

出國報告（出國類別：開會）

出席亞太經濟合作(APEC) 第6屆礦業部長會議報告

服務機關：經濟部

姓名職稱：龔明鑫 次長

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彭志雄 技士(經濟部礦務局)

派赴國家/地區：巴布亞紐幾內亞

出國期間：2018年8月23日

報告日期：2018年10月9日

摘要

今（107）年亞太經濟合作會議（APEC）礦業週訂為 8 月 20 日至 24 日，該期間在巴布亞紐幾內亞莫士比港舉行第 12 屆礦業任務小組（Mining Task Force, MTF）會議與第 6 屆礦業部長會議（Ministers Responsible for Mining, MRM），第 6 屆礦業部長會議則於 8 月 23 日舉行，我國由經濟部龔政務次長率團代表出席。此外，龔政務次長於 8 月 22 日下午率領礦務局副局長、礦務局與部法規會同仁、台經院在巴布亞紐幾內亞的 ICC 國際會議中心分別與巴布亞紐幾內亞礦業部長、馬來西亞與會代表進行礦業部門雙邊會談。

本次礦業部長會議上，在關稅和技術變革加劇影響金屬和礦業部門的情況下，部長們就新興礦業挑戰發表聲明，闡述以創新為重點的投資和發展的計劃。會議發布正式的部長聲明承諾 APEC 經濟體加強合作，採取監管和財政措施，促進對更安全，更有效的採礦設備，服務和商業實踐的投資，同時鼓勵更多的小企業和婦女參與供應鏈。

同時，根據 APEC 的 10 項採礦政策原則，會議還透過加強公-私部門對話以及減少汞使用的培訓、非法採礦活動預防和礦山關閉治理，加強對 APEC 礦業事務的支持，以加強採礦設計、融資和利益分享。我國則與 APEC 經濟體一起分享該國修改採礦法的經驗，同時與其他 APEC 經濟體共同創造附加價值，開發創新技術，建立開發合作企業，以實現行業的永續成長。

此外，藉由本次會議所安排的雙邊會談，以及與其他經濟體代表接觸的機會，得以廣泛蒐集相關國家礦業相關法規政策的最新發展，對於我國目前持續進行的礦業法修正案，應有相當之助益。

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壹、 第 6 屆 APEC 礦業部長會議 1

一、 會議時間：

2018 年 8 月 23 日。

二、 會議地點：

巴布亞紐幾內亞莫士比港。

三、 與會經濟體：

澳洲、加拿大、智利、中國大陸、日本、馬來西亞、秘魯、俄羅斯、中華台北、泰國、美國等 11 個經濟體出席會議。

四、 會議主席：

巴布亞紐幾內亞礦業部長 Johnson Tuke。

五、 會議目的：

今（107）年亞太經濟合作會議（APEC）礦業週訂為 8 月 20 日至 24 日，第 6 屆礦業部長會議則於 8 月 23 日舉行，我國由經濟部龔政務次長率團代表出席。此外，龔政務次長於 8 月 22 日下午率領礦務局副局長、礦務局與部法規會同仁、台經院在巴布亞紐幾內亞的 ICC 國際會議中心分別與巴布亞紐幾內亞礦業部長、馬來西亞與會代表進行礦業部門雙邊會談。

本次礦業部長會議，部長們就新興礦業挑戰發表聲明，闡述以創新為重點的投資和發展的計劃。會議發布正式的部長聲明承諾 APEC 經濟體加強合作，採取監管和財政措施，促進對更安全，更有效的採礦設備，服務和商業實踐的投資，同時鼓勵更多的小企業和婦女參與供應鏈。

同時，根據 APEC 的 10 項採礦政策原則，會議還透過加強公-私部門對話以及減少汞使用的培訓、非法採礦活動預防和礦山關閉治理，加強對 APEC 礦業事務的支持，以加強採礦設計、融資和利益分享。

此外，我方藉由本次會議所安排的雙邊會談，以及與其他經濟體代表接觸的機會，得以廣泛蒐集相關國家礦業相關法規政策的最新發展，對於我國目前進行礦業法修正案的持續進行，應有相當之助益。

六、 會議過程：

巴布亞紐幾內亞礦業部長 Johnson Tuke 擔任本屆礦業部長會議 (MRM6) 主席。在主席致辭演說之後，會議邀請到若干專家及業界人士發表簡短演講。根據本屆礦業部長會議議程，主題訂為「擁抱數位時代下的包容性與永續礦業」，並聚焦於「促進更多礦業投資」、「克服創新為驅動力的成長阻礙」以及「包容性發展-共享價值」等三大議題，以在礦業領域促成永續成長，同時降低環境影響並且改善社區居民的生計，邀請各經濟體部長、相關國際組織代表針對全球礦產品貿易與礦業投資、礦業創新科技發展與合作，以及礦業公司企業社會責任之促進與貢獻等重要議題進行演講與討論。會後 APEC 礦業部長們共同發表部長聯合聲明，承諾並指示 APEC 持續進行礦業相關工作。此外，我國代表團於出席會議期間另將安排與部分 APEC 經濟體進行雙邊會談，就共同所關切之礦業議題交換意見。

本屆礦業部長會議議程列示如下：

時間	議程內容	地點	參與人員
8:00-8:30	Sign-in 簽到	ICC	代表團所有團員
08:30-09:30	Opening 開幕式 <ul style="list-style-type: none"> Opening Remarks by Hon. Johnson Tuke, PNG Minister for Mining 由巴紐礦業部長開幕致詞 <ul style="list-style-type: none"> Business of the day arrangements and Adoption of Agenda 認可當日的事務及議程。	國際會議中心	出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經院、彭志雄
09:30-10:30	1. How to Promote Further Investment in Mining 如何提升礦業的進一步投資	ICC 國際會議中心	出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經院、彭志雄

時間	議程內容	地點	參與人員
10:30-11:00	Morning Tea 茶憩 Family Photo 部長與 CEO 團體照	ICC 國際會議中心	團長
11:00-12:30	2. Overcoming Innovation-driven growth barriers & Inclusive Development - shared values 克服創新驅動成長的障礙和 包容性發展 - 分享礦業價 值		出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經 院、彭志雄
12:30-13:30	Lunch 午餐		代表團所有團員
14:00-14:30	3. Ministers to Review Undertakings from MRM 部長們回顧歷次會議的承諾		出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經 院、彭志雄
14:30-15:00	4. How to promote further investment in the mining industry for growth 如何提升礦業進一步投資成 長		出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經 院、彭志雄
15:00-15:30	5. Overcoming innovation-driven growth barriers & Inclusive Development - Shared Value 克服創新驅動成長的障礙和 包容性發展 - 分享礦業價值		出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經 院、彭志雄
15:30-16:50	<i>Extended afternoon team break (to give time to drafting team Family Photo (Ministers)</i> 延長休息時間及部長團體照		團長
16:50-17:00	Release of MRM6 Statement 發布部長聲明	ICC 國際會議中心	出席：團長、副局長 其他團員列席 記錄、錄音、照相：台經 院、彭志雄

七、 會議記錄

巴布亞紐幾內亞礦業部長 Johnson Tuke 擔任本屆礦業部長會議（MRM6）主席。他強調該行業面臨的各種挑戰，以及 APEC 與工業界合作解決這些挑戰的重要工作。

緊接著由會議邀請到的專家及業界人士發表簡短演講。國際礦業專家 John Strongman 在主題演講中敦促 APEC 部長們實施正確的財政，監管和立法環境，以吸引全球投資者。他強調穩定和可預測的礦業立法的重要性，該立法為長期採礦投資提供所有權保障和具有國際競爭力的稅收模式。

此外，他和業界代表對巴布亞紐幾內亞的世界級礦場表示祝賀，並建議其他 APEC 經濟體可以學習巴布亞紐幾內亞獨特的發展論壇，該論壇為與所有利益相關方進行早期和持續的磋商提供了平台。

Barrick Gold Corporation 公司事務副總裁 David Forestell 表示，具有競爭性和可預測的採礦法規的國家將吸引投資。Forestell 表示，“我們在決定投資以及採礦監管是否可能發生變化時，會考慮財政，監管流程。”

PanAust 外部事務總經理 Glen Connell 也強調，穩定的投資環境至關重要。“如果利用得當，採礦業可以成為社會經濟發展的主要貢獻者。澳洲和加拿大等 APEC 經濟體為採礦業如何推動基礎廣泛的經濟成長提供了強有力的例證。”

Ian Kemish，公共事務執行總經理兼 Newcrest Mining Limited 則強調增加採礦投資所帶來的巨大潛在社會經濟效益。“APEC 是一個領先的礦業地區，成員經濟體可以分享重要的經驗教訓，以鼓勵經濟體推動高質量，永續的礦業投資。”

商會執行主任 Albert Mellam 博士承認此次會議是行業領導者聚集和討論巴布亞紐幾內亞資源行業未來的重要機會。“今天行業代表與 APEC 經濟體之間的討論證實，為了讓 APEC 經濟體吸引礦業投資並確保該行業持續成長，法律，財政和監管體制必須強大。”

在上述演說之後，本單位事先根據當天議程主題安排，以及我國礦業發展現況，撰擬與主題契合之發言稿，俾供龔次長於會場上發言。發言稿之內容彙整如下：

上午場次：產業界 CEO 和 APEC 礦業部長們綜合論壇

Subject I: How to Promote Further Investment in Mining?

討論一：促進 APEC 區域內礦業的進一步投資

討論方式 或內容	<ol style="list-style-type: none">1. 部長們將檢視區域內現有之礦業鏈合作2. 部長們將就如何提升 APEC 經濟體在資源、成本、科技及市場上的互補優勢進行意見交換，以促進區域內礦業的整合發展。3. 部長們將討論亞太區域礦業相關的礦產品貿易及礦業投資之進一步開放、自由化與便捷化。4. 部長們將就如何強化礦業議題之合作機制與平臺進行意見交換，以加強礦業政策的對話並分享 APEC 礦業相關資訊。
背景說明 或期望成 果	<ol style="list-style-type: none">1. 礦業部長承諾確保各經濟體在其境內支持並創造投資倡議，以支撐其礦業產業。2. 礦業部長確認讓 APEC 領袖們瞭解公私部門的關切
發言	建議不發言(因我國在礦業投資方面難有著墨)

發言要點：

Subject II: Overcoming Innovation-driven growth barriers & Inclusive
Development-shared values

次主題二：克服創新導向的成長障礙與包容性發展-價值分享

討論方式 或內容	<p>APEC 礦業部長們和企業 CEO 對話</p> <ol style="list-style-type: none">1. 科學與科技的各項創新，給礦業帶來革命性的發展，且擁有創造重大改革的潛力。2. 回顧並接續上一屆礦業部長會議(MRM5)期間的討論。MRM5 期間，呼籲「創造一個有利於科學和科技創新的環境」和「制定實施有利於創新的政策」，以及「社會責任和共同發展」。
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<p>背景說明</p>	<ol style="list-style-type: none"> 1. 創新導向：分享我方推動循環經濟，我方將循環經濟列為 5+2 產業創新政策、國家的施政重點之一。企業礦場也朝重視環保復育和符合循環經濟方向努力，達到兼顧經濟發展與環境保護永續的目標。 2. 重視礦業包容性發展：我國在礦業政策方面，立法院已於 2018 年 5 月初審通過礦業法修正草案，朝向礦場補辦環評，且新增回饋機制等，為採礦區域內的原住民及社區、創造更多利益和改善生活環境。 3. 我們認為環保和經濟發展應是相輔相成，也是企業永續發展的重要關鍵。我國水泥業在政府的鼓勵下，已透過「建立制度落實環保、提升技術改善製程，節能減廢預防污染，美化景觀回饋社會」的環境政策，讓礦區落實開採和經濟化同步進行。已吸引日本和澳洲礦業前來考察，成為對方學習的典範。 4. 未來可掌握各經濟體對於 PPP 的處理方式，以進一步提升包容性成長(Inclusive Growth)。
<p>發言目的</p>	<ol style="list-style-type: none"> 1. 重申 APEC 歷來重視企業社會責任之立場，並點出落實企業社會責任之關鍵因素。盼各經濟體重視此議題，並持續進行相關研究與分享。 2. 表達我國已積極發展礦產相關創新技術，除解決我國礦產資源不足問題外，企業界(例如，台泥)採用創新的垂直採礦技術，對露天礦場開採完後隨即進行植生綠化復育。並分享我們新修正的原住民法，更重視包容性的發展。

發言要點：

- 一、 APEC 一向重視企業社會責任(CSR)，第五屆 APEC 礦業部長會議宣言中也指示增加礦業生產的同時也應重視環境保育，以避免對環境與社經造成衝

擊。

APEC has attached great importance to corporate social responsibility (CSR). It is stated in the declaration of the Fifth Meeting of APEC Ministers Responsible for Mining, as a way to avoid harming the environment and society.

中華台北認同企業社會責任(CSR)乃是促進永續礦業的關鍵。

Chinese Taipei believes that CSR is crucial to promoting sustainable mining. Mining has long been recognized as challenging environmental protection. However, the support for CSR will allow mining industry to promote environmental protection. In addition, the implementation of CSR helps to lessen the conflict between the mining industry and environmental protection, as well as minimize the tension between the investors and the community.

以台泥為例，進行露天採礦同時採取直井運輸(shaft)之先進科技為不但減少開礦之地表面積，且透過植樹強化復育來達成快速綠化、以及土壤保持和環保的目標。

In this regard, we seek to achieve the complementary objective of environmental protection and economic development, which is the key to sustainable development of enterprises. For example, the Taiwan Cement Cooperation has utilized the advanced “shaft” technology with open-pit mining. The purpose is to reduce the mining surface area while enhancing green planting rehabilitation work. This is addressed through the method of grass seedlings planting, so as to achieve the goal of rapid greening, soil retention, and environmental protection.

Thank you.

二、我國通過礦業法修正案以落實包容性發展

To implement inclusive development in Chinese Taipei, our Legislative Yuan has been deliberating the drafting amendments of Mining Act since the beginning of 2018. The most important part of the drafting Mining Act amendments rests on protecting the rights and interests of indigenous peoples. This is being accomplished in the spirit of the Indigenous Peoples Basic Law, as well as imposing restrictions on mining activities and enhancing environmental protection and oversight mechanisms. In addition, we increase

the repayment mechanism for indigenous peoples and the requirement of an environmental impact assessment (EIA).

下午場次：第 6 屆礦業部長會議(僅部長出席)(1430-1700)

Subject III: Ministers to Review Undertakings from MRM

次主題三：APEC 礦業部長們檢視礦業部長的許諾和方向

<p>討論方式 或內容</p>	<p>主席再次主持會議，歡迎所有部長參與第 6 屆礦業部長會議，主席並邀請 APEC 秘書長向大會報告第 5 屆礦業部長會議(MRM5)許諾事項之最新進展。</p> <ol style="list-style-type: none"> 1. 每位部長自主決定是否分享 MRM5 許諾事項的相關進展。部長們進行相關交互討論。 2. 主席力促達成共識，確認共同承諾事項、修正方針，或作為未來持續同步關注議題或其他合適事項。
<p>背景說明</p>	<ol style="list-style-type: none"> 1. 2014 年於北京召開的第五屆礦業部長會議(MRM5)，主要議題有三：1.促進 APEC 區域內礦業更緊密的合作，2.創新導向的發展，3.社會責任與共同發展。 2. MRM5 聲明重點：1.強調 APEC 經濟體礦業對於區域內永續發展之貢獻，經濟體應攜手克服全球商品市場不平衡所造成的潛在威脅。2. 考量導入方法以鼓勵礦業科技創新。並探討深度探勘、綠色礦業、和非傳統能源發展等領域中創新科技的可能合作。3. 鼓勵 APEC 區域內礦業公司的企業社會責任(CSR)之能力建構，和分享礦業公司針對社會責任的最佳範例。
<p>發言目的</p>	<ol style="list-style-type: none"> 1. 部長們確認已達成的 MRM5 許諾事項，並承諾繼續 其他事項，或瞭解最新進展以利後續推動。 2. 部長提供前述事項相關方針指示。各部長視情況需求，可建議將相關議題提交至 APEC 經濟領袖會議(AELM)。

	3.建議 APEC 各經濟體發展創新科技，可兼顧礦產資源 開發與環境保護的雙贏局面。
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發言要點：

一、感謝主辦經濟體的積極努力。並再度強調應兼顧經濟發展與環境保護永續的目標。

Chinese Taipei appreciates Papua New Guinea' s great contributions for hosting the APEC Ministers Responsible for Mining Meeting in 2018.

上(第 5)屆礦業部長們鼓勵 APEC 區域內礦業公司的企業社會責任(CSR)之能力建構

As we can recall, MRM5 urged further efforts on enhancing the corporate social responsibility (CSR) of mining companies in APEC economies. This action is of significant importance to APEC regional sustainable mining development.

就此而言，中華台北已協助水泥企業礦場朝向符合循環經濟的目標，生產過程結合產業共生概念，使產品物料可持續回到工業循環，達到兼顧經濟發展與環境保護永續目標。

In this regard, we have been encouraging our mining industry to promote the circular economy concept, as the key of industrial innovation. Taiwan Cement Cooperation has applied the concept of circular economy to the mining production process. This action is combined with the industrial symbiosis, so that product materials can continue to return to the industrial cycle, to achieve the sustainable goals of both economic development and environmental protection.

We would like to share the results with all APEC economies and advance towards the goal of regional sustainable mining development.

Thank you.

次主題四：How to promote further investment in the mining industry for growth

討論方式 或內容	<ol style="list-style-type: none">1. 主席邀請本日第一場主持人，回顧上午與產業界討論之內容。2. 主席並邀請主持人繼續主持部長會議，引導出必要結論，成為本屆「礦業部長聯合聲明」之內容。3. 各經濟體部長可自由討論或回應；將建議方向提交至 APEC 領袖會議。
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次主題五：Overcoming innovation-driven growth barriers & Inclusive Development –
Shared Value

討論方式或 內容	<ol style="list-style-type: none">1. 主席邀請本日第一場主持人，回顧上午與產業界討論之內容。2. 主席並邀請主持人繼續主持部長會議，引導出必要結論，成為本屆「礦業部長聯合聲明」之內容。3. 各經濟體部長可自由討論或回應；將建議方向提交至 APEC 領袖會議。
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最後，會議在主席公布第 6 屆礦業部長聲明，由全體與會人員鼓掌一致通過後，本屆 APEC 礦業部長會議圓滿結束。正式礦業部長聲明如下：

Statement of the 6th Meeting of the APEC

Ministers Responsible for Mining Meeting (MRM6)

August 23rd, 2018

Port Moresby, Papua New Guinea

Introduction

1. We, the APEC Ministers Responsible for Mining (MRM) and other senior officials, met in Port Moresby, Papua New Guinea for the 6th Ministerial Meeting on 23rd August 2018 under the Chairmanship of Hon. Johnson Tuke, Minister for Mining for Papua New Guinea.

2. Reaffirming the 10 APEC Mining Policy Principles, we recognize that inclusive and sustainable development in mining remains a significant part of development and prosperity of the region, and will continue to be so going forward. We note also the growth of the Digital Economy and we stress the need to explore opportunities brought about by the digital era that can contribute further towards sustainable development in mining. In this light, we embrace the APEC theme for 2018 “Harnessing Inclusive Opportunities, Embracing the Digital Future” with three key priorities: ‘Improving Connectivity, Deepening Regional Economic Integration’ ‘Promoting Sustainable and Inclusive Growth’ and ‘Strengthening Inclusive Growth through Structural Reform’ .

3. We continue to acknowledge that significant challenges exist that entail the need to overcome barriers to innovation-driven growth and further investment. Equally important, we acknowledge the need for shared value in developing these resources so that the benefits accrued are enjoyed by all without compromising the environment.

4. In this connection, we welcome the 6th MRM theme of “Embracing Inclusive and Sustainable Mining in the Digital Age” focusing on ‘promoting further investment in mining’ , ‘overcoming innovation-driven growth barriers’ and ‘inclusive development – shared value’ , to achieve sustainable growth in the mining sector whilst minimizing impacts on the environment and improving the livelihood of communities.

5. The APEC region continues to be an engine of global economic growth as well as a significant producer and consumer of minerals, metals and related products and with the emergence and growing importance of new commodities such as lithium, graphite, cobalt and nickel, we acknowledge that the mining sector continues to hold significant potential in contributing to global trade.

6. We are encouraged by the fact that prices for many commodities have been slowly recovering from low levels, and with the emergence of new commodities with record high prices, coupled with actions by governments and industry, the mining sector is once again poised for growth.

7. At this juncture we note the emergence of innovative business adopting transformative technologies and practices in establishing mines of the future, and the important role that the mining equipment technology and services sector plays, particularly as we move into

the digital age. We encourage further investments in innovation, technological advancement, and appropriate capacity building, noting that digital technology is revolutionizing industries and has the potential to generate significant advances in the mining sector.

8. We also reaffirm our commitment to closer cooperation in the mining sector in the Asia-Pacific region to promote innovation-driven growth and coordinated, sustainable, quality development as well as social responsibility to reduce project risk, by collaborating with all stakeholders.

9. In acknowledgement of the above, we call for appropriate structural reforms in government policies relating to project financing including investment in technology, as well as investments in social and economic development of all stakeholders including host communities. We further call for economies to continue work towards creating an enabling environment in which industry and government can regularly engage in dialogue to discuss policy outcomes and reforms.

To this end, we propose the following.

Promoting further investment in the Mining Sector

10. Given the current global trend in commodity prices, we recognize the importance of continued investment in exploration and mining as a foundation for sustenance and growth, and call on all economies, and industry to continue to seek options to promote further investment in the sector.

11. Sound regulatory and fiscal frameworks are essential to encourage investment in mining, as are security of tenure to investors and stability of investment terms, as well as necessary safeguards for the environment, employees and communities.

12. We will continue to participate in the APEC Investment Facilitation Action Plan and encourage adoption of effective measures to promote an enabling environment for mining investment and trade facilitation in minerals, metals and related products. We also stress the importance of promoting open, transparent, and well operating markets in the mining sector, as well as in investment and cooperation.

13. We will continue to promote cooperation and collaboration on information sharing on mining issues with the private sector including through the APEC Business Advisory Council (ABAC) in order to find solutions to promote investment in new areas and address new challenges. We recognize the importance of strengthening dialogue on mining policy

and practices by working closely with other relevant stakeholders and international organizations that play an active role in the mining sector including the World Bank, the Inter-governmental Forum on Mining, Minerals, Metals, and Sustainable Development (IGF), and the International Council on Mining and Metals (ICMM).

Overcoming innovation-driven growth barriers

14. We affirm that innovation is necessary for the mining industry to transform. This includes technological advancement, adoption of more innovative approaches to engaging with stakeholders, re-envisioning the future workplace, and identifying commodities that will be in demand going into the future. In doing so, we acknowledge the importance of addressing barriers to innovation-driven growth and therefore call for more collaboration between all stakeholders. We reaffirm our commitment to strengthen physical, institutional, and people to people connectivity by 2025.

15. We continue to support creating an enabling environment for scientific and technological driven innovation policies, appropriate structural reforms and facilitating market-based transfer of appropriate technology. We recognize the importance of appropriate policy formulation and implementation, which also improve standards and regulations to meet our social and environmental objectives whilst facilitating trade and investment.

16. We acknowledge the importance of the wider value chain and the mining equipment, technology, and services sector, which helps to drive employment, growth and innovation and is an integral part of the mining, energy and resources industry

17. We also recognize the importance of new technology and techniques that promote sustainable, safe and efficient exploration, construction and mining. We encourage further investment in technological advancement to increase employment, efficiency and productivity.

Inclusive Development – ‘shared value’

18. We recognize the importance of development in mining and encourage government, private sector and other stakeholders to develop appropriate policies that support social and economic development.

19. We recognize the importance of having transparent and reliable information and data, which is crucial for the decision making process in any project design. We therefore acknowledge the work undertaken by Chile on the development of the report “Mining

Industry Competitiveness: Improving Productivity and Data to Attract Investment” , to promote the sharing of existing publicly available commercial and official data.

20. We acknowledge the efforts of the private sector in the corporate social responsibility space including benefit-sharing arrangements as well as community development initiatives, and encourage continued collaboration and partnership with all relevant stakeholders including the Inter-governmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF), APEC’ s Investment Experts Group, International Finance Corporation (IFC), International Council on Mining and Metals (ICMM), and ABAC to forge new partnerships that go beyond traditional corporate social responsibilities.

21. We note the importance of the development of the mining, equipment, technology, and service sector as identified by Australia and the strong role which APEC plays in capability development given the similarities across economies. We therefore acknowledge the work undertaken by Australia on the development of the report “Mining Equipment, Technology and Services” .

22. We recognize that mine closure and rehabilitation including decommissioning of mine facilities is an integral part of the mining cycle. Improving international best practices concerning mine closure regulation increases overall trust in the mining sector, reduces environmental impacts and builds public confidence to deepen regional economic integration. Appropriate closure can also result in mines becoming engines for development beyond their own life, through a process that minimizes adverse impacts and maximizes after-use benefits in the long term. We therefore acknowledge the work undertaken by Canada on the development of the APEC Mine Closure Checklist for Governments, to promote governance frameworks for mine closure in the APEC region that support sustainable mineral development.

23. We also recognize the importance of participation by all stakeholders, especially that of local communities. In that regard, we look forward to the outcome of Papua New Guinea’ s project on “Promoting Inclusive Mining: Consultation Model for Dealing with Local Interests Including Indigenous Communities and Women in Mining” .

24. We also recognize the importance to local communities of small and medium sized enterprises (SMEs) in the mining sector; therefore, we look forward to the outcome of Chile’ s project on “Identify Good Practices in Policies/Models for SME Mining Development” .

25. Women contribute significantly to the mining sector both as employees and as an important stakeholder group representing impacted community members. We therefore call for economic empowerment of women in the mining sector.

26. Recognizing that artisanal and small-scale gold mining (ASGM) plays an important role in the economic development of many economies, we support the improvement of ASGM activities through the development of appropriate policy guidelines. We encourage economies to address environment, health and safety issues within ASGM and, if they have not already, to ratify and implement the Minamata Convention on Mercury, which entered into force in August 2017. To this end, we welcome and look forward to the outcome of the U.S. project on ‘Developing Training Materials to Promote Reduction of Mercury Use in Artisanal and Small-scale Gold Mining’ .

27. As part of the improvement of the ASGM sector, we encourage increased transparency within the sector and its absorption into the formal economic sector. Recognizing the increase in ties between illegal mining and criminal activities, we encourage collaboration between stakeholders to combat criminal mining and its impacts.

28. We are aware that large mining projects in the APEC region face challenges with relocation and resettlement for communities displaced by mining projects. We understand that mining companies do consider and have in place relocation and resettlement plans. Therefore, we call for both government and industry to work together to appropriately address this important concern with all necessary socio-economic and infrastructure services made available to them.

29. We express satisfaction with the practical and substantial work of the Mining Task Force (MTF) this year, including participation in the APEC Mining Public Private Dialogue held annually since 2014 in conjunction with MTF meetings and we agreed that APEC should continue to be a platform for collaborative work with the private sector on mining related issues. We agree to work more closely with APEC working groups by identifying synergies through cross fora collaboration in order to deepen mining cooperation in the Asia-Pacific region.

30. We also acknowledge the contribution of ABAC through its initiatives stipulated in the ‘White Paper’ which demonstrates the potential to track development indicators and build non-mine dependent economies that result in economic empowerment across the APEC region. Extractive companies, governments, communities and civil societies can work together to foster development and to drive inclusive growth that reduces poverty,

generates income, and creates sustainable development for the regions' low-earning income communities.

31. We acknowledge also the direct engagement of the region' s mining industry CEOs. We noted the deliberations and valuable contributions made during the discussion with them on the topic of promoting further investment in the industry.

32. We are grateful to our host, Papua New Guinea for its arrangements and organization of the meeting as well as its warm hospitality.

七、雙邊會談

於 8 月 22 日下午，龔政務次長率領礦務局副局長、礦務局與部法規會同仁、台經院在巴布亞紐幾內亞的 ICC 國際會議中心分別與巴布亞紐幾內亞礦業部長、馬來西亞與會代表進行礦業部門雙邊會談，另於 8 月 23 日部長會議期間，礦務局與部法規會同仁向日本及泰國礦業部門代表就礦業法相關議題為私下交流，謹就上開會談及交流涉及礦業法部分說明如下：

(一)各國會談及交流內容摘要:

1. 巴布亞紐幾內亞：

由礦業部 Tuke 部長及相關同仁與會，我方詢問巴紐國內進行之礦業法修法重點，Tuke 部長表示其修法會符合國際潮流，並力求達成投資人、政府及土地所有權人三贏的修法目的，在修法過程中也會徵求世界銀行及相關國際商會的意見。Tuke 部長後續表示希望雙邊投資合作及我方協助其能力建構的議題，而未再就礦業法議題再做交流。

2. 馬來西亞：

馬來西亞由礦業和地質科學處的 Shahr 處長及 Termidi 組長與會，馬方提供其礦業法規相關資訊如下：

(1)在州礦業實施法規中明定土地中的礦係屬州政府所有，礦業權可在州土地上設定，上開土地包括原住民區域（原住民區域指原住民移動地及保留地）之土地；在州礦業實施法規中有規定，除法規另有規定外，礦業權可在原住民法保留地上為設權。惟在其原住民法上，未有礦或礦業權之相關規定。

(2)礦業權展限時，不予停工。

(3)礦業權展限時的審查程序，依展限時礦業權之情形為審查，其與設權時的審查程序不一定相同。

(4)礦業的環評規定：

A.依現行環評法規，在取得州政府核發的土地使用許可後，如屬大規模的採礦，應於 3 年內完成環評，始能取得聯邦政府的礦業操作計畫核准，小規範採礦不須做環評，但其對環境的衝擊影響，仍應依核准之礦業操作計畫控管，在礦業操作計畫核准前，不得為相關開發或採礦行為。

B.環評原則做一次，但環評主管機關認為必要時，於展限時可要求再做一次環評。依 2015 年修正的環評指令，小規範採礦如比鄰或鄰近環境敏感區亦要做環評，且修正的環評指令要求環評中納入社會影響評估的要件。

(5)礦業涉及之原住民議題：

A.有關原住民保留地上礦業權設定部分，實務操作上，係先將原住民保留地予以徵收或變更為州土地，並補償予原住民。但在原住民保留地的礦，原住民有優先權申請礦業權。

B.馬方表示在礦業管理上，無重大原住民議題。其原住民法上對於在原住民土地上的授予他人相關權利、原住民土地出租或讓予時，州政府主管機關會給予原住民相關補償，其原住民法上並無利用原住民土地應得原住民諮商同意之相關規定。

3. 日本：

與經濟產業省礦物及自然資源廳資源及燃料部的礦物資源課大浦副課長私下交流，因副課長係陪同日本獨立行政法人石油天然氣及金屬礦物資源機構與會，似未直接負責礦業權申請相關業務，未為進一步詢問。

4. 泰國：

與泰國與會代表 Charemkit 礦業工程師私下交流，其提供泰國礦業法規相關資訊如下：

(1)泰國礦業法最近完成修正，相關子法這兩年仍在訂修中，目前受理的案子會暫停，待相關子法完成訂修後始得依新修正法規審理。新法在礦業權相關程序會踐行公聽會程序。

(2)礦業權展限時，泰國礦業法規規定予礦業權者提前申請礦業權展限，所以在礦業權期滿後仍未准以展限時，僅得在期滿後 6 個月繼續開採，不予停工，超過 6 個月後，即應停工。

(3)礦業的環評規定：礦業權展限案約有 90%案件須做環評。依新修正的礦業法，展限案須做環評的案件量將降為 70%。

(4)礦業涉及之原住民議題：泰方表示在礦業管理上，無重大原住民議題，反而是其國內回民不喜歡礦業。其未提到礦業權設權及展限時須否取得原住民諮商同意。

(5)礦業權者大部分會取得土地所有權，所以礦業用地之相關問題較少。

(6)中央政府收取的礦產權利金，按礦產的大小，依一定比例分配予地方政府，由地方政府統籌分配使用，部分會回饋予礦場所在地的社區。

(二)對馬來西亞及泰國的礦業及環評相關法規綜整如下：

1. 兩國相關法令最近均有修正，其對礦業管理及礦業環評制度均有影響，在環評制度上，馬來西亞的新法令擴大進行環評制度的範圍（小規範礦場也要進行環評），泰國的新法令則在展限時減少須進行環評之展限案件量（由原來 90%展限案要做環評降低至 70%展限案始要做環評），相關細節規定可再進一步了解，並可了解其修法方向與 APEC 礦業部長會議宣言之關係。

2. 原住民議題部分：

馬來西亞及泰國表示其國內礦業管理上，均無涉原住民議題，馬來西亞法規無原住民諮商同意的規定，泰國法規需要再了解，經查上開兩國礦業用地上，在馬來西亞原則為州政府所有或由州政府依法取得，在泰國礦業權人原則會取得土地所有權，則其與原住民的關係應係在礦業用地取得時即可為相關權利的調整（如州政府補償原住民後取得原住民保留地等，礦業權人向原住民付對價買得其土地），而我國原住民基本法第 21 條規定，係在公有土地亦屬原住民族土地或位於部落及其周邊一定範圍內之情形，礦業權者除處理土地使用關係（如取得公有土地管理機關同意使用）外，另應踐行該條原住民諮商同意的程序，此諮商同意程序在馬來西亞法規並無規定，因而延申原住民諮商同意之相關議題。有關原住民基本法第 21 條原住民諮商同意規定涉及通案的處理，宜由原民會依該法立法意旨及了解其他與我國國情類似的原住民法規而在不同的土地利用行為態樣上研議可操作及符合實務需求之做法。

貳、 心得及建議

本次礦業部長會議上，在關稅和技術變革加劇影響金屬和礦業部門的情況下，部長們就新興礦業挑戰發表聲明，闡述以創新為重點的投資和發展的計劃。巴布亞紐幾內亞礦業部長表示：「APEC 區域的採礦業面臨著市場的不確定性，這種不確定性受到保護主義抬頭的推動，同時也增加透過技術提高行業永續性和包容性的新機遇。」

該聲明承諾 APEC 經濟體加強合作，採取監管和財政措施，促進對更安全，更有效的採礦設備，服務和商業實踐的投資，同時鼓勵更多的小企業和婦女參與供應鏈。

同時，根據 APEC 的 10 項採礦政策原則，會議還透過加強公-私部門對話以及減少汞使用的培訓、非法採礦活動預防和礦山關閉治理，加強對 APEC 礦業事務的支持，以加強採礦設計、融資和利益分享。

我國則與 APEC 經濟體一起分享該國修改採礦法的經驗，同時與其他 APEC 經濟體共同創造附加價值，開發創新技術，建立開發合作企業，以實現行業的永續成長。

此外，藉由本次會議所安排的雙邊會談，以及與其他經濟體代表接觸的機會，得以廣泛蒐集相關國家礦業相關法規政策的最新發展，對於我國目前進行礦業法修正案的持續進行，應有相當之助益。