

The Checklist on Law and Disaster Risk Reduction in the Cook Islands



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Executive Summary

Earlier this year, the Cook Islands along with many countries in the world, endorsed the Sendai Framework of Action for Disaster Risk Reduction 2015-2030. Under this global framework there is a call to “strengthen disaster risk governance to manage risks” as the framework’s fourth priority area.

This study analyses the laws that govern and manage disaster risks in the Cook Islands using the Checklist on Law and Disaster Risk Reduction (the checklist) which was developed jointly by IFRC and UNDP through a global consultation process.

This study focuses on the four most regularly occurring natural hazards in the Cook Islands. These are tropical cyclones, drought, tidal waves and marine flooding.

The Cook Islands is a small South Pacific island state. It consists of 15 islands, 12 of which are permanently inhabited. The islands are widely scattered; the exclusive economic zone of the Cook Islands is almost 2 million square kilometres. The islands fall into the Northern Group – six low atolls, and the Southern Group, a mix of low atolls and of high islands. Rarotonga is the country’s largest island. With a circumference of just 30 kilometres and a population of around 10,000, this is a true microstate.

Politically, the country has, since 1965, enjoyed self-government with free association with New Zealand. It is a parliamentary democracy of the Westminster system and its courts apply English and commonwealth common law principles. This report, considers the way in which laws passed by the Cook Islands parliament, and enforced by the courts of the Cook Islands, promote disaster risk reduction (DRR).

This report was a result of an integrated approach that combined legal mapping (using the checklist) community consultation with selected communities and a stakeholders’ consultation workshop with government ministries, civil society and community leaders.

The report is reasonably comprehensive, but the author notes three factors that were inevitable limitations.

Firstly, feedback from two outer island consultations were incorporated into the study. However both of these consultations were held in the Northern Group of the Cook Islands. Feedback from the Southern Group might have put forward other views or perspectives on some of the issues.

Secondly, not all stakeholders were available to attend the consultation workshop on the first draft, and although the draft report was sent to all relevant stakeholders not all of those commented on the report. However, most of the main stakeholders did attend and did comment on the issues.

Disaster Risk Reduction (DRR) is “the concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events”

UN ISDR

This study was based on the Pilot version of DRR and Law Checklist which has since been updated and finalised.

Thirdly, the government's DRR policy has not yet been formally reviewed or analysed by the Cook Islands itself to see if legal backing for the policy is needed. Access to that review would have been a good reference document to use and strengthen this study. To date this study is the only "review" and analysis of that policy in terms of the need for, or advantages of, legal backing for DRR in this country.

A few general observations can be made on the outcomes of the study:

- DRR in the Cook Islands is still very much a matter of policy, rather than of laws and legal enforcement.
- A lot of the necessary institutional arrangements (structures and procedures) that are needed for DRR are in policies, plans and strategies, all non-binding instruments.
- The only act that directly mentions DRR is the Disaster Risk Management Act 2007 ("the DRM Act"). The DRM Act set up some institutional arrangements (structures and procedures) for DRR. According to this act, all islands and essential agencies are required to have DRM plans.
- When the DRM Act was passed, DRM Arrangements were developed to guide the implementation of those structures and procedures. The Arrangements are good but they do not have formal legal status. Uptake and implementation is compromised as a result. The study finds that the Arrangements should have legal force.
- Although DRR is mentioned in several national policies, e.g. NSDP and the C&DCD Policy, DRR is still not seen and accepted by all actors as a truly multi-sectoral concern. As a result, sector policies and laws do not prioritise DRR in their area; instead, pursuing other policy objectives may have the incidental effect of risk reduction. There is a need for all current risk management governance in existing legislation to be aligned with the DRM Act, and with policies, plans and efforts for DRR.
- The implementation of the DRM Act and the Arrangements, if it was strong, would have achieved some DRR focus. However, implementation has not been strongly supported by government. This has led to the few provisions in Cook Islands law that directly address DRR not being well implemented.
- The current national policy on DRR integrates DRR, climate change and development. There is a call to include risk assessment in all national and local development planning. This is not supported anywhere in the DRM Act. This is an important aspect of DRR. The Sendai Framework was criticised for falling short of targeting mandatory inclusion of risk assessments in national and local planning processes.
- One factor inhibiting implementation is a lack of resources. In consultations in Rarotonga, it was clear that resourcing is always a challenge and, conversely, where disaster risk reduction activities are undertaken, it is often because resources are made available specifically for that. As one example, the government has signed up for the Pacific catastrophic risks insurance scheme, not because there is a legal obligation to take insurance but because there were funds available for this. Interestingly, consultation with stakeholders shows that DRR progresses independently of legal underpinning in a way that directly reflects the availability (or not!) of financial and human resources. This suggests that in a microstate like the Cook Islands law change that forces DRR into financial planning and budget processes might be the most effective way of driving these initiatives.
- In consultation with outer islands communities, it became clear that it is not just a lack of resources to manage risks but also a lack of the appreciation and understanding of how disaster risks can

"It's not just about the law, there are other factors that have to be considered. We also need focal points in the ministries. The DRM Act needs amendment. And it's important to work with our development partners to help us get off the ground"

*Nono Numanga,
Ministry of Internal Affairs*

be managed. Traditional knowledge has served people well but DRR, properly implemented could help increase resilience.

- At the moment, most of the safety laws are either not applied or if they apply, not implemented in the outer islands, e.g. Environment Act, Building Codes, etc. There is just no capacity to do this and not enough willingness from outer island authorities and communities.
- Outer island communities have always lived with cyclones and have informal systems and structures that reflect that experience. Risk reduction approaches in the outer islands must be built around this existing knowledge base. Island Councils do have powers to make by-laws and DRR approaches could be strengthened on an island by island basis, tailored to each community. However, for now, Island Councils claim a lack of available resources to allow them to address DRR issues.

"Laws must go hand and in hand with policies. Appropriate policies need to be shared and understood between various ministries. It is key to understand the issues of the various stakeholders such as disability"

Arona Ngari,
Director, Meteorological Services Cook Islands

The Recommendations:

DRR Policy

- DRR should be highlighted in all relevant national and sectoral policies and laws across government.
- There should be a strong policy review system in place to monitor and evaluate success and implementation, and as a tool to gauge whether there is a need for legal backing to guarantee action.
- The policy must be properly resourced.
- The policy and the DRM Act must be aligned with each other.

DRM Arrangements

- The Arrangements should be reviewed, updated, and given legal force by way of regulations.
- Those regulations should address SOPs on early warning, drought and floods.
- The minimum content for islands and essential services DRM Plans should be specified in the regulations.

DRM Act

The DRM Act should be amended to:

- highlight DRR principles – "all hazards, all of country, all of government approach", gender sensitive and take into consideration the needs of special category of people, etc.
 - highlight the need for education, training and awareness raising to achieve greater understanding of risks and their management as a priority through the whole of society, from national to island government.
 - provide structure and procedures for an early warning system.
 - provide links to other DRR legislation.
 - provide links with climate change adaptation.
 - provide mandatory inclusion of risk assessments in national and island planning processes.
-

- strengthen NDRM Council membership, roles and responsibilities and meeting procedures.
- provide a clear linkage between risk reduction measures and budgetary processes and Ministry of Finance and Economic Management Act.
- make provision for gender and special needs of vulnerable groups' considerations.
- strengthen institutional arrangements, taking into account recent institutional and policy developments that need legal backing, e.g. a provision regarding the JNAP.
- provide stronger measures on monitoring and evaluating implementation of the roles and responsibilities under the DRM Act.
- the NDRM Council is the governing body for DRM. If it was active and operational, its governing role would help measure the success and of the implementation of the act.

Ministry of Finance and Economic Management Act 1996-97

- The act should be amended to bring into the goal of “fiscal responsibility” a cross-cutting DRR dimension.

Meteorological Services Act

- Regulations should be developed on the procedures for collecting, receiving and disseminating weather information that is relevant to early warning under the DRM Arrangements; SOP for early warning should also be developed.

Sectoral Laws

- There are opportunities to advocate with different ministries when they review their laws, e.g. Environment Act and Building Code. The aim should be to integrate relevant risk reduction management in other sectoral laws as appropriate. For example, the EIA provisions of the Environment Act should require that EIA's address disaster risk and resilience building assessment.

Local Government

- Advocacy work needs to be done at the island level to change mind-sets and for ease of integration of disaster risk reduction laws and regulations (by-laws) in the outer islands.
- Islands DRR needs more public investment; the Pa Enua Model in the Budgetary process for allocating resources to the outer islands should highlight DRR as one of its criteria.

Advocacy and understanding risks

- There is a huge need for advocacy with politicians for a stronger political will, and advocacy with communities for greater understanding and appreciation of risks and the potential to manage those risks and build resilience. Without persuading these stakeholders, any effort to strengthen laws on the management of disaster risks will be a waste of time.

“It’s the public cry that triggers governments to move – perhaps the strategy should be using communities to force government to act and legislate.”

*John Henry,
community leader*

The Checklist on Law and Disaster Risk Reduction in the Cook Islands

- 

1 Do you have a dedicated law for disaster risk management that prioritises risk reduction and is tailored to your country context?
- 

2 Do your laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from national to local level?
- 

3 Do your relevant sectoral laws include provisions to increase safety and reduce vulnerability?
- 

4 Do your laws ensure that sufficient resources are budgeted for disaster risk reduction?
- 

5 Do your laws establish clear procedures and responsibilities for risk assessments and ensure risk information is considered in development processes?
- 

6 Do your laws establish clear procedures and responsibilities for early warning?
- 

7 Do your laws require education, training and awareness-raising to promote a whole-of-society approach to DRR?
- 

8 Do your laws ensure the engagement of all relevant stakeholders, including civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?
- 

9 Do your laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?
- 

10 Do you have adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

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List of Abbreviation

CC	Climate Change
CCA	Climate Change Adaptation
CCCI	Climate Change Cook Islands
C&DCD Policy	Climate and Disaster Compatible Development Policy 2013-2016
CIMS	Cook Islands Metrological Services
CIRCS	Cook Islands Red Cross Society
DM	Disaster Management
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
EIA	Environment Impact Assessment
IFRC	International Federation of Red Cross and Red Crescent
INTAFF	Ministry of Internal Affairs
MFAI	Ministry of Foreign Affairs and Immigration
MFEM	Ministry of Finance and Economic Management
MOA	Ministry of Agriculture
MOIP	Ministry of Infrastructure and Planning
NDRMC	National Disaster Risk Management Council
NDRMCC	National Disaster Risk Management and Climate Change Council
NES	National Environment Service
NIWA	National Institute for Water and Atmospheric Research
OPM	Office of the Prime Minister
SPC	Secretariat of the Pacific Community
SREP	Secretariat of the Pacific Regional Environment Programme
SRIC	Strengthening Resilience of Islands and Communities
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention for Climate Change

Introduction

IFRC and UNDP developed this checklist as a national self-assessment tool through a two year period of global consultation. The current version was launched in Sendai Japan in March 2015 at the Global Meeting for Disaster Risk Reduction.

The Cook Islands is one of a small number of countries, selected to trial its use. IFRC and EMCI commissioned CIRC to carry out this study. As an island microstate, it was thought that the applicability of the Checklist could usefully be measured through this study.

This study will be used to refine the “Handbook” for guidance of the Checklist before a final version is prepared, and the two publications to be rolled out globally.

The ten questions of the Checklist have been designed to focus the attention of lawmakers and regulators on the key issues that mark the boundary and relationship between law and DRR and in an open and accessible way provide a means of testing whether existing laws provide best support for DRR.

The aim of the assessment, of course, is to point up areas in which laws might usefully be passed or improved on to enhance DRR and also to bring national legal frameworks in line with existing international standards, in particular the Sendai Framework of Action for Disaster Risk Reduction 2015-2030.

“The checklist is very interesting and useful to review existing legal arrangements, it brings out all the gaps. Disaster Risk Reduction is a huge area: mitigation, adaptation, vulnerability assessment etc... so it’s good to have a roadmap to give direction on where to go and from here. It’s a good way to guide us and to pull everything together and assess what we currently have.”

*Elizabeth Hosking,
Emergency Management Cook Islands*

Methodology

This study addresses disaster risk reduction laws in the Cook Islands. It focuses on the top four hazards most frequently occurring in the Cook Islands.

The steps undertaken were as follows:

1. Research and Legal mapping
2. Community interviews
3. Multi-stakeholder dialogue

These are the main documents considered during the study:

- The Checklist on Laws and DRR
- “Climate and Disaster Compatible Development Policy 2013-2016” – Policy analysis report and Annexes
- Joint National Action Plan for DRM and CC
- National Disaster Risk Management Act 2007
- Relevant recommendations under the Cook Islands International Disaster Response Law Report
- Better laws and Safer Communities documents and other additional material provided by the IFRC on DRR and law
- Recommendations from the 2013 Joint Pacific Platform for DRM/CC
- Government budgetary purposes and reconstruction policy
- Budget Policy 2015/2016

This work encompasses the following activities:

- Collect, collate, and review documents/plans/reports and legislation related to DRR
- On the basis of the review, identify strengths and weaknesses (gaps) in the legal framework for DRR
- Conduct consultations with representative of community, private sector and across key government sectors to collect their views and inform each on the findings of the review.
- Prepare a report containing legal mapping and recommendations

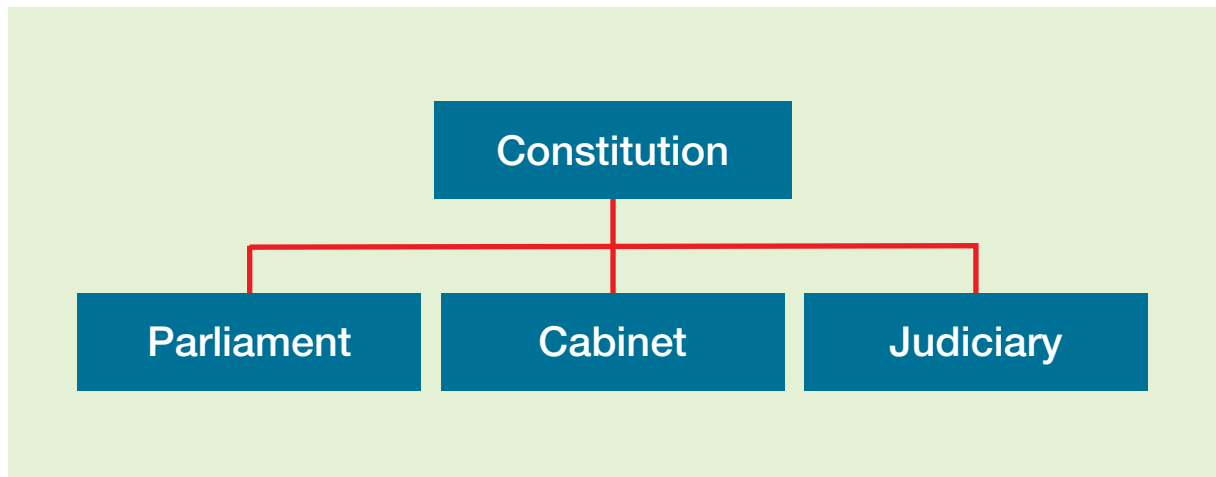
After these three steps were undertaken, the first draft of the report was sent out to relevant stakeholders and IFRC for feedback.

All comments were taken into consideration in the final drafting of this report.

List of main natural hazards and risks in the Cook Islands

Hazard (Source of Risk)	Levels of Risk 2015
Storm Surge/Cyclones	High
Drought	High
Tsunami	High
Flood	High
Earthquake	High
Transport Accident (air, sea & land)	High
Public Health Crisis	High
Other Epidemics/Pandemics	High
Lifeline Failure (power, communications)	High
Fire (structure/bush)	High
Pollution (land and sea)	High
Invasive Species	High
Landslide	High
Building Collapse	Low
Oil Spill (land and sea)	Low
Hazardous Materials Incident	Low
Animal Disease	Low
Terrorist Attack	Low

Governmental & Law-making structure (including hierarchy of laws)



The Cook Islands is a typical Westminster parliamentary democracy, the relationship between the three branches of the state being established by a written constitution which took effect in 1965.

Hierarchy of laws

1. Constitution
2. Act of Parliament (Legislation)
3. Regulations
4. Executive Orders

As in most countries with a written constitution, it is the supreme law of the country. Acts of Parliament must be consistent with the Constitution. Delegated legislation typically takes the form of regulations, but other delegated legislation such as executive orders, guidelines, practice notes etc. are found under some legislation.

1

Do you have a dedicated law for disaster risk management that prioritises risk reduction and is tailored to your country context?

Summary

The DRM Act is a dedicated piece of legislation for disaster risk management. Even though the act sets out structures and procedures for disaster risk reduction it does not clearly prioritise risk reduction.

In general, the act does not reflect important contexts of the country. For example, in terms of the capacity of the country (funds and human resources), the act specifies roles/responsibilities that do not match existing government resources. Furthermore, the geographical reality of all the islands of the Cook Islands means that distance is a major issue and that disaster risk varies from island to island. Resources will be a major deciding factor in any national legislation that is intending to have force across all islands of the Cook Islands.

Relevant laws, regulations and policies

Disaster risk management/emergency management/civil defence law (as applicable)

In the Cook Islands, the only legislation that deals with disaster risk management, emergency management and civil defence matters is the DRM Act and to some extent the Cook Islands Red Cross Act (CIRCS Act).

Specific hazards (such as law on storms and floods, seismic protection/earthquake, fire, drought)

The DRM Act is a generic piece of legislation that establishes structure and broad procedures. It does not single out particular hazards of any sort. Rather, it has procedures that anticipate risk assessments for particular islands will identify the hazards to which each is prone.

Discussion based on the guiding questions

Legislative Background

DRM Policy 2005

In the early years of self-government, the Hurricane Safety Act 1973 gave some DM structure. However after five cyclones in quick succession hit the country in 2005, there was an urgent response in the form of the DRM Policy 2005 (note that no copy is now to be found, so the description below is taken from the DRM Arrangements which seem to be the only document that refer to this Policy).

The DRM policy seems also to have been developed in recognition of the need to implement the key initiatives of the Kalibobo Roadmap aimed at operationalising the Pacific Plan. Under the 2005 policy, the Cook Islands aimed to implement an all-hazards, integrated and whole of government, whole of country approach to DRR and DM as outlined in the Pacific Regional Framework for Action for Building the Resilience of National and Communities to Disaster 2005-2015.

National DRM Act 2007

The legislative response to the policy came with the DRM Act. This repealed the Hurricane Safety Act 1973, which was a very response focused act. The DRM Act, in contrast is a major shift from reactive to proactive disaster management.

By establishing structures and procedures, the aim was to change and focus the mind-set of agencies and communities towards a more proactive, preparedness and risk reduction approach.

The DRM Act has an “all of society approach,” it speaks to government, private sectors, civil society and communities.

The main purpose of the act are:

- Formally establish DRM governance i.e. the NDRM Council¹
- Formally establish EMCI as central agency for DRM²
- define roles and responsibilities in DRM and create committees and sub-committees to carry out these roles. Most of these roles and responsibilities are in DM.
- outline procedures on the development of DRM Plans and sub-plans which require Island DRM committees, essential agencies³ and other agencies⁴ to each develop a DRM plan, aligning to the national DRM plan and sub-plans.
- Outline procedures, roles and responsibilities in disaster management focusing on the response phase.

National DRM Arrangements 2009

Following the passing of this act and the setting up of EMCI, the DRM Arrangements came into effect.

However, the legal status of the DRM Arrangements is rather unclear. The introduction of the DRM Arrangements states –

“The National Disaster Risk Management Arrangements have been designed to reflect the requirements of the National Disaster Risk Management Act of 2007 and provide the framework to support national disaster risk reduction and disaster management planning for the mitigation of, preparedness for, response to and recovery from the impact of hazards that have the potential to become major emergencies or national disasters.

The Arrangements have been designed to complement and support other national planning processes, particularly the National Sustainable Development Plan (2007 – 2010) and the National Action Plan for Disaster Risk Management (2009 – 2015).”

The objective of the DRM Arrangements, as set out in the Arrangements is:

“...to describe the structure and process for disaster risk reduction and disaster management decision making for the Cook Islands and guide the preparation of the plans, procedures and programmes that are necessary to strengthen the resilience of the nation and its communities.”

The DRM Arrangements do not appear to have been passed as regulations or to have any other legislative status. In fact, consultation with relevant stakeholders makes it clear that the Arrangements are something that not many stakeholders are aware of or are working with. As set out above, the DRM Arrangements remain as a guiding document for the DRM Act in the Cook Islands.

1 National Disaster Risk Management Act 2007, section 9

2 Ibid, Section 5

3 Ibid, Section 23

4 Ibid, Section 17

National JNAP for DRM and CCA 2011-2015

More recently, government and consultants worked to develop the JNAP.

The JNAP was developed in recognition of the close relationship between CCA and DRR as well as recognising the small size of our administration where the same people are often involved in both fields.

The JNAP dates back to 2011. It is a detailed and comprehensive document that itself takes an integrated approach to addressing disaster and climate risks. It takes into account similar factors to those now outlined in the C&DCD Policy, and creates tools for monitoring and review that supposedly matched to the capacity of the country. Specifically the JNAP is seen as the roadmap to achieving priority area 5 of the NSDP 2010-2015, at least for DRM and CCA.

The JNAP identifies strategic actions and sub-actions, roles and responsibilities of relevant stakeholders in order to achieve DRM and CCA outcomes. It calls for individual stakeholders to integrate these strategic actions into their policy and budgetary planning.

The JNAP aims at achieving a more coordinated approach to dealing with DRR and CCA.

Again, for the purposes of the Checklist study, it should be noted that the JNAP does not have any sort of legislative status – its implementation is simply a matter of policy.

Climate and Disaster Compatible Development Policy 2013-2016

More recently there has been further refinement of DRR policies. This is found in the C&DCD Policy. This is an integrated climate change, disaster risk management and sustainable development policy.

The Policy Statement suggests a multi-sectoral cross cutting approach to DRR and links it closely to climate change and sustainable development. It aims to:

“Ensure that the sustainable development of the Cook Islands is actively pursued by our people through a climate and disaster resilient approach that has the capacity to manage climate and disaster risk and reduce our emissions in the context of sustainable development.”

The Goal and Objectives of the Policy are specified as:

1. Climate and Disaster resilient development (adaptation and disaster mitigation linked to development)
2. Low carbon development (CC mitigation linked to development)
3. Strengthening the enabling environment for ensuring development that is climate and disaster resilient and reduces the carbon footprint of the CI.

Again, for the purposes of the Checklist it needs to be emphasised that this policy does not have legislative underpinning.

DRR principles and priorities

The relevance of these successive policy documents since 2005 is that they need to be read alongside the DRM Act. When the first DRM Policy was passed in 2005, it set out key principles and priorities guiding the country's approach to DRR. However, those principles and priorities have been under ongoing review and refinement over the past 9 years.

Furthermore, the DRM Act has not been amended to reflect the current policy principles.

This is not to say the DRM Act is totally inconsistent with the latest policy developments. Although the Act itself does not specifically set out the key principles and priorities guiding the country's approach to DRR, the fact that the act requires the development of DRM Plans with a specific component on DRR measures, means that the act could, at a stretch, fit with the current policy framework.

To explain further;

As a guiding document for the act's implementation, the DRM Arrangements set out overarching principles for DRR that could further explain the intention of the Act:

"The aim of disaster risk reduction is to prevent or mitigate the impact of hazards on vulnerable communities and reduce underlying risks to national development created by changing social, economic, environmental conditions."

*"This requires that all national development policies and programmes be subject to the formal risk management process of **risk identification**, **risk analysis** and **risk evaluation**, and that appropriate **risk treatments** be applied to the evaluated risks to ensure that identified risks are either eliminated (prevented) or reduced (mitigated) as far as is practicable."*

In short, because the legal status of the DRM Arrangements is not clear, perhaps it is time to amend the DRM Act to clearly highlight these very important principles of DRR.

Links with legislation and institutions related to climate change adaptation

For now, a very general definition of DRM in the act can be seen as being capable of including CCA activities. According to the act:

"DRM means performing and undertaking all activities including structural and non-structural measures to avoid or to limit risks and lessen the impacts or natural, man-made, environment or technological Disasters or Emergencies"⁵

It remains, however, detached from other legislation that relates to CCA like the Environment Act 2003. Climate Change Cook Islands (CCCI) is a separate ad hoc body that is not mentioned in the act.

In terms of whether the DRM Act addresses the major disaster risk faced by this country which is cyclone and other weather related disaster, the short answer to that is yes.

The institutional arrangements outlined by the DRM Act, address the need for structure and procedures in a response to a cyclone⁶ or drought.

Links with key sectoral laws

Despite its whole of society approach, the DRM Act does not establish close links with other legislative arrangements. Two acts are mentioned in the DRM Act:

1. MFEM Act 1995-96 (and the CI Financial Policies and Procedures Manual)
2. Crimes Act 1969 (in the very limited context of post-disaster looting).

⁵ National Disaster Risk Management Act 2007, section 3

⁶ Under the DRM Arrangements, tropical cyclones are also identified as the most frequent disaster in the country.

However these appear in very narrow contexts. This study finds it significant that the DRM Act does not cross-reference and integrate with a range of legislation that might help it work in a truly cross cutting way. For example:

- Pa Enua Island Government Act 2013
- Police Act 1981
- Environment Act 2003
- Public Service Commission Act 1995-96
- MFEM Act 1995-96 (in the broader sense of allocating resources and setting priorities in managing Crown fiscal risk in this area)
- CIRC Act 2002

Ways to measure success and implementations

The DRM Act puts procedures in place that could be used to measure success and implementation. Specifically, the act outlines an audit process for the development and implementation of Islands DRM plans as well as essential services and other agencies DRM Plans. The Director of EMCI is responsible for the auditing of all plans under the act.⁷

This audit process aims to ensure that each plan is sufficient for its purpose. Should a plan be determined to be inadequate, then the Director must make recommendations to remedy the inadequacy to the entity concerned and to the NDRM Council.⁸ The Council may order a variation of the plan upon the Director's recommendation.⁹ The auditing of essential services' DRM plans is to ensure continuity so that an essential service can continue to provide an effective service to the community before and after an event.¹⁰

As discussed below, one weakness of the act is its enforcement. There are processes and procedures in place which could be used to measure success of the implementation of the act. If enforcement of the act is not strengthened, these measures will not be as useful as they should be.

As mentioned above, the NDRM Council is the governing body for DRM. If it was active and operational, its governing role would help measure the success and of the implementation of the act.

For instance the NDRM Council is required by the act to prepare an annual DRM report (with the help of EMCI) to be presented to Cabinet by the Minister on the implementation of the National DRM Plan.¹¹

Implementation

The DRM Act has been successful in several aspects. The most effective features of the DRM Act are:

1. Formal establishment of a central agency for DRM, which is the EMCI. EMCI has no doubt focussed the mind of government and society on disaster management (preparedness, response and recovery)

7 National Disaster Risk Management Act 2007, Section 18(1)

8 Ibid, Section 18(2)

9 Ibid, Section 18(3)

10 Ibid, Section 6(10)

11 Ibid, Section 9(k)

2. The development of DRM Plans for outer islands. Just last year, the EMCI finally secured some funding that enables it to review and facilitate the development of each of the outer island's DRM Plans.

The major challenges to implementation.

1. Roles and responsibilities under the act are only implemented if funding and resources are available, which leads to a patchy uptake and implementation of the Act. For example, EMCI's capacity to implement roles and functions under the act is assumed, without legislative requirements to build that capacity. The review found EMCI too under-resourced to be able to effectively deliver on these requirements.
2. This of course leads to lack of enforcement. Stakeholder consultations showed that the little attention has been given to their obligation under the act to develop DRM plans. The recent experience in disaster response (Cyclone Pat response) points to the fact that processes and procedures imposed by the act were not followed, and committees and sub-committees were not properly established. This also reflects the lack of monitoring and review of roles under the Act.
3. The operationalisation of the act. i.e. the connection between the DRM Act and the DRM plans could be strengthened. The act "stands alone" in a way that does not reflect best practice or make connections with safety legislation and recent developed aspects of DRR in the Cook Islands. For instance, it does not reflect the JNAP or explain its possible interrelationship with such plans in any way. This might be an issue that regulations could fix or bridge the gap.
4. The DRM Act and DRM Arrangements are not well disseminated. It was clear from consultations that many stakeholders were not even aware of the DRM Act. As the act has an "all of government" and "all of society" approach, it should be owned and driven by all stakeholders, from the top, right down to community level.
5. The DRM Arrangements need review in order to update the institutional arrangements according to lessons learnt from the recent disaster response during Cyclone Pat in Aitutaki.
6. The act does not take into account the recent development in DRM policy and it does not make reference to CC. The Cook Islands now has a national policy that integrates DRM and CC. Naturally the DRM Act should then make some reference to this integration and overlap in the frameworks.

What are the most pressing issues to address (if any)?

In summary, the following issues need to be addressed in order to gain more momentum in the implementation of the DRM Act and also to prioritise DRR;

1. More disaster risk reduction focus. DRR principles set out in policies need to be highlighted in the DRM Act and to bring DRR to a priority level.
2. Resources - more resources are needed to be able to successfully implement roles and responsibilities under the DRM Act.
3. Levels of awareness of the DRM Act. To be able to have a "whole of government, whole of society approach" the level of awareness of the DRM Act needs to be at a level where stakeholders understand and appreciate their roles and responsibilities under the act. There needs to be buy-in from government to communities.
4. A formal and practical process to monitor and review the obligations under the DRM Act.
5. Linkages need to be made in the act, between related legislation and institutions in particular climate change adaptation.
6. Last but not least, there must be a strong political will by the government to make DRR a priority action.

2

Do your laws establish clear roles and responsibilities related to risk reduction for all relevant institutions from national to local level?

Summary

The DRM Act is the only law in the Cook Islands that explicitly mentions DRR. The DRM Act establishes roles and responsibilities for risk reduction, this is supplemented by the DRM Arrangements, JNAP and recent C&CDC Policy (all non-binding). The act does speak to a broad range of institutions from a national to local level. However due to the limited resources available and the non-binding nature of the complementary instruments, the DRM Act has not, so far, delivered significant results in the area of DRR.

Relevant laws and regulations on:

Disaster risk management/emergency management/civil defence at the national, provincial and local levels (as appropriate)

The DRM Act is, for now, the only legislation that speaks to DRR and allocates roles and responsibilities for risk reduction.

Local government and decentralisation

Applicable legislation (discussed below under Question 5) does not, except in the most general way, address DRR. The DRM Act addresses the need to recognise an island-specific approach that reflects the realities of widely spread islands.

Specific hazards (such as law on floods, earthquake, fire, drought)

Specific hazards are not a feature of the DRM Act. Resources and policies are built around the historical vulnerability of the Cook Islands to cyclones and associated winds and storm surges.

Discussion

National DRM Act 2007

In terms of DRR, the DRM Act outlines the main roles and responsibilities of the following body, agencies and positions:

- NDRMC¹²
- Advisory Committee¹³
- EMCI¹⁴
- Director for EMCI¹⁵

12 National Disaster Risk Management Act 2007, section 9

13 Ibid, section 10

14 National Disaster Risk Management Act 2007, section 5

15 Ibid, section 6

- Essential Services¹⁶ and other agencies¹⁷
- Disaster Risk Management Committee¹⁸
- Island Councils ¹⁹
- Disaster Coordinator²⁰

However, the specifics of these roles and responsibilities are outlined in the DRM Arrangements and (theoretically) in various agencies' DRM Plans.

National DRM Council

The NDRM Council is responsible for governance in terms of DRM including DRR. It is a national inter-ministerial/multi-sectoral committee with a clear mandate. The council consists of eight members²¹ –

- (a) the Prime Minister, or his or her delegate, who will act as the Chair;
- (b) the Financial Secretary;
- (c) the Police Commissioner;
- (d) the Director (of EMCI);
- (e) the Public Service Commissioner;
- (f) the Chief Executive Officer of Office of the Minister of Island Administration; and
- (g) the Secretary of Ministry of Works; and
- (h) the Director of the Meteorological Services.

However, with the council's emphasis on specific "events", the mandate for more general DRR measures is unclear. The membership also reflects that this a body set up to coordinate and mobilise in a disaster response context. It is not a body that meets regularly to advance disaster risk reduction policy in any cross-cutting way.

This study finds that the council has not, in practice, met frequently enough to be effective (i.e. not just in the aftermath of a disaster)

Theoretically, ordinary meetings of the NDRM Council are to take place every 3 months²² with emergency meetings to be convened by either the Prime Minister or the Director of EMCI.²³ As it has a general role of approving DRM Plans, if it did meet regularly it could certainly make a difference in this area if strengthened. In short, a very general mandate to approve DRM Plans has been given to a not so active body.

From this uncertainty at the top, the issue becomes even less clear working down. Institutions from national to local level are not consistently assigned the necessary authority and resources to carry out

16 Ibid, section 23

17 Ibid, section 17

18 Ibid, section 15

19 Ibid, section 15

20 Ibid, section 15(4)

21 Ibid, section 9(2)

22 Ibid, Section 9(4)

23 Ibid, Section 9(5)

their mandates and responsibilities in the area of DRR. Therefore institutional arrangement for DRR under the DRM Act are currently insufficient.

Emergency Management Cook Islands

One strength of the DRM Act is that for the first time, it recognised that while the country's police have a real role when disaster strikes, disaster risk reduction and disaster management require a specialist approach. The DRM Act mandates EMCI as a national focal point agency for disaster risk reduction.

Less clear is whether it has sufficient institutional authority to exercise effective leadership. On paper it does, but resourcing and spending priority issues have weakened what could otherwise be a strong structure.

EMCI has the following mandates in terms of DRR²⁴:

1. Facilitate, coordinate and assist all agencies in the development of their Disaster Risk Management Plan, which should:
 - a. have disaster risk reduction strategies and measures
 - b. identify resources available for use for disaster risk reduction and emergency management
 - c. specify how such resources are to be used:
2. Assist essential services in developing their disaster risk response plans.

The problem is that there is no allocation or resources allocated to EMCI to accompany this DRR mandate. This means that while EMCI has authority to facilitate, coordinate and assist, at the end of the day, if there are no resources available to carry out EMCI's role, then the authority given by the DRM Act does not carry much weight.

The DRM Act also gives the director of EMCI the power to issue a written request to any person, government agency or essential service to provide any assistance and information that the director reasonably requires to perform his functions and such assistance and information shall not be unreasonably withheld²⁵. This request must be responded to in writing within a month from the date of service of that request²⁶.

One of the functions of EMCI is to coordinate the development of an emergency management database to include information on, but not limited to hazard maps, vulnerability assessment reports and resulting maps, training information, exercise reports, disaster management resources and emergency contact details²⁷. The Director of EMCI can use his power under section 7 to gather this information.

Essential Services and other agencies

The DRM Act mandates each agency to plan for DRR relating to that agency's area of concern, but falls short in allocating resources to back up the limited legal authority in these areas. Under the DRM Act, each island²⁸ and key agencies and essential services²⁹ should have a DRM Plan, with provisions for

24 National Disaster Risk Management Act 2007 , section 2

25 Ibid, section 7(3)

26 Ibid, section 7(4)

27 Ibid, section 5(2)(n)

28 National Disaster Risk Management Act 2007, Section 15

29 Ibid, section 17

audit of those plans³⁰. The Act assumes plans will have DRR measures, identify resources and outline how these resources are to be used. Under each DRM Plan there should be a clear outline of roles and responsibilities. This study finds that, in practical terms, a lack of resources means that uptake of DRM Plans has been patchy and most emphasis has been placed narrowly on cyclone risk and preparation.

Individual islands and their councils have a real stake in being ready for cyclones, so uptake at that level is reasonably good, given resource limitations. Essential services, too, are prepared in the sense of anticipating the worst and measuring their readiness against that. Some other government agencies have not seen disaster risk reduction or plans as a priority.

The DRM Act seems to suggest that each agency is only required to “identify available resources” which suggests that if there are no available resources, there will be no action. This seems to have been the manner in which the DRM Act seems to have been interpreted and applied.

In consultation with stakeholders, most pointed to the lack of resources to carry out DRR activities, so there is a real struggle to identify resources for risk reduction. Most stakeholders have to seek extra resources outside of government for their activities. Stakeholders who are not resourced to take up roles and responsibilities in disaster risk reduction are dragging back progress. Without these resources, buy-in is difficult and without buy-in, EMCI will struggle to lead the work on DRR. The DRM Act requires all of government/all of society cooperation. Because it is to be enforced right across society, it needs a strong enforcement mechanism that is appropriately resourced.

As mentioned above, the key agency in the structure - the NDRMC – has been inactive for some time, which makes it even more difficult to monitor the enforcement of the act.

Again, this leads to the observation that the DRM Act “stands alone” with no real link to other legislation, which may reflect its primary DM focus. DRR is of course a cross-cutting issue, but the fact that it applies throughout different areas of law is not reflected in the DRM Act.

The DRM Act is clear that it is the island council or agency in question who has the primary responsibility for the development of the DRM Plan. EMCI is only a coordinating and facilitating body and also has the roles of auditing those plans. In practice however, the only form of legal measure that relates to DRR is in terms of the content of the DRM Plan.

Also, the DRM Act does not specify the link between the sector plan and the DRM plan, nor does it shed light on the interplay of the various agency DRM plans and the Islands DRM plans. As previously noted, there is also no link with other legislation in this regard.

Coordination would therefore be a real issue if, in fact, there were a large number of well-developed plans. The DRM Act does not identify the level of coordination between agencies, and different level of the society, in terms of the DRM Plan, so much is left for EMCI in its facilitation and audit functions. Theoretically, it could step up to these challenges however with its present resources it is simply unable to do that.

30 Ibid, section 18

Implementation

The major challenges to implementation.

Lack of resources

Not surprisingly, stakeholder feedback confirms that resourcing issues and lack of clear DRR focus in the DRM Act, have limited its effectiveness in the area of DRR.

Lack of proper awareness

Generally there is still a lack of awareness within government of the roles and responsibilities under the DRM Act. This in turn, has led to DRR initiatives not having been successfully translated into the planning and budgetary process.

In terms of NGOs, civil society and Auxiliary Organisations, with the exception of a few organisations including the CI Red Cross, these agencies do not observe their obligations under the DRM Act. This defeats the purpose of the DRM Act's chosen "all of society approach" to DRM.

Lack of motivation

In a number of other cases, , there seems to be a lack of motivation to carry out initiatives on DRR that relate to an agency's area of work. This was true from stakeholder consultations, where DRR is not a main driver of their core functions.

Sometimes the issue is one of stakeholder leadership, affecting attitudes with regard to implementation of roles and responsibilities

Lack of capacity

The lack of resources, both human and funding are identified as reasons for lack of cooperation from agencies. There is no link between the DRM Act and the budgetary process which will guarantee actions of given roles and responsibilities under the DRM Act. Lack of time to respond to coordination efforts from EMCI is also an issue. Agencies feel they do not have the time to spend on DRR, which leads to a collapse in coordination between them and EMCI.

Conflicting priorities

During the consultation, it was clear that some agencies do not have DRR in their top priority list in their area of work. The effectiveness of the institutional arrangements will heavily depend on how each agency prioritises DRR. The DRM Act can identify DRR as priority but if agencies do not see it as such then implementation will be a problem.

Lack of effective leadership

As discussed elsewhere in this study, one of the weaknesses of the implementation of the various institutional instruments (the DRM Arrangements, JNAP and C&DCD Policy), is that these non-binding policy documents depend on the motivation and interest of leadership in each ministry to carry out roles and responsibilities. It is clear that leaders and champions are needed in this area. DRR has not enjoyed this leadership support and underpinning in this country.

What are the most pressing issues to address (if any)?

1. Awareness raising
2. Resource allocation
3. Audit of Essential service's DRM Plans

"A resilient Cook Islands is what we're looking forward to. Prevention is priority. This must be followed up, we need to include grassroots, communities etc. – these are important issues that need to be taken in the minds of people. The laws are important but need to be filtered down, who is responsible for this and that? – these linkages need to be formed so that when the time comes, people know who to link up with, from top to bottom, everyone knows their roles. I am very supportive of the Acts to be reviewed – but should be a whole of community approach."

John Henry, Community leader, Avatiu

3

Do your relevant sectoral laws include provisions to increase safety and reduce vulnerability?

Environment Management and Protection

The Environment Act 2003 is a broad reaching act that has as its aim “to provide for the protection, conservation and management of the environment in a sustainable manner”.

At the time it was passed, DRR was not on the radar in the Cook Islands. Although the act has a very wide definition of “environment”, its regulation is aimed at providing protection to the environment from a range of man – made hazards and activities.

Interestingly, uncontrolled foreshore development was one of the pressures that led to environmental legislation in this country. However, the concern was not whether people should be allowed to develop the foreshore, due to the risks and vulnerabilities posed by cyclones, rising sea levels etc. Instead, it accepted that if people chose to build on the foreshore they would need to be protected in some way from the sea. Attention was thus focused on the damage that their particular, chosen, sea wall, revetment, or reclamation might cause to the environment generally.

Under Part Five of the Act there is a requirement for environment impact assessment (EIA). The opening section sets out the trigger for an EIA:

“no person shall undertake any activity which causes or is likely to cause significant environmental impacts except in accordance with a project permit issued under this section.”

Subsection (3) of this section sets out the details that are required in an EIA. These relate to ways in which the project may damage the environment or deplete resources, they do not address vulnerability or disaster risk reduction issues.

The legislation has not been amended in the past 12 years. However, with climate change and DRR now part of the landscape for environment, more recent EIA guidance covers issues of vulnerability and hazard mitigation arising from climate change.

Environmental laws in the Cook Islands do not address natural hazards and the safety of people, their property and livelihoods. As noted above, the focus is on the damage that people can cause the environment, rather than the other way around. The definition of “environment” is broad enough to require, in the case of a dangerous activity, the safety of people, their property and livelihoods. However, the Environment Act, is not concerned with naturally occurring hazards and reducing vulnerability to those. Rather, it requires an EIA to consider the hazard posed by a man-made activity that may require measures to reduce vulnerability.

The Environment Act does not promote the use of eco—system approaches to disaster risk reduction. However, having said that, it is often the case that impacts to the environments are minimised by approaches that have the incidental effect of reducing disaster risk. For instance, the environment services promotes the use of optimally sloped beaches, rather than seawalls for protection. This has the practical effect of forcing people either to move their proposed dwellings further inland or to raise them above the sea level. Similarly, while using EIA to protect steep slopes from erosion, by insisting

on proper drainage and retaining walls etc., it could be argued that the risk of landslide is reduced. However, these vulnerability reduction and effects are incidental to the act's main purpose, which is to protect the environment from people rather than people from the environment and the effects of climate change.

As a general comment the Environment Act needs comprehensive review and the Commonwealth Secretariat has offered assistance to the Cook Islands Government for a comprehensive review and rewrite. This would be an unique opportunity to integrate climate change and DRR into the drafting of the Act.

Water Management

There are very few water resource management laws in Cook Islands. The Rarotonga Waterwork Ordinance 1960 is aimed simply at making piped water available to households. It contains no provisions that address floods and only one very limited provision to restrict water use in droughts.

The geography of all islands means that it is only Rarotonga that has significant risk of floods. The Environment Act places special conservation value on wetlands but their protection is seen mainly as protecting biodiversity and cultural use of wetlands for food raising. Flood management is not a big part of that role.

Over many years, areas prone to flooding have been addressed by government with improved drainage, stream widening and cleaning etc. However, even today, there are no laws that have the practical effect of lowering the risk of floods. It is well known that stream beds need to be cleaned and foliage cut clear to avoid obstructions during times of flood. This work continues to be undertaken on a voluntary basis through encouragement rather than compulsion.

Droughts have been a feature of many islands of the Cook Islands over the years. The Northern Group islands are close to the equator and rainfall can be unreliable. The islands of the Southern group are less prone to drought and numbers of them have access to groundwater. In Rarotonga a considerable groundwater reserve has never been tapped, with the island relying on water catchment areas. Again, people are encouraged to use water wisely and although there are provisions³¹ in the Rarotonga Water Ordinance that make it an offence to waste water, government does not enforce those provisions. Currently, with a large upgrade of water pipes, there is public debate about introducing water charges. One argument in support of charges is to bring more responsible usage patterns, which in turn will reduce vulnerability to drought. In recent years, there has been a government initiative to provide subsidies for people who wish to install water tanks and pumps at their house. This acts as a water storage system for the island which could reduce vulnerability to drought. This remains a matter of policy rather than law.

Land Management

There is a Land Use Act 1969 in the Cook Islands but it is for the purpose of zoning. The nature of zoning is primarily for the purpose of public recreation and enjoyment, residential, industrial, commercial, and agricultural and for public works including roads. On considering applications for zoning the Land Use Board must take several factors³² into consideration. Disaster risk however is not one of the factors that the Board must take into consideration. This Act has, never been enforced.

31 Rarotonga Waterworks Ordinance 1960, section 7

32 Land Use Act 1969, section 13

There are no forest or land management laws that address the risk of forest fires. It is not unusual during periods of dry weather for fern land to be burnt off. On the island of Mangaia some years ago there was a major forest fire involving pine plantations and there are now laws enforced against these type of fires.

There is a draft Land Use Policy from 2008³³ which aimed at complementing the Environment Act 2003 but the status of this draft policy is unclear and has never been implemented.

Building Control and Standards 1991

This legislation is over 20 years old, predating current concerns with regard to DRR and climate change. It was brought into force just four years after Cyclone Sally hit the island of Rarotonga in 1987, and it established a National Building Code that reflects the need to design and build houses that will withstand high temperature, high humidity, a corrosive environment and, most importantly, that can withstand the wind speed likely to be encountered in cyclone conditions. Experience of cyclones suggest the act is most strictly enforced on Rarotonga, serious damage to buildings in the outer islands is a periodic reminder of the need to ensure these standards are followed everywhere. In the outer islands, there are no personnel to enforce this act.

The Environment Act allows for the courts to order remediation if a development takes place without a project permit (that is issued after an EIA). However, it is very rare for that to be enforced. Similarly, the Building Act contains a section to allow for forced demolition of buildings erected without a permit. Again, it is very unusual for this power to be exercised. In a small community like the Cook Islands, officials are understandably reluctant to enforce these measures except in extreme cases.

Informal settlements are not a feature of the Cook Islands. In the 1970s, there were a range of informal settlements as outer islanders moved to Rarotonga. In the last 40 years, though, almost all outer islanders have taken title (usually leases) over the land they occupied and houses, generally, are safe. There are no laws that deal directly with this.

There is currently no legislation in the Cook Islands on climate change.

Implementation

Major challenges to implementation

1. The lack of legal backing for DRR in sectoral legislation mentioned above.
2. A general issue in implementation of legislation in the Cook Islands is the lack of resources.

“There are plans, policies and so on – but no laws, nothing legally binding, that has teeth to make people do what they need to”

Pat Farr, Cook Islands
Disability Council

What are the most pressing issues to address (if any)?

1. Find opportunities for reviewing this legislation and advocate with relevant sectors on the need to include DRR in their legislation.
2. This will need strong and coherent policy in central government, strong political will and resources.
3. Issues on drought and floods should be addressed in DRM regulations.

“The Checklist ensures there’s a clear procedure. Issue for us is ensuring Public Health Act is up to date and reflects the requirements on the DRR checklist. There are clear linkages”

Dr. Henry Tikaka,
Ministry of Health

³³ http://www.agriculture.gov.ck/contents/2015/Policy_Planning_Projects/Cook_Islands%20National%20Land-Use%20Policy.pdf

4

Do your laws ensure that sufficient resources are budgeted for disaster risk reduction?

Summary

While the relevant law in the Cook Islands recognises the need to identify necessary resources and resource shortfalls, it does not directly mandate the allocation of sufficient resources for disaster risk reduction.

Due to a lack of resources to properly administer and enforce relevant legislation, the terms of DRM legislation, that could be used to ensure that sufficient resources are budgeted for disaster risk reduction, are not operative at present.

Relevant laws and regulations on:

Disaster risk management/emergency response/civil defence

Under existing Cook Islands law, the answer to this question is found in the interplay between national budgetary policies and processes and current legislative provisions under the DRM Act. These are considered below.

Local government

Theoretically, legal mechanisms are in place to make sure sufficient resources are budgeted for disaster risk reduction. However, the current state of national budgetary policies and processes makes this difficult.

Development planning

Currently there are no laws that govern development planning in the Cook Islands and this continues to be a matter of policies and processes. In the area of the environment (in the limited sense that expression is used in Cook Islands environmental legislation) there is some scope for disaster risk reduction.

National budgetary policies and processes

As a result of a game – changing financial crisis 20 years ago, the Cook Islands has robust, multi-sectoral, financial management laws, as illustrated in the MFEM Act and in statutory instruments under this act. This is evidenced by Section 23(2) which is discussed in greater detail below. The MFEM legislation predates the DM Act and any discussions, even at a policy level, of DRR. For this reason, neither the MFEM Act nor any of its subsidiary legislation or statutory instruments addresses disaster risk reduction in any way.

In a small country with very limited resources, this is a major shortcoming. This is perhaps one of the main reasons insufficient resources are budgeted for disaster risk reduction in this country.

Insurance

The country has insurance legislation, which is primarily a consumer protection and regulatory statute. It does not address disaster risk reduction in any way.

However, the government has signed up for the Pacific Catastrophe Risk Insurance Scheme. This insurance scheme aims to provide a rapid injection of funds in the event of a major disaster, to help governments manage the immediate costs of recovery. It is part of a Pacific Disaster Risk Financing and Insurance Program which goal is to increase the financial resilience of Pacific island countries against natural disasters by improving their capacity to meet post-disaster funding needs.

Taxation

The country's taxation laws do not address DRR in any way. Taxes and customs duties and levies have been used to achieve social policy aims, such as discouraging smoking, the importation of old vehicles. There are no preferential or punitive taxes specifically aimed at DRR measures.

Investment

Investment, as such, is not the subject of laws or regulations, except in the limited area of foreign investment. Under the Development Investment Act 1995-96 a range of criteria are used to decide whether a foreign enterprise should be allowed to carry out business in the Cook Islands. However, beyond some consideration of whether large projects might compete for finite resources such as water or power, the Board that administers this act is focused largely on economic cost/benefit considerations.

Private sector

The private sector is largely unregulated in issues that relate to DRR. In some limited areas such as environmental and public health legislation, there are some provisions in particular, which are designed to protect the environment, rather than reducing vulnerability and building resilience. They do, nevertheless, have that incidental effect.

Discussion

On paper at least, the DRM Act should operate to make sure sufficient resources are budgeted for DRR.

Resourcing of Island DRM Plans

Under the DRM Act³⁴, each island should have a DRM Plan that:

- specifies mitigation strategies
- identifies resources available for use for DRR and Emergency Management
- specifies how such resources are to be used.

It should be noted that due to a drafting shortcoming, there is some doubt as to how this provision applies to Rarotonga, the largest island and most populous in the country. The provision refers to "Island Councils." Rarotonga has not had an Island Council for many decades.

The DRM Act speaks clearly to the other islands in the country. Its terms have the effect of decentralising responsibility for developing and implementing a DRM Plan unique and suited to the vulnerabilities and resources of each island.

The DRM Act puts the responsibility for this work on each individual Island Council. Since 2000 there have been a number of "devolution" initiatives, designed to give islands a greater say in island governments and management of their finances. Most recently, the Pa Enua Local Government Act

2013 gave full effect to previous policies relating to devolution. The objectives of this act are as follows:

Objects – The objects of this Act are –

- (e) to enable Pa Enua Local Governments and their island communities to decide on how best to promote the social, economic, cultural and environmental well-being of the respective islands.*

Although the act does not specifically reference either DM or DRR, it requires and empowers Island Councils to reduce vulnerability and build resilience under the general object of promoting the social, economic, cultural and environmental well-being of each island.

Difficulty remains however with the chronic lack of resources and the absence of any DRM priority in the present outer islands resourcing model.

In this respect, current financial management policies and processes are relevant. Annex 2 of this report contains a copy of the relevant part of the current budget for the country. Chapter 14 of Budget 2015/16 outlines central government spending in the Pa Enua. A careful reading of Pa Enua Funding Model shows this is a calculation used to identify the minimum level of funding required to provide a basic level of public services on an outer islands. It seems this model will also allocate additional funding for “local economic development efforts”.

The budget in a transparent way sets out the criteria used to make up the Pa Enua Funding Model. Unfortunately there is no allocation, or even recognition, of either DM or DRR cost and resourcing issues.

If the Pa Enua Funding Model did address these issues, it could work well. It is designed to tailor funding to the particular needs of an Island. In the Cook Islands, island vulnerabilities, hazards, and risk do vary so this tool could be used to tailor individual resourcing needs.

The SRIC project is a Climate Change Adaptation project for the outer islands, which supports Island Councils in developing their DRM Plan under the DRM Act. This is a one-off project, and on conclusion of this project is not clear how the Island Councils will meet this obligation under the DRM Act will need to be sorted out. Attention is drawn to the fact that there is no recognition of EMCI having any role or responsibility for funding outer islands in any way, or providing services of any sort.

This should be contrasted with the function of EMCI under the DRM act:

(2) The functions of Emergency Management Cook Islands are to –

- (b) facilitate implementation of the Disaster Risk Management Plan including providing necessary guidelines for the development of the Disaster Risk Management Plans for the Outer Islands and other plans required under this Act;*

This highlights a more general resourcing shortcoming as it relates to DRR in the Cook Islands.

Resourcing EMCI

Consultation with EMCI shows it does not have adequate, sustainable, funding to conduct its core DRM functions. A good example of this is found in terms of Essential Services DRM Plan³⁵. The Director of EMCI must audit each Essential Service DRM Plan to ensure each has the ability to implement the DRM

Plan relating to their area and operations³⁶. The act also directs EMCI to pass on, recommendations from this audit to the NDRM Council. For a long time, EMCI was not able to perform this duty due to shortage of personnel in the office to carry out the work needed. It was only recently that through the SRIC project, EMCI has been able to employ someone to conduct reviews and audit islands' DRM Plans. Unless there is a sustainable resources available to EMCI, this role will be neglected when current funding runs out.

However, even when there is funding to make this happen, the DRM Act falls short in specifying what the NDRM Council could do with these recommendations, apart from reporting to Cabinet.

This study speculates whether the inactivity of the NDRM Council has resulted in DRM and DRR issues are not being passed on to Cabinet. Possibly it is this reason, why such important issues are not receiving attention in budgetary processes.

Generally speaking, EMCI is under resourced. Its business plan and budget for 2015/2016 are only for personnel and admin. All DRR initiatives are financed through donor funds which EMCI has to apply for.

The explanation for this is probably found in the history of this legislation. In 2005, the country experienced five cyclones in quick succession. That focused policy, very quickly, and within two years the DRM Act was passed. However, the speed with which policy was identified and legislation passed reflected the DM focus of this legislation. Over the past eight years EMCI has been strongly associated with DM in the minds of the public and Government. It would be fair to say, though, that it is largely seen as an agency concerned with cyclone preparation and cyclone response.

In a country of limited resources, EMCI has successfully received funding only for this perceived core area of activity. This is one of the main reasons DRR issues have not been pushed forward by EMCI.

Interplay between DRR and CC

Historically, climate change issues were seen as being the responsibility of the NES under the Environment Act 2003. With rising interest in this issue over recent years, the current Prime Minister took that responsibility from NES and established an ad hoc Climate Change Unit called Climate Change Cook Islands (CCCI) within the Office of the Prime Minister.

In 2012 the Pacific Islands Forum endorsed a regional policy to integrate the regional frameworks for climate change and disaster risk management. The Cook Islands Government has embraced this initiative in-country by developing the Climate and Disaster Compatible Development Policy for 2013-2016. Under this policy, there is a drive to integrate activities on disaster risk reduction, climate change and sustainable development.

A key part of the policy is to establish an “enabling environment” for the interplay of these three components of the policy. One of its strategic objectives is to ensure continuous climate and disaster financing from government as well as new and additional funding from partners that is effectively coordinated and arranged using local systems in addressing financial risks associated with immediate and slow onset events. This development suggests that resourcing issues for DRR may ease over the coming years.

³⁵ National Disaster Risk Management Act 2002, section 6(9)(a)

³⁶ Ibid, section 6(9)(b)

Government Ministries and Budgetary process

Presently the C&CDC policy has not taken full effect, and, consultation with government ministries suggests that there is a long way to go before this can happen.

Line ministries generally do not receive resources from Government to fund DRR initiatives. In fact, most ministries find their statutory obligations difficult to fulfil due to lack of crown resources.

As a result most ministries do not have DRR as a priority or as one of the criteria for decision making in spending. As noted earlier, institutions that are tasked with DRR activities in the JNAP have to look for outside funding for this.

Past consultation that's found that government has historically preferred to be reactive to disaster rather than proactive on DRR. The country's Financial Secretary has openly acknowledged that there is not enough money to go around. For this reason DRR criteria will have to be highlighted and be part of the priorities of government to be able to receive budgeting priorities.

Past consultation with the Public Service Commissioner also confirms that first priority in each Ministry's business plan is their core functions and, for this reason, not all legal obligations of all ministries are being resourced by Government through its business plan and budget.

It is interesting to look more closely at national budgetary policies and processes, taking account of the 2015/2016 Budget.

First, it should be noted that the Budget Statement did in fact highlight DM as a priority area – which was reflected in the allocation of \$50,000 for the Natural Disaster Response Fund.

Second, it at least “talks the talk” on DRR. The Budget Statement outlines four strategic priorities. Under Priority 4: “Putting in place the means to progress our priorities”; in making sure the country progress on the path of sustainable development, the budget aims to “*maintain our efforts to build the resilience of our communities to hazards and the slow onset effects of climate change*”.

However, that statement is linked to a number of items that are aimed more generally at improving service delivery to the community, such as increases in budget for education, social impact funds, civil engineering support, new medical position to Ministry of Health, provision for outer islands shipping, etc.

Moving forward, perhaps this reflects that the government, is starting to realise that DRR/CC issues are cross-cutting and multi sectoral. In the coming years, perhaps the government could be persuaded that the strongest “stick” that controls financial management in this country, needs to be addressed through a DRR perspective.

That stick is found in Part III of the MFEM Act which is concerned with “Fiscal Responsibility”. This is home to section 23(2) which requires every part of government, in every financial decision it makes to *manage prudently the fiscal risks facing the Crown*.

As climate change rises higher in governments consciousness it will become easier to persuade Ministers and officials that the Crown breaches its own legislation by failing to “prudently manage” the “fiscal risks” that will face Government unless it deals, in a pro – active way with the challenges that are opposed by the greater frequency and intensity of cyclones. These are the most frequent

disaster events in this country, and there are easy arguments to be made for the proposition that Government prudently manages its fiscal risks best, by building resilience and reducing vulnerability for itself and, also, requiring others to do likewise – for when disaster strikes the burden and cost falls on the Government to assist its people.

For now, policy initiatives are inconsistent in their approach. This is illustrated by the examples below

First, although DRR is mentioned in the Government's current Budget statement, no specific funds are earmarked for DRR in the current Budget.

Secondly, the government heavily depends on donor funds for DRR activities– e.g. the SRIC project has been funding several activities in the JNAP which is, in this country, the strategic plan of action for DRR and CCA.

Thirdly, government obviously recognises that bad things can happen – it has taken insurance in the Pacific Catastrophe Risk Insurance Scheme – and continues to put money aside for disaster response.

In conclusion, the law in the Cook Islands has been applied to allow resourcing to be reactive to disaster rather than proactive, and although there are some areas in which the law might be used to change that approach, those are scattered and obscure.

Implementation

Major challenges to implementation

1. Lack of linkage between plans, policies and the DRM Act with the budgetary process.
2. General challenge is the lack of resources available for DRR across government and communities.

What are the most pressing issues to address (if any)?

1. Amend DRM Act to provide for resources and link DRR to the budgetary process .
2. Establish specialist skills in-country to develop proposals for DRR initiatives. Although there are ample donors funds, there are not being well tapped into.

"We've got to make the laws important, there's a huge gap between policy and the resources needed to implement legislation. At the end of the day we're talking about the dollars to implement law. We have good intentions, but we're reactive and most Pacific nations are in the same boat. To draw up legislation is costly, you need a specialist to come in otherwise you might not get it right. It's time consuming to pass laws"

Susan Lenanda, Secretary, Bridge Builder

5

Do your laws establish clear procedures and responsibilities for risk assessments and ensure risk information is considered in development processes?

Summary

Clear procedures and responsibilities for risk assessments are set out in only a very limited range of circumstances, and there remains a disconnect between the collection of risk information and its use in development processes.

Relevant laws and regulations on:

Disaster risk management/emergency response/civil defence

There are clear procedures and responsibilities for risk assessments under the DRM Act. However, these are disconnected from any process to make sure risk information is considered in development processes; this will be discussed in greater detail below.

Land use planning

All privately owned freehold land in the country is held by Cook Islanders under very restrictive terms that make land use legislation largely impractical. A Land Use Act was passed as long ago as 1969, but was found to be unworkable for this reason. In the absence of comprehensive land reform, it is unlikely that land use planning will become a feature of Cook Islands law and practice.

Building and construction

Since self-government 50 years ago, the Cook Islands has been struck on many occasions by cyclones. In 1987 Cyclone Sally struck Rarotonga, causing serious damage. Following that extreme event, building controls and oversight tightened; that is an ongoing process and there are clear procedures and responsibilities for risk assessments in terms of the design and construction of buildings; generally speaking, in terms of design and construction of buildings capable of meeting expected wind loads and other extremes associated with cyclones, risk information is considered in the processes leading up to the issue of the building permit and subsequent inspections.

Water management

As noted above, the only legislation in this country dealing with water management (apart from Public Health Ordinances and other legislation relating to water pollution) is the Rarotonga Water Works Ordinance 1960, which predates self-government in 1965. It is arguably no longer fit for purpose, and it does not address DRR, climate change, or related issues in any meaningful way.

Meteorology

The country has only a small Meteorology Unit and its close association with the Airport Authority underlines the fact that it was established primarily around the needs of civil aviation. Its own empowering legislation³⁷ does not address disaster risk reduction. Its function is seen, narrowly, to gather, record and disseminate information. In the context of cyclone warnings, there are clear procedures and responsibilities which see the Meteorological Office, in conjunction with EMCI, provide

37 Meteorological Services Act 1995-96

cyclone bulletins and associated warnings. Strictly speaking though, these are DM functions and purposes.

Climate change

The CCCI is an ad hoc agency within the Office of the Prime Minister; it has no formal legal status, and so its responsibilities are informal and it has no powers at all. Its activities are centred around ad hoc efforts, working to the JNAP, to implement Climate Change policy. It has obtained funding from overseas sources to carry out risk assessments and risk information, and has an informal dissemination role in that area.

Environmental impact assessment

The Environment Act 2003 has a reasonably comprehensive regime of environmental impact assessments, with clear procedures and responsibilities steps to ensure that risk information is considered in development processes. However, the Act was conceived and is drafted as legislation to protect the environment from man-made activities. It does not speak in terms of the vulnerability of persons or communities to an environmental disaster or climate change nor does it require developments to be assessed or regulated on the basis of their vulnerability to all resilience in the face of disaster.

Discussion

National Disaster Risk Management Act 2007

This study found that in only one area do the laws of the Cook Islands require a government agency to undertake regular hazard and vulnerability mapping and risk assessments. Technically, the law requires those to include both disaster and climate risks. This obligation is to be carried out by EMCI under the DRM Act.

Specifically, section 5(2)(n) of the Act requires EMCI to develop a database of Emergency information including but not limited to hazards maps, vulnerability assessment reports and resulting maps, training information, exercise reports, disaster management resources and emergency contact details.

Again, consultation shows that EMCI is not sustainability resourced to undertake this work. When funding was available to carry out this research and collate the information on the Geo Portal³⁸, considerable work was undertaken. However that funding has now ended and this work is now at a standstill. At the date of this report only two islands (Atiu and Mitiaro) have been the subject of this exercise due to limited funding being available. It is EMCI's intention to extend this process to other islands as funding permits.

One issue that came out of stakeholder interviews was the difficulty in obtaining available data and supporting information from other government agencies. This highlights the fact that, to this point, the need to compile and analyse DRR information, has not been seen by other government ministries and agencies as a crosscutting issue for which they need to take some ownership.

As noted above, on an ad hoc project by project basis, the CCCI within the Office of the Prime Minister has had the opportunity to gather information relevant to climate change, vulnerability and resilience. However, these efforts are ad hoc. The writer is also aware, from undertaking a study last year examining

38 This is an information centre for disaster response and management, developed by EMCI with funding from various sources including the SRIC project.

the practicality of integration of climate change and DRM, that because its activities are dependent on funding, there is only limited scope for CCCI to contribute materially to EMCI in discharge of the latter's statutory functions.

It should be emphasised that although the DRM Act tasks the NDRM Council to advise Cabinet on national planning, there is no formal connection between the gathering of information by these two agencies and any responsibility to share it with others regulating development processes. Nor is there a requirement, as discussed below, for considerations of that sort to inform decision-making in development planning.

National DRM and CC Platform

One good feature that should be noted is that these two agencies, on a monthly basis, convene a platform of stakeholders both within government and in civil society, to share and update their work and findings. These meetings are apparently quite well attended and so it serves to raise consciousness and profile for these issues at the level of policy and planning. However the platform itself is an ad hoc arrangement which simply reflects the gap in the current legislation.

Other laws

Environment Act

As noted above, the Environment Act 2003 requires any project that is likely to significantly affect the environment must obtain a project permit. A project permit will not be issued without an environmental impact assessment. The Act sets out in a detailed way, the requirements of an EIA. However, this Act, and its predecessor, were driven by considerations of environmental degradation as a result of man-made activities. They are not concerned, more broadly, with mediating the relationship on a "two way" basis between society and the environment.

This issue was discussed in greater detail in the response to question three. In this context it is sufficient to note that the National Environment Service does have a statutory jurisdiction (arguably responsibility) to consult with interested government and authorities when a development requires a project permit. This is because the focus of the Act is on the damage that man-made activities may cause to the environment. There is limited scope and no jurisdictional basis under the Environment Act 2003 to build decisions around considerations of resilience and vulnerability.

In terms of consultation with at-risk communities, the provisions of Environment Act 2003 have some incidental effects. If a person wishes to build a sea wall, public notification of the project will allow those further along the beach who may suffer accelerated erosion as a result of that, to have the ability to make their views known. That analogy holds true across a range of environmental impact assessments. The outcome may have the effect of building resilience and reducing vulnerability but the result is not reached by applying DRR principles to the application. Instead, the decision is one that balances the benefit to one person against the risks and vulnerabilities that person's activity may expose another person to.

Building Code

For the sake of completeness, it should be noted that in the narrow context of construction, the Building Code provides standards and specifications for the construction of buildings that reflect the experiences in this country on damage caused by cyclones. The Building Controller has the responsibility in this area under a well-established regime of building permits. The biggest single risk is to compromise shelter

for individuals during a cyclone – and the absence of serious flooding risks and hazards, this is largely a function of wind speed. As cyclones intensify (Cyclone Pat in Aitutaki subjected houses to extremely high winds) standards and prudent building practices are undergoing review. In this narrow context, risk information is considered in the processes that lead to the building of cyclone resilient houses.

Policy Documents:

National Disaster Risk Management Arrangements 2009

Looking forward, this study highlights aspects of current policy and practice which operate in this area. In some areas, the current law is not being enforced. In other areas, there is policy which falls short of law and which might benefit from forming part of a mandated legislative regime.

In terms of law that is not currently enforced, as mentioned above, the National DRM Council is supposed to provide advice to Cabinet on DRM for national planning. However as detailed earlier this is not happening as the Council is inoperative.

The DRM Arrangements elaborate this role in the following paragraph³⁹:

“this requires that all national development policies and programmes be subject to the formal risk management process of risk identification, risk analysis and risk evaluation, and that appropriate risk treatments be applied to the evaluated risks to ensure that identified risks are either eliminated (prevented) or reduced (mitigated) as far as is practicable.”

This is a powerful statement, but it is currently not supported by any legislative provisions. This study questions whether it could be inserted in the DRM Act or regulations under the Act instead of the DRM Arrangements.

It would make sense to include this in section 23 of the MFEM Act which explains how the Crown prudently manages its fiscal risks. This would allow a cross-cutting, multi-sectoral approach which would focus minds across government. For now though, this remains locked within the Arrangements, which do not have legal effect.

The idea of inserting this into MFEM legislation does have some policy justification.

In 2005, the DRM policy talks about this issue and it recurs in the C&DCD Policy 2013/16.

Under the DRM Policy 2005:

“The policy states that formal processes of risk management are to be applied in all aspects of national development planning in order to reduce the underlying risks created by changing social, economic, environmental conditions and resource use, and the impact of hazards, including those associated with climate variability, climate change and extreme weather events”

The checklist speaks to the concept of “at risk communities”. However, given the small size of the Cook Islands, it is not realistic to speak of subsets of the Cook Islands community in this way. On all islands except Rarotonga, populations are small, and communities are cohesive. The risks posed by climate change and disaster are, for practical purposes, shared by all.

39 National Disaster Risk Management Arrangements 2009, “Part 3: Disaster Risk Reduction”

However, if these references are intended to speak to vulnerable groups such as the elderly, or people with special needs, it would be fair to say that the law does not make special provision for them. Nevertheless policy speaks in a broad and inclusive way, drawing attention to the special needs of some in society. Specifically under the DRM Arrangements they have as their aim and objectives to

- Minimise risks to national development through an integrated approach to the identification and analysis of the hazards to which the Cook Islands and its communities are exposed.

The Climate & Disaster Compatible Development Policy 2013/16

Under the C&DCD Policy guiding principle of “Equity and Inclusion” states:

“It is important to ensure the equitable inclusion of all, particularly our people who are most at risk and marginalised...”

Under Climate and Disaster Compatible Development Policy 2013-2016

Strategic Objectives on “Climate and Disaster Resilient Development (Goal 1)”

“Implement climate change and disaster risk assessment and management measures that strengthen infrastructure and safeguard essential services, natural ecosystems, economic development and livelihood systems in key sectors”

The policy went on to talk about Implementation Arrangements. It states that “Going forward implementation arrangements for draft policy instruments as well as those scheduled for preparation in sectors such as Water, Waste, Sanitation, Tourism, Agriculture, Land, Marine Resources, Environment and Culture and issues such as gender, disability, displacement and mitigation will be prepared to ensure alignment with this policy”

Perhaps the time has come for this consistent policy theme to find its way into cross-cutting multi-sectoral legislation.

Implementation

What are the major challenges to implementation?

1. Institutional arrangements for risk assessment are centred around policies, strategies and plans. These are all non-binding documents that are not well backed by legislation.
2. Lack of investment to pack up the plans and policies e.g. JNAP

What are the most pressing issues to address (if any)?

1. The need to mandate inclusion of risk assessments in national and local planning.
2. The Environment Act is shortly to be reviewed; this should be an opportunity to include DRR as purpose of the Act, or at least as part of EIA.

“The Checklist is good, particularly for the coordination part which is lacking. We need an online portal where there is exchange of information so we’re all aware what everyone is doing. It is important to keep this momentum going” Paul Maoate (Ministry of Infrastructure).

“Coordination is the main issue to look into which includes communication so everyone understands the information and the risks. The Environment Act has gaps which we need to review. An idea is to ensure that DRR measures are written into project TORs and that it is further reflected in reporting. Key issues are: coordination, assessments, sharing information, understanding the specific roles and responsibilities of everyone” Phillip Strickland (Environment).

Phillip Strickland, National Environment Services

6

Do your laws establish clear procedures and responsibilities for early warning?

Summary

Apart from the limited scope provided by the Meteorological Services Act 1995-96 for provision of meteorological warning services there are very limited provisions for early warning. The more relevant instruments are policy documents, namely the DRM Arrangements and JNAP; these draw attention to the issue, and offer some guidance but they do not have legal effect. It could be argued that the DRM Arrangements should be regarded as a “best practice” guide under the DRM Act, but as they do not form regulations nor are tied to the DRM Act in any formal way, their status is unclear.

Relevant laws and regulations on:

Disaster risk management/emergency response/civil defence

The DRM Act does not speak to early warning but in limited sense the Meteorological Services Act do provide for meteorological warning services.

Disaster management and response plans

As noted below, both the DRM Arrangements and the JNAP do address this issue.

Contingency plans

Insofar as the DRM Arrangements and the JNAP address the contingency of disasters and the run-up to sudden onset but predictable disasters, each does address this issue.

Climate change – Environment Sector Plan – research and renewable energy

Climate change efforts are at an early stage. As a matter of policy, the move to renewables in the Cook Islands reflects a response to the early warning of the effects of climate change; the move though is primarily driven by political and economic considerations.

Discussion

Meteorological Services Act 1995-96

The Meteorological Services Act is a very short. The Act requires the Minister to designate a person responsible to provide the “authorised” meteorological warning service. In the provision of the meteorological services the Minister shall arrange for the provision of⁴⁰ –

- a) The making and issuing of forecasts of the weather;
- b) The collection and recording of such meteorological information as is necessary for the purposes of paragraph (a) of this subsection;
- c) The conduct of meteorological research and investigation
- d) The furnishing of advice on meteorological matters

40 Meteorological Services Act 1995-96, section 3(2)

- e) The publication of meteorological information and the results of research and investigation
- f) The making and issuing of forecasts of the weather and other meteorological conditions
- g) The supply of meteorological information and expertise to the Crown or any person requiring such information and expertise.

Section 5 of the Act imposes an obligation to charge to provide this information, which suggests its focus is on safe air and sea travel, rather on a more broad-based community-oriented service. In practice, the Meteorological Service provides public weather forecasts free of charge.

National Disaster Risk Management Arrangements 2009

Under the DRM Arrangements, one of the DRM planning principles is:

“People focused early warning and robust communication system”

The DRM Arrangements sets out the following role and responsibilities and procedures for early warning system:

- National Controller – responsible (in consultation with Council) for the activation of national warning
- All agencies – must ensure that representatives are contactable at all times especially during cyclone seasons and after working hours
- Lead Agency (effectively EMCI) – ensure timely and appropriate messages are broadcast to the public advising:
 - Degree of threat
 - Action that should be taken before, during and after an impact.
- Island and Vaka district coordinators, NGOs and other organizations are to ensure that all relevant information is passed on to EMCI as soon as possible

All emergency response plans must contain detailed information as to the warning system. The National warning system must be:

- People-focused
- Integrated to ensure effective dissemination and communication networks from national to island and community levels.

All hazards should have a warning system developed that uses common terminology and reaches all vulnerable communities.

National Joint National Action Plan for DRM and CCA

Under the JNAP one priority action is:

“Enhancing national capacity to provide early warning for slow and fat-onset hazards”

EMCI and Met Services are tasked to lead several sub-actions:

- Build the capacity of Met Services to provide short, medium and long-term forecasts.
- Upgrade the Frontline Emergency Response Network system to a web-based platform (FERN II) and populate with relevant VCA data for all areas.
- Investigate and procure back-up alternative emergency communication systems
- Incorporate traditional means of early warning signals at the Island level
- Develop and conduct early warning public awareness programmes for the general public, school children and vulnerable groups
- Promote public awareness on tsunami evacuation routes including special arrangements for vulnerable groups
- Conduct regular table top and operational exercises (drills) to test the early warning systems

It is obvious from these identified actions, that the need for an early warning system is a recognised area for improvement in DRM in the Cook Islands. Stakeholder consultation reveals that implementation of this area is still a work in progress.

The key role of the Meteorological Services Office, identified in the JNAP, demonstrate that in the Cook Islands the most frequent and serious hazards are weather related. The expectation of the JNAP, though it falls short of law, is that an early warning system be established and for it to address the expected roles of technical ministries, central and local government.

The role of private media companies and civil society organizations in early warning systems is not addressed in either the Arrangements or the JNAP. The small size of the country (with only one national broadcaster and the Cook Islands Red Cross as the only organisation typically involved in DM response) might explain this lack.

In practical terms, for many years liaison with the Fiji Met Office and New Zealand's NIWA has led to a well-recognised system of tropical cyclone alerts, tracking maps for public use, and regularly updated reports that are keenly followed by the public. Cyclones move through the country over a period of days in a generally South/South East direction, with their progress and track considered important news. The decision to issue warnings has traditionally come as strong wind warnings that feature regularly in weather bulletins rise to the level of tropical depression. Once a tropical depression looks likely to form a cyclone or is likely to affect an island, warnings are given.

However, there is little legal underpinning for this. The Meteorological Services Act does not address the question of who is entitled to receive this information. The requirement to charge for it might suggest that EMCI could become a paying user of the service and then take responsibility for how to further disseminate the information and take the lead in how the community uses this information. For now, the Meteorological Services Act does not specifically address DRR, so there are no procedures in that legislation to link the collecting and releasing of information to the DRR and DM efforts.

Even though the DRM Arrangements do have clear procedures and obligations on early warning, this study found the experiences of outer island communities did not always match the Arrangements. It seems the system of who receives the warnings and how they disseminate them needs strengthening. During consultation with communities and also with stakeholders in Rarotonga, there is still confusion as to how people are expected to use the information they receive, and who exactly, has the job of

matching advice and instructions with the warnings. This is a weakness in the implementation of the procedure under the DRM Arrangements.

Implementation

What are the major challenges to implementation of existing instruments?

1. Apart from the Meteorological Act, there are no specific legal obligations to provide early warning services in terms of DRR either in the Act or any other legally binding document.
2. There is no SOP to show how the information is gathered, received and disseminated for the purpose of DRM.
3. In terms of the outer islands, e.g. Rakahanga, there is no formal system in place as to how early warning is received, from where, and how it is disseminated. There is also no focal point for early warning information. People on the island have different ways of receiving information. CI Red Cross branch receives forecast information and warnings from the main office in Rarotonga and Telecom receives information from main office in Rarotonga. If information received is different, it could lead to inconsistent information given to the communities.

What are the most pressing issues to address (if any)?

1. The Meteorological Services Act be amended to allow regulations to be made; under those the Minister should mandate procedures for public early warning in a way that is harmonised with early warning procedures and processes across the country.
2. Develop an SOP for early warning for all islands including outer islands. This was suggested at the consultation workshop. This SOP can be outlined in regulations under the Act. The SOP also needs to be aligned with the National DRM Plan.
3. Any regulation and SOP for early warning needs to be thoroughly disseminated to all islands and communities with regular drills.

“There has not been enough consultation from the relevant local authorities to our Community and homes in regards to Disaster and Risk Management. The need to regularly inform and remind households of the emergency items needed to prepare and take during an evacuation to the emergency centre. Not enough drills to allow people to practise DRM response procedures for cyclone and tsunami warnings”

Outer islands, community consultation

7

Do your laws require education, training and awareness-raising to promote a whole-of-society approach to DRR?

Summary

The limited legal scope of the DRM Act has meant that in the field of DRR, much of this country's policy of a whole of society approach reflects the idea that without law to force people, education, training and awareness raising will be enough.

Relevant laws and regulations on:

Disaster risk management/emergency response/civil defence

The DRM Act mandates EMCI with an education/awareness/training function; discussed below.

Education

There is no legal requirement under the education laws of this country, that address DRR issues.

Local government

As discussed elsewhere in this study, devolution assumes that local government will work in a way that builds the safety of local communities/ Local government does not directly, have any obligation to address these areas. In practical terms, cyclones are well known for so long in this part of the world that self-interest plays a big part in focussing minds on this issue.

Discussion

National Disaster Risk Management Act 2007

The DRM Act⁴¹, in outlining the functions of EMCI, specifically addresses the roles of education, training and awareness raising:

- (i) *facilitate all necessary training exercises, post-disaster and post-exercise debriefs as required by the Director.*
- (o) *undertake education and awareness programmes as may be considered necessary by the Councils*

Typically, initiatives of this sort do find funding and support from overseas, so that the resource constraints that affect other areas of EMCI's mandate has less effect here. In fact, one of the most successful programmes run by EMCI is in the area of training and awareness raising. This is due to support from regional organisations like SPC, SPREP, IFRC and PIF. Last year, for instance, SPREP ran a training course with the media in partnership with EMCI. Note also that IFRC and the CIRC have held a number of workshops now on Disaster Law (two on IDRL and one of DRM and CC). EMCI and CIRC also held an exercise on the SOP for International Assistance.

41 National Disaster Risk Management Act 2007, Section 5(2)

Any progress in this area will encounter issues due to the inactivity of the Council. The only time EMCI is able to run trainings is when there is money available to it from outside sources, or through local partners like CIRC.

This is a significant issue as there are very few organisations locally that work in the area of DRM. This means there is a gap between the aim of a whole of society approach to training, education and awareness raising, and the ad hoc progress made, which reflects the priorities of those providing funding.

National Disaster Risk Management Arrangements 2009

The DRM Arrangements also speak to this area, but in general terms only.

Part 3: Disaster Risk Reduction

Some common examples of risk reduction measures are:

- Risk awareness and assessment including hazard analysis and vulnerability/capacity analysis.
- Knowledge development including education, training, research and information.

The study notes that neither the DRM Act nor the DRM Arrangements make specific provisions as to specific audiences for education and awareness raising.

The DRM Act specifies that EMCI functions includes trainings and awareness raising but leaves unclear their target. Thus, professionals and senior officials who might benefit most from training and awareness raising are not targeted by legislation and if funding is not targeted at this group, the work cannot take place.

The DRM Arrangements specify knowledge development including education, training, research and information as a risk reduction measure and encourages the use of these measures in DRM Plans however the target is unclear.

National Joint Action Plan for DRM and CCA

Under the JNAP it is EMCI and Education's role to introduce Disaster Risk Management & Climate Change into the school curriculum. EMCI and Education have successfully developed and introduced the DRM Model⁴² for teachers and students in most schools in Rarotonga. Again, this is an example of policy producing the required outcome without specific legal requirements that force the curriculum in this direction.

For completeness, it should be noted that CCCI, EMCI, NES and INTAFF jointly have the role of preparing and implementing a gender-sensitive on-going Public Outreach and Education Programme. So far, there has not been any action activity in this area and again, lack of resources is identified by EMCI as the main impediment here.

⁴² This is a training tool on DRM targeting secondary students which has training parts for teachers and training parts for students.

Implementation

What are the major challenges to implementation?

1. Resources, as identified by EMCI during the Consultation workshop.
2. A lack of any clear legal mandate for other relevant agencies like Education, Environment, etc.
3. The JNAP does not have legal underpinning, so strategic actions that relate to concerns such as education, training and awareness raising on DRR are addressed only when there is motivation and resources.

What are the most pressing issues to address (if any)?

4. Source resources to train teachers on DRM Modules developed by EMCI.
5. Compel Ministry of Education and other relevant agencies to conduct training and awareness raising on DRR, this can be done under a DRM regulation.

General information like the El Nino is not well disseminated, we have to learn it from the internet or through other platforms.

Outer islands, community consultation

8

Do your laws ensure the engagement of all relevant stakeholders, including civil society, the private sector, scientific institutions and communities in risk reduction decisions and activities?

Summary

Existing laws target various interested parties, but fall short of ensuring active engagement of all relevant stakeholders. However, the most recent policy document on DRR/CC specifically endorses the idea of equity and inclusion in decision making in this area.

Relevant laws and regulations on:

Disaster risk management/emergency response/civil defence

The DRM Act establishes bodies (i.e. National DRM Council, Response Executive) that give only limited representation in decision making. Essential Services are singled out for attention in the DRM Act in a way that suggests they are regarded as stakeholders but the various sections do not give “Essential Services” a positive role in decision making, beyond the limited terms of their own management plans.

The DRM Act makes no mention of communities in any decision making processes – and there is no representation at this level in the National DRM Council. Island Councils are noted as being “Essential Services” but their inclusion in decision making in DRR is limited to that of “Essential Services” generally.

There is no mention of scientific institutions (though there are only very limited in-country resources of this sort).

National Red Cross/Red Crescent Society

The Cook Islands Red Cross is noted in the DRM Act as an “Essential Service” but, again, this seems intended to make it the object of regulation, rather than a collaborative partner in decision-making. The experience is, rather different and underlines the significance of policy documents in DRR in this country, as illustrated below.

Civil Society and NGOs

A limited range of private sector, civil society and NGOs actors are identified as “Essential Services” under the DRM Act. The same comments apply as above in terms of collaborative and inclusive decision-making in terms of this legislation.

Local government

See comments above with regard to Island Councils (the only local government institutions in this country).

Insurance

Insurance legislation does not address DRR.

Taxation

Taxation legislation does not address DRR.

Investment

Investment laws do not address DRR.

Discussion

Current Cook Islands laws do not require community representation in DRR decision-making bodies and processes. The DRM Act was designed mainly as a DM tool and as a top-down regulatory/advisory/audit body. The idea of inclusive decision making and a bottom up approach are reflected, instead, in more recent policy initiatives.

It is important to note that policy instruments are a lot more inclusive than the legal provisions might suggest. Specifically, the current Climate & Disaster Compatible Development Policy 2013/2016 has as a guiding principle, the concept of “Equity and Inclusion”. It has as a strategic objective “Climate and Disaster Resilient Development”. It anticipates a consultation process at grass roots level and integrating that with other research and knowledge:

“Access and build bodies of knowledge that research and promote traditional knowledge and coping mechanisms alongside scientific investigations and evidence to drive decision making and actions.”

In setting policy in the areas of monitoring and evaluation it specifically targets “Village and community groups to ensure active participation in the review process of this policy’s planning and implementation”.

Although they are older and their current status is unclear, the DRM Arrangements in “Part 3: Disaster Risk Reduction” talk of wider engagement with different stakeholders on mitigation planning and coordination.

The experience of the author is that the small size of the country and the limited human resources, means that DRR is largely moving forward in a way that reflects the current policy. So, although our laws do not require representation of civil society organisations and National Red Cross/Red Crescent Society in decision-making institutions and processes, there are monthly briefings by EMCI and the Climate Change Cook Islands (the National DRM and CC Platform) updating stakeholders on current work and initiatives. These briefings are designed to share ideas and give an opportunity for input.

Although civil society organisations and Cook Islands Red Cross are not given specific roles or duties within our DRR laws, in practical terms the Cook Islands Red Cross is one of the main players in this area, and with its own statutory recognition as auxiliary to government, that relationship is generally a close and collaborative one.

For completeness it should be noted that the absence of law in this area means that there are no legal provisions to ensure meaningful engagement and representation of women, minorities, people with disabilities and older persons. Nor does the law address the participation of private sector actors in both decision-making bodies as well as DRR activities. As outlined above, it is only “Essential Services” that, arguably, enjoy “participation” in their relationships with EMCI as their regulator and auditor.

The laws do not ensure that the best available scientific resources nor do their analysis inform development and DRR decisions. It seems likely that for the foreseeable future, the small size of this country and its practical dependence on regional and international organisations to provide both this data and analyse its relevance and application locally, will be a continuing feature of DRR in the Cook Islands.

Implementation

What are the major challenges to implementation?

There are no legal provisions for the inclusion of relevant stakeholders, civil society, scientific institutions and communities in decision making. This means that their participation will depend on the goodwill of those in government who are working in the area of DRR. This does not guarantee meaningful participation of whole of society in the process.

What are the most pressing issues to address (if any)?

In the amendment of the DRM Act, there needs to be a provision to enable the participation of all relevant stakeholders or representation of civil societies, scientific institutions, and communities in the decision making process.

“From the CSO point of view there’s lots of people doing proactive stuff but they’re not sharing with each other. We need to be more proactive in talking to each other. We also need lines to the government as we are doing worthwhile stuff that they need to know about, the issue is how do we get to all talk to each other. We’re way ahead in the Pacific in terms of disability and it’s not due to resources but due to education, training and awareness raising”

Pat Farr, Cook Islands Disability Council

9

Do your laws adequately address gender considerations and the special needs of particularly vulnerable categories of persons?

Summary

The laws of the Cook Islands do not address gender considerations nor special needs of vulnerable categories of persons beyond measures to relieve poverty for aged and destitute persons. In the absence of cross-cutting buy-in for these issues, few laws (and the DRM Act is not one of them) address these issues. Policy frameworks might be seen as more responsive to these issues.

Relevant laws and regulations on:

Disaster risk management/emergency response/civil defence

The DRM Act does not address these issues in any way.

Disaster management and response plans

As noted below, policy instruments use language that is more inclusive and offers the possibility of making special provision for vulnerable groups in society.

Disability

There is a Disability Act 2008, which addresses the need of disabled persons and in general terms the need to include disabled persons consideration in decision making but this does not specifically relate to DRR.

Human rights and equal opportunity

The Cook Islands is party to CEDAW and to the International Convention on Economic Social and Cultural Rights and a range of other international human rights agreements. As discussed below, the Constitution also makes reference to the different rights citizens may have.

Health

The Public Health Act 2004 regulates activities that relate to buildings, water, waste, human remains, mosquitoes and other vector borne diseases, all of which relate to the reducing vulnerability and increasing resilience to health hazards. As mentioned above (scope of the Study - the Executive summary), this study focuses on the most occurrence and priority disaster in the Cook Islands which is weather and climate related disasters.

Social welfare

The Welfare Act 1989 addresses aged and destitute person but does not address welfare of a person in terms of disaster risk reduction.

Family law

Existing family law legislation is very old, it does not address DRR issues in any way.

Constitution

The right to life, to security of the person, to property and to equality before the law are all recognised under the Constitution which provides that laws are to be interpreted and applied so as not to abrogate or infringe these (and other) rights. The rights themselves are expressed as being available without discrimination on (among other grounds) the grounds of gender.

Discussion

Current Cook Islands laws make no attempt to make sure there is a proper analysis as to which categories of persons may be most vulnerable or exposed to disaster risks.

It should be noted that although global experience shows that groups such as women, older people, persons with disabilities and the very poor are especially vulnerable, in small close-knit communities such as those on each island in this country means that in practical terms, these vulnerable groups are supported by others around them.

This study has found that in disasters that have taken place here, there is good community support for vulnerable people. However, that does not address the issue of whether there can or should be special measures/resources to make that support easier and to reduce the risks of those who do provide that assistance.

For now, then, there are no specific responsibilities assigned to institutions to take the needs of these groups into account, beyond the standing mandate of the Ministry of Internal Affairs and Health in the areas of aged, destitute and (Health) sick persons. So in terms of law, gender specific needs or considerations are not taken into account and laws do not address the specific needs of other groups who might have particular vulnerabilities.

For completeness, this study notes that policy documents suggest a need to address these issues. Specifically, the C&DCD Policy, with its guiding principle – “Equity and Inclusion”, makes as an objective:

“Build the capacity of people and system to implement national, sector and community C&DCD strategies and initiatives through effective processes and procedure including gender mainstreaming and targeted human resource development opportunities including research, assessments, training and education”.

Implementation

What are the major challenges to implementation?

There is no legal requirement to include gender consideration and special needs of vulnerable groups of people in DRR activities. This does not help guarantee that gender and special needs of vulnerable groups of people is a major consideration in developing DRR activities.

What are the most pressing issues to address (if any)?

- In the upcoming review of the DRM Act, these considerations need to be highlighted.
- In the review of the DRM Arrangements, structures and procedures should outline when and how considerations on gender and special needs categories are taken into account.

“It is crucial to get detailed information/assessments from communities. It’s all about awareness raising in communities. This workshop is very timely because from our sector we look at the marginalised who are often forgotten in the process so that’s why we need the laws in the place to ensure there’s a responsibility to act.”

Bob Kimiangatau, Rotaiana

“Cook Islanders are very strong on social conscience, we know the needs of our vulnerable, we know how to look after them but what we need is the teeth to back this up, this is why we need laws.”

Pat Farr, Cook Islands Disability Council

10

Do you have adequate mechanisms to ensure that responsibilities are fulfilled and rights are protected?

Summary

As a country with a written constitution and a strong court system, there are well-understood mechanisms to make sure responsibilities that are imposed by law can be enforced. A constitutional statement of rights affords protection for a range of rights. However, as DRR is mainly a matter of policy, there is disconnect between these mechanisms and DRR enforcement.

Relevant laws and regulations on:

Constitution

Article 64 recognises the right to life and to property, however, the Constitution does not impose a positive obligation on government to act in a way that could force forward a DRR agenda.

Disaster risk management/emergency response/civil defence

As discussed below, there are only limited legal, and slightly more extensive administrative, checks and balances that might advance DRR.

Criminal law

The current criminal law does not address DRR in any way.

Civil liability/tort law/negligence

As noted below, in the limited areas in which statutory obligations relating to DRR are imposed, there is a theoretical risk of the Crown or others charged with working up DRM plans having civil liability if they do not. However, as DRR is about reducing vulnerability and building resilience, the starting point in a free society like the Cook Islands is that people can and should take responsibility for acting in their own best interests. Such obligations should be an individuals' responsibility, not those of the Crown. One advantage of educating and promoting DRR as a matter of policy, rather than assuming onerous burdens that it cannot afford is that the Crown minimises its own civil liability risk profile.

Administrative law

Judicial review by the courts is available but like most common law countries, the door of the court is only open to someone who can show "standing". In addition, as noted in earlier questions, there are only limited areas in which obligations are imposed that a Court could enforce.

In addition to the courts, there is an administrative remedy of bringing complaints to the Public Expenditure Review Committee (Audit) (PERCA⁴³). If the Crown is not prudently managing its fiscal risks, PERCA can report to Parliament. The argument would be that in terms of the resilience and vulnerability of government and its assets, it can be held accountable if it breaches its own MFEM Act obligations to prudently manage the fiscal risks posed by disaster.

43 Public Expenditure Review Committee Audit Act 1995-96

This however, has limitations, drawing on earlier interviews with the Financial Secretary, notes that Government has established a contingency fund for disasters and has insurance arrangements in place and as a matter of policy has decided to be reactive rather than proactive. This reflects the limited resources available.

Human rights

International treaties are not directly enforceable domestically and so this leaves the rights, referred to above, in the Constitution, as the only rights applicable to DRR that are directly enforceable.

Discussion

Our laws do not, for now, establish public reporting or parliamentary oversight mechanisms for government agencies tasked with DRR responsibilities.

National Disaster Risk Management Act 2007

The DRM Act does not require public reporting or parliamentary oversight mechanisms for EMCI nor the NDRMC who are the main agencies tasked with DRR responsibilities.

Specifically, DRM Plans are audited by EMCI⁴⁴, who reports to the Minister and the Council; the NDRMC Council⁴⁵ reports to Cabinet. However, unlike other government agencies, there is no statutory obligation for an annual report to Parliament in this area. The information is neither received nor made available for debate with the legislature. For now, DRR falls largely within the executive arm of government. However the inactivity of the Council will continue to cause impediments with enforcement.

The reports although not secret, are not readily available. One can use the Official Information Act to request a copy of such report.

If an NGO or member of the public wished to challenge inaction on DRR and to force a report that found its way to Parliament, one way would be to make a complaint to PERCA.

This 'watchdog' body was established by legislation in the mid-1990's after serious government financial mismanagement. A complaint would be investigated and PERCA's report is tabled in Parliament, where it could then be debated if there was a political will to do that.

As noted above, the judiciary does not have any role in enhancing accountability for DRR as it would for other pieces of legislation. In fact, unlike other legislation that in many cases gives the Courts a role in particular circumstances, there is no reference at all in the DRM Act to the High Court of the Cook Islands.

Theoretically, the Court could act under Judicial Review and Declaration⁴⁶ procedures to review the action or inaction of any agency of its role and responsibilities under the DRM Act. Certainly, if there is a breach of statutory duties that has a direct effect by causing loss or damage then arguably there is a legal remedy.

44 National Disaster Risk Management Act 2007, section 5(2)(p)

45 Ibid, section 9(3)(k)

46 Judicature Amendment Act 2008

Arguably an omission on the side of government to audit DRM Plans, or in facilitating and developing DRM Plans, is negligence. In practice though, the Court knows from its own direct experiences within the Ministry of Justice (the gap between fair trial rights and the resource limitations of criminal legal aid are one striking example), that in a small island state, it is not unusual for resource limitations (human and financial) to result in laws not being fully implemented. There would have to be a high degree of irresponsibility before the Court would find negligence in these circumstances.

For now, EMCI does not have power to enforce the implementation of DRR measures. It must rely on persuasion in the private sector and public sector. As the current requirements are in general terms, there is real flexibility in interpreting how far the obligations of Crown and other agencies extend under the DRM Act to develop a DRM Plan and identifying DRR measures in their area of work.

Within the government there is some potential for EMCI to force the pace. The laws do not establish legal sanctions for public officials, individuals and businesses for a gross failure to fulfil their duties. However, within the government, heads of ministry are recruited by PSC under contract with performance criteria which include the development of a DRM Plan. If a head of ministry fails to do this, there are administrative consequences in terms of a breach of the employment contract, provided of course, the Public Service Commissioner as the employer can be persuaded to act.

From all this it is clear that Cook Islands laws do not include incentives for compliance with laws and regulations for DRR. Instead the decision to push DRR forward by Policy means that Government, for now, aims to encourage people and advocate for DRR. The water tanks initiative mentioned in question three is an example of an initiative to implement policies.

So, although our laws do not establish rights relevant to DRR, including the right to disaster information, nor do they include details on how they will be enforced, the policy gives voice to those rights in a non-enforceable way and the policy itself recognises the need to disseminate information on disaster and DRR if it is going to be successful.

Implementation

What are the major challenges to implementation?

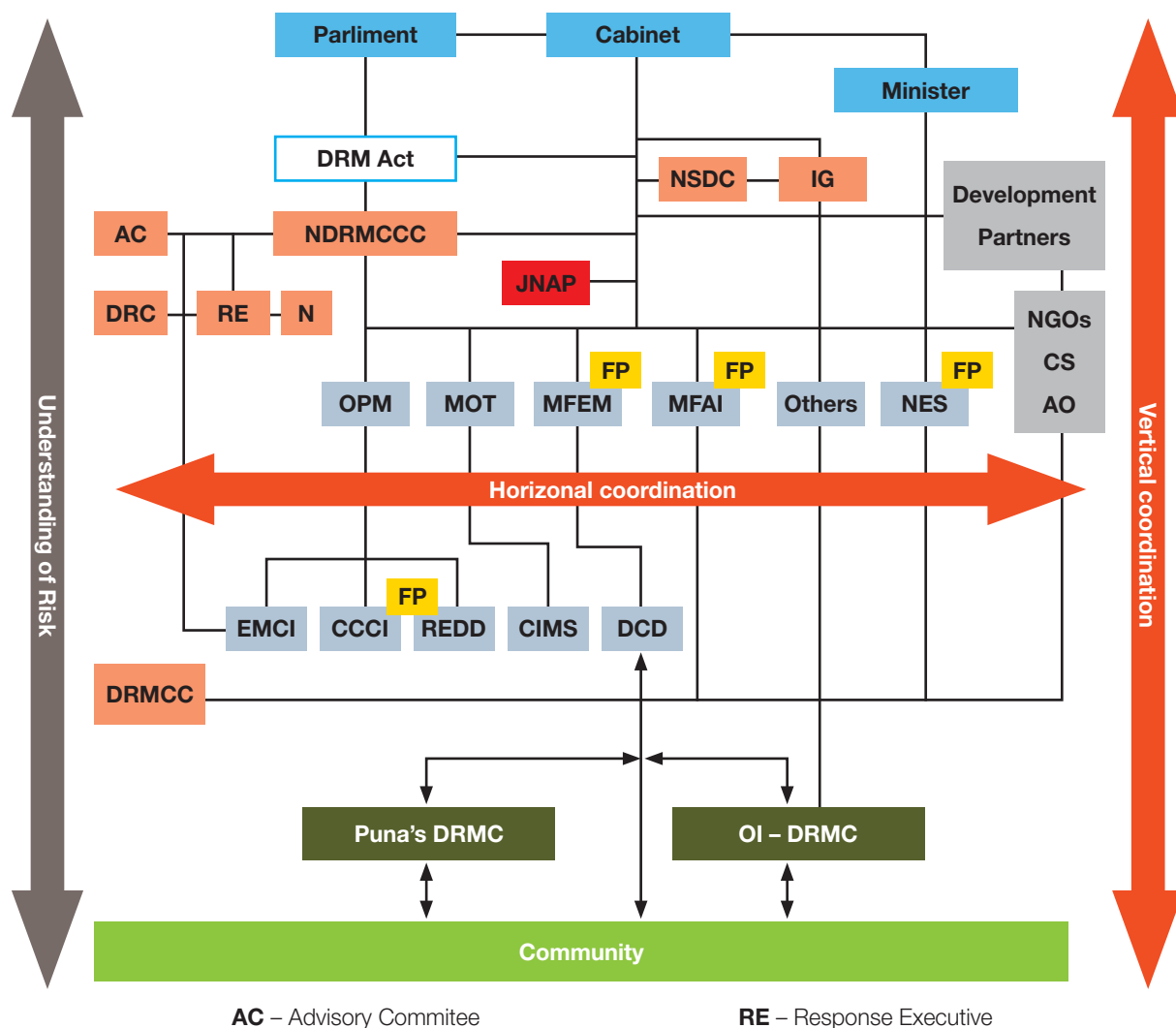
- There is no incentive for compliance with laws and regulation on DRR.
- In order for EMCI to police what other agencies are supposed to do according to the DRM Act and Plans, it needs resources. As discussed in several questions above, resources is a problem in implementation.
- Lack of motivation and willingness of some agencies to comply with provisions of the law.

What are the most pressing issues to address (if any)?

- The DRM Act should be amended to
 - Provide necessary rights (rights to weather information), obligations and penalties (disincentives) for failure to comply with important provisions of the Act. This might force action.
 - Give EMCI power to enforce the implementation of DRR measures.

- DRM plans and strategies should outline incentives to encourage action and effective implementation.
- Parliamentary reporting from NDRM Council should be part of the role of the Council.
- NDRM Council should be reactivated so to make sure there is reporting to Council from EMCI and from Council to Cabinet.

Institutional Arrangement Chart for DRM



N – National Controller

FP – Focal points for CC

CS – Civil Societies

DRC – Disaster Recovery Coordinator

NPDRMCC – National Platform for DRM/CC

Puna's DRMC – Rarotonga Vaka DRM Committees

NSDC – National Sustainable Development Commission

AGO – Auxiliary Organisations (e.g. Cook Islands Red Cross Society)

IG – Island Government

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Sendai Framework of Action for Disaster Risk Reduction 2015-2030

List of Legislation and the Constitution

1. Building Controls and Standards Act 1991
2. Constitution of the Cook Islands 1965
3. Cook Islands Red Cross Act 2002
4. Development Investment Act 1995-96
5. Disability Act 2008
6. Environment Act 2003
7. National Disaster Risk Management Act 2007
8. Meteorological Services Act 1995-96
9. Land Use Act 1969
10. Judicature Act 2008
11. Public Health Act 2004
12. Rarotonga Water works Ordinance 1960
13. Welfare Act 1989

List of stakeholders interviewed and attended the multi-stakeholder's dialogue

Stakeholder	Name
Emergency Management Cook Islands	Charles Carlson Elizabeth Hosking Lydia Sijp
Climate Change Cook Islands	Mia Teurima
Cook Islands Red Cross Society	Danny Vakapora
Crown Law	Zoe Genet
Ministry of Agriculture	Nooroa Tokari
Ministry of Infrastructure and Planning	Paul Maoate
Ministry of Marine Resources	Rangi Johnson
Ministry of Health	Dr. Henry Tikaka
National Environment Services	Phillip Strickland
Office of Public Service Commissioner	Jane Clarke
Ministry of Internal Affairs	Nono Numanga
Meteorological Services	Arona Ngari
Cook Islands Disability Council	Pat Farr
Rotaiana	Bob Kimiangatau
Tapere Avatiu Community	John M Henry
Bridge Builder	Susan Lenander
Rakahanga Island Community	Nga Takai
Rakahanga Island Community	Apolo Piho
Rakahanga Island Community	Temu Hakai
Manihiki Island Community	Rangi Johnson
Manihiki Island Community	Cathy Williams
Manihiki Island Community	Mehau Johnson
Manihiki Island Community	Ngamata Napara

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