed by Leaders, the Forum Secretariat will initiate implementation of the decisions in consultation with the proponent, the proposed implementing agencies, funding partners, and other relevant organisations or stakeholders.

**8. Further help and feedback**

For further information or guidance or to provide feedback on the process, contact Pacific Regionalism Adviser Joel Nilon at the Forum Secretariat:



**Table 1 – Tests for Regionalism**

TEST	CRITERIA FOR REGIONAL IMPLEMENTATION
<b>Market test</b>	The initiative should not involve a service that markets can provide well.
<b>Sovereignty test</b>	The initiative should maintain the degree of effective sovereignty held by national governments (countries, not regional bodies, should decide priorities).
<b>Regionalism test</b>	<p>The initiative should meet one of the following criteria at a sub-regional or regional level, in support of national priorities and objectives:</p> <ul style="list-style-type: none"><li>▪ establish a shared norm or standard</li><li>▪ establish a common position on an issue</li><li>▪ deliver a public or quasi-public good which is regional (or sub-regional) in its scope realise economies of scale</li><li>▪ overcome national capacity constraints</li><li>▪ complement national governments where they lack capacity to provide national public goods like security or the rule of law</li><li>▪ facilitate economic or political integration</li><li>▪ Where benefits accrue sub-regionally, the contribution to broader regionalism should be clear.</li></ul>
<b>Benefit test</b>	<p>The initiative should bring substantial net benefits, as demonstrated by a cost-benefit analysis. The distribution of benefits across countries and across stakeholders within the region should also be considered—particularly with respect to:</p> <ul style="list-style-type: none"><li>▪ The relative costs and benefits for smaller island states (an “SIS test”)</li><li>▪ How inclusive the proposal is of all stakeholders who might benefit from regionalism.</li></ul>
<b>Political oversight test</b>	The initiative should require the Leaders’ attention and input (as opposed to being within the mandate of Ministers or other governing bodies).
<b>Risk and sustainability test</b>	The initiative should demonstrate a robust risk and sustainability evaluation, be based on a sound implementation plan, be supported by some identified funding, and demonstrate available capacity and experience for successful implementation.
<b>Duplication test</b>	The initiative should not be currently under progress by another organisation or process, and there should be no duplication of effort.



## **Table 2 – Vision, Values and Objectives of the Framework for Pacific Regionalism**

### **Vision:**

Our Pacific Vision is for a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives

### **Values:**

- We value and depend upon the integrity of our vast ocean and our island resources.
- We treasure the diversity and heritage of the Pacific and seek an inclusive future in which cultures, traditions and religious beliefs are valued, honoured and developed.
- We embrace good governance, the full observance of democratic values, the rule of law, the defence and promotion of all human rights, gender equality, and commitment to just societies.
- We seek peaceful, safe, and stable communities and countries, ensuring full security and wellbeing for the peoples of the Pacific.
- We support full inclusivity, equity and equality for all people of the Pacific.
- We strive for effective, open and honest relationships and inclusive and enduring partnerships—based on mutual accountability and respect—with each other, within our sub-regions, within our region, and beyond.

These Pacific regional values will guide all our policy-making and implementation.

### **Principal Objectives:**

- Sustainable development that combines economic social, and cultural development in ways that improve livelihoods and well-being and use the environment sustainably;
- Economic growth that is inclusive and equitable;
- Strengthened governance, legal, financial, and administrative systems; and
- Security that ensures stable and safe human, environmental and political conditions for all.