



COOK ISLANDS SEABED MINERALS ADVISORY COMMITTEE (COMMITTEE) TERMS OF REFERENCE

September 2020 – Version 1

1. BACKGROUND

The Cook Islands has a special customary and spiritual connection and respect for the ocean, our Moana Nui O Kiva. This connection carries an important role in terms of stewardship, centered on our national Christian values and principles, of being good stewards of the land and ocean which we are blessed with and in which we are to live and prosper.

Our strong connection with the ocean is reinforced through our Marae Moana Act 2017, which received full bipartisan support, and formalised our Marae Moana, a zoned, multi-use marine park, promoting the protection and use of our ocean, and upholding high environmental and conservation principles.

Under the international law of the sea (known as UNCLOS), the Cook Islands has the exclusive right to utilise and develop its seabed minerals resource for national benefit. All rights to the seabed of the Cook Islands and its mineral resources are vested in the Crown and managed by the Seabed Minerals Authority (**Authority**).

The seabed minerals sector is a new industry. Currently there is no commercial extraction of deep sea minerals. Although offshore extraction of minerals in shallower waters has been occurring for some decades now. Deep sea minerals exploration has been occurring in international waters for over 15 years under the control of the International Seabed Authority (**ISA**). It is through exploration that we will be able to identify suitable areas (socially and environmentally) for mineral extraction and the technology that can be developed to sustainably recover these minerals.

In recent years there has been a growing demand by the world to move towards a low carbon economy as the adverse effects of climate change presents itself, and metals on land require greater and greater efforts to extract.

It is well known that the Cook Islands has an abundance of polymetallic nodules in its waters which may provide the metals needed to make electric cars and other climate friendly equipment.

With the assistance of Pacific Community and the Commonwealth Secretariat, the Government enacted the Seabed Minerals Act 2009, which at the time was the world's first national legislation dedicated to responsible seabed minerals development. The Government also established the Authority in 2013, in an effort to advance this fledgling sector. In 2019, the new Seabed Minerals Act (**the Act**) was passed. Some of the key changes to the Act, included greater linkages with the Marae Moana Act 2017, and the emphasis of best environmental practice and industry standards.

The Cook Islands seabed minerals vision is:

“Transforming the Cook Islands through the sustainable extraction of seabed minerals, for the benefit of our Cook Islands people”.

The Government is vested in seeing this sector develop in the best way possible for the future benefit of our people. As such, we have high expectations on setting and maintaining strict standards for any potential contractors who may operate in our waters, with environmental sustainability at the forefront.

Furthermore, Government wishes to see greater engagement and involvement from our communities, as ultimately the development of this sector is intended to benefit our people, hence the establishment of the Advisory Committee (**Committee**).

2. ROLE OF THE COMMITTEE

The Committee play an important role in bringing the views and perspectives of the community to the Authority so that those views can be taken into account in the development of the seabed minerals sector.

Whilst the Committee is not a decision making body, it is an important facilitative channel between government and the community.

The Committee provides a voice for the community, through its recommendations on policy and other related seabed minerals matters to the Authority.

Conversely the Committee provides a mechanism for the Authority to further engage with the community in order to, inter alia: (1) raise awareness; (2) educate; (3) inform; and (4) undertake consultation.

It is anticipated that this collaboration between the Committee and the Authority will ensure that decisions made by the responsible Minister for Seabed Minerals (**Minister**) in the seabed minerals sector will be robust and inclusive, taking into account the views of the community.

The Committee will receive guidance and training from the Authority (and other relevant government agencies) on the seabed minerals sector to enable its members to have a greater understanding of the frameworks and issues involved and thereby be able to meaningfully engage and contribute in its role. Given the high scrutiny and misinformation surrounding

seabed minerals development, it is critical that Committee members can be informed and effective representatives.

3. OBJECTIVES OF THE COMMITTEE

The Committee's objective is to assist the Authority by providing their respective community perspectives, and enabling a facilitative dialogue between the Authority and the community. This includes making recommendations to the Authority and raising awareness within the community on the seabed minerals sector.

4. MEMBERSHIP

The Committee is a group of community leaders who represent a wide range of the Cook Islands community including the general public, church, culture, environment, sports, business, youth and others.

Membership of the Committee is by invitation of the Minister.

The Committee is composed of at least 7 members including a Chair, Deputy Chair, and Secretary, each appointed in writing by the Minister to present a range of community perspectives or expertise relevant to the achievement of the purpose of the Act.

Members have been selected because they are passionate, motivated individuals who are active members of their respective communities, and have an interest in the development of seabed minerals sector.

The Seabed Minerals Commissioner (**Commissioner**) is a member of the Committee.

5. EXPECTATIONS

Members are expected to:

- (1) Fulfil their role responsibly, act in good faith and in the best interest of the community;
- (2) Conduct themselves in a professional, courteous and respectful manner and work as a team;
- (3) Be collaborative, share information which is relevant to the proper conduct of the Committee's business;
- (4) Participate fully, frankly and constructively in Committee discussions and bring the benefit of their particular knowledge skills and abilities to the table;
- (5) Listen carefully and show respect for the views of others;
- (6) Not bring the Authority, the Minister or Government into disrepute;
- (7) Attend all Committee meetings, unless there is another unavoidable commitment, in which case apologies must be given to the Chair or Secretary with as much notice as possible;

- (8) Prepare thoroughly for each meeting by reading all meeting materials provided and familiarising themselves with the content of all relevant correspondence received by the Committee;
- (9) Respect and adhere to all recommendations reached by the Committee even if a minority of members disagree with the decision;
- (10) Seek to use the Committee's diversity to achieve the best outcomes for the Seabed Minerals sector.

6. CODE OF CONDUCT

Members are expected to observe and promote the highest standards of ethical conduct in the performance of their responsibilities on the Committee. Members pledge to accept this code as a minimum guideline for ethical conduct. The Code of Conduct is provided in more detail in the Advisory Committee's Rules of Procedure.

- (1) Accountability
- (2) Professional Excellence
- (3) Personal Gain
- (4) Equal Opportunity
- (5) Confidential Information
- (6) Collaboration and Cooperation
- (7) Personal Integrity and Good Standing
- (8) Conflicts of Interest

7. COMMUNICATION ON BEHALF OF THE COMMITTEE

Committee members may choose to share the training and information they have gained from the Authority within their respective community groups.

Committee members should notify the Authority if they intend to share information with their communities, and the Authority will check to ensure the information to be shared is accurate and in line with Government policy, and where possible will assist the Committee members in their engagement with community.

8. AMENDMENT

The Minister may at any time amend terms of reference for the Committee.

9. APPENDICES

- Appendix 1: Rules of Procedure
- Appendix 2: Member Role Description
- Appendix 3: Confidentiality Agreement