

EUROPEAN UNION CONTRIBUTION AGREEMENT WITH AN INTERNATIONAL ORGANISATION

CONTRACT NUMBER: FED/2010/ 246-124

The European Union, represented by the Commission of the European Union, ("the Contracting Authority") of the one part, and the Secretariat of the Pacific Community (SPC) with its Head office in Noumea, New Caledonia ("the Organisation") of the other part, have agreed as follows:

Special Conditions

Article 1 - Purpose

- 1(1) The purpose of this Agreement is a contribution by the Contracting Authority for the implementation of the action entitled: Deep Sea Minerals in the Pacific Islands Region: a Legal and Fiscal Framework for Sustainable Resource Management ("the Action") as described in Annex I.
- 1(2) The Organisation will be awarded the contribution on the terms and conditions set out in this Agreement, including special conditions ("Special Conditions") and their annexes.
- 1(3) The Organisation accepts the contribution and undertakes to do everything in its power to implement the Action under its own responsibility.
- 1(4) The Action is a Joint Management Action for all purposes of this Agreement.
- 1(5) The Action is not a Multi-donor Action for all purposes of this Agreement.

Article 2 – Entry into force and Implementation Period

- 2(1) This Agreement shall enter into force on the date when the last of the two Parties signs.
- 2 (2) The implementation of this Agreement will begin on:
 - the day following that on which the last of the two parties signs
- 2(3) The implementation period of this Agreement, as laid down in Annex I, is from the date of commencement as specified in 2(2) until 3 March 2014.

Article 3 - Financing the Action

- 3(1) The total cost of the Action eligible for financing by the Contracting Authority is estimated at EUR 4.410.000, as set out in Annex III.
- 3(2) The Contracting Authority undertakes to finance a maximum of EUR 4.410.000, equivalent to 100 % of the estimated total eligible cost specified in paragraph 1; the final amount will be established in accordance with Articles 14 and 17 of Annex II.

3(3) Pursuant to Article 14(4) of Annex II, a maximum of 7 % of the final amount of direct eligible costs of the Action to be reimbursed by the Contracting Authority to the Organisation in accordance with Articles 14 and 17 of Annex II, and Annex III, may be claimed by the Organisation as indirect costs.

Article 4 - Narrative and financial reporting and payment arrangements

4(1) Narrative and financial reports shall be produced in support of payment requests, in compliance with Articles 2 and 15(1) of Annex II.

4(2) Payment will be made in accordance with Article 15 of Annex II; of the options referred to in Article 15(1), the following will apply:

Option 2

First pre-financing	EUR 637,140
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Forecast further instalments of pre-financing	EUR 3,236,841
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(subject to the provisions of Annex II)

Forecast final payment	EUR 470,400
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(subject to the provisions of Annex II)

Article 5 - Contact addresses

Any communication relating to this Agreement shall be in writing, shall state the number and title of the Action, and shall use the following addresses:

For the Contracting Authority:

Payment requests and attached reports, including requests for changes to bank account arrangements shall be sent to:

The Delegation of the European Union for the Pacific

Level 4, Development Bank Centre, 360 Victoria Parade, Suva, Fiji Islands

For the attention of Financial and Contracts Section

Any correspondence concerning the Agreement for the Organization shall be sent to the following address:

Secretariat of the Pacific Community (SPC)

Suva

Fiji Islands

For the attention of:

Director General of the Secretariat of the Pacific Community

Suva

Copies of reports, or any other relevant documents shall also be sent for the information of:

The Regional Authorising Officer of the European Development Fund

Secretary General of the Pacific Islands Forum Secretariat

Suva, Fiji Islands

Article 6 - Annexes

6(1) The following documents are annexed to these Special Conditions and form an integral part of the Agreement:

Annex I: Description of the Action

Annex II: General Conditions applicable to European Union contribution agreements with international organisations

Annex III: Budget for the Action

Annex IV: Financial identification form

Annex V: Standard request for payment

Annex VI: 2010 Work Plan and Costs Estimates

Annex VII: Institutional Assessment Report (2007) "*Short-comings and recommendations*"


6(2) In the event of a conflict between the provisions of the Annexes and those of the Special Conditions, the provisions of the Special Conditions shall take precedence. In the event of a conflict between the provisions of Annex II and those of the other annexes, the provisions of Annex II shall take precedence.

Done in Port Vila in three originals in the English language, two for the Contracting Authority and one for the Organisation.

For the Organisation

Name Dr. Jimmie Rodgers

Position Director General

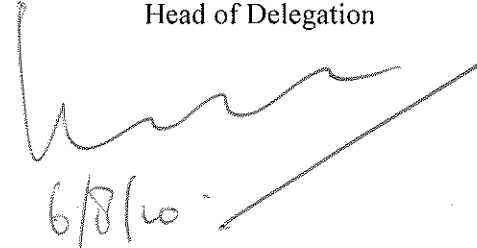
Signature 

Date 6/8/10

For the Contracting Authority

Name Wiepke VAN DER GOOT

Position Head of Delegation

Signature 

Date 6/8/10

Annex I: Description of the Action

1.1. Introduction

Three decades of marine scientific research within the Exclusive Economic Zone of Pacific Island ACP states have identified a significant number of mineral occurrences that are now attracting interest from the commercial mining sector. This has significant implications for good governance of the oceans under national jurisdictions and more so for island nations as many if not all lack comprehensive policy regimes, legislation and regulations necessary for the good governance and sustainable development of their marine and in particular deep-sea mineral resources. As deep-sea mining is a new and frontier area, technical concepts and impacts are also less understood. This is a potential barrier to facilitation of exploration and exploitation as well as to effective management. Also lacking is the specific technical capability and human resources capacity essential to ensure that PICs and their nationals are able to effectively participate in the development and management of these newfound ocean resources and benefit streams. To realise effective and sustainable economic growth it is imperative therefore that PICs begin developing in consultation with other stakeholders appropriate policy regimes and legislation to manage current and future mineral exploration and mining within their EEZ's.

The project provides necessary technical assistance and support to develop or strengthen legislative and regulatory framework(s) for offshore minerals exploration and mining inclusive of fiscal and environmental and increase national technical capacities necessary to support active participation of PACPs nationals in the offshore mining industry; and effective management and mechanisms for the monitoring of offshore exploration and mining operations and their environmental or other impacts.

For ease of reference an initial logical framework, it may be updated or adapted in the Overall Work Plan, to which it will be annexed, without this necessarily requiring an amendment to the financing agreement.

1.2. Objectives

The overall objective of the project is to expand the economic resource base of Pacific ACP States by developing a viable and sustainable marine minerals industry. The specific objective or purpose is to strengthen the system of governance and capacity of Pacific ACP States in the sustainable management of their deep sea mineral resources through the development and implementation of sound and regionally integrated legal, fiscal and environmental frameworks, improved human and technical capacity and effective monitoring systems. This has flow on effects with respect to better governance of the oceanic areas under national jurisdictions and the resources contained therein.

Apart from living resources (coastal and oceanic fisheries), deep-sea minerals offer perhaps the only other potential and major natural resource for economic development for many Pacific islands. Good governance mechanisms offer stability to commercial ventures and therefore facilitate development investment. They also ensure equitable distribution of benefits, avoid conflicts and anticipate as well as helping mitigate against environmental degradation. As such, as part of the project objectives it shall strongly advocate and endorse the principles espoused within the EITI¹ and ensure their incorporation into relevant policies and legislative instruments developed. In addition, it will also ensure that gender perspectives and attention to the active involvement of "whole of communities" are catered for in all

¹ Extractive Industry Transparency Initiative. The Extractive Industries Transparency Initiative (EITI) aims to strengthen governance by improving transparency and accountability in the extractives sector. <http://eititransparency.org/eiti/summary>

project activities including the mainstreaming of gender issues in the regional framework and national legislation and regulations. Issues pertaining to human rights will be addressed through the pursuit of active participation of all key stakeholders including local communities.

1.3. Expected results

Countries must put in place enabling mechanisms that safeguard the national interest of the country and people while at the same time encouraging investment in offshore minerals exploration and mining. This project will formulate a regional set of guidelines (or frameworks) within which individual states can develop national policy, legislative, taxation instruments, and regulations for investment within the marine minerals sector. Concurrent with these would be the development of fiscal safeguards based on EITI principles to guide national governments with respect to transparency and accountability and the development of appropriate mechanisms for the sharing of wealth from the industry to ensure long-term sustainability. Additionally, EITI principles on natural resource management will be incorporated in relevant provisions of national legislative instruments that would ensure/require compliance by exploration/mining companies. This aspect is new to the region and needs incorporation into resource governance mechanisms to avoid future conflict over resource use and ownership as well equitable sharing of benefits. The project will ensure legal and technical support would be provided to assist in the development of specific national policies under the framework.

In addition, appropriate capacity building initiatives will be developed and implemented to ensure relevant national agencies are able to perform their regulatory functions and the local people empowered to participate and benefit from the development of their offshore mineral resources. Further, to ensure that the impacts of mining particularly in marine and coastal environments are minimised or avoided, the project in collaboration with key stakeholders such as the government, researching organisations will develop guidelines and capacity to monitor offshore mining areas.

Work undertaken under the project would fall under four Key Result Areas:

- (1) Development of Regional Legislative and Regulatory Framework(s) (RLRF) for offshore minerals exploration and mining;
- (2) Formulation of policy, legislation and regulations at the national level;
- (3) Strengthened and increased national capacities; and
- (4) Effective management and mechanisms for the monitoring of offshore exploration and mining operations.

1.4. Activities and implementation timetable

The main activities under each Key Result Area are described below together with the implementation strategies:

In **Result Area 1**, key actions will comprise:

- (i) Convene inaugural regional workshop to ascertain the status of exploration within the region, key stakeholders, as well policy, legislation and knowledge gaps, and the way forward;
- (ii) In consultation with participating countries, develop a detailed Terms of Reference for the formulation of the RLRF for the sustainable development of deep sea minerals in the Pacific Islands region;
- (iii) Develop the RLRF;

- (iv) Review of the draft regional framework by a competent professional, and relevant representatives of participating countries;
- (v) Convene follow up regional/sub-regional workshops to review the revised regional framework;
- (vi) Finalise and widely distribute the RLRF to be used for the formulation of their respective national policy and legislation;

The first three components (i.e. (i) – (iii)) of Result Area 1 will be implemented in the first year hence the first draft RLRF is expected to be completed by the end of the first year. The TOR for the RLRF will be developed in-house in consultation with participating countries. Participating countries will be sent copies of the draft regional framework to solicit comments from key stakeholders. A second regional workshop and if needed sub-regional workshops will be convened to enable relevant stakeholders and decision makers to review the regional framework and make final submissions for consideration. After the review process, the RLRF will be finalised and distributed to participating countries before the end of the second year.

In Result Area 2, main activities will comprise:

- (i) National stakeholder workshops to facilitate the development process of national policy, legislation and regulations;
- (ii) Establishment and support for national offshore minerals committees (NOMC) (broad ranging and all inclusive of all potentially affected communities, gender, government and Non-State Actors (NSA)) to spearhead the process of developing national offshore minerals policy and legislation and related issues;
- (iii) In collaboration with NOMC, develop national offshore minerals policy (based on the RLRF developed in Result Area 1(iii)) starting with countries with most immediate needs;
- (iv) Review of the draft offshore minerals policy by the NOMC prior to submission to cabinet sub-committee;
- (v) In collaboration with NOMC, formulate national offshore minerals legislation (based on the RLRF developed in Result Area 1(iii));
- (vi) Review of the draft minerals legislation by a competent professional, the NOMC and the national legal agency;
- (vii) Conduct public consultations on the draft offshore minerals legislation;
- (viii) Revise draft offshore minerals legislation;
- (ix) Submit revised national offshore minerals policy and legislation to cabinet sub-committee for further review;
- (x) Finalise national offshore minerals policy and legislation based on cabinet sub-committee recommendations;
- (xi) Submit national offshore minerals policy and legislation to cabinet then to parliament for enactment.

It is expected that with project guidance and assistance, countries will use the RLRF to develop their respective offshore mineral policy and legislation. National stakeholder consultations will commence in the second half of the first year starting with priority countries (i.e. countries where exploration and / or mining is active) followed by the establishment of national minerals committee. The initial formulation exercise of national legislative instruments will commence in the second half of the second year in parallel with the process of finalising the regional framework. The review process (i.e. key stakeholders, public consultations, cabinet sub-committee) is expected to prolong the formulation phase hence most national policy and legislation are expected to be completed in the fourth year. Close collaboration with the National Offshore Minerals Committees (NOMC) and other relevant national agencies (e.g. legal, fiscal, environment, mining/natural resources) is envisaged. Expertise of either the

World Bank (Mining Division) or the Commonwealth Secretariat will be sought to assist individual countries in the review of their respective policy and legislation.

For Result Areas 1 and 2, coordination mechanisms between regional and national decision makers shall be established through regional workshops, country visits and regular project updates. Project updates will be prepared and issued on a monthly basis providing national decision makers with relevant information that enable them to take appropriate actions. As the implementing agency, SPC will be responsible for the overall project management and will be directly responsible for the implementation of activities in collaboration with key in-country stakeholders. In pursuit of stronger in-country stakeholder participation and interest, certain responsibilities will be assigned to relevant stakeholders. For instance, the development of national policy and legislation under Key Result Area 2 will require ongoing consultation and collaboration of project staff and representatives of relevant government agencies particularly those that are responsible for minerals, environment, fiscal, legal and fisheries issues. With respect to the strengthening of regional information databases the project is cognizant of and would link with existing initiatives such as global geophysical databases² and those provided by UNEP to avoid duplication.

As is the case with any policy or guidelines, the key is in the ability to enforce. National offshore mineral policy and legislation once finalised and enacted will become law hence they shall be legally binding and individual countries has the legal authority to manage its offshore mineral resources within its jurisdiction in accordance with the law.

Result Area 3 relates to building the capacity of technical professionals in marine minerals, policy development, assessing fiscal and taxation regimes and environmental monitoring. It is crucial that technical capacity is built within the region and especially in those PICs where mining may soon occur. This will enable the effective enforcement of national legislation and regulations and ensure environmental concerns are addressed. The loss of expertise due to the commercial sector and to immigration to countries such as Australia and New Zealand is a persistent problem for PI countries. As far as is possible this will be addressed by the training of a number of key candidates, at a range of levels within respective PI Governments.

Activities would include the following:

- (i) Support the establishment of a coordinated national process for assessing Marine Scientific Research, offshore mineral exploration and mining proposals;
- (ii) Establish a regional marine minerals database with national nodes or access points in conjunction with partners such as UNEP-GRID and international data centres.
- (iii) Conduct institutional assessment of relevant institutions in each country to determine the mode of capacity building needed;
- (iv) In consultation with the government and NOMC, identify suitable candidates for capacity building opportunities;
- (v) Facilitate and support formal and informal training of relevant technical professionals in participating countries, including work attachments / opportunities on ships for exploration, mining and monitoring activities, as well as academic and research agencies;
- (vi) Establish partnerships with the private sector and consortia to support capacity development as part and parcel of all exploration and particularly mining activity;

² Global databases such as NOAA's National Geophysical Data Centre

www.ngdc.noaa.gov/mgg/wdcamgg/

- (vii) Strengthen government legal and fiscal agencies through short-term training;
- (viii) Assess the effectiveness of capacity building initiatives (at all levels) and take corrective measures.

Institutional assessment will commence in the first year addressing issues (i), (ii) and (iv) above. Actual capacity building initiatives will commence as early as the second half of the first year and will be ongoing depending on opportunities that may arise through marine scientific research activities, exploration and other operations. On-the-job training will be a significant component of Result Area 3 through Memoranda of Understanding between the project, government and exploration companies. On that note, the European Investment Bank (EIB) may consider financial assistance to support capacity building initiatives that will enable local professionals to actively participate in the development of their offshore mineral resources that may eventually lead to lending opportunities for the private sector. As and when required, consultant(s) will be contracted on short-term basis to assist in training selected individuals from the region to boost the capacity building initiatives of the project. With the financial support of the project, the marine minerals database will be established and updated on a regular basis as data relating to marine scientific research and mineral exploration and mining come to hand.

For countries where mining will occur, the NOMC will be the mediator in the dialogue between the mining company and other key stakeholders such as the impacted local communities and the public. Major responsibilities of the committee will include: arrange regular meetings between the two parties; assist establish pilot mining monitoring committees within impacted coastal communities; follow up to ensure what have been agreed upon in meetings are carried out; assist NGO's in the preparation and presentation of awareness materials to potentially impacted communities. The project will support this initiative to ensure the local communities are fully engaged and furnished with relevant information. The establishment of community-based monitoring committees will provide the best avenue in which the local people can raise their grievances and to discourage individuals or group of individuals from raising issues directly with the government and/or the mining company. This proposed mechanism of dialogue will enable effective participation of local communities as well as allowing the mining company to deal with the committee rather than groups of individuals with differing opinions and agendas. In PNG this mediation role can be assumed by the Development Coordination Division (DCD) of the Mineral Resources Authority (MRA), the government agency that deals with issues relating to mineral development. The DCD works with landowners and industry partners in activities to benefit resource owners whose life, livelihood and environment are impacted by mining and exploration work.

A way to address human resources challenges could be through government/local private sector/mining company partnerships that enable the transfer of technology and knowledge to local counterparts. This can be achieved through on-the-job training in exploration, mining, academic research and/or environmental monitoring including work attachments on ships and other related employment opportunities. Additionally, the commencement of deep sea mining in the region will result in the development of appropriate mining technologies that can potentially be transferred from EC companies and consortia to local enterprises in the region. This strategy will result in employment generation and ensure a better distribution of revenue derived from mining activities and avoid the resource curse that was experienced in Nauru and Bougainville. In time as mining spreads from one location to another in the Pacific this local pool of expertise could be utilised further.

Result Area 4 will assist PICs to develop environmental management and guideline approaches and systems for deep-sea mining operations through the following initiatives: (i) develop appropriate regional environmental monitoring guidelines including a framework for environmental management. This could include but is not restricted to; review of existing deep-sea resource use and environmental guidelines (e.g. International Seabed Authority (ISA)³ and others), work collaboratively with existing

³ The ISA through its legal and technical units have developed draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts in the Area as well as supported the development of a Draft Mining Code.

technical partners (e.g. UNEP Shelf Programme) to review existing literature and systems in place to support environmental management of DSM operations; review existing terrestrial mining operations and obligations of mining interests to self monitor and manage environmental impacts. This last factor is particularly important considering the massive logistic challenge which is presented by independent monitoring in such environments, without exception independent monitoring of DSM mining operations would be beyond the capacity of PICs. (ii) identify and maintain a checklist of competent marine research group(s) to participate in the review of environmental monitoring systems and data for offshore mining sites; (iii) identify suitable local and regional candidates to participate in offshore mining monitoring as part of on-the-job training; (iv) in consultation with the government and marine research group(s), provide relevant information as required to key stakeholders;

The implementation of activities under Result Area 4 hinges on the commencement of the mining operation within the EEZ of any country in the region. If mining commences in PNG and/or any other country in the region between 2010 and 2012, the project should be able to implement all relevant components as outlined above. Close collaboration with the government, mining company and selected marine research group(s) is envisaged. A regional environmental monitoring and management framework and guideline will be developed in anticipation of mining operations. The project will liaise closely with the government, mining company and marine scientific research groups for potential environmental monitoring opportunities that provide additional capacity building opportunities for selected regional and national candidates. Cooperation with regional agencies such as the Forum Fisheries Agency (FFA), and the Western and Central Pacific Fisheries Commission will be actively pursued in relation to the monitoring of mining impacts on the marine living resources.

In addition, the project will support the active participation of local communities in discussion of resource use, and will encourage and support the participation of representatives of local communities that can potentially be impacted by deep-sea mining activities in any offshore monitoring initiative thus promoting transparency. Further, the project will support the presentation of relevant existing and new data and information as well as the project outputs to key in-country stakeholders (e.g. decision makers, private sector, and civil society) and the effort of the NOMC and the NSA in conducting awareness program for local communities.

The project will support a Benefit Cost Analysis (BCA) of deep sea mining in the region assessing the high costs of deep sea mining and the potential impacts on the marine living resources against the benefits (technological, financial and other) derived from such a venture due to high commodity prices and the decrease in land metal reserves. Such a study could also consider sustainability issues.

1.5. Location

The project shall be based at the Secretariat of the Pacific Community in Suva, Fiji and all of the TA staff will be located there, with frequent travel to the P-ACP States including Timor Leste.

1.6. Duration

The implementation period starts on the day defined in the Article 2.2 of Special Conditions.

1.6.1. Organisational set-up and responsibilities

The project will be implemented through Joint Management. The European Union signs this Contribution Agreement (CA) with SPC.

The project supervisor shall be the Director of the Science and Technology Division of SPC, with oversight and direction from the Director General.

A steering committee shall be set up to oversee and validate the overall direction and policy of the project and to keep track of the implementation of project activities. The project steering committee shall meet at least once a year.

The project steering committee shall be made up of:

- i) representatives of participating states,
- ii) a representative of the Regional Authorising Officer,
- ii) a representative of SPC,
- iii) the project supervisor (Team Leader),
- v) a representative of the Head of EU Delegation for the Pacific, as the contracting authority.

Other interested development partners may attend as observers.

The project will rely on a significant amount of technical assistance (TA) to deliver its results. A special implementing unit is not required. In line with SPC's corporate plan and the EU 'backbone strategy' on technical assistance, it will include elements of capacity development as well as expert advice (capacity supplementation) in areas where it is not practical or cost effective for small island developing states to maintain their own capabilities. Specifically, capacity will be developed in the P-ACP countries through regional workshops, capacity building and legal training. A longer term strategy is to increase capacity for development of policy and legal framework for deep sea minerals regime.

1.7. Reporting

The reporting will be carried out pursuant to the rules and procedures set out in the special and general conditions of the Standard Contribution Agreement i.e. annex II of this Contribution Agreement. The Commission reserves the right to request the Beneficiary and/or the implementing agency to submit specific reports at any time.

1.8. Project/Programme Budget

The total project cost is estimated at EUR 4.41 million shall be financed from the Pacific Regional Indicative Programme of 10th European Development Fund in the framework of the Cotonou Agreement.

The budget of the part of the project for which the payments of expenditure will be decentralised sets out as follows:

Activity	Total Grant Requested
Technical Assistance	1,470,000

Short Term TAs/Training/Field Studies	2,000,000
Equipment/Consumables/Other Supplies	460,000
Dissemination of project outputs	120,000
EU Visibility	80,000
Total Direct Costs	4,130,000
Indirect costs (Overheads)	280,000
TOTAL	4,410,000

1.9. Mobilisation of the Project/Programme Budget

All contract and payments are made by the SPC on behalf of the Contracting Authority.

1.10. MONITORING, EVALUATION AND AUDITS

1.10.1. Monitoring

Day-to-day technical and financial monitoring will be a continuous process as part of the Implementing Organisation's responsibilities. To this aim, the Implementing Organisation shall establish a permanent internal, technical and financial, monitoring system to the project, which will be used to elaborate the progress reports.

Independent consultants recruited directly by the Commission on specifically established terms of reference will carry out external monitoring ROM system, which in principle will start from the sixth month of project activities, and will be finalised at the latest 6 months before the end of the operational implementation phase.

1.10.2. Evaluation

Independent consultants recruited directly by the Commission on specifically established terms of reference will carry out external evaluations, as follows:

- a mid-term evaluation mission (if necessary);
- a final evaluation, at the beginning of the closing phase;
- possibly, an ex-post evaluation.

The Beneficiary and the Commission shall analyse the conclusions and recommendations of the mid-term evaluation and jointly decide on the follow-up action to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. The reports of the other evaluation and monitoring missions will be given to the Beneficiary, in order to take into account any recommendations that may result from such missions.

The Commission shall inform the Beneficiary at least 14 days in advance of the dates foreseen for the external missions. The Beneficiary shall collaborate efficiently and effectively with the monitoring and/or evaluation experts, and *inter alia* provide them with all necessary information and documentation, as well as access to the project premises and activities.

1.10.3. COMMUNICATION AND VISIBILITY

In addition to technical reports and peer-reviewed scientific papers, the project outputs will be communicated directly to decision makers at regional meetings and during country visits. Emphasis will also be placed on producing short, non-technical papers and media articles on key issues to inform policy makers and public opinion.

EU financial support will be highlighted in all activities, reports and media releases. EU promotional material will also be produced and distributed during the project, utilising €80,000 that has been reserved in the budget for this purpose.

1.10.4. Logical Framework

A logical framework for the project is a planning tool to be revised and updated by project managers during the project (without constituting the amendment to the Contribution Agreement), bearing in mind that neither the overall objective nor the project purpose can be altered.

ID	Intervention Logic	Verifiable Indicators	Sources of Verification	Assumptions
Overall Objective	Expand the economic resource base of Pacific ACP States by developing a viable and sustainable marine minerals industry	Share of the offshore mining activities in the GDP increased (currently zero).	<ul style="list-style-type: none"> • Country statistics (mining, exploration) • Country reports • National Accounts 	
Project Purpose	To strengthen the system of governance and capacity of PACPs in the management of deep sea minerals through the development and implementation of sound and regionally integrated legal frameworks, improved human and technical capacity and effective monitoring systems.	<ul style="list-style-type: none"> • Enabling mechanisms in place at regional and national levels for effective governance of deep sea mineral resources within the region. (Legislation, Policy, and Regulatory regimes developed for all participating countries by project end). • Adherence to EITI Principles of transparency and accountability. • Increased number of exploration and mining applications processed (%) • Efficient monitoring system in place in all PACPs 	<ul style="list-style-type: none"> • National Accounts • National reports • Labour study reviews • Art IV IMF reports 	Private sector will continue to invest in this sector and economic climate is favourable.
Result 1	Effective Regional Legislative and Regulatory Framework (RLRF) for Marine Mineral Exploration and Mining established.	<ul style="list-style-type: none"> • RLRF formulated and agreed by all PACPs before the end of Year 2 	<ul style="list-style-type: none"> • Signed RLRF 	Government commitment to using the regional approach continues.
Result 2	National policy, legislation and regulations for the governance of offshore mineral resources within national jurisdictions established in accordance with RLRF.	<ul style="list-style-type: none"> • National policy, legislation and regulations established/enacted in at least 70% of PACPs by end of Year 4 	<ul style="list-style-type: none"> • National records (offshore minerals policy, legislation and regulations) 	Countries use the RLRF as the basis for national policy
Result 3	National capacities strengthened – to support active participation of PACPs	<ul style="list-style-type: none"> • Increased number of PACP nationals 	<ul style="list-style-type: none"> • Labour office reports 	Assumes work opportunities are

	nationals in the offshore mining industry.	<ul style="list-style-type: none"> participating actively or trained in offshore mining/exploration industry- at least 5-6 new candidates per year). National labour component incorporated into contracts with mining companies. Regional marine minerals database operational (1 regional database) 	<ul style="list-style-type: none"> Training reports Project progress and annual reports Mining contracts and licenses SPC database populated with these data 	created
Result 4	Effective management and monitoring of offshore mining and exploration in place.	<ul style="list-style-type: none"> A regional environmental management and monitoring framework and guidelines completed and distributed to relevant stakeholders. Suitable marine scientific research groups identified for potential monitoring of offshore mining operations. On-the-job training for local and regional candidates. Relevant information and data disseminated to relevant stakeholders. (Quarterly newsletter, Information brochures on deep-sea mining potential, impacts, project objectives and progress) 	<ul style="list-style-type: none"> Information brochures Regional Environmental Management and Monitoring Framework and Guidelines Technical reports. Training reports Government and NSA reports 	Collaboration of all key stakeholders.
Project Activities and Budget (Means)				
		Resources	Cost (Euro)	
		Technical Assistance	1,470,000	<ul style="list-style-type: none"> In-country support and engagement P-ACP governments to commit human
		Short Term TAs/Training/Field Studies	2,000,000	
		Equipment Consumables Other Supplies	460,000	

		Dissemination of information / visibility	120,000	resources for capacity building initiatives • Development of partnership with key stakeholders and partners
		EU Visibility	80,000	
		Total direct cost	4,130,000	
		Indirect costs	280,000	
		TOTAL	4,410,000	

Activities by Result Areas

Result 1

- (i) Convene an inaugural regional workshop to ascertain the status and establish baseline of exploration within the region, key stakeholders, policy, legislation and knowledge gaps, and the way forward
- (ii) In consultation with participating countries and partners (e.g. World Bank), develop a Terms of Reference (TOR) for the formulation of the RLRF
- (iii) Develop the RLRF
- (iv) Review of the draft regional framework by a competent professional and relevant representatives of participating countries
- (v) Convene a follow up regional workshop to review the revised regional framework
- (vi) Finalise the RLRF and distribute copies to participating countries
- (vii) Circulate to PACP leaders as information

Result 2

- (i) Convene national stakeholder workshops where necessary to facilitate the development process of national policy, legislation and regulations
- (ii) Establish national offshore mineral committees (NOMC) to spearhead the process of developing national offshore minerals policy and legislation and related issues
- (iii) In collaboration with NOMC, develop national offshore minerals policy (based on the RLRF developed in Result Area 1) starting with countries with most immediate needs
- (iv) Review of the draft offshore minerals policy by the national legal agency and other stakeholders prior to submission to cabinet sub-committee
- (v) In collaboration with NOMC, formulate national offshore minerals legislation (based on the RLRF developed in Result Area 1) starting with countries with most immediate needs
- (vi) Review of the draft offshore minerals legislation by a competent professional and the national legal agency
- (vii) In collaboration with NOMC and other key in-country stakeholders, conduct public consultations on the draft national offshore minerals legislation
- (viii) Submit revised national offshore mineral policy and legislation to cabinet sub-committee for further review
- (ix) Finalise national offshore minerals policy and legislation based on cabinet sub-committee recommendations
- (x) Submit national offshore minerals policy and legislation to cabinet then to parliament for enactment

Result 3

- (i) Establish a process for assessing Marine Scientific Research, offshore mineral exploration and mining proposals
- (ii) Establish a regional marine minerals database with national nodes at SPC
- (iii) Conduct institutional assessment of relevant institutions in each country to determine the mode of capacity building needed
- (iv) In consultation with the government and NOMC, identify suitable candidates for capacity building opportunities
- (v) Facilitate and support formal and informal training of relevant technical professionals in participating countries
- (vi) Strengthen government legal and fiscal agencies through short-term training
- (vii) Assess the effectiveness of capacity building initiatives and take corrective measures

Result 4

- (i) Develop a regional environmental management and monitoring framework and guidelines
- (ii) Identify competent marine scientific research group(s) for potential monitoring of offshore mining operations
- (iii) Identify and engage suitable local and regional candidates to participate in environmental monitoring of offshore mining sites as part of the on-the-job training
- (iv) In consultation with the government and marine research group(s), provide relevant information as required to key stakeholders
- (v) Encourage and support local community participation in the environmental monitoring process
- (vi) Conduct a BCA for deep sea mining in the region

Framework ToR's for the Technical Assistance Team (TAT)

Position: Team Leader (and Senior Minerals Adviser)

Terms of Reference

Background

The Deep Sea Minerals in the Pacific Islands region Project will support economic growth and sustainable development through a regional approach aimed at developing appropriate enabling mechanisms for sustainable management of deep sea mineral resources in the region. First, it will work with Pacific ACP States to develop a regional policy and regulatory framework from which they can develop their national frameworks for the sustainable management of their marine mineral resources. The work is of critical importance if Pacific ACP States are to have effective environmental, fiscal and social management instruments in place for the exploration and exploitation of deep sea minerals that could support economic growth within the region as a whole.

In addition, appropriate capacity building initiatives will be developed and implemented to ensure relevant national agencies are able to perform their regulatory functions and the local people to participate and benefit from the development of their offshore mineral resources. Further, in ensuring that the impacts of mining particularly in marine and coastal environments are minimised, the project in collaboration with key stakeholders will develop environmental monitoring mechanisms of any offshore mining area.

The project is funded by the European Union under EDF10 (A Envelope) and will be implemented by the SPC. The Technical Assistance Team (TAT) of the project will consist of two professional staff and a Project Officer. The Project Team Leader (PTL) will be part of TAT and shall also act as the Senior Minerals Adviser.

General Responsibilities

The PTL will coordinate the implementation of the project to ensure proper management of the day to day implementation of project activities and the satisfactory execution of the entire project as specified in the project document. Apart from the coordination responsibility as the team leader, he/she will be expected to take a lead role and actively and fully participate in the implementation of project activities.

Duties and Responsibilities

- Coordinate initial stakeholder consultation to develop project inception;
- Prepare project work plan and budget in consultation with project personnel;
- Lead the initial and follow-up stakeholder workshops and the development the Regional Policy and Legislative Framework;
- Responsible for the overall management of the project (i.e. over the life of the project);

- Collaborate with project partners and key stakeholders involved to achieve Project objectives, outputs and outcomes;
- Ensure effective coordination and implementation of project activities in all participating countries;
- Coordinate the recruitment and selection of project personnel;
- Develop Terms of References for consultancies and studies as required under the project;
- Ensure project outputs are produced in line with the project document;
- Ensure proper and efficient utilisation of project resources;
- Manage and monitor project risks initially identified in the project document, and identify new risks with subsequent mitigation strategies;
- Implement monitoring and evaluation of project activities according to work plans and the project document;
- When necessary, present the project updates to the SPC Governing Council or/and representatives of participating countries;
- Give appropriate advise to key stakeholders on marine minerals exploration and mining issues, specifically deep-sea related initiatives;
- Organise and coordinate capacity building initiatives;
- Liaise with key players of the industry through the respective participating countries for potential collaboration in practical training and environment monitoring;
- Assist the Legal Expert with the formulation of the regional framework as well as the national policy and legislation;
- Prepare 6 monthly progress and annual reports;
- Undertake any additional activities that may be required by the Director of SPC.

Accountability

The project is funded by the European Union under EDF10 (A Envelope) and will be implemented by the SPC. The PTL will work under the general guidance of and report to the Director of the Science and Technology Division of SPC, and is ultimately accountable to the Deputy Director General of the SPC based in Suva, for the manner in which he/she discharges the assigned responsibilities. The PTL shall discharge his/her duties in line with the SPC rules and procedures.

Qualification and Competencies

Education: Well-qualified professional with integrity and confidence with an accredited professional degree from a recognised institution, preferable at Masters or higher level in mining and/or geology.

Experience: A minimum of ten (10) years of relevant and verifiable work experience in the field of geology, minerals exploration and/or mining projects;

Experience in policy development particularly in developing countries;

Experience with multi-stakeholders' participatory approach;

At least 5 years of relevant experience in the Pacific Islands region;

Previous experience/familiarity with international and/or regional organisations.

Skills: Sound analytical, organisational, and project management and coordination skills;

Knowledge of Corporate Affairs, and design of Regulatory Frameworks;

Ability to establish priorities and to plan and coordinate work;

Ability to work independently as well as part of a team;

Ability to plan and prioritise activities and able to handle high pressure situations and meet deadlines;

Good Leadership, interpersonal and communication skills; and

Computer literacy, particularly with Microsoft Office is essential.

Languages: Excellent command on both written and spoken English required.

Position: Senior Legal Adviser

Terms of Reference

Background

The Deep Sea Minerals in the Pacific Islands region Project will support economic growth and sustainable development through a regional approach aimed at developing appropriate enabling mechanisms for sustainable management of deep sea mineral resources in the region. First, it will work with Pacific ACP States to develop a regional policy and regulatory framework from which they can develop their national frameworks for the sustainable management of their marine mineral resources. The work is of critical importance if Pacific ACP States are to have effective environmental, fiscal and social management instruments in place for the exploration and exploitation of deep sea minerals that could support economic growth within the region as a whole.

In addition, appropriate capacity building initiatives will be developed and implemented to ensure relevant national agencies are able to perform their regulatory functions and the local people to participate and benefit from the development of their offshore mineral resources. Further, in ensuring that the impacts of mining particularly in marine and coastal environments are minimised, the project in collaboration with key stakeholders will develop environmental monitoring mechanisms of any offshore mining area.

The project will be funded by the European Union under the EDF10 (A Envelope) and is implemented by SPC. The Technical Assistance Team (TAT) of the project will consist of two professional staff and a Project Officer. The Senior Legal Adviser will be part of the TAT.

General Responsibilities

The Senior Legal Adviser will work alongside the Project Team Leader (PTL) in the implementation of all project activities identified in the four Key Result Areas of the project. The incumbent will work closely with members of the project team, in-country stakeholders and consultants in the development of the regional legislative and regulatory framework, and national policy and legislation of individual countries. The Senior Legal Adviser will report to the PTL and will perform additional duties that may be required by the PTL.

Duties and Responsibilities

- Assist the PTL in the implementation of project activities;
- Collaborate with project partners and key stakeholders involved to achieve Project objectives, outputs and outcomes;
- Assist PTL in the preparation of work plans and budget;
- Develop the model Regional Legislative and Regulatory Framework (RLRF) in consultation with project partners and representatives of key agencies in participating countries;
- Review relevant national policies and legislation of participating countries;
- In consultation and collaboration with key in-country stakeholders formulate national offshore mineral policy and legislation;
- When necessary, engage project partners and/or consultants for the review of the RLRF and national policy and legislation;
- Offer appropriate legal advice to key stakeholders on issues relating to UNCLOS, maritime boundaries, and minerals exploration and mining;
- Ensure task deliveries are on schedule as outlined in the project implementation calendar;
- Ensure proper and efficient utilisation of project resources;
- As required, present project updates to regional stakeholders and key stakeholders in participating countries;
- Organise and conduct training on legal matters relating to UNCLOS, maritime boundaries, and mineral exploration and mining;
- Prepare and submit quarterly reports to PTL;
- Undertake any additional activities that may be required by the Director General of SPC.

Accountability

The project will be funded by the European Union under EDF10 (A Envelope) and will be implemented by the SPC's Science and Technology Division. The Senior Legal Adviser will work closely with and under the guidance of the PTL and within the overall Programme framework of the Ocean & Islands Programme. The Position is also accountable to the Programme Manager OIP and ultimately the Director of the Science and Technology Division. The Senior Legal Adviser shall discharge his/her duties in line with the SPC rules and procedures.

Qualification and Competencies

Education: Preferably a postgraduate degree in Law and/or related fields, with a specialisation in public international law and/or aspects of the law of the sea would be an advantage.

Experience: A minimum of eight (8) years of experience in legal practice, including experience working in Government, a regional/international organisation or in a law firm specialising in international law, law of the sea and/or the extractive industries;

Expertise and experience concerning aspects of the law of the sea and the development of regulatory frameworks concerning the extractive industries such as offshore petroleum and minerals exploration and development;

Experience with multi-stakeholders' participatory approach;

Some work experience working with developing and small island countries would be an advantage.

Skills: Sound analytical, organisational, and coordination skills;

Ability to establish priorities and to plan and coordinate work;

Excellent team player and participatory process skills;

Ability to plan and prioritise activities and able to handle high pressure situations and meet deadlines;

Good interpersonal and communication skills; and

Computer literacy, particularly with Microsoft Office is essential.

Languages: Excellent command on both written and spoken English required.

Position: Senior Project Officer

Terms of Reference

Background

The Deep Sea Minerals in the Pacific Islands region Project will support economic growth and sustainable development through a regional approach aimed at developing appropriate enabling mechanisms for sustainable management of deep sea mineral resources in the region. First, it will work with Pacific ACP States to develop a regional policy and regulatory framework from which they can develop their national frameworks for the sustainable management of their marine mineral resources. The work is of critical importance if Pacific ACP States are to have effective

environmental, fiscal and social management instruments in place for the exploration and exploitation of deep sea minerals that could support economic growth within the region as a whole.

In addition, appropriate capacity building initiatives will be developed and implemented to ensure relevant national agencies are able to perform their regulatory functions and the local people to participate and benefit from the development of their offshore mineral resources. Further, in ensuring that the impacts of mining particularly in marine and coastal environments are minimised, the project in collaboration with key stakeholders will develop environmental monitoring mechanisms of any offshore mining area.

The project will be funded by the European Union under the EDF10 (A Envelope) and will be implemented by SPC's Science and Technology Division. The Technical Assistance Team (TAT) of the project will consist of two professional staff and a Senior Project Officer. The Senior Project Officer will be part of the TAT.

General Responsibilities

The Senior Project Officer will assist the Project Team Leader (PTL) and the Senior Legal Adviser in the implementation of all project activities within the four Key Result Areas of the project. The incumbent will be a key player in organising and facilitating the implementation of project activities as well as recording meeting and workshop proceedings. The Senior Project Officer will report to the PTL and will perform additional duties that may be required by the PTL and the Senior Legal Adviser.

Duties and Responsibilities

- Assist the PTL and the Senior Legal Adviser in the implementation of project activities;
- Assist PTL in the preparation of work plans and budget;
- With the direction of the PTL, organise the development of the regional marine minerals database;
- Organise the acquisition of relevant data and information from relevant organisations / agencies;
- Assist the Senior Legal Adviser in accessing relevant existing national policies and legislation of participating countries;
- Facilitate the review of the Regional Legislative and Regulatory Framework (RLRF) and national policies and legislation;
- Generate maps when required using appropriate mapping software;
- Compile a list of relevant literatures for references;
- Organise regional, sub-regional and national meetings and workshops;
- Record and compile meeting and workshop proceedings;
- Prepare and submit monthly project update to the PTL, Ocean and Islands Program Manager, and key in-country stakeholders of participating countries;
- Ensure proper and efficient utilisation of project resources;
- Undertake any additional activities that may be required by the Director of the Science and Technology Division.

Accountability

The project will be funded by the European Union under EDF10 (A Envelope) and will be implemented by SPC's Science and Technology Division. The Senior Project Officer will work under the general guidance of and report to the PTL, and will be accountable to the Director of Science and Technology Division for the manner in which he/she discharges the assigned responsibilities. The Senior Project Officer shall discharge his/her duties in line with the SPC rules and procedures.

Qualification and Competencies

Education: Bachelor's degree or higher preferably in the areas of geoscience and law. However, qualifications in one or the other with a sound working knowledge of the second discipline is acceptable. Ideal candidates may have legal training in law of the sea, extractive industries and/or geoscience, marine science and GIS applications.

Experience: A minimum of three (3) years of relevant work experience in at least one of the following fields: environment, oceanography, non-living natural resource governance, law of the sea;

Some complementary knowledge on issues relating to UNCLOS, maritime boundaries and minerals mining advantageous;

Basic knowledge of GIS applications and the use of appropriate mapping software advantageous;

Some work experience in the Pacific Islands region is important;

Previous experience/familiarity with international and/or regional organisations.

Skills: Sound analytical, organisational, and coordination skills;

Ability to establish priorities and to plan and coordinate work;

Excellent team player and participatory process skills;

Good interpersonal and communication skills; and

Computer literacy, particularly with Microsoft Office essential and knowledge of GIS platforms advantageous.

Languages: Excellent command on both written and spoken English required