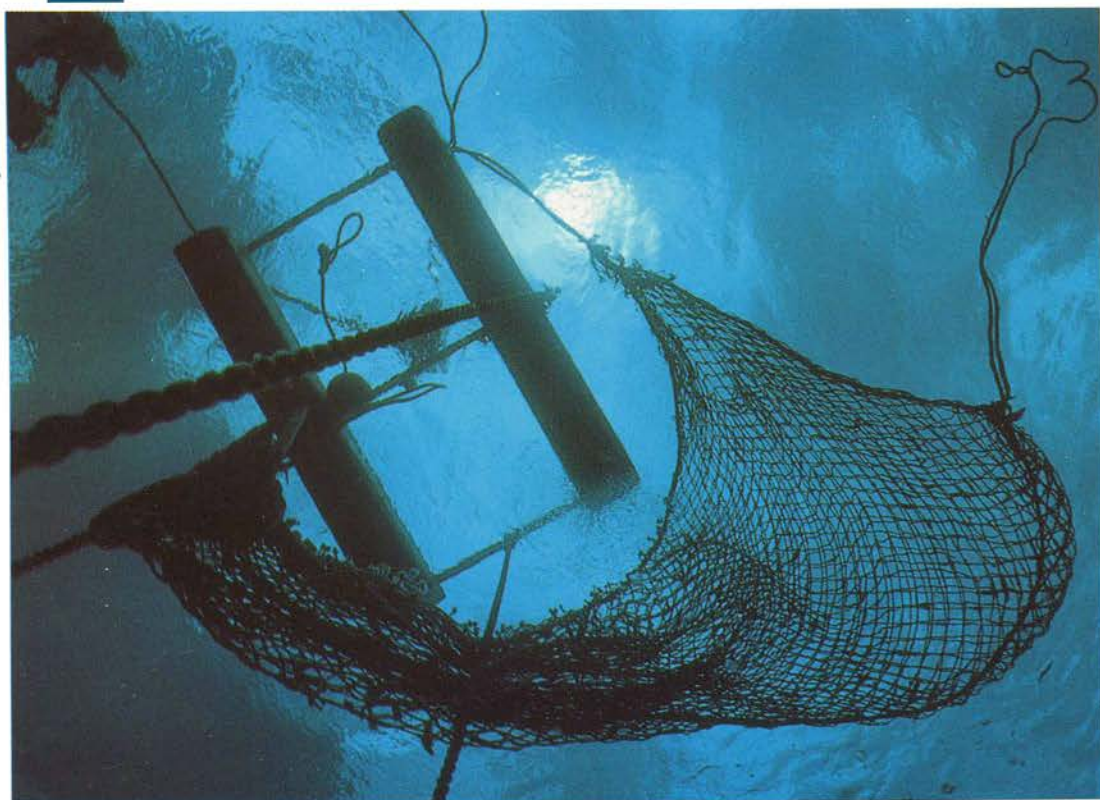




UNEP

The Law of the Sea



and the
South Pacific

Env
list 27



UNEP

prepared for the
United Nations Environment Programme
and the
International Ocean Institute
by
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International Ocean
Institute



Cover: the view from below. A healthy environment is the heritage and hope of the South Pacific.



The Law of the Sea and the South Pacific

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An ocean region

The South Pacific is a region of islands and ocean — mainly ocean — extending thousands of kilometres north and south of the equator.

The region's 22 countries and territories consist of close to 10,000 islands with a total land area of 550,000 square kilometres. Papua New Guinea is the largest, with 84 per cent of the land area. Of the rest, seven have land areas of over 700 sq km, four have less than 30 sq km each. Fifteen of the territories are made up wholly or largely of atolls and coral islands. The others, with the exception of Western Samoa, have atolls in their groups.

Land accounts for only two per cent of the region's total area. The combined sea area of the islands is 30 million sq km — over three times the area of the United States. Nine South Pacific States and territories have a sea area of over one million sq km.

The total population is about 5.5 million people. Of these, some 3.5 million live in Papua New Guinea, the region's western boundary. Next largest is Fiji with 700,000 people. The smallest is Pitcairn, on the eastern edge of the region, with about 60. Population densities (people/sq km) range from seven in Papua New Guinea and eight in New Caledonia to 410 in Nauru.

The average gross national product (GNP) per head was about US\$1700 in 1986.

Politically, nine territories are independent (Fiji, Kiribati, Nauru, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa). Four are self-governing (Cook Islands, Federated States of Micronesia, Marshall Islands and Niue). The remaining nine are territories of the United States (American Samoa, Guam, Northern Marianas and Palau), France (French Polynesia, New Caledonia, Wallis and Futuna), the United Kingdom (Pitcairn), and New Zealand (Tokelau Islands).

Vulnerable islands

Island ecosystems are particularly fragile, vulnerable both to forces of nature and the destructive activities of human beings.

Atolls are narrow (less than 1km wide) strips of land on coral platforms which rise about 2-3 metres above sea level. They are exposed to hurricanes, storm surges and tsunamis.

Atolls often suffer from severe droughts, particularly near the equator, and generally have no surface water. Their fresh water comes from rain which seeps through the porous surface coral and floats in a fragile lens above the salt water which permeates the lower levels of the coral platform. This fresh water is highly vulnerable to contamination by sea water flooding, excessive use and waste discharge.

Atoll soils are scarce, made up of shallow accumulations of organic matter over coral sand. Only a very limited variety of plants grow in such soils. The major food crop of atoll countries, "babai" (*Cytosperma* sp.), is grown in pits dug down to the fresh water lens so that the corm develops under water.

Apart from Nauru, the atoll countries of the South Pacific have no exploitable onshore mineral resources. Their main export is copra which comes from the nut of the coconut tree.

Surface water is scarce on atolls. The staple food, "Babai" (Cytosperma sp.), is grown in pits.





Devastated slopes in New Caledonia reveal that the country's mineral wealth is a mixed blessing.

The higher volcanic islands of the region are relatively small in size, except for those of Papua New Guinea and New Caledonia. Virtually all are steep and rugged. Recent soil surveys have found a very limited potential in these islands for agricultural development.

Only in Papua New Guinea, New Caledonia and Fiji are onshore minerals mined on a commercial scale. The other high island countries still depend on copra and coconut or palm oil as their major exports.

Looking to the sea

This paucity of land-based resources has meant that the people of the region must look to the sea and its resources for their sustenance, as they have done for generations.

Even on the most inhospitable atolls, island communities have managed to live in relative contentment over the years by harnessing and nurturing the limited resources at their disposal and adopting lifestyles in harmony with their environment.

In their religious practices and rituals, in their social and political organizations, South Pacific communities have woven a network of conservation measures by which they have managed their fragile environment. Taboos were placed on the agricultural cultivation of certain areas of land or on the use of particular resources. Villages were confined to defined locations. Certain wood species were used only for specific purposes. Villages were given exclusive rights to use certain fishing methods. Some species of fish could be caught only on special occasions.

Attitudes towards resource use and environmental protection were governed largely by the instinctive acceptance by Pacific island peoples of their role as custodians for future generations. They would use only what they needed.

This harmony has been disrupted. The demands of the cash economy, of rapidly increasing populations and all that goes with modern living have begun to outstrip the capabilities of these societies to manage and safeguard their essential resources.

The process is irreversible. And as the South Pacific's limited resources are depleted, the economic future of its island communities has begun to look increasingly bleak.

The Law of the Sea Convention

The Law of the Sea Convention has dramatically improved the outlook for these countries. It has given them access to more resources and at the same time provided an innovative framework for developing these resources and managing the South Pacific environment.

The 200-mile Exclusive Economic Zones (EEZs) established by the Law of the Sea Convention are of the greatest importance to the South Pacific island countries. With the very limited range of natural resources at their command, the Convention's extension of sovereign control over all marine resources in vast areas of ocean has proved an extraordinary bonanza. For many, it opened the way to new major economic opportunities. For the atoll countries, it offered perhaps the only viable option for economic development.

The significance of the EEZ concept was quickly grasped by the political leaders of the region.

The **South Pacific Forum** is the foremost political grouping in the region, made up of the leaders of the independent and self-governing island countries as well as Australia and New Zealand. In 1976 the Forum embraced the EEZ concept and formally declared that member countries would co-operate and co-ordinate their policies on a regional basis in matters relating both to the establishment and operation of their EEZs and to the Law of the Sea Convention in general.

Exclusive Economic Zones (EEZs) gave small countries the right to exploit resources from vast areas of the ocean.





More hope: before the Law of the Sea, fishing traditions were giving way to resource-depleting demands of a cash economy.

In 1977 the Forum decided that "South Pacific countries will more effectively manage this unique South Pacific environment by the adoption of common approaches and standards to development planning and environment conservation and by strong regional co-operation". By mid-1978, following a Forum resolution in 1977, all Forum member countries had passed legislation creating their 200-mile EEZs.

This regional approach adopted by the Governments of the South Pacific countries coincided with the decision by the Governing Council of the United Nations Environment Programme (UNEP) to encourage a regional approach to the control of marine pollution and the management of marine and coastal resources through the Regional Seas Programme.

Thus the impact of the Law of the Sea on the South Pacific countries was channeled through the work of regional organizations. The effectiveness of these regional organizations has ensured that the impact has been significant.

Therefore, to understand the impact of the Law of the Sea on the South Pacific, one needs to have some idea of the work these regional bodies do. Three organizations, in particular, should be kept in mind. These are: the South Pacific Forum Fisheries Agency (FFA), the South Pacific Applied Geoscience Commission (known as SOPAC), and the South Pacific Regional Environment Programme (SPREP).

The Forum Fisheries Agreement

In 1977, the FFA was established by the South Pacific Forum to coordinate and assist member countries to derive maximum benefits from the emerging new order of the oceans. The mandate of the FFA was to collect, analyse and distribute statistical and biological data on the living resources of the region, especially the highly migratory species; to collect information on management procedures, legislation, and agreements on fisheries resources adopted by governments both within and outside the region; and to inform, advise and assist member countries in their development of fisheries policies, drafting of legislation, negotiation of agreements, authorization of licences, collection of fees, and in matters relating to surveillance and enforcement.

In the legal instrument which established FFA the Forum countries reaffirmed their common interest in the conservation and optimum utilization of the living marine resources of the region.

The work programme of the FFA is organized into various sub-programmes. Their objectives are:

- to harmonize fisheries regimes and access agreements;
- to improve surveillance and enforcement, by providing technical assistance and training of prosecutors and enforcement personnel;
- to provide information to member governments on market trends, fisheries development and policy through a weekly circular telex and monthly news digest;
- to assist member governments in planning national and regional fishery development programmes and to facilitate the implementation of fisheries assistance programmes and projects;
- to assist members in the economic evaluation of industrial and market trends and the development of options.

The FFA attempts to determine and predict fishing patterns by using a regional database on catch statistics and vessel operation. It also emphasizes the promotion of appropriate programmes to meet regional fisheries training needs, as well as the strengthening of national fisheries administrations. To this end, the FFA provides in-service training at FFA headquarters or other appropriate institutions, and it provides, or arranges for, other types of training as required by member governments.

The FFA also gives legal aid on such questions as the delimitation of fishing and related zones. It provides cartographic assistance and advises in the preparation of charts as required by the Law of the Sea Convention. It also provides financial assistance to members in delineating maritime zones. The FFA has had considerable influence on the development of co-operative fisheries management in other regions and sub-regions of the world, including its introduction of a Regional Registry of licensed vessels as part of its surveillance and enforcement effort.

Government support

Because of the great development potential of fisheries in the region, Governments have given FFA their strong support. FFA has responded well, and it has been most effective in implementing its work programmes. All the programme components are active and virtually all requests from Governments for assistance have been met.

The region has greatly benefited from the work of FFA. Nations have accomplished jointly what each of them could not have done individually, considering the limited human and financial resources, and the lack of technological and scientific expertise of most of the countries of the region.

There have also been significant financial returns to countries from activities such as the licensing of foreign fishing vessels to fish in EEZs, through either bilateral or multilateral agreements.

Several countries (e.g., Kiribati, Solomon Islands, Tuvalu) now earn more from fisheries than from any other source.

The Forum Fisheries Agency collects biological data on fisheries resources, especially migratory species such as this dogtooth tuna.



The South Pacific Multilateral Fisheries Treaty

The conclusion in 1987 of the unique multilateral Fisheries Treaty between the sixteen FFA member Governments and the Government of the United States of America has been the most obvious, indeed dramatic, demonstration of the potential for fisheries development in the region. It also showed the strength of regional co-operation in the South Pacific, especially in marine affairs.

The United States was catching large quantities of tuna under the high seas regime of freedom to fish. A non-signatory to the Law of the Sea Convention, the U.S. refused to recognize that coastal States have sovereign rights over highly migratory fish in their economic zones. This led to dramatic incidents such as the capture of American fishing boats by South Pacific surveillance forces.

For three years, the 16 FFA countries, with their widely diverse backgrounds and interests, negotiated as a group with the U.S. Government to produce a treaty under which 35 U.S. registered purse seiners would fish for the highly migratory tuna in Pacific EEZs. The Treaty covers an initial period of five years and a licence fee of US\$60 million, which is divided among the 16 countries according to a formula which they negotiated among themselves.

The Treaty specifically recognizes the heavy dependence of Pacific island countries on fisheries resources and the importance of the continued abundance of those resources. The strong management provisions in the Treaty clearly reflect this awareness. Limitations on the number of licensed vessels; designation of closed areas and limited areas; strict reporting requirements on vessel location, catch location, and catch size; regulation of fishing seasons; and the placement on fishing vessels of trained observers from Forum countries are some of the ways used in the Treaty to protect the rights and interests of the Pacific island Parties. Additionally, the U.S. Government has a treaty obligation to be ultimately responsible for ensuring that the U.S. fishermen abide by the provisions of the treaty.



The South Pacific Multilateral Fisheries Treaty places strict limits on the number, location and catch size of foreign vessels.



Resources caught or produced close to shore are most vulnerable to pollution, siltation and other effects of human activities on land. Above: milkfish enclosures in Kiribati. Below: gathering giant clams from a reef in the Tokelaus.

Inshore marine resources

With its heavy emphasis on the rational management of resources, the Law of the Sea has also provided a powerful impetus for South Pacific countries to look at the broad issue of managing their inshore marine resources, with the challenging problems this entails.

These resources are the most exposed to human activities and pollution from land-based sources. The inshore areas have sustained generations of South Pacific island people, but only if they are wisely managed, and their environment protected, will they do so in the future.

In recent years, conservation efforts have not been very effective due to lack of co-ordination and the absence of a framework under which a comprehensive management scheme for marine resources and the marine environment could be established and implemented.

The Law of the Sea Convention has provided such a framework. The FFA and other national, regional and international organizations which are concerned with marine affairs in the region are helping to manage the inshore areas. They are scientifically monitoring fish stocks and environmental conditions, initiating, implementing and strengthening management policies and legislation, establishing or upgrading institutional arrangements and administrative mechanisms, improving manpower capabilities through vigorous training programmes for in-service personnel as well as high school and university students. Extension services of Natural Resources Departments have also been conducting public awareness programmes which inform people of the need to protect and manage their inshore marine resources and their vulnerable environment.

Non-living marine resources

The organization dealing with non-living marine resources is the South Pacific Applied Geoscience Commission (SOPAC). First established as a co-ordinating committee for offshore prospecting, it is now a fully-fledged intergovernmental organization, with a rather comprehensive mandate.

Among other things, its mandated tasks are to identify and assess the potential of the mineral and other non-living marine resources in the EEZs of member countries; to advise governments on the development and management of their nearshore and coastal zones; to co-ordinate and provide information on marine geological, geophysical and exploration work being conducted in the region; and to train nationals of member countries in the technical skills necessary to promote increased national participation and self-reliance in these activities.

SOPAC's work programme is predominantly scientific and technical in nature. It is difficult to assess its value in strictly monetary terms. It is clear, however, that member governments are increasingly calling on the organization in their efforts to develop and manage their coastal zones,

and to find exploitable offshore deposits of construction materials such as sand and gravel – previously taken from beaches, causing erosion and other environmental problems. Thus the organization is beneficial not only for development and management of the limited resources of South Pacific countries, but also for the protection of the region's marine environment.

Protecting the marine environment

The Law of the Sea Convention has given coastal States control over marine resources in greatly expanded maritime zones. On the other hand, it has also established detailed regimes by which coastal States have responsibility for managing these resources and for protecting the marine environment.

The comprehensive framework for the protection and preservation of the marine environment provided in the Law of the Sea Convention has presented the Governments of the South Pacific countries with an excellent basis for their national and regional environmental protection programmes. This framework has been filled thanks to the initiative, guidance and financial support of UNEP's Regional Seas Programme, in conjunction with the South Pacific Regional Environment Programme (SPREP). UNEP and SPREP have been responsible for the progress in

The Nadi River dumps eroded sediment into the coastal waters of Fiji.





Disposal of solid wastes is an enormous problem everywhere in the South Pacific.

adopting and implementing the environmental protection provisions of the Convention by the South Pacific countries.

SPREP is the focal point in the South Pacific for activities relating to the protection and preservation of the environment. It was established in 1980 by joint action of the South Pacific Commission (SPC), the South Pacific Bureau for Economic Co-operation (SPEC, now renamed the South Pacific Forum Secretariat), ESCAP and UNEP.

SPREP provided a specified regional unit through which preparations for the Conference on the Human Environment in the South Pacific were co-ordinated. The Conference was expected to provide SPREP with directions on policies and a work programme.

The most important part of these preparations was the provision of reports by the countries of the region in which they identified their environmental problems and priorities. This information was most useful in guiding the Human Environment Conference in its discussions on the action to be taken.

The Conference on the Human Environment in the South Pacific was held in Rarotonga, Cook Islands, in 1982. It adopted two important documents, the South Pacific Declaration on Natural Resources and the Environment, and the Action Plan for managing the natural resources and the environment of the South Pacific region.

The Declaration emphasized the importance of sustained and integrated environmental, economic, social and resource planning and management. It stressed the need for an effective programme of public information,

education and training in skills related to environmental management, and proposed the establishment of legal instruments and institutional arrangements for the effective implementation of environmental policies. It urged the designation of national parks and reserves. Aware of the impact of growing population and urbanization, it recommended measures for the effective management of the growth and distribution of population and the effective control of discharges of non-nuclear wastes.

A unique aspect of the South Pacific Declaration is that it prohibits the storage and release of nuclear waste in the region as well as the testing of nuclear devices. It establishes national and regional contingency plans and prevention programmes and recommends the strengthening of regional co-operation and the retention of effective traditional conservation practices.

Finally, it stresses the importance of the active involvement of the people of the islands in the decisions and in the implementation of measures to manage their resources and protect their environment.

Although adapted to local circumstances, the South Pacific Action Plan has the same form as action plans developed by the other Regional Seas Programmes.

The purpose of the Action Plan is "to provide a framework for environmentally sound planning and management, suited to the needs and conditions of the countries and people of the region, and to enhance their own environmental capabilities". Like the other Action Plans, it is organized into four main chapters:

- environmental assessment;
- environmental management;
- legal instruments; and
- institutional arrangements.

SPREP at work

SPREP's work plan has nine components, covering activities at the national, sub-regional and regional levels.

There is a programme for the **Management of Natural Resources**. Through this programme, assistance is to be given to projects on afforestation; to the compilation of an inventory of marine mammals; a survey of traditional porpoise harvest and the status of the dugong population; a project on giant clam replanting; baseline studies of near-shore areas; a survey of environmental impacts of destructive fishing practices; and an assessment of shallow-water marine resources.

A second programme is specifically devoted to **Protected Areas and Species**. It includes projects on management planning, surveys, the establishment of protected areas on traditional land, and the development of facilities for the survey of nature reserves.

A third programme deals with **Coastal and Marine Activities** and includes projects for the study of ecological interactions and tropical coastal ecosystems, oceanographic surveys, sedimentary transport surveys and other studies on the state of the marine environment.

Another programme deals with **Water Quality**, including ground water, coastal waters and lagoon waters. **Waste Management** is the subject of a comprehensive programme covering the assessment of occupational and environmental hazards of pesticide use, the development of effective waste disposal standards, the monitoring of heavy metals and organochlorides in coastal waters and rivers, atmospheric pollution and oil pollution, etc. A special study is devoted to the possibilities of utilizing solid wastes as artificial reefs.

Environmental Education and Information occupies an important place in the programme. The purpose is to promote environmental community education, to provide environmental studies scholarships and training in specific sectors such as agroforestry research, and to develop environmental case studies. Mobile environmental education units help bring the programme to small communities.

SPREP publishes an environmental newsletter and a special newsletter on coral reefs. It also compiles environmental bibliographies and audio-visual materials.

Coastal fresh water is easily contaminated. These people are dependent on a polluted well in Saro, Solomon Islands.





SPREP promotes badly needed planning for coastal and lagoon management. Pictured is the city dump of Suva, Fiji.

A programme for **Environmental Planning and Administration** includes projects on the development of national conservation strategies, planning for coastal and lagoon management, environmental legislation, wildlife harvest and trade legislation, and the development of archipelagic conservation strategies.

Finally, there is a programme for **Workshop and Seminars** on subjects of vital importance to the region.

Many of these components of a most comprehensive work plan have not yet reached the stage of implementation, owing to the limited financial and human resources in the region. However, in those areas where SPREP has been able to assist, it has been highly successful. Its work has greatly increased the awareness of South Pacific people and Governments of threats to their resources and environment. It has sharpened their perception of the need to conserve and protect their natural heritage.

SPREP has actively and constructively assisted in initiating, designing and implementing environmental conservation and management measures both on the national and regional level. UNEP, through its Regional Seas Programme, has given SPREP strong encouragement and support since its inception. It also has provided much of the funding for SPREP and its projects.

The SPREP Convention

Following the Rarotonga Conference, SPREP and UNEP's Regional Seas Programme began preparations to establish a South Pacific environmental convention similar to those concluded in other designated ocean regions.

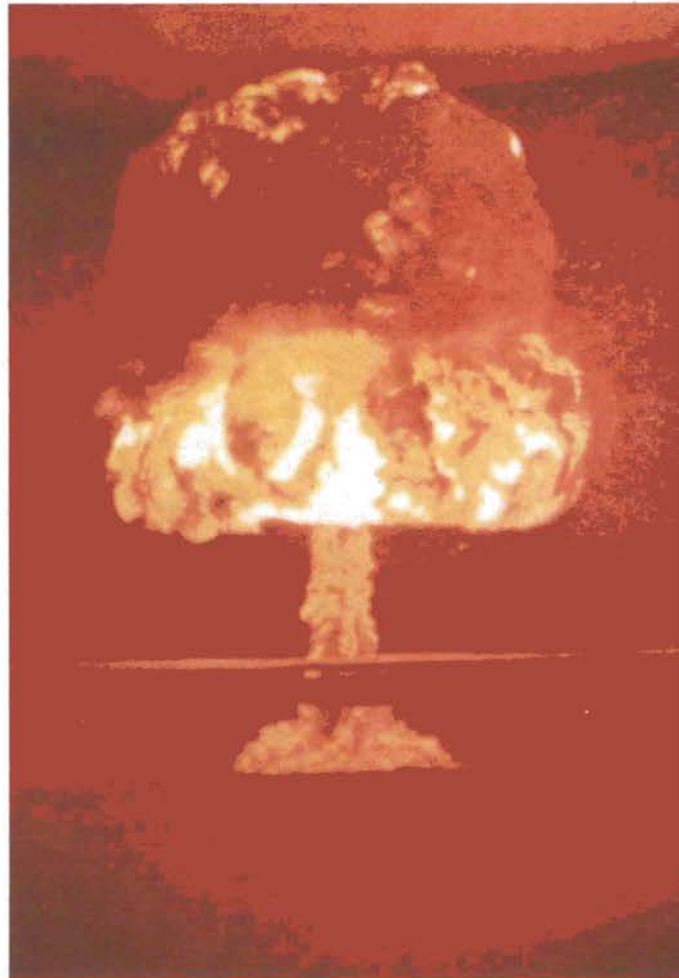
After four years of negotiations, the countries of the region adopted, in November 1986, the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region; the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region, and the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping. These instruments entered into force in August 1990.

The Convention is an umbrella agreement for the protection and management of the natural resources and the marine environment of the South Pacific. The major environmental importance of conserving limited natural resources in the region is reflected by the inclusion of "natural resources" in the title of the Convention, something that does not occur in similar UNEP-sponsored conventions for other oceanic regions.

This Convention is exceptional, furthermore, because it contains an agreement by the Parties "to prohibit the dumping of radioactive wastes or other radioactive matter in the Convention Area" (Art. 10). The Parties also agree "to prohibit the disposal into the seabed and subsoil of the Convention Area of radioactive wastes or other radioactive matter" (*ibid.*)

Notable also is the agreement by the Parties to prohibit the storage of radioactive wastes or other radioactive matter in the Convention Area, as well as the undertaking "to take all appropriate measures to prevent, reduce, and control pollution in the Convention Area which might result from the testing of nuclear devices" (Art. 11 and 12).

The South Pacific Convention contains several provisions aimed at reducing radioactive contamination of the sea.





A mining site in Nauru: the SPREP Convention calls for regional co-operation in assessing impacts.

These provisions reflect the abhorrence by the South Pacific people for the deadly effects of radioactive pollution. The South Pacific is the only ocean region where the testing of nuclear devices has occurred in the past. It is being continued today by the French Government despite the total and unequivocal opposition to these tests by almost all the people of the region.

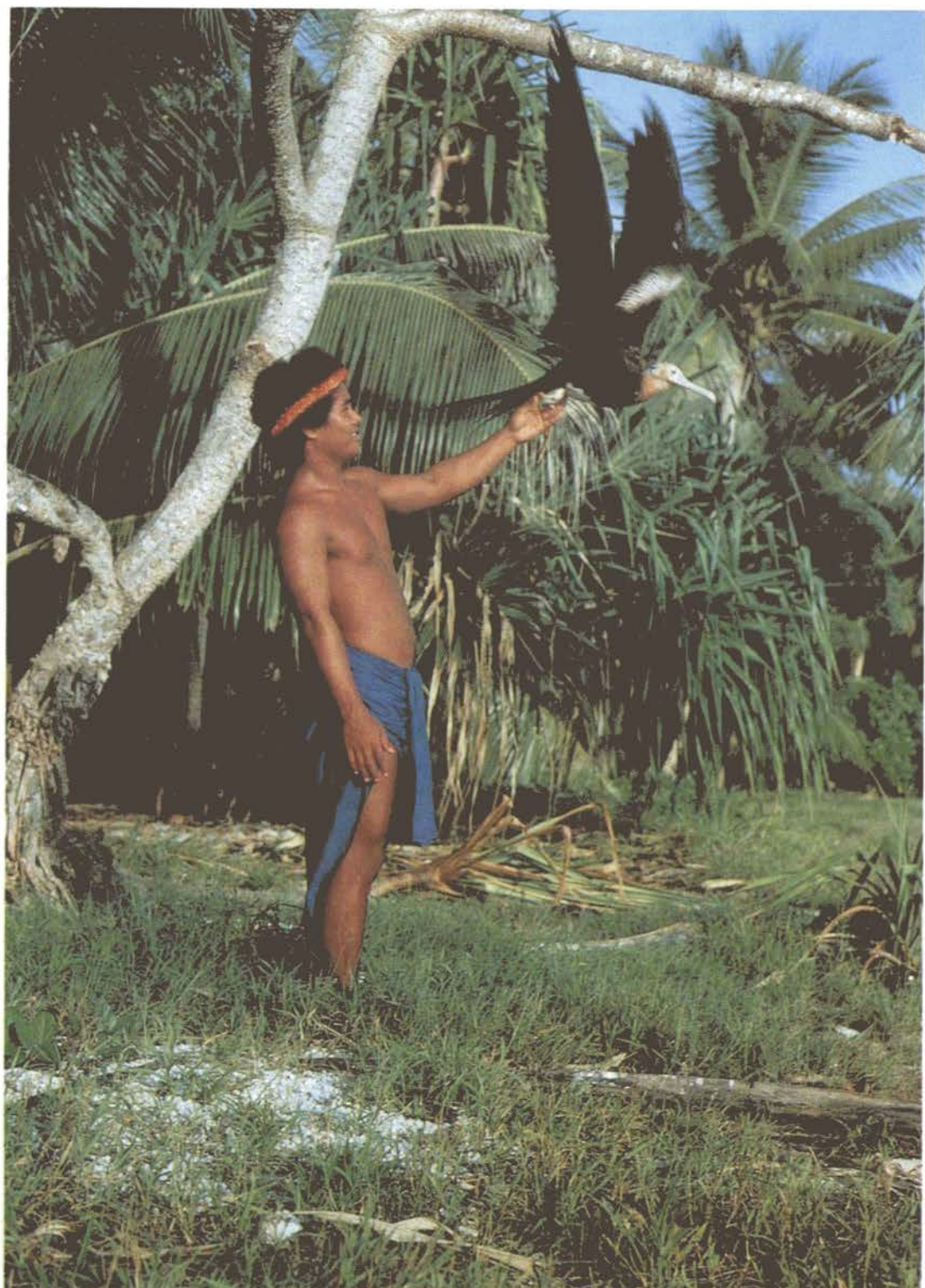
The SPREP Convention lists the sources of pollution which need to be controlled: vessels, land-based sources, seabed activities, discharges into the atmosphere, waste disposal, toxic and hazardous waste storage, testing of nuclear devices, mining and coastal erosion.

It also lists environmental management measures which require regional co-operation: the protection of fragile ecosystems and their wild flora and fauna, pollution abatement in cases of emergency, environmental impact assessment, scientific and technical co-operation, technical assistance, information sharing, and liability and compensation for damage from pollution in the Convention Area.

The Director of SPC, now Secretary-General of the Forum Secretariat, has been designated as depositary for the Convention and its Protocols, while SPC will provide secretariat services for these instruments.

The Protocol for the Prevention of Pollution of the South Pacific Region by Dumping sets out in detail the measures for the prevention, reduction and control of pollution by dumping in the Protocol Area (which is identical to the Convention Area). It lists the substances whose disposal in the Protocol Area is regulated by prohibitions, by special permits and by general permits.

The Protocol concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region details the mechanism through which Parties to this Protocol would co-operate in cases of pollution emergency.



The Convention aims to protect the future of all the South Pacific's inhabitants by preventing destruction of the region's unique ecosystems.

The South Pacific Nuclear Free Zone Treaty (SPNFZ Treaty)

This Treaty and its three protocols were negotiated by Forum member Governments. They were adopted in 1985 and came into force the following year.

The Treaty establishes the South Pacific as a nuclear weapon free zone. The Parties propose to achieve this aim by undertaking not to manufacture, acquire, possess or have control over any nuclear explosive device either inside or outside the SPNFZ Treaty area; not to encourage or assist in the manufacture or acquisition by any State of any nuclear explosive device; not to allow the stationing of any nuclear explosive device in their territories; not to encourage or assist the testing of any nuclear explosive device by any State; not to dump radioactive wastes and other radioactive matter at sea in the SPNFZ area; and not to encourage or assist anyone else to dump radioactive wastes and other radioactive matter in the zone.

The Treaty is open to Forum members only. The Director of SPEC (and Secretary-General of the Forum Secretariat) is designated as depositary of the Treaty and its Protocols.

- **Protocol 1**, which identifies France, the United States of America and the United Kingdom as its three Parties, provides for each Party to undertake to prohibit the manufacture, stationing and testing of any nuclear explosive device in their respective territories in the Treaty Zone. None of the three metropolitan powers named has signed this Protocol.
- **Protocol 2** identifies as Parties France, the People's Republic of China, the USSR, the USA and the United Kingdom. The Protocol provides that each Party shall not use or threaten to use any nuclear explosive device against Parties to the SPNFZ Treaty or any territory in the Treaty Zone. It also provides that each Party shall not contribute to activities of Treaty or Protocol Parties which violate the Treaty or any of its Protocols. The USSR and China have both signed and ratified this Protocol.
- **Protocol 3**, which identifies as Parties the USA, UK, China, France, and USSR, provides that each Party shall not test any nuclear explosive device anywhere in the South Pacific Nuclear Free Zone. China and the USSR have both signed and ratified this Protocol.

While SPREP and UNEP Regional Seas Programme were not involved in the negotiation and adoption of the SPNFZ Treaty, it is an important environmental instrument. Its implementation would result in the protection of natural resources as well as the protection of the environment from nuclear explosive devices and radioactive materials.



UNEP projects

The Regional Seas Programme directs and funds, through SPREP, two major projects in the South Pacific: the region-wide monitoring of marine pollution; and research and evaluation of the impact on South Pacific countries of climate change that might be caused by global warming.

This second project is of particular interest to the region because of its profound political implications. If global warming were to become reality, whole nations like Kiribati and Tuvalu might have to be relocated.

The seriousness of this problem has only been recognized in the region during the last few years. However, UNEP's Regional Seas Programme had already started working on the problem in the South Pacific in 1986, and, with help from regional Universities, it has begun producing research results and evaluations.

The countries of the region are being briefed on this issue through the efforts of the Regional Seas Programme, SPREP, and the Association of South Pacific Environmental Institutions (ASPEI). Their assistance will ensure that the concerns of South Pacific nations are heard by the international community and taken into account when the international community develops responses to this global problem.

▲ *Global warming could make storms more frequent, further increasing the risk of flooding such as this in Suva harbour.*

▼ *If the seas rise, atolls such as Kiribati could disappear.*



Strength through unity

The Law of the Sea Convention has had an enormous impact on the South Pacific region whose States and territories are made up entirely of islands. It has given these countries greatly increased developmental opportunities by extending their sovereign control over all marine resources in vast areas of ocean space. It has also presented them with positive and clear directions as well as an innovative framework within which they could develop and manage their resources and their unique environment.

The leaders of the region had decided from the beginning to deal with the Law of the Sea on a regional basis. This approach has generated strength. Together, the South Pacific countries could do what none of them could achieve alone. United, these small countries could force large and powerful countries to the negotiating table. Monitoring and surveillance of vast areas of ocean space, now under national jurisdiction, become realistic only on the basis of regional co-operation. Individual countries are too weak to constitute a basis for the development of marine sciences and technology. But, together they can do it. The University of the South Pacific caters to the training needs of all the islands. Each of them, individually, could not provide an adequate basis of facilities or even an adequate number of students.

A healthy environment, on which economic development depends, is the common heritage of all the island countries of the region. They must protect it jointly or they cannot protect it at all.

The South Pacific region is the home of some of the smallest and weakest nations in the world. It also has seen the birth of some of the strongest, best co-ordinated and most efficient regional organizations on our planet. Indeed the region has recently introduced an unprecedented arrangement: through the new South Pacific Organizations Co-ordinating Committee, all the organizations referred to in this booklet have joined together to avoid duplication of effort and to maximize funding opportunities in the region.

UNEP's Regional Seas Programme, working with governments or through regional agencies like SPREP, has been the most active force in implementing those provisions on environmental protection and preservation which have been established by the Law of the Sea Convention.

Much remains to be done to protect the South Pacific environment, particularly at the national and local community level.

Furthermore, new issues keep coming up as familiar ones are brought under control. It was the Pacific countries that brought the world's attention to bear on the destructive effects of large-scale driftnets (tight-meshed nets, suspended vertically in the water, up to 50 km in



Rescuers untangle birds from a driftnet. Highly destructive and unselective, driftnet fishing threatens many oceanic species.

width) and led the United Nations General Assembly in 1989 to impose an international moratorium on the practice until and unless appropriate regulation and monitoring can be developed. Shortly after this decision, the countries of the South Pacific concluded a Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific in November 1989, reinforcing with yet another legal instrument their concern to protect and sustain the natural resources of the region.

With increasing commitment at all levels of society to managing our resources and our unique environment, and with the continued strong support of UNEP and its Regional Seas Programme, of the industrialized nations and international organizations, the goals we have set should not be beyond us.



Kilifoti Eteuati is Secretary to the Government of Western Samoa in the Prime Minister's Department, where he has worked since 1975. He served as Chair of the Governing Body of the South Pacific Forum Fisheries Agency (FFA), the South Pacific Geoscience Commission (SOPAC), and negotiations on the SPREP Convention; he has worked with the regional Ocean Resources Management Programme in assisting the island countries of the South Pacific to derive the greatest benefit from the Law of the Sea Convention. Dr Eteuati wrote this booklet for the International Ocean Institute (IOI), with the support of the United Nations Environment Programme (UNEP). The text does not necessarily reflect the official views of UNEP or of its co-operating agencies.

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