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Brief for Main Talanoa 1: Ocean issues, policies and actors

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Introduction

The 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) is the overarching legal framework governing all activities in the ocean and seas. The Convention recognises that the issues and challenges in the use of oceans space are closely interrelated and should be addressed as a whole. Subsequent implementing agreements were developed relating to part XI on the Area (international seabed),¹ the conservation and management of straddling and highly migratory fish stocks² and the conservation and management of biodiversity beyond national jurisdiction³. These instruments form part of the law of the sea framework.

In addition, there are also other instruments and agreements that cover topics related to maritime transport, marine science, biodiversity within EEZ, as well as agreements governing the management of endangered species. As such, one can see that there is indeed a plethora of international institutions having a role or roles in the different sectors of global ocean governance.

At the regional level, the main regional ocean governance policy initiatives, are the *Pacific Islands Regional Ocean Policy 2002* (PIROP 2002) and the *Framework for the Pacific Oceanscape 2010* (FPO). Together with the *Framework for Pacific Regionalism 2014* (Annex 1) these instruments were intended to provide a holistic framework to guide the formulation and implementation of sustainable development policy initiatives in the region, while facilitating the implementation of the global oceans governance frameworks. The work to facilitate implementation and to meet national obligations under international global oceans governance instruments also aided countries in the effort to formulate policies and strategic actions that respond to their unique national contexts and priorities. They contribute to the implementation of commitments made at the global and regional levels and aim to also ensure that global and regional instruments and frameworks support them in their endeavours. Most recently, the *2050 Strategy for the Blue Pacific Ocean* states there is increased urgency to act collectively to progress issues of significance including oceans governance. The 2050

¹ *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982* (adopted 28 July 1994).

² *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* (adopted 4 August 1995) (UN Fish Stocks Agreement).

³ *Agreement Under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction* (concluded 19 June 2023) (BBNJ Treaty).

Strategy emphasises the importance of strong and sustained policies and processes that ensure cooperation, coordination and engagement between the institutions that compose the regional governance architecture.

The discussion:

The region has undergone a series of regional institutional reviews and reforms that impacted all institutions with a mandate for ocean governance. It was felt that the different organisations that existed then, including South Pacific Forum Fisheries (FFA), Forum Secretariat (FORSEC), the South Pacific Applied Geoscience Commissioner (SOPAC), the South Pacific Regional Environment Programme (SPREP), the South Pacific Commission (SPC), and the University of the South Pacific (USP)⁴, needed to focus their activities to be collectively efficient in the delivery of services. The focus of the Review was to determine, through consultations with member countries and administrations, the South Pacific Organizations Coordinating Committee (SPOCC) agencies, donor community, how best to address the needs of Member Countries and administrations in the marine sector at the regional level.

The Pacific has a long history of leadership on ocean issues at the international level. From the influence of the Oceania Group at the negotiations of the UNCLOS, to securing the US Multilateral Tuna Treaty, as well as successfully capturing Pacific interests in the UNCLOS implementing agreements, in particular, the agreement governing straddling and highly migratory fish stocks, and that governing the conservation of biodiversity beyond national jurisdictions and the work to secure SDG14 as part of the SDGs. This dialogue has identified six priority areas which are:

- i. Linkages between international, sub-regional, regional, national and community ocean policy
- ii. Governance informed by improved marine scientific research and cooperation
- iii. Preserving maritime zones in the face of climate change and managing the impacts of adjacent activities in the high seas
- iv. Regional and national human resource development and special technical assistance and support and cooperation of regional institutions
- v. Cooperative implementation of UNCLOS and rights and duties under new and relevant treaties
- vi. Climate, maritime and ecological security – science, surveillance and cooperation

A starting point for this dialogue is to focus on how to realise the vision under the *Framework for a Pacific Oceanscape 2010* for: “A secure future for Pacific Island Countries and Territories based on sustainable development, management and conservation of our Ocean.” The 2050 strategy for the Blue Pacific Continent also places ocean at the centre of Pacific regionalism “We value and depend upon our vast ocean and our island resources and the integrity of our natural environment.”

⁴ South Pacific Commission, Twenty-Sixth Regional Technical Meeting on Fisheries, held in New Caledonia from 5 – 9 August 1996, entitled “Review of regional institutional arrangements in the Marine Sector”
https://www.google.com/search?q=REVIEW+OF+REGIONAL+INSTITUTIONAL+ARRANGEMENTS+IN+THE+MARINE+SECTOR&rlz=1C1GCEA_e nFJ1007FJ1007&aq=REVIEW+OF+REGIONAL+INSTITUTIONAL+ARRANGEMENTS+IN+THE+MARINE+SECTOR&aqs=chrome..69i57.1290j0j1&sourceid=chrome&ie=UTF-8

OPOC Table on marine themes with the policies and mandates and different actors involved:

(Source: OPOC Blue Pacific Ocean Report 2021 – enhanced version)

	Ocean thematic area/issue	Regional Ocean Policy/ Specific Mandate	PIFS	SPC	SPREP	FFA	USP	OPOC	SPTO	IUCN	CI	WWF	LMMA	WCS	UNDP	GIZ
1	Marine pollution	1. Decision 9 - Forty-eight Pacific Islands Forum Communique, 2. Cleaner Pacific 2025, 3. Pacific Regional Action Plan on Marine Litter		X	X		X	X				X				
2	Manage, protection, conserving and restoring marine and coastal ecosystems	1. 2C & 3A Framework for Pacific Oceanscape, 2. Palau Declaration on ‘‘The Ocean, Life and Future’’ 2014 3. Framework for Nature Conservation and Protected Areas in the Pacific Islands Region 2014-2020 4. New Song for Pacific Fisheries 2015	X	X	X	X	X	X		X						
3	Ocean acidification	1. Decision 4 & 6 - Pohnpei Ocean Statement: A Course to Sustainability			X		X									
4	Sustainable fisheries	1. Regional Roadmap for sustainable Fisheries 2015 2. New Song for Pacific Fisheries 2015 3. Standing priority item of annual Pacific Island Forum Leaders meeting	X	X		X	X				X		X	X		
5	Ocean-based economies	1. 3A, 5A-5C Framework for Pacific Oceanscape, 2. Regional Framework for Deep-Sea Minerals Exploration and Exploitation 3. Regional Strategy for Pacific Women in Maritime 4. Tarahoi’i Declaration		X	X	X	X	X			X					
6	Scientific knowledge, research and marine technology	1. 4A Framework for Pacific Oceanscape, 2. Decision 4 - Pohnpei Ocean Statement: A Course to Sustainability		X			X									
7	Implementation of UNCLOS	1. Decision 1A - Framework for Pacific Oceanscape	X	X	X											
8	Manage high sea resources BBNJ	1. 3C – Framework for Pacific Oceanscape, 2. Decision 13 of Palau Declaration on ‘‘The Ocean, Life and Future’’ 2014,	X	X	X	X	X	X								

	Ocean thematic area/issue	Regional Ocean Policy/ Specific Mandate	PIFS	SPC	SPREP	FFA	USP	OPOC	SPTO	IUCN	CI	WWF	LMMA	WCS	UNDP	GIZ
		3. Decision 10 of Pohnpei Ocean Statement: A Course to Sustainability 4. Decision 28 of 49th Pacific Islands Forum Communique 2018														
9	Leveraging interlinkages between SDG14 & other Goals of 2030 Agenda	1. Decision 14 of 48th Pacific Islands Forum Communique 2017, 2. The Pacific Roadmap for Sustainable Development	X	X	X	X									X	
10	Sustainable Maritime Transport	1. Regional Strategy for Pacific Women in Maritime (2020-2024)		X												
11	Maritime Boundaries, Impacts of SLR	1. Decision 1A & 1B – Framework for Pacific Oceanscape, 2. Decision 10 – 48th Pacific Islands Forum Communique 2017, 3. Decision 26 of 49th Pacific Islands Forum Communique 2018, 4. Decisions 24-27 50th Pacific Islands Forum Communique	X	X		X		X								
12	Marine Spatial Planning/Integrated Ocean management	1. 3A, 3B – Framework for Pacific Oceanscape			X					X						X
13	Ocean-Climate nexus	1. Decision 19(viii) of Kainaki II Declaration for Urgent Climate Action Now	X	X	X		X	X								
14	Community marine managed areas	1. 3A, 4B – Framework for Pacific Oceanscape, 2. Framework for Nature Conservation and Protected Areas in the Pacific Islands Region 2014 -2020			X		X			X	X	X	X	X		
15	Marine & Coastal Tourism	1. Decision 11 of 42nd Pacific Islands Forum Leaders Communique			X		X		X							
16	Oceans Accounts and Values	None			X	X		X		X						X
17	Marine Renewable Energy	None		X	X		X									

	Ocean thematic area/issue	Regional Ocean Policy/ Specific Mandate	PIFS	SPC	SPREP	FFA	USP	OPOC	SPTO	IUCN	CI	WWF	LMMA	WCS	UNDP	GIZ
18	Ocean Geopolitics	1. Framework for Regionalism 2. Decision 5-7 of 50th Pacific Islands Forum Leaders Communique to develop 2050 Strategy for the Blue Pacific Continent		X			X									
19	Global Ocean Observation	1. Decision 9 - Forty-eight Pacific Islands Forum Communique, 2. Cleaner Pacific 2025, 3. Pacific Regional Action Plan on Marine Litter		X	X		X	X				X				
20	Manage, protection, conserving and restoring marine and coastal ecosystems	1. 2C & 3A Framework for Pacific Oceanscape, 2. Palau Declaration on ‘‘The Ocean, Life and Future’’ 2014 3. Framework for Nature Conservation and Protected Areas in the Pacific Islands Region 2014-2020 4. New Song for Pacific Fisheries 2015	X	X	X	X	X			X						
21	Blue Carbon	1. Regional Roadmap for sustainable Fisheries 2015 2. New Song for Pacific Fisheries 2015 3. Standing priority item of annual Pacific Island Forum Leaders meeting	X	X		X	X				X		X	X		
22	Ocean ICT	1. 4A Framework for Pacific Oceanscape, 2. Decision 4 - Pohnpei Ocean Statement: A Course to Sustainability		X			X									

INFORMATION

Key Issues arising from the Pacific Islands Regional Ocean Policy 2002, Framework for the Pacific Oceanscape 2010 and Framework for Pacific Regional Regionalism 2014⁵

THEME 1: IMPROVE GOVERNANCE OF THE COASTS AND OCEAN

To engage leaders, decision-makers, resource custodians and other stakeholders to establish, strengthen, and implement appropriate and practical governance mechanisms that contribute to effective coordination and implementation for a healthy ocean that sustains the livelihoods of Pacific Island people.

Strategic Actions:

- i. **Establish a Pacific Islands Regional Policy Office.** The office would be tasked with coordinating implementation of the regional ocean policies and provide assistance to Countries in developing and building support for their national ocean policies.
- ii. **Develop a regional task force** to assist Countries based on request for the development and implementation of National Policies and Action Plans.
- iii. **Develop and enact necessary national-level policies and/or legislation and harmonise conflicting legislation** and agency regulations. Many existing governance instruments and associated mechanisms are inadequate or in some cases may not support the integrated approach to governance.
- iv. **Identify a focal point** within each regional organisation to coordinate implementation.
- v. **Establish a network or registry** of relevant NGOs, non-state actors, and private sector interests.
- vi. **Establish professional development programmes** for leaders, senior decision and policy makers on cross-sectoral and governance issues, including enhance inter-agency coordination at the national and regional levels in terms of developing strategic approaches.
- vii. **Develop mechanisms to assist countries in implementing ocean policies and plans**, including toolkits, guidelines, processes and case studies. PICTs design and/or consolidate clear coordinated institutional mechanism for integrated ocean and coastal management.
- viii. **Effectively participate in relevant global initiatives** (such as the United Nations Informal Consultative Process on Oceans and Law of the Sea, or UNICPOLOS) to further develop international legal frameworks for protecting ocean resources.
- ix. **PICs formalise maritime boundaries** and secure rights over their resources.
- x. **Develop methods by which traditional knowledge** and marine-related intellectual property belonging to Pacific Islanders can be protected from unauthorized exploitation.
- xi. **Promote and facilitate** country-to-country exchanges.

⁵ https://www.forumsec.org/wp-content/uploads/2018/02/Framework-for-Pacific-Regionalism_booklet.pdf

THEME 2: IMPROVE UNDERSTANDING OF THE OCEAN

To improve the availability, management, use and dissemination of information targeted at better-informed decision-making and increased support for practical ocean management that embraces precautionary management approaches that are more robust where comprehensive scientific understanding and intensive monitoring are difficult.

Strategic Actions:

- i. **Regional coordination to enable access to, and sharing of, information** (including scientific, social, and economic information) will help to make information more broadly accessible and useable. It is critical that management of information within the region be enhanced, and that information be formatted in a way that can support decision-making.
- ii. **Prioritise information and knowledge requirements** and
- iii. Identify **significant knowledge gaps** and identify ways and means to address them.
- iv. **Develop mechanisms for coordinating relevant observing and monitoring activities**, including initiatives from within the region and access to data and products generated by external partners.

THEME 3: SUSTAINABLY DEVELOPING AND MANAGING THE USE OF OCEAN RESOURCES

To develop and embrace practices, approaches and processes that promote sustainable ocean resource use, development and management based on existing experiences and foreseeable levels of national funding and capacity to address challenges of isolation and infrastructure.

Strategic Actions:

- i. Coordinate assistance to PICTs to **develop integrated management plans and strategies** including for offshore and high seas areas.
- ii. Establish frameworks and **mechanisms that facilitate negotiation for equitable resource sharing** for the Pacific across sectors.

THEME 4: MAINTAINING THE HEALTH OF THE OCEAN

To reduce the negative impacts of human activities and implement measures that protect and conserve biodiversity by ensuring that the lack of full scientific certainty of the causes and effects of damage to the ocean should not be a reason for delaying action to prevent such damage and that polluters should bear the cost of pollution.

Strategic Actions:

- i. Support existing **coordinating mechanisms that address biodiversity management**.
- ii. **Ratify and implement relevant regional and international biodiversity-related protocols.**

THEME 5: PROMOTING THE PEACEFUL USE OF THE OCEAN

Economic, environmental, political, and military dimensions which seek to discourage and reduce unacceptable, illicit, criminal or other activities that are contrary to regional and international agreements and threaten our ocean, the major source of livelihood for Pacific Island people.

Strategic Actions:

- i. **Institute regular reporting** to governing councils regarding progress against PIROP-ISA initiatives.
- ii. Formally evaluate implementation progress, as well as the impact of the Ocean Policy (at both regional and national levels).

THEME 6: CREATING PARTNERSHIPS AND PROMOTING COOPERATION

Effective implementation will be founded on developing strong partnerships and fostering cooperation and inclusiveness.

Strategic Actions:

- i. Support existing and emerging international partnerships that are contributing benefits and enhanced capacity to the Pacific Islands region.
- ii. Establish intra-governmental ocean committees to strengthen linkages both within countries and at the regional level.
- iii. Enhance collaboration among regional bodies in areas of shared responsibility through the establishment of integrated consultative arrangements.
- iv. Develop partnerships and financing arrangements.