Request for Information on Trends, Developments and Challenges for IMO's Strategic Framework for 2018-2023

We are very pleased to have the opportunity to comment on the trends, developments and challenges facing the IMO to inform the agency's strategic framework for 2018-2023.

For its 2018-2023 strategic framework, we call on the IMO to
a) consider tailings to be marine pollution that falls under IMO jurisdiction; and
b) play an enforcement role in the banning of submarine tailings disposal.

The dumping of mine waste into the oceans has devastated marine ecosystems around the world, and will continue to do so in the coming years. We are pleased that, through collaboration between the LC/LP and UNEP-GPA, the IMO is examining the impacts of tailings dumping and the potential role it can play to solve this problem.

The discussion of tailings disposal within the London Convention will be particularly urgent in the coming years, as the mining industry and many national governments attempt to mainstream the practice and even tout it as an environmentally friendly method of mine waste disposal. The Norwegian mining industry has launched a campaign to legitimize extensive dumping of mine waste into Norwegian fjords.

A group of government and industry officials in Chile are also promoting "deep sea tailings placement," a term we feel is a greenwash attempt to downplay the impacts of marine waste dumping and get international acceptance to introduce new mine projects that would involve tailings disposal into the sea. Both parties are collaborating closely to develop so-called scientifically based best practice guidelines for submarine tailings disposal in order to achieve their goal of an international general acceptance for the disposal of mine tailings into the sea.

But submarine tailings disposal should be phased out, not increased.

The impacts of tailings disposal are clear and devastating. Research featured in Earthworks' *Troubled Waters* report found that mining companies dump more than 180 million tons of hazardous waste each year into rivers, lakes, and oceans. Mine processing wastes, or tailings, can contain as many as three dozen dangerous chemicals including arsenic, lead, mercury, and cyanide. Tailings smother benthic organisms as they cover the seabed, and their toxic components can prove fatal to aquatic species as well. Even tailings particles that are categorized as non-toxic can harm aquatic species, even in low concentrations (for example, by making fish eggs and larvae sink to the bottom.) Additionally, nano-sized tailings particles represent another threat, as otherwise stable and non-toxic compounds can be harmful in small sizes.

In fact, a 2003 World Bank-produced "Extractive Industry Review" cautions that: "On the basis of the precautionary principle, since marine biodiversity has global conservation significance and since the

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possible effects of STD [submarine tailings disposal] on the tropical marine ecosystem are not well understood, STD should be avoided especially in island regions where this method of disposal may not assure people's sustainable livelihoods."

Moreover, aquatic tailings disposal is not a historical issue as some LC/LP members assert. Mining companies in many countries practice it or propose to (or both). For example:

Norway: There are six active sites of STD in the world-famous Norwegian fjords, as well as several proposed mining project secured permits for STD. At a time when the remaining countries practicing STD should phase out the practice, an affluent and progressive country proposes to expand it. However, the mine operators proposing new STD projects face strong opposition from local communities, a broad range of NGOs, and the tourism, fishing and aquaculture industries. Due to a complaint from this opposition, the EFTA Surveillance Agency is now assessing whether Norway violates the EU Water Framework Directive.

Papua New Guinea: PNG has been ravaged by mining in the past, and the country continues to face the industry's destructive impacts today. A study published in *Nature*[1] found that STD from the Lihir mine led to "substantial" reduction of sediment fauna, as well as changes in higher-taxon community structure. Similar results were found for the Misima mine, which ceased operations in 2004. The effects of tailings dumping are clear to communities in Papua New Guinea, who have regularly opposed the practice. In 2011, a group of landowners filed a lawsuit to stop tailings dumping from the Ramu Nickel mine, arguing the practice would destroy their fishing-based livelihoods, as well as the coral reefs and aquatic ecosystems of the Basumak Bay. But despite a history of opposition, at least three more companies currently propose to dump mine waste into the sea. These companies also face local community opposition.

Chile: As mentioned earlier, the government and industry are looking to marine disposal as the generation of waste by the industry overwhelms the amount of land available to store it. Chile is essentially a coastal country – STD could bear huge consequences for its fishing and farming communities, as well as marine ecosystems.

Indonesia: Two notorious mega-mines, Grasberg and Bata Hijau, continue to practice STD here. Tailings dumped from the Grasberg mine have buried more than 166 kilometers of forest and wetlands.

Aqueous tailings disposal has been phased out in many countries because of the overwhelming evidence of its negative impacts. Still, it also continues to remain a threat in other parts of the world and may even increase in frequency in the future. It is therefore imperative that the IMO take a public position against this practice and incorporate regulation of it in its 2018-2023 framework.

Thank you for considering these comments.[2]

[1] Hughes, David et al. "Ecological impacts of large-scale disposal of mining waste in the deep sea." *Nature.* May 5, 2015.

[2] This document was prepared by Naturvernforbundet/Friends of the Earth Norway and Earthworks. FoE Norway is a 100 year-old democratic Norwegian environmental protection organization, and Earthworks is a nonprofit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.