



Naturvernforbundet

Friends of the Earth Norway

Dumping of mine tailings in the oceans – with support from Norway

Norway tries to prevent an international ban on submarine tailings disposal from land based sources, thereby also supporting a campaign from the international mining industry for an acceptance to dump billions of tons of toxic mining waste into the deep oceans.

“The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972” (London convention) has strict rules against dumping of tailings from boats at open sea, and Norway tries to prevent these rules from being used to prohibit dumping through pipelines from land. A crucial question is Norway is going to vote in the upcoming meetings of the London convention meetings – will the vote be for or against the pollution of the seas from the dumping of tailings?

The battle against dumping of mine wastes into the sea was about to be won...

World map of submarine tailings disposal, 1980



World map of submarine tailings disposal, 2015



Most countries have stopped the practice of dumping of mine waste into the sea. England, Denmark (Greenland), Norway, Greece and France all had mines/factories using sea dumping, but today, only Norway is left of the European countries that practiced sea dumping. The mining companies in England, Greece and France got economic support from EU to find alternative solutions in order to comply with EU's environmental legislation.

We have seen similar development in the rest of the world. Only Norway, Chile, Turkey, Papua New Guinea and Indonesia still use submarine tailings disposal.

From 2003, following the World Bank reports on mines and environment, there was a strong international movement against riverine and submarine tailings disposal. Along with this, local communities and indigenous peoples have fought hard battles. The international campaigns showed results. Most countries abandoned submarine tailings disposal, the largest mining company of the world, BHP Billiton declared "We will not dispose of mined waste rock or tailings into a river or marine environment", and the World Bank Group more or less banned engagement in mining companies using submarine tailings disposal. Although submarine tailings disposal is the cheapest method for dealing with tailings, only 0.6% of the world mines still dump mine waste into the sea.

Brazil, China, Russia, USA, Canada and Australia have prohibited sea dumping of tailings, or they have a legal framework that in practice functions as a prohibition. When it comes to EU, we claim that the Water framework directive (WFD) of EU prohibits dumping of tailings into the sea. Friends of the Earth Norway and ten other organizations have complained to EFTA surveillance authority (ESA), claiming that Norway is violating WFD.

But, the mining industry has launched a counter attack.

Campaign to allow dumping of wastes into the sea, supported by Chile, Peru and Norway.

The mining companies of the world have launched a large campaign, hidden in environmental phrases and words without meaning, in order to make it politically acceptable to dump billions of tons of toxic mine waste into the deep oceans. The large mining industry of Chile initiated the campaign, with support from the governments of Chile and Peru. If they succeed, it is probable that many countries will follow, especially developing countries. Economically it will be difficult to compete with mines dumping their waste in the sea. Fiji, New Caledonia, Philippines and Solomon Islands are countries where mining companies already exert a significant pressure to get a permit for submarine tailings disposal.

The campaign to make it politically acceptable for the Norwegian mining industry to dump mine waste into the fjords should not be regarded as a Norwegian matter only. The campaign should be seen in connection with the international campaign for submarine tailings disposal initiated in Chile. Norwegian authorities have been a part of this campaign, and their contribution comes through several types of input:

1. The Norwegian official policy is that submarine tailings in Norwegian fjords are acceptable. (The national mining strategy and several permits to dump tailings into Norwegian fjords.) (Responsible authorities: Directorate of the Environment, and the Department of climate and environment.)
2. Economic support to “research”, to show that dumping of mine waste can be done in an environmentally friendly way, and that the dumping sites are not long-lasting damaged. (Responsible authority: The research council of Norway-RCN)
 - a. NYKOS (2014-2019) – New Knowledge on sea deposits. NOK 22.4 mill in support from RCN. NOK 5.6 mill from mining companies.
 - b. Imptail (2010-2013) - Improved Submarine Tailings Placements in Norwegian fjords. NOK 3 mill from RCN and NOK 3 mill from mining companies.
 - c. Mine Tailing Effects on Deep-sea Ecosystems- an international workshop (LIMA)
 - d. Shore-line and sub-sea placement of mine tailings (2013?)
 - e. MITE-DEEP. Co-funded by NCR and INDEEP. Led by Eva Ramirez-Llodra (NIVA). Co-led by Mr Lonel Sierralta (Chilean DSTP initiative)¹
3. Economic support to international conferences with hidden agendas to promote acceptance of submarine tailings disposal.
 - a. The conference in Lima 10th – 14th June 2015. (Norwegian authority: The research council of Norway)
 - b. Conference in Norway, Eigersund in 2009: <http://www.niva.no/seminarer-og-presentasjoner/marine-and-lake-disposal-of-mine-tailings-and-waste-rock>
The Norwegian Pollution Agency (SFT) was one of the sponsors, together with NIVA, several mining companies and “Norwegian Mineral Industry”. (SFT has now changed name to the Directorate of the Environment).

¹ <http://www.niva.no/en/deep-sea-tailing-disposal>

4. Prevent decisions in international conventions/ agreements that could stop/ regulate the dumping of mine waste from land based sources. (Responsible authorities: Directorate of the Environment, and the Department of climate and environment.)

Even if it is said that the Norwegian campaign is solely focused on Norwegian fjords, which are said to be especially well suited for this purpose, the Norwegian activity in reality supports all dumping of mine waste into the sea, both in Norwegian fjords and the deep oceans of the world.

Short review of the Norwegian international activity concerning submarine tailings disposal.

The London convention (LC) and protocol (LP) has collaborated with UNEP-GPA since 2008, to address the problem of dumping mine waste from land based sources.

LC prohibits such dumping from ships on open sea, and regulates the Norwegian oil and gas activity in the North Sea, with a no-waste principle. Mine waste dumped into the sea/ fjord is in principle also affected by the general purpose of LC/LP to avoid pollution of the seas, but with weak legal backing. The IMO Legal Affairs and External Relations Division has assessed this, and concluded that this is a question in need for interpretation by the contracting parties. IMO (International maritime organization) is secretariat for LC/LP.

Since 2008, LC/LP has collaborated with UNEP-GPA to stop/ regulate the dumping of mine waste from land, and in connection with this, Norway has tried hard to prevent any decisions that could mean a stop to the dumping of mine waste in Norwegian fjords.

- April 2011 - meeting of the LC scientific group:
In connection with the collaboration with UNEP-GPA on submarine tailings disposal, the LC scientific group asked Norway to inform about the Norwegian practice.
The conclusion of the Norwegian presentation: "Submarine tailings disposal is common practice in Norway, and will also be considered in future projects".
The Norwegian delegation: Gunnar Skotte and Øyvind Christophersen from the directorate of Climate and Pollution and Andrew Sweetman from NIVA (The Norwegian Institute for Water Research). NIVA is a consultant for several mining companies that have got or have applied for a permit to dump mine waste into a nearby fjord. Sweetman is now with IRIS (International Research Institute of Stavanger, also engaged in submarine tailings disposal), and made a presentation at the conference in LIMA, June 2015, telling how fast life is returning in fjords with mine waste.
- 31.10.2011 – additional information to the LC scientific group:
Answers to questions from the LC scientific group. The Greenpeace representative had asked whether the cost of operation was important for choosing submarine tailings disposal or not. The Norwegian answer was that this could have significant weight, and used the application for dumping in Repparfjord (Nussir) as an example. They stated that submarine disposal was 100 times cheaper to establish and 10 times cheaper to run than a tailings dam on land.²
- May 27. – 31. 2013, meeting in the LC/LP scientific group:
"The delegation of Norway expressed reservations about the need to develop guidance,

² E-mail from Gunnar Skotte o LC/LP-secretariat 31.10.2011

given that many of the mines identified in the report were in Norway and it consistently aims to find the best outcomes for the environment.”³

- October 14. – 18. 2013, main meeting in LC:

- The secretariat supports the proposition of the scientific group to establish regulations and guidance documents to control the dumping of mine waste from land. Norway expressed reservations against this proposal.
- On initiative from Chile, the Norwegian delegation had a separate meeting with the Chilean delegation to discuss a common approach to the question of submarine tailings disposal.⁴
- Norway becomes a member of an interim committee together with Chile, Peru and several other representatives for further work connected with the question of submarine tailings disposal

- November 2014 – meeting in LC/LP:

The IMO Legal Affairs and External Relations Division states that “the issue of whether marine disposal of tailings from mining operations was included in the definition of dumping under LC/LP had to be interpreted by the State Parties to LC/LP.” In other words, they concluded that a possible interpretation is that dumping of tailings through a pipe could be “inside” the LC regulatory framework for dumping. If this is accepted as the final conclusion, it would mean a total stop to dumping of mine waste from land. LC can accept dumping of inert material of geological origin, but the guidance document for assessing such material exclude mine tailings. In other words, that would be a serious situation for mining companies eager to continue dumping of mine waste into the sea.

The meeting report states that “Several delegations were of the view that the discharge of tailings into the marine environment through pipelines did not seem to be within the remit of the London Convention and Protocol.”⁵ The protocol does not name these delegations, but it is likely to assume that the delegations from Norway, Chile and Peru were among them.

- June 10. – 14. 2015 – conference in Lima (Peru) about submarine tailings disposal:

The Norwegian Directorate of Environment (Harald Sørby) participated in the conference with a speech telling about the process in connection with the permit to dump mine waste in Førdefjorden, with the strongly criticized conclusion of the directorate that the environmental disadvantages were less than the positive effects for the society. He tells about assessment of alternatives to the dumping into the fjord, although there never was anything else than a superficial assessment of alternatives, no proper EIA. The directorate neither required an assessment of underground mining from day one, combined with backfilling option (cut and fill etc). The other Norwegian contributions were by Nepstad from Sintef (consultant firm for Nordic Mining - Førdefjorden) and Sweetman from IRIS (previously with NIVA, a consultant firm for several mining companies). The conference was funded by:

³ Memorandum, Alan Spackman, Vice President, Offshore Division, INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS, 29.07.2013.

⁴ Anja Elisenberg (head of the Norwegian delegation, from the Department of the environmental protection) and Anne-Grethe Kolstad (directorate of climate and pollution) participated in the meeting with the Chilean delegation (Jorge Imhoff, alternate permanent representative of Chile to the IMO).

⁵ London convention and protocol, REPORT OF THE THIRTY-SIXTH CONSULTATIVE MEETING AND THE NINTH MEETING OF CONTRACTING PARTIES. 10.11.2014.

“GESAMP, IMO (LC/LP Trust Fund), the Research Council of Norway and the Chilean Mining Association.”⁶

EU’s list of Best Available Technology (BAT) for mining waste is central in the mineral waste directive of EU, incorporated in Norwegian law. The present BAT-list is from 2009, and there is an ongoing revision process.

- Before 2009: Norwegian representatives tried to get submarine tailings disposal into the BAT-list, but this was rejected.⁷
- 2012-2015: The Norwegian research Council funds several research projects to demonstrate that dumping of tailings into the sea can be done without too serious environmental problems.
- 2015: Norwegian representatives from mining companies are engaged in lobbying in the process of revising the BAT list, and uses report from the “research” to propose submarine tailings disposal as BAT.

OSPAR (Oslo- Paris convention)

- 2015: There are information suggesting that Norway in the coming meeting of OSPAR (2015) will use AOB (any other business) to propose a decision, stating that disposal of tailings through a pipe from land cannot be classified as dumping. This would be an attempt to weaken the assessment of the IMO Legal Affairs and External Relations Division which made it an open question whether disposal of tailings through a pipe should be considered as dumping in the LC sense or not.

Friends of the Earth Norway

Mads Løkeland 24.07.2015.

⁶ SCIENTIFIC GROUP OF THE LONDON CONVENTION (and LONDON CONVENTION), 17. april 2015

⁷ Ph.D. Maria Thornhill at NTNU and others proposed “underwater tailings management in seawater” as BAT, and the tailings disposal in Frænfjorden from Hustadmarmor was used as a successful example.