

Jonathan Mesulam Meets with Senior Canadian Civil Servants on Deep Sea Mining

November 18, 2019

Ottawa, Canada



On November 18, 2019, Jonathan Mesulam of West Coast Development Foundation (a member of the Solwara Warriors Alliance), accompanied by Catherine Coumans of MiningWatch Canada, met with six senior civil servants from Natural Resources Canada and two from Environment and Climate Change Canada (some of whom joined the meeting by phone). The meeting was held at the office building of Natural Resources Canada (580 Booth Street, Ottawa).

The purpose of the meeting was to discuss how Canada protects, through legislation, its territorial marine waters, particularly from mine waste and effluent. The two areas of focus for the meeting were submarine tailings disposal and deep sea mining. Both are practices that Canadian mining companies have employed, or plan to employ, in Papua New Guinea, but both practices are effectively banned in Canadian marine waters through federal regulations. A further purpose of the meeting was to explore how Canada can contribute to capacity building and good governance around natural resource extraction, particularly mining, by providing information on the issues set out in this brief to relevant government officials and civil society leaders in Papua New Guinea.

Submarine Tailings Disposal

The civil servant participants in the meeting acknowledged that submarine disposal of mine waste (tailings) from terrestrial mines is effectively prohibited in Canada as mine waste exceeds regulatory limits on total suspended solids (TSS) for uncontained mine waste that enters fish-bearing waters. This prohibition stems from the [Metal Mining and Diamond Effluent Regulations](#) (MMDER) pursuant to subsections 34(2), 36(5) and 38(9) of the Fisheries Act. [Schedule 4](#) of the MMDER limits TSS that may be deposited uncontained into fish bearing waters to 15mg/l on average per month. Tailings are many times higher than this. It is for this reason that submarine tailings disposal is effectively banned in Canada.

Deep Sea Mining

The government officials agreed that there is currently no regime for deep sea mining in Canadian territorial waters. There is no permitting procedure, no regulations for exploration and no regulations for exploitation of deep sea mineral and metal resources. Although Canada participates in meetings of the International Seabed Authority in Jamaica, where regulations for deep sea mining are being prepared, the civil servants in the meeting said there is currently no Government of Canada focus on deep sea mining of Canada's terrestrial waters. There was further agreement in the meeting that if deep sea mining procedures would entail pumping effluent from initial processing on board a deep sea mining vessel back into the deep sea this would be in violation of the 15mg/l monthly average TSS limits set on the uncontained deposition of mine effluent into fish-bearing waters – making deep sea mining effectively banned in Canada's territorial waters for the same reasons that submarine tailings disposal is effectively banned.

Canadian mining companies in Papua New Guinea

During the meeting, Jonathan Mesulam pointed out that Canadian mining companies have used submarine tailings disposal in Papua New Guinea waters and that the first ever permitted deep sea mining project in the world was for Canada's Nautilus Minerals' Solwara 1 project in Papua New Guinea waters aimed at mining hydrothermal vents. Jonathan pointed out that this permit was provided even though Papua New Guinea has no regulations in place for deep sea mining.

Jonathan asked why Canadian mining companies are allowed to mine in ways in his country that would not be permitted in Canada. The civil servants in the meeting pointed out that Canada does not regulate the overseas activities of its home state companies, but rather provides guidance to these companies, for example through its [CSR Strategy](#). However, they also acknowledged that Canadian officials frequently travel to countries where Canadian mining companies are active to provide guidance in regard to mining practices and governance.

Jonathan asked whether, if invited, Canadian officials would visit Papua New Guinea to explain the regulations that effectively ban submarine tailings disposal and deep sea mining in Canada's territorial waters. The officials agreed that such a visit would be possible if an appropriate invitation were received.

Jonathan and Catherine thanked the civil servants for making the time to meet with them and for the factual information they provided.