

# A PACIFIC REGIONAL OCEAN POLICY

## Introduction

The Marine Sector Working Group of the Council of Regional Organisations of the Pacific (CROP) is currently addressing the possible elaboration of a Regional Ocean Policy for the Pacific. This follows on from decisions taken at the Forum meeting Koror, Palau, 3-5 October 1999, endorsing the recommendations of the Pacific Regional Follow-up Workshop on the Implementation of the Law of the Sea Convention, held in Vava'u, Tonga, 23-27 August 1999 for the development of a broad Regional Ocean Policy. This discussion paper has been prepared to assist CROP Agencies to define an achievable process to the development of such a Policy. Appendix I provides the Full Terms of Reference for the Report.

## 1. Brief summary of the background to the issue and outline of the potential advantages of a Regional Ocean Policy.

### *Background*

The term "Ocean Policy" has become a shorthand term for describing a planned system-wide approach to Ocean management. It involves extensive stakeholder consultation and agreement on a set of common objectives. An "Ocean Policy" approach should also be flexible enough to be used to achieve common goals; thereby gaining the support of a wide range of participants. It provides benchmarks against which priorities can be set and progress measured. It also provides mechanisms for audit and review.

Whilst many countries are beginning to develop national oceans policies, the idea of a regional ocean policy is new and has not been attempted in any other region of the world.

A number of key regional and global developments highlight the importance of a Regional Ocean Policy approach in the Pacific. These developments, which are presented in Appendix 2, include:

### *In the Pacific*

- 1995: Release of Final SPOCC Review of Institutional Arrangements in the Marine Sector
- 1998- Formation of the CROP Marine Sector Working Group
- 1998: Regional Submission to the United Nations Commission on Sustainable Development
- 1999: Pacific Regional Follow-up Workshop on the Implementation of UNCLOS, Tonga
- 1999: 30<sup>th</sup> Pacific Islands Leaders South Pacific Forum, Koror, Palau

### *At the Global Level*

- 1992; Chapter 17 of Agenda 21 at the 1992 UN Conference on Environment and Development
- 1992: UN Commission on Sustainable Development

- 1994: Entry into force of the UN Convention on the Law of the Sea
- 1998: International Year of the Ocean
- 1999: UN Open-ended and Informal Consultative Process
- 1999: Signature of Ocean Charter by over 60 countries

*Potential Advantages of an Ocean Policy for the Pacific Region*

A Regional Ocean Policy in the Pacific is intended to enhance the benefits that have so far accrued to Pacific Island States and Territories from their pursuit of marine regionalism. The likely benefits from such a policy include:

- provision of a highly effective framework for accessing and managing high-cost managerial technologies and infrastructures for Ocean governance;
- avoidance of duplication of efforts in a situation of scarce human and financial resources;
- continued avoidance of politically and economically damaging marine resource demarcation disputes;
- the strengthening of the current functional task-oriented approach to regional unity.
- attracting donor funding because of the policy's coordinated and longer term focus;
- assistance with improvements in capacity and general confidence-building in managerial expertise.
- as a robust and consensually agreed reference point for developing national ocean policy
- as a robust and consensually agreed reference point for developing and presenting Regional positions in international fora
- as a consensually agreed reference point for developing capacity building programmes that meet the needs of Member States and Territories.

In the final analysis, a Regional Ocean Policy would provide international leadership; whilst making the CROP Agencies more efficient and effective in the discharge of their mandates to their members.

**2. Briefly describe those components of a Regional Ocean policy that are already in place, taking account of initiatives under UNCLOS, UNCED, and other international instruments and any purely Regional initiatives.**

The Pacific has already set the international benchmark for the development of cooperative approaches to ocean issues. Since the late 1970s substantial legal and policy frameworks have been put in place to provide the basis for cooperation on ocean matters in the region. The existing regional organizations and Conventions provide a sound legal and institutional framework for a Regional Ocean Policy.

The existing institutional framework for the Ocean Policy include:

- the Pacific Community;
- the Forum Secretariat;
- the South Pacific Forum Fisheries Agency;

- the South Pacific Regional Environmental Programme;
- the South Pacific Applied Geosciences Commission;
- the University of the South Pacific.

These institutions are supported by a number of Conventions which address diverse ocean issues. These include:

- The Convention on the Conservation of Nature in the South Pacific, (Apia Convention);
- The South Pacific Nuclear Free Zone Treaty, ;
- the Convention for the Protection of the Natural Resources and Environment of The South Pacific Region (SPREP Convention) and Protocols;
- The South Pacific Forum Fisheries Agency Convention;
- The Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific;
- The Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region
- The Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest;
- The Palau Arrangement for the Management of the Western Pacific Purse Seine Fishery;
- The Federated States of Micronesia Arrangement for Regional Access;
- The Convention to Ban the Importation into Forum Island Countries of Hazardous and radioactive Waste and to control the Trans-boundary Movement and management of Hazardous Waste within the South Pacific Region (Waigani Convention).

The outcomes of the on-going MHLCC will add another legal and institutional dimension to ocean resource policy in the region.

Through these regional institutions and Conventions, a high degree of regional solidarity and consensus already exists on many ocean issues; including: marine environmental protection; marine pollution; fisheries management; integrated coastal zone management; sea level rise; and shipping. To a large extent, therefore, most of the requirements for what may be covered in a Regional Ocean Policy already exist in the Pacific.

The proposal for a Regional Ocean Policy for the Pacific should, therefore, be seen primarily as a framework to achieve the objectives of current institutional arrangements and to identify priority areas for concerted action and to provide confidence building mechanisms to implement these. The Policy would assist in identifying the gaps and overlaps in the existing system and tie current efforts into a coherent whole.

### **3. Possible Objective and Scope of an Ocean Policy for the Pacific Region**

#### *Objective to be sought by the proposed Regional Policy*

A regional ocean policy will not only ensure the ecological integrity of the resource base for economic development, but also provide the bases for planning, resources

allocation and a the provision of a secure investment climate for the development of marine resources by individual countries and territories in the region. Thus, the objective of the Policy, may be defined to include:

- To provide the framework for the sustainable development of marine resources in the region;
- To provide a framework to achieve a better coordination of implementation of existing international and regional obligation;
- To provide a framework for consistent/compatible national action on marine issues
- To provide a framework for a more effective coordination of regional organizations.

#### *Geographical Scope*

The initial impetus for a regional oceans policy came from the Forum. However, given the interconnected nature of marine issues in the region, to be effective, the Regional Ocean Policy will need to cover all States and Territories in the central and western Pacific. It is suggested that the States and Territories falling under the mandate of SPREP be used as the geographical boundaries for the regional policy. This approach is consistent with the current level of regional cooperation on ocean-related activities in the region.

#### **4. Define a potential process for elaborating, engaging appropriate stakeholder involvement and consultation, and reaching agreement on, a Regional Pacific Ocean Policy.**

The potential process for elaborating and engaging appropriate stakeholder involvement in developing a Regional Ocean Policy are presented in Tables 2 and 3 below. Table 2 outlines the suggested processes and Table 2 identifies the potential stakeholders and the rationale for their engagement.

**Table 2: Proposed Steps in Formulation of Regional Policy**

| <b>Activity</b>   | <b>Responsible Organisation and Personnel</b>                                  | <b>Rationale for Activity and Outcomes Sought</b>   |
|---|--|---|
| 1.Preparation of a master-list of reports related to Regional Ocean Policy in the Pacific   | Co-ordinated by Marine Sector Working Group of CROP with consultant assistance | To provide a good overview of previous work done, to build on past work and to avoid duplication of effort in preparation of the Discussion Paper and during Ocean South Pacific Forum discussions and submissions          |
| 2. Review of reports on Master-list to provide Marine Sector Working Group with a concise summary of: (i) key recommendations, priority areas and proposed measures set out in previous reports; (ii) gaps in previous analysis | Marine Sector Working Group with consultant assistance                         | Recent processes for establishing integrated Ocean policy in Australia and New Zealand used tightly focused reviews to support preparatory work with very good results and avoided repetition of previously undertaken work |
| 3. Preparation of a Draft Regional Ocean Policy   | Co-ordinated by Marine Sector Working Group; consultant assistance             | To provide basic documents and a focal point for discussion at the Regional Ocean South Pacific Forum   |
| 4. Convening and managing a Regional Ocean Forum to   | Co-ordinated by Marine Sector  | The main tasks for a Regional Ocean South Pacific Forum would be to discuss the scope and content of the  |

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| be attended by high level representatives of key stakeholders   | Working Group; consultant assistance                                   | draft of the d policy   |
| 5. Appointment of a Steering Committee at the Regional Ocean South Pacific Forum - the Regional Ocean South Pacific Forum Steering Committee; | Marine Sector Working Group to supervise process                       | To manage and coordinate formulation of Regional Ocean policy. The Marine Sector Working Group could be an integral part of the Committee. The Committee Chair must be highly respected in the region |
| 6. Revision of the draft Policy in line with discussions at the second Regional Ocean South Pacific Forum.                                    | Steering Committee; Marine Sector Working Group; consultant assistance | Refinement of Regional Ocean Policy proposals and align Policy with available technical, human and financial resources  |
| 7. Submission of the draft policy to the governing councils of CROP agencies for approval.  | Steering Committee; Marine Sector Working Group                        | Refinement of Regional Ocean Policy proposals and align Policy with available technical, human and financial resources  |
| 8. Transmission of the Policy to all stakeholders   | Steering Committee; Marine Sector Working Group                        | To provide a framework for implementation of agreed measures  |

For eventual success, stakeholders would need to be clearly identified at the start and be involved in the formulation of the Policy according to well defined protocols. The key stakeholders to be involved in the process may be drawn from the following list. Table 3 below provides an indicative list of stakeholders, their possible roles and modes of engagement with the process.

**Table 3: Stakeholder Participation in the Regional Ocean Policy Process**

| <b>Stakeholder Group</b>                              | <b>Who needs to be involved?</b>  | <b>How Can they be Engaged?</b>   |
|---|---|---|
| South Pacific Forum Governments                       | Senior government officials from key portfolios: Foreign Affairs, Fisheries, Environment, Treasury/Finance and Prime Minister's Departments | <ul style="list-style-type: none"> <li>• providing information</li> <li>• submissions to Marine Working Group</li> <li>• reviewing draft Policy as appropriate and within specified time-lines</li> <li>• participation in the Regional Ocean South Pacific Forum</li> </ul>                        |
| Pacific Regional Organisations                        | CROP Agencies; Other Agencies as appropriate  | <ul style="list-style-type: none"> <li>• providing information</li> <li>• commenting on draft Policy within specified time-lines</li> <li>• technical, financial and other input in design, implementation and review</li> <li>• participation in the Regional Ocean South Pacific Forum</li> </ul> |
| Pacific NGOs and Community-based Organisations        | Senior officials and second tier officials as appropriate   | <ul style="list-style-type: none"> <li>• Participation in the Regional Ocean South Pacific Forum</li> <li>• input in design, implementation and review</li> <li>• submissions</li> </ul>  |
| Pacific Private Sector Groups                         | Leading companies and financial groups with interests in the marine sector  | <ul style="list-style-type: none"> <li>• participation in the Regional Ocean South Pacific Forum</li> <li>• input in design, implementation and review</li> <li>• financial support where appropriate</li> </ul>  |
| Global International Organisations with Pacific Focus | UNEP, UNESCO, FAO, UNDP, Commonwealth Secretariat etc.  | <ul style="list-style-type: none"> <li>• providing information</li> <li>• commenting on draft Policy</li> <li>• technical, financial and other input in design, implementation and review</li> <li>• participation in the Regional Ocean South Pacific Forum</li> </ul>                             |
| Donor Agencies and Countries                          | Australia, New Zealand, Canada, UNDP, Asia Development Bank, Norway, Sweden, World Bank   | <ul style="list-style-type: none"> <li>• providing information</li> <li>• commenting on draft Policy</li> <li>• technical, financial and other input in implementation and review</li> </ul>  |

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|--|--|---|
|  |  | <ul style="list-style-type: none"> <li>• participation in the Regional Ocean South Pacific Forum</li> </ul>   |
| Private Sector Companies and Investors |  | <ul style="list-style-type: none"> <li>• participation in the Regional Ocean South Pacific Forum;</li> <li>• input in design, implementation and review phase.;</li> <li>• financial support where appropriate</li> </ul> |
| External NGOs                          |  | <ul style="list-style-type: none"> <li>• participation in the Regional Ocean South Pacific Forum</li> <li>• input in design, implementation and review phase.</li> <li>• financial support where appropriate</li> </ul>   |

**5. Roughly estimate the resources necessary to implement this process, including CROP agency involvement in overseeing the process and providing specialist support within their areas of expertise.**

The total financial cost of developing a Regional process of this sort is difficult to determine, even on rough estimates. The financial cost will be influenced by a number of factors such as the duration of the process; the level of human resources available from the CROP Agencies; the location of meetings; the number of delegates attending the Regional Ocean South Pacific Forum; and the duration of the South Pacific Forum.

The following estimate may provide some bases for a preliminary costing.

- Consultancies to prepare background papers, facilitate the regional ocean forum and to prepare a draft of the Regional Ocean Policy (assuming this service cannot be provided from CROP Agencies resources)
- Cost of hosting a one week Regional Oceans Forum for at least delegates from each Pacific Island State and Territory (probably at the Forum Secretariat to reduce venue and other associate costs)
- CROP Agencies Cost- the process will require each CROP Agency to provide specialist support within their agencies. Assuming the process is completed within one year, it is estimated that the total time required for each CROP Agency official will be about 3 months.

**6. Provide ideas on how CROP agencies, in the longer term, may assist island member countries and territories, as they may require, in developing Ocean policies or decision-making mechanisms based on the principles agreed by them at the Regional level**

It is important to clearly distinguish a Regional Ocean Policy from an initiative at national levels. Whilst a Regional Ocean policy may provide the Regional context within which national policies are developed, the content of national policies may differ as each state and territory in the region has different priorities, strategies and responses to the issues of common interest.

In the longer term however, a Regional Ocean policy will provide the framework for compatibility between national and Regional initiatives and actions. A Regional Ocean Policy also appears likely to enhance relationships between CROP agencies and Members States and Territories through provision of a framework for prioritizing

Ocean management issues and requirements at the national level. The development of a Regional Ocean Policy will provide CROP Agencies the necessary expertise and framework to assist each member country and territory that wish to develop their own national ocean policies.

## **APPENDIX I**

### **Terms of Reference for Consultancy**

- Provide a brief summary of the background to the issue and outline the potential advantages of an Ocean policy covering the region;
- Suggest an objective for, and define the potential scope (including geographical) of a comprehensive Pacific Ocean Policy;
- Briefly describe those components of a Regional Ocean policy that are already in place, taking account of initiatives under UNCLOS, UNCED, and other international instruments and any purely Regional initiatives;
- Define a potential process for elaborating, engaging appropriate stakeholder involvement and consultation, and reaching agreement on, a Regional Pacific Ocean Policy;
- Roughly estimate the resources necessary to implement this process, including CROP agency involvement in overseeing the process and providing specialist support within their areas of expertise;
- Provide ideas on how CROP agencies, in the longer term, may assist island member countries and territories, as they may require, in developing Ocean policies or decision-making mechanisms based on the principles agreed by them at the Regional level

APPENDIX 2

**Activities Leading Towards Establishment of a Regional Policy**

| <i>Pacific Developments</i>   |   |
|---|---|
| 1999: 30 <sup>th</sup> Pacific Island Leaders South Pacific Forum, Koror, Palau, 3-5 October 1999         | This meeting endorsed the development of a Regional Ocean policy and integrated national Ocean policies at the Regional level   |
| 1999: Pacific Regional Follow-up Workshop on the Implementation of UNCLOS, Tonga                          | This meeting recommended the adoption of a Regional Ocean policy and integrated national Ocean policies at the Regional level   |
| 1998: Regional Submission to the United Nations Commission on Sustainable Development                     | This document highlighted the growing awareness of the importance of co-ordinated and integrated Regional marine sector action in an era of scarce financial and human resources  |
| 1995: Release of SPOCC Review of Institutional Arrangements in the Marine Sector, Final Report, July 1995 | This report reviewed all marine sector organisations; highlighted areas of overlap and addressed ways and means of achieving efficiencies - it highlighted the need for greater integration and co-ordination and also underscored the impressive achievements of the Pacific Island States in Regional approaches to marine management |
| <i>Developments in the UN System</i>  |   |
| 1999: Signature of Ocean Charter by over 60 countries   | A statement of principles on the use of the Ocean with emphasis on Regional and national policy approaches  |
| 1999: UN Open-ended and Informal Consultative Process   | To discuss a range of ocean-management issues.  |
| 1998: International Year of the Ocean   | This year sparked off many improvements in Ocean governance arrangements worldwide  |
| 1994: Entry into force of the United Nations Convention on the Law of the Sea                             | This treaty imposed obligations on all States to take certain measures at national and Regional level as a matter of international law  |
| 1992: UN Commission on Sustainable Development  | Focussed attention on small, developing island States   |
| 1992: Chapter 17 of Agenda 21 at the 1992 United Nations Conference on Environment and Development        | Integrated approaches and Regional approaches endorsed  |

APPENDIX 3

**Interaction of Current Pacific Initiatives in Ocean policy with Proposed Regional Policy Initiative**

| CROP Agency                         | Current Organisational Mandate and Programmes   | Impacts and Implications for Regional Policy Initiative   |
|-------------------------------------|---|---|
| The Pacific Community               | Coastal Fisheries Programme<br>Oceanic Fisheries Programme<br>Regional Maritime Programme   | <ul style="list-style-type: none"> <li>All current programmes and activities would be important components of a Regional Policy. Integration with other sectors would be enhanced</li> </ul>  |
| The South Pacific Forum Secretariat | Policy advice on marine resources and international trade in marine resources<br>Diplomatic initiatives as appropriate  | <ul style="list-style-type: none"> <li>This programme would strongly support a Regional Policy approach.</li> <li>Current trends towards strategic agenda setting by FORSEC would also be enhanced</li> </ul>   |
| SPREP                               | Action Plans for Biodiversity and Natural Resource Conservation, Climate Change and Integrated Coastal Management, Waste Management, Pollution Prevention and Emergencies, Environmental Management, Planning and Institutional Strengthening | <ul style="list-style-type: none"> <li>All current programmes and activities would fall within and support a Regional Policy approach.</li> <li>Integration with other sectors and objectives would be enhanced.</li> <li>Environmental objectives would be more fully integrated into other sector activities.</li> <li>SPREP work would be considerably enhanced</li> </ul> |
| SOPAC                               | Information on physical environments of coastal areas;<br>investigation of potential of all marine resources<br>co-ordination of research and data-management<br>training and technical assistance.   | <ul style="list-style-type: none"> <li>All current programmes and activities would fall within a Regional Policy approach</li> <li>Current orientations towards environmental and conservation objectives in SOPAC would be enhanced</li> <li>Environmental and conservation objectives would be integrated even more closely with developmental activities</li> </ul>        |
| FFA                                 | Relations with distant water fishing nations<br>International Fisheries negotiations<br>Fisheries monitoring, compliance and surveillance   | <ul style="list-style-type: none"> <li>With the possible exception of co-operation in marketing and issues to do with fish-processing all FFA activities would fall within a proposed Regional Policy.</li> <li>Integration of FFA activity with other sectors would be considerably enhanced</li> </ul>  |
| USP                                 | Training and technical assistance   | <ul style="list-style-type: none"> <li>All activities would support a Regional Plan approach and would require</li> </ul>   |

|                            |   |   |
|----------------------------|---|---|
|                            | Capacity development                          | expansion and further development to support the Regional Plan through long-term and short-term training  |
| Tourism Council of Pacific | Co-ordination of the Tourism Sector           | <ul style="list-style-type: none"> <li>• Activities would be enhanced</li> <li>• Integration of environmental objectives would be strengthened</li> </ul> |
| PIDP                       | Co-ordination of Private Sector participation | <ul style="list-style-type: none"> <li>• Activities would be enhanced</li> <li>• Integration of environmental objectives would be strengthened</li> </ul> |

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