

## **POLICY PAPER**

### **Ministerial Statement on the PNG National Oceans Policy 2020 – 2030**

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Minister for Justice and Attorney General

As a leader from a remote islands electorate, I am pleased to present a very important statement concerning Papua New Guinea's first-ever National Oceans Policy 2020-2030.

After almost 50 years of Independence, PNG now has a national framework to guide sustainable use, management and protection of our country's surrounding waters and natural resources.

The main features of the policy are as follows:

#### **PNG's Sovereignty over its Maritime Waters**

By international law standards, PNG is an archipelagic State - meaning that all the oceans around, between, and connecting PNG's islands are subject to national sovereignty.

PNG therefore must exercise its sovereignty accordingly - for the betterment of its people. PNG has done well to ratify the *United Nations Convention on the Law of the Sea (UNCLOS)* in 1997.

UNCLOS is the universal constitution or legal framework that provides the rules regulating the rights and obligations of states in relation to the oceans. The ratification of UNCLOS in 1997 meant that PNG must modernise the principal law governing the use and management of the country's oceans and maritime resources. PNG commenced by enacting the *Maritime Zones Act* in 2015, almost 18 years after ratifying UNCLOS.

The *Maritime Zones Act* now provides certainty to PNG's maritime zones, which are respected by other coastal States, such as our neighbours - Australia, Indonesia, Federated States of Micronesia and Solomon Islands.

The challenge PNG now faces is to balance our international law obligations under UNCLOS and its accompanying internal obligations in order to provide a legal and policy framework governing responsibilities at different levels of government. This National Oceans Policy provides that guidance.

#### ***Maritime Boundaries***

In regard to international borders, PNG shares maritime borders with Australia, Solomon Islands, Federated States of Micronesia, and Indonesia.

These borders are managed under co-operative arrangements agreed between these countries and PNG. These international maritime boundaries are recognised under international law.

Under UNCLOS, PNG has an Exclusive Economic Zone (EEZ) covering an estimated 3.12 km<sup>2</sup> of marine waters and a coastline estimated at 17,110 km in length, extending along 14 Maritime Provinces.

PNG has the largest EEZ of a Pacific island country. Because of this large ocean space, it is incumbent on the Government to adopt an appropriate policy and legal framework to protect the country's oceans and natural resources and to protect and provide for our people's rights and expectations in the development of PNG's oceans and maritime resources.

I ask why this important work has been forgotten by successive governments? Why has it taken 45 years for the Government to remember the coastal and islands people and the country's vast ocean potential?

### ***Coastal Livelihoods and Food Security***

I come from an islands constituency, Esa'ala, in PNG's biggest maritime province, Milne Bay. I understand very well the critical role that the blue oceans play in the lives of PNG's island and coastal peoples. Fisheries, coral reefs, mangroves and sea-grass habitats are all part of the environment in which coastal people's livelihoods have evolved from past generations to the present day.

We have a customary law claim over our oceans that must be recognized and protected.

While we have sadly witnessed exploitation of our resources by outsiders and pretenders, our people have waited since independence for the government in Waigani to stop the destructive and unfair use of our country's marine resources and a real people's government that can provide the opportunity to participate meaningfully in the development of PNG's resources.

This is why I am happy to be a member of a party and government coalition that wants to take back this country from the hands of gullible traders, and reckless and ignorant officials whose actions or omissions benefit a few, to the detriment of the silent suffering majority, the citizens of PNG. I am happy to be a member of a new generation of leaders under Prime Minister, Hon. James Marape, who want to give back this country and its economic wealth to our people and the next generation.

The National Oceans Policy acknowledges and recognises the important role that Papua New Guinea's customs and traditional knowledge contribute to the wise use and management of the country's oceans and resources.

The rights of land and marine resource owners to the oceans and their resources are promoted and strengthened by the Oceans Policy. It is imperative that the development of oceanic and coastal resources must be undertaken with the full prior informed consent of land and coastal resource owners, and that benefits from such developments must be shared fairly and equitably according to the National Goals and Directive Principles in PNG's *Constitution*.

The full potential and economic value of our oceans has never been fully assessed and documented. Such an assessment must be the first step towards making informed decisions about how we deal with our marine space and its resources.

Now, after this policy, Papua New Guineans have a legitimate expectation that Waigani will say no more fishing licences, seabed mining licences, or even oil and gas rigs in our oceans without proper regard to the rights of our people and safety of our oceans and marine life.

The National Oceans Policy recognises and deals with these challenges and many others. For example, the National Oceans Policy acknowledges the interconnectedness between land and mountains and coasts and island ecosystems. The policy provides the necessary tools to protect and support the fragile relationship between the land and sea environments.

### **Developing the Legal and Policy Framework for PNG's Marine Environment**

In developing the legal and policy framework for PNG's maritime spaces, every effort must be made to ensure not to stray from the reality of the context within which PNG is located. There is an international law to which PNG is a party, but, as a sovereign nation, how does PNG apply that law in our national framework, so that they complement each other?

As our stakeholders and partners participated in fashioning the National Oceans Policy, I am happy that our *Constitution* and its Five National Goals and Directive Principles (NGDP) provided the inspiration. The most profound insight into the visionary thinking of our founding fathers on the Constitutional Planning Committee is reflected in the NGDP.

Goal Number 4 of the NGDP provides the basic tenets of our natural resources policies, including the Oceans and their resources. It is not without significance there that all our high-level government policy documents have been framed around this premise.

The *Vision 2050* which provides an overarching policy direction for the country has seven pillars which are anchored in the NGDP. *Vision 2050* calls for the Government to pursue environmental sustainability and combat climate change while pursuing economic development. It mirrors the aspirations of the international community in this area as espoused in the United Nations Sustainable Development Goals.

The *Vision 2050* is complemented by the ‘National Strategy for Responsible Sustainable Development for Papua New Guinea’ (STaRS). It is, therefore, pleasing to note that the vision, mission and objectives of the National Oceans Policy are aligned with the *Vision 2050* and STaRS.

With the enactment of the *Maritime Zones Act* in 2015, it is now important to define the spaces within which legal and policy gaps are identified and rectified. For example, the definition of land has been amended to include areas covered by water (foreshore). The interests of local communities become relevant here and must be documented if developments are taking place on the foreshore.

The coastal waters have been defined to provide a legal demarcation for provincial interests to be taken into consideration in coastal and islands developments.

For the purposes of environmental conservation and protection, a marine consent regime for the EEZ and continental shelf is proposed under the Oceans Policy.

The maritime sector must be brought under one governance policy framework. There must be transparent processes identifying the activities to which Government gives consent in the marine space and how these activities will be scrutinised from beginning to end.

#### ***International Tribunal, Law of the Sea, Advisory Opinion***

Now, in order to draw attention to the legal requirements of states like PNG that sponsor mining or other geological activities in their EEZ, I refer to the decision of the International Tribunal on the Law of the Sea in the landmark decision of *Seabed Disputes Chamber*.

This advisory decision of the International Tribunal sets out the state’s obligations under international law, including the duty to undertake adequate due diligence before authorising seabed mining. The decision provides guidance on how to develop standards for a national framework before mining of PNG’s seabed commences.

The Oceans Policy recognizes the above principles and is drafted with necessary safeguards for marine activities in the deep seabed.

#### ***The Blue Economy***

Without the Oceans Policy, the important work of development and implementation of the Blue Economy Plan cannot begin. The Blue Economy Plan will focus on the maritime economy in PNG and provide direction on its development and growth, while promoting the principles of sustainable use and management and equity concepts.

This means that economic benefits from PNG’s oceans and resources must be developed efficiently in an equitable and sustainable manner. Industries must all be fairly considered in regard to their potential and opportunity to grow and generate revenue. Focusing only on one or two industries without widely planned management and governance mechanisms poses a threat to biodiversity and ecosystem health.

The Blue Economy Plan must strike a balance between utilising the economic potential of PNG’s oceans whilst safeguarding their health and integrity so that future generations can also benefit.

As the responsible Minister, I am determined that this policy is not going to collect dust in the corners of offices in Waigani. The people of my electorate have been left out too long, and I refuse to allow this policy to be forgotten and left by the wayside.

In anticipation of the Oceans Policy, the Department of Justice and Attorney-General has already established the Oceans Affairs Office in the Department of Justice, with trained staff working on legislation and other important, related matters.

The next step after this policy launch is to formally establish PNG's Marine Scientific Research Council, which will regulate and license scientific research in PNG's oceans and coastal areas. This technical organisation is critical in that it will facilitate and provide expert scientific advice to government on policy and legislative action relevant to PNG's oceans and marine resources.

## **Conclusion**

In conclusion, let me respectfully implore Leaders to think policy and use policy to drive legislation that will protect PNG's national interests and create wealth for our people in a responsible manner.

We have the opportunity to take back our destiny and move forward to achieve the vision of a prosperous, democratic nation built on the back of our cultural heritage, Christian values and rule of law as envisioned by our founding fathers.

We can build a wise, fair, safe and prosperous nation for our people. We can achieve our 2050 Vision to be a prosperous middle-income country by 2050. We can lay the foundations today for a time when PNG can become the richest black Christian country on earth.

With the abundant resource endowment and potential PNG has, we all know that we can turn these dreams into reality one day.

Today, our vision may seem gloomy. Today, we ask how we can ensure that the majority of our population - the people living in villages in the Highlands, along the coasts, and on the islands - are not left behind.

I am optimistic that we will start to find answers to these and many other questions concerning our journey and experience as a country as we adopt good policies and laws like the Oceans Policy that underpins our nation's untapped potential in our blue economy.

The interest and collaboration of government departments and agencies in producing the Oceans Policy document in a space of 12 months since they were given relevant ministerial direction in March 2019 gives rise to confidence.

This policy was funded by the Department of Justice and Attorney-General, the National Fisheries Authority, and National Maritime Safety Authority. For their contribution and commitment, I thank leaders and officials of the National Fisheries Authority, National Maritime Safety Authority, National Weather Service, and research institutions, both national and international.

I also acknowledge the contribution of all of PNG's maritime provinces, and those from the Highlands region who participated in the process. Initial funding support from the Commonwealth Secretariat and the Pacific Islands Forum Secretariat is acknowledged.

Without the hard work and co-operation of all of the bodies mentioned, it would not have been possible for PNG's first ever National Oceans Policy to be delivered to the National Parliament.

As the Minister responsible for seeing the process through, I am sincerely grateful to everyone involved.