

The Pacific Islands Regional Ocean Policy: the quest for good ocean governance*
Marine Studies Programme, The University of the South Pacific

Introduction

The presentation of the Pacific Islands Regional Ocean Policy at the 2002 World Summit on Sustainable Development in Johannesburg marked the culmination of yet another milestone achievement in regional cooperation in the Pacific Islands. The formulation of the regional policy began with a request from the 1999 Forum Leaders that a regional ocean policy be produced. This Policy is to be the basis for the harmonisation of national and regional actions in relation to oceanic and coastal resources in the Pacific Islands. The Policy will also offer the platform for the formulation of a Pacific Islands Regional Ocean Strategic Action Plan that will prescribe the sustainable use of the Ocean and its resources. The countries were urged to become parties to international treaties and conventions such as the Law of the Sea Convention.

The responsibility of producing the regional ocean policy was given to the Council of Regional Organisations in the Pacific (CROP). CROP consists of the regional organisations in the Pacific. CROP developed a strategy paper outlining how the policy was to be developed and implemented and designated its Marine Sector Working Group (MSWG), which consists of member organisations that have a marine focus, to do the drafting. A comprehensive background paper detailing various issues and outlining existing regional and international agreements in the Pacific was prepared.

Between 2001 and early 2002 by meeting in the margins of other regional meetings, the members of the MSWG produced a draft Pacific Islands Regional Ocean Policy. After endorsement from the CROP Heads, the draft Policy was then circulated through the governing bodies of the different regional organisations for comments from the stakeholders throughout the region. At the 33rd Pacific Islands Forum in Suva in August 2002, the region's Heads of State and Governments endorsed the Pacific Islands Regional Ocean Policy. The leaders present at the Suva meeting included the Heads of State and Government of Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

The endorsement of the Policy by the leaders was accompanied by a call for follow up actions from the region and from individual countries. The Pacific Islands Regional Oceans Forum is the first deliberative effort to implement the Policy. The Oceans Forum will foster further consultation between regional and national stakeholders, governments and civil society, providing a platform for new partnerships within the region. This paper contributes to the quest for good oceans governance by exploring ways through which the Policy can be effectively implemented.

The Rationale and Context

***An unabridged version of this paper by Joeli Veitayaki, Robin South and Nathan Evans is forthcoming in *Ocean Yearbook 18* (2004)**

The Pacific Islands Regional Ocean Policy presents a vision for 'A healthy ocean that sustains the livelihoods and aspirations of Pacific Islands communities'. In an age when the oceans are subjected to unsustainable exploitation and usage, the call for a healthy ocean from the region is reassuring. The Pacific Ocean, as the world's largest and one of the last remaining sources of healthy fisheries and habitats should be managed properly to ensure its continued survival and use.¹

The Policy demonstrates the commitment within the Pacific Islands region to take care of their Ocean, which has been the most dominating feature of their surrounding since their forefathers settled the islands after their epic journeys across the world's largest ocean. The Ocean continues to provide for these island countries and will be the source of their future livelihood.

If the resource potentials of the Oceans are to be realized, the people in these resource-strapped islands will have very bright futures. However, there are many constraints that need to be addressed. Most of the hazards such as extreme natural events such as tidal waves, earthquakes and cyclones, pollution and illicit and illegal human activities threaten the Ocean's resources and its life supporting services. For these reasons, Pacific Island countries need to take proper care of their Oceans starting now.

The Pacific Island Regional Ocean Policy is not legally binding but is founded on international and regional conventions, treaties and instruments. The Policy is intended as the framework that can guide the formulation and implementation of sustainable development within the region. Individual countries have to formulate more specific policies and strategic action that are appropriate for them. However, in many of the countries where local capacity is limited and non-existent, the Policy is a welcomed development that will prompt the countries to look after the Ocean and its resources in areas under their jurisdiction.²

Particular issues require special consideration in the Pacific Island countries because they will influence the implementation of the Policy. These issues are capacity building, vulnerability and the enjoyment of rights and responsibilities. Capacity building is required to provide the knowledge base necessary to generate information about the Ocean upon which life is dependent. The region requires a cadre of scientists and policy makers who can formulate the most appropriate strategies for utilizing and managing the Ocean and its resources. Regional organisations and the countries can enhance the process by providing the support and opportunities for developing local capacity.

Vulnerability can be manifested in terms of environmental, economic and social circumstances. Examples of environmental vulnerability include climate change, sea level rise and extreme natural events. Economic vulnerability is associated with the nature of Pacific

¹ At the end of 1998, the International Year of the Oceans, Australia released Australia's Oceans Policy as an instrument to maintain the integrity of oceanic waters while simultaneously promoting the development of maritime industries. Since then, a number of countries have commenced oceans policy planning, including New Zealand and the United States. Wescott, G. "The development and initial implementation of Australia's 'integrated and comprehensive' Oceans Policy" *Ocean and Coastal Management* 43, 853-878, 2000.

² Regional cooperation in marine resources policy and practice is a feature of how the region organizes itself. See, for example, Eteuati, K. "Regional cooperation for marine environmental and resources management" in Wilson, D. and Sherwood, D. eds *Oceans Governance and Maritime Strategy* Allen and Unwin, Sydney 2000.

Islands and their place within the global economy. Pacific Island countries are economically vulnerable because they have small economies that are isolated from the main markets and are dependent on the export of primary produce. Pacific Island countries lack the high-skill and capital requirements of the oceanic fisheries sector. Social vulnerability is related to population growth and distribution, food security and the loss of traditional knowledge. These vulnerabilities have been successfully addressed in many instances and should be the case in the Pacific Island countries if innovative and good policies and strategies are put in place.

The enjoyment of rights and responsibilities is a feature of international law such as LOSC. Whilst the Pacific Islands were given the rights to claim different maritime zones and resources, they were expected to undertake marine resources surveys and organize management regimes for different resources in these areas within their jurisdiction. These regimes may require the countries to collaborate and form partnerships to improve performance. Countries were encouraged to conduct scientific research and to collaborate with those that have the resources and capacity. In return, countries are to allow the conduct of research within their waters and be willing to share the information and technology. This paragraph could usefully be elaborated as it reads with some retrospection and implies that Pacific Islands have failed in these respects.

With the Policy, the Pacific Island countries are renewing their commitment to sustainably use the resources of the Ocean. The Pacific Islands countries expect other countries, entities and individuals to respect their rights to manage their resources and promise to support other management initiatives that are instituted. Good stewardship and the involvement of communities are emphasized because the communities should be responsible for the care of their resources.

The Policy

The goal of the Policy is to ‘ensure the future sustainable use of our Ocean and its resources by Pacific Islands communities and external partners.’ The goal emphasizes the wise use of the Ocean and its resources by Pacific Islanders and all their partners. As marine resources in many parts of the world are fully utilized or are no longer available, Pacific Islanders and their partners will need to formulate effective policy and strategies for ensuring the future sustainability of their resources.³

There are five guiding principles to the Policy, which reflect the most important features of the Ocean and its use. These principles are purposely kept at a high level with general and encompassing statements that highlight the importance of the Ocean to Pacific Islanders and emphasise why it must be properly managed. It was determined early in the policy development process to elevate the Policy in this way to maximize the likelihood of reaching concurrence on its content. Moreover, there is now a period of reflection for participants to consider the types of actions that can be pursued to deliver on the Policy’s vision. These general statements therefore serve as the basis for all types of activities that are undertaken in the Ocean, coasts and islands in the future.

³ The experience of another developing part of the world (the Caribbean) and its quest for sustainable oceans use is described in Miller, M. “Third world states and fluid sovereignty: development options and the politics of sustainable ocean management” *Ocean and Coastal Management* 42, 235-253, 2000.

Principle 1- improving our understanding of the Ocean

Understanding the Ocean is a huge call for humanity let alone the developing countries of the Pacific Islands. However, the Pacific Islanders need knowledge of the Ocean, how it functions and how its is affected by the changes caused by human activities. This knowledge will provide the basis for planning ‘sustainable uses of the Ocean and its resources, for the amelioration of pollution and harmful practices and for the prediction of weather, climate and ocean variability.’

Effective resource management principles should be applied at all levels. While the local communities should be involved in these management exercises, there also are specific roles for the district, national and regional stakeholders and institutions. The multiple uses of the Ocean require collaboration and partnerships between the users. Integration of traditional knowledge with contemporary scientific information is critical if the decision-makers of the region are to have a better understanding of ocean processes and ecosystems. This critical knowledge is ‘dependent on access to science and technology, to enable research, exploration and development of both living and non-living marine resources, and of long-term monitoring and observation.’

To provide effective solutions, Pacific Island countries need to understand the threat of pollution from all sources. With increased human activities, pollution is likely to worsen. This poses threats to the long-term health of coastal systems and ecological processes, public health and the social and commercial use of Ocean resources.

Principle 2 – sustainably developing and managing the use of Ocean resources

Pacific Island communities are heavily reliant on their marine resources and the services that the Ocean provides. The resources include the extractive uses of living and non-living resources as well as the non-extractive uses such as transport and communication, waste disposal, recreation, and cultural activities. Research and modern technology are expected to create new opportunities for developing Ocean resources and managing the impacts of natural and human activities in the Ocean. The future of Pacific Island communities is dependent on how the people maintain the health of the Ocean. It is therefore imperative that principles such as the precautionary approach, integrated development and adaptive management are articulated and implemented to ensure the sustainable use of the Ocean and its resources.

Pacific Island countries are responsible for the sustainable management of the world’s largest tuna resources. These resources now supply an estimated one-third of all landed tuna, 40-60 percent of total supply to tuna canneries, and 30 percent of tuna to the valuable Japanese sashimi market. Yet Pacific Island countries are receiving less than 10% of the value of the tuna that is fished from their waters. In addition, ocean resources management is based on the maximum sustainable yield, which risks over-exploitation if harvests are beyond this level (either due to poor enforcement of regulations or a lack of information on what the maximum sustainable yield is). Pacific Island countries need to explore new and suitable ways of getting a better return from the use of their tuna fisheries. For instance, it has been argued that the maximum economic yield (the harvest rate that maximises economic returns from the fishery) is almost always less than the maximum sustainable yield (the most that can be harvested

without reducing long-term stock size) and therefore should be used in the management of the region's fisheries. According to some experts, economic returns to the countries will increase and its sustainability better protected if the resources are managed according to their maximum economic yield.

Principle 3 - maintaining the health of the Ocean

The health and productivity of the Ocean is dependent upon the preservation of the ecosystem and the minimization of the impact of human activities. The health and integrity of the marine ecosystem should be maintained so that it continues to provide the life support services it performs. In addition, the Ocean is the final repository of all the substances that enter the environment. In trying to maintain the health of the Ocean, Pacific Island countries need to have policies and strategies that address the threats from all their activities whether these are land-based, atmospheric or in the high seas.

Ocean and coastal systems must be protected from degradation in water quality caused by 'accidental and deliberate dumping of fuels, chemicals and ballast water from ships, aircraft and satellite launches, and non sustainable resource use.' Pacific Island countries must also guard against resource depletion that now feature in the world's Ocean and threaten the natural state of equilibrium.

Principle 4 – promoting the peaceful use of the Ocean

Peaceful uses of the Ocean 'means discouraging unacceptable, illicit or criminal activities' that contradict regional and international agreements'. The Pacific Island countries have to exercise control and enforcement over their maritime zones. They must also seek the support of the other users such as the shipping nations, distant water fishing nations and naval powers. Again, it will not be possible to do this alone. International collaboration and partnership will be required. The uses of technology such as some that are now used by the Forum Fisheries Agency will provide more effective options.

Education can be a useful tool in getting the people to support the policies and strategies. People will act if they know what is occurring on and understand what they need to do. The peaceful use of the Ocean can be a polemic debate to settle but the strategies should spell out what can and cannot be done in a given situation.

Principle 5 – creating partnerships and promoting co-operation

Pacific Island countries have demonstrated effective partnerships and cooperation in the sustainable management of our Ocean. This should be strengthened and extended to include new and emerging partners from outside the region. Partnership and cooperation are emphasized in LOSC and Agenda 21 but need to be specifically articulated. Joint development and joint ventures are example of partnerships that have been attempted in the past and can be the basis for future collaboration.

Pacific Island countries need to 'maintain sovereign rights and responsibilities in managing, protecting and developing the Ocean. This is complex and requires innovative and creative ideas that should be transformed into policies and strategies.

Strategic Actions

The Policy lists the strategic actions that Pacific Island countries can undertake under each of the guiding principles. There is no sequence or order but the Strategic Actions present some of the activities that can be undertaken to achieve the Policy's vision.

The strategic actions are directly related to the guiding principles and should prompt regional and national activities. Pacific Island countries can identify and prioritize their needs and then identify their appropriate plan of action.

Avenues of Development

In developing the Policy, Pacific Island countries can pride themselves on another notable regional achievement. The challenge now is for the countries to embrace the Policy, as their leaders have done, and make it the basis for articulating their national policies, strategies and actions for the sustainable development and management of their Ocean resources. The Policy provides the basis for reconciling national and regional actions while the implementation will require a commitment by all stakeholders.

There are signs that the Policy is widely accepted. Regional heads of government and states have approved the Policy. CROP agencies have also endorsed the Policy and have allowed for extensive consultation through their governing bodies. To successfully deliver on the Policy's principles also requires the commitment and endorsement of the member governments.⁴ After all, good governance in the Ocean ultimately is the responsibility of the States and their people.

The avenues of development outlined here provide ideas about the types of activities that can be undertaken across the region within this framework. Existing regional organization provides a valuable platform that should be built upon in taking the policy forward. Many of the proposed development avenues are activities that fall within the remit of one or more of the CROP agencies. It therefore follows that either the MSWG or a new dedicated body should be charged with creating both a momentum for delivering on the Policy and coordinating efforts to this end.

Some of the specific actions that can be undertaken under Principle 1 include:

- Establish a harmonized regional regime for marine scientific research in conformity with Part XIII of the Law of the Sea Convention
- Develop a region-wide information gathering and data collection programme to provide coherence to the research and outreach activities of CROP bodies.
- Conclude the determination of the maritime boundaries of Pacific Island countries.
- Examine the potential for new marine industries and activities such as biotechnology and deep seabed exploration, addressing the scientific, economic, and legal aspects.

⁴ The role of CROP agencies in pursuing regional approaches to marine planning and management is outlined in Morrison, J. "Relationship between Australia and the South Pacific" in Tsamenyi, M., Bateman, S. and Delaney, J. (eds) *Coastal and Maritime Zone Planning and Management* Wollongong Papers on Maritime Policy, University of Wollongong, 1995.

- Articulate a regional research agenda to enable external research providers to align their activities with priorities defined within and for the region.

Under Principle 2, some of the activities that can be undertaken include:

- Develop ecosystem-based marine plans for the Pacific Island countries as the vehicle for integrating uses across marine sectors and between user groups.
- Ensure that legislation and policies regulating marine activities reflect international standards, are transparent, and provide for stakeholder input.
- Devise and apply a common environmental impact assessment regime to marine activities within the Pacific Islands.

Action that can be formulated under Principle 3 include:

- Determine oceanic water quality standards for the Pacific Islands region.
- Protect and where necessary restore critical habitats and at-risk species through legal and other effective means.
- Review national policies and laws for conformity with agreed international and regional undertakings relating to peaceful and lawful ocean use.
- Enact new legislation, where necessary, to ensure that hazardous or undesirable practices are prohibited including the safety of seafarers and other maritime workers.

Principle activities under Principle 4 could include:

- Enhance at-sea observation of ocean uses within the region to ensure that the South Pacific Ocean is used lawfully and peacefully in accordance with agreed goals.
- Evaluate the worth of the marine asset base and scope options for future use, including possible alternative uses.

Activities that can be undertaken under Principle 5 include:

- Identify areas or uses of the regional ocean that would benefit from regional management, including in relation to impacts generated from outside the region.
- Align existing institutional arrangements to promote a holistic ecosystem approach to marine management.
- Review the practices of adjacent jurisdictions, CROP bodies and Pacific Island countries for consistency with this Policy and establish dialogues to remedy inconsistencies.

Conclusion

The dynamic nature of the Policy needs to be emphasised in conclusion. In any setting, but perhaps especially in a developing part of the world, such an authoritative document must be interpreted and applied in a manner that reflects the evolving status of institutional and community capacity. The vision and principles provide the guidance for future delivery against which specific initiatives and undertakings should always be planned.

The Oceans Forum represents the first exciting step in realizing the Policy. It is hoped that activities of the kind suggested here find currency at this important event. Endorsement of these or similar initiatives will represent a demonstrable move towards the future sustained use of the Pacific Ocean.