



**PACIFIC ISLANDS FORUM SECRETARIAT CONTRIBUTION TO THE  
2021 REPORT OF THE UN SECRETARY-GENERAL  
ON OCEANS AND THE LAW OF THE SEA**

**1.0 Background**

Pursuant to UNGA resolution 75/239 of 31 December 2020, the Pacific Islands Forum Secretariat (PIFS), in collaboration with the Office of the Pacific Ocean Commissioner (OPOC), hereby submits contributions as regards to the activities and ongoing programmes which have been undertaken or are ongoing in the implementation of specific provisions of the General Assembly resolution 75/239.

This report also wishes to note that a call for contributions was sent to regional stakeholders of the Pacific Ocean Alliance by OPOC on 16 February 2021. However, due to the fact that only a few stakeholders, namely, Tokelau, SPC PROTEGE programme, and PIFS were the only ones that were able to provide inputs, OPOC was unable to provide a regional submission. In this regard, the current submission also captures some of the key work of other regional organizations noting its relevance to the resolution.

**2.0 Introduction**

At the outset, the Pacific region has, like the rest of the world, been acutely impacted by the global Covid-19 pandemic. Ocean-related affairs and the underpinning socio-economic activities have also severely suffered. As a result, many programmes implemented have been delayed and implementation of existing activities have been challenged as well. The following are the broad categories provided in this submission as prescribed under UNGA resolution 75/239.

**3.0 Activities, including adoption of measures, development of programmes**

Activities, including adoption of measures, development of programmes, etc., which have been undertaken or are ongoing in the implementation of specific provisions of General Assembly resolution 75/239 relevant to your organization:

- (i) Implementation of the Convention and related agreements and instruments;
- (ii) Capacity-building;
- (iii) Marine environment and marine resources;
- (iv) Marine biodiversity;
- (v) Marine science;
- (vi) International Day Celebrations.

## 4.0 Main developments in the field of ocean affairs and the law of sea that have occurred since the last reporting period (September 2020 to June 2021)

### 4.1 Implementation of the Convention and related agreements and instruments

#### 4.1.1 Pacific Islands Forum (PIF) Leaders' Ocean Statement

At their last meeting in early 2021, PIF Leaders adopted an Ocean Statement (refer [Annex 1](#)) to further their commitments as custodians of the Blue Pacific Ocean care for, invest in and nurture the Ocean to continue to benefit from it.

#### 4.1.2 Sea-level rise

In 2019, PIF Leaders noted with concern the threat posed by sea level rise to securing the Blue Pacific Continent, and reaffirmed their commitment to conclude negotiations on all outstanding maritime boundaries claims and zones. Leaders also reaffirmed the importance of preserving Members' existing rights stemming from maritime zones, in the face of sea level rise, and committed to a collective effort, including to develop international law, with the aim of ensuring that once a Forum Member's maritime zones are delineated in accordance with the 1982 *UN Convention on the Law of the Sea*, that the Members maritime zones could not be challenged or reduced as a result of sea-level rise and climate change.

To take forward the Leaders' commitments, a *2020 Regional Conference on Securing the Limits of the Blue Pacific* was convened by the Chair of the Pacific Islands Forum, Tuvalu, with support from PIFS, OPOC, the Secretariat of the Pacific Community (SPC), the Forum Fisheries Agency (FFA), and other regional partners. The virtual event provided a dedicated platform for Members, regional agencies, and invited experts, to examine the Leaders' commitments and identify potential legal options and strategies to advance the objectives of the Leaders commitment.

Topics covered include: special and inextricable links of Pacific people to the oceans; legal challenges and implications of the impact of sea-level rise and climate change on maritime boundaries and interests under UNCLOS; and potential legal options and institutional responses to progress Forum commitments. Contributing also to the event were representatives from various UN agencies and bodies, the UN Office of Legal Affairs, the Division of the Law of the Sea, and the International Law Commission. As well as expert presenters from renowned international institutions – the International Maritime Law Institute, the International Law Association, the American Society of International Law, the University of Oxford, the Australian National Centre for Oceans Resources and Security, the University of Sydney, the University of New South Wales, the University of Brussels and the University of Leeds.

Following the Regional Conference, Forum Members established a **Specialist Sub-Committee on Sea-level rise in relation to International law** (Specialist Sub-Committee) as a dedicated Member-led and driven mechanism to support Forum

Members' efforts at national, regional, and international levels to progress and advance Leaders' commitments and continued discussions on the issue. Its Work Programme includes closely engaging in all UN processes considering the issue, including the 21st Meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea whose theme is sea-level rise and its impacts. As well as the International Law Commission (ILC) study on the topic, to which the Forum has made submissions on the topic as well as in response to the First Issues Paper by the Co-Chairs of the Study Group in relation to the sub-topic *law of the sea issues*.

The Specialist Sub-Committee will continue to ensure the collective engagement and contribution of the Pacific Islands Forum to global and regional discussions and securing the rights and entitlements of Pacific coastal states against sea-level rise and its impacts.

#### 4.1.3 Release of Blue Pacific Ocean report: a report by the POC ([Publications - OPOC \(opocbluepacific.net\)](#)):

The Blue Pacific Ocean Report was released in late January 2021. It provides an overview of issues across different sectors in the Blue Pacific region, takes stock on the progress of region ocean policy implementation, and suggest some elements of consideration for forward looking strategies. The report also identified some key strategic gaps in implementing regional ocean policies and commitments and the overall integrity of ocean governance in the Pacific region.

The take home message is that the overall status of implementation of ocean priorities collectively across the region is at best a “moderate positive progress”. This means that PIF Members have performed and are still undertaking those priorities at a relatively slow pace. It is apparent that a particular narrative such as “Blue Pacific” or “Blue Continent” is hoped to inspire the overall progress in implementation. There is clear evidence of disjointed and uncoordinated ocean initiatives, particularly on documenting progress.

## 4.2 Capacity-building

### 4.2.1 Project with DOALOS

The Office of the Pacific Ocean Commissioner in collaboration with DOALOS convened a capacity building baseline stakeholder consultations with key regional organizations in the Pacific Region. The main purpose of the meeting is to identify capacity building initiatives and highlight some of the region's capacity needs areas in order to maximize the DOALOS Norway Capacity Building Project

## 4.3 Marine environment and marine resources

On 14 April 2021, Japan announced its intention to discharge Advanced Liquid Processing System (ALPS) Treated Water from its Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean. In response, the Prime Minister of Tuvalu, as PIF Chair,

as well other Forum Leaders, and the PIF Secretary General, raised grave concerns through public statements and letters to the Japanese Prime Minister.

The announcement brings to the fore the Pacific's painful nuclear testing legacy, which has since featured consistently throughout Forum Leaders' annual meetings. At their meeting in 2019<sup>1</sup>, PIF Leaders expressed concern for the significance of the potential threat of nuclear contamination to the health and security of the Blue Pacific Continent, in which 96% is ocean.

Regional statements have reminded of the overarching obligation under Article 192 of the UNCLOS to protect and preserve the marine the environment, as well as the specific obligations under Article 194(2) requiring all measures to be taken to prevent, reduce and control pollution of the marine environment. Other key instruments include the 1972 *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter* (London Convention) and its 1996 Protocol, the *South Pacific Nuclear Free Zone Treaty* (Treaty of Rarotonga), the 1986 *Convention for the Protection of the Natural Resources and Environment of the South Pacific Region* (Noumea Convention) and related Protocols, and the 1995 *Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region* (Waigani Convention).

The decision is also a surprise for the Pacific, noting that just six months ago on 15 December 2020, the States Parties to the Treaty of Rarotonga met for the first time and issued a Ministerial Statement which recalled the concerns about the environmental impacts of the Fukushima Daiichi Nuclear Accident, and urged Japan to take all steps necessary to address any potential harm to the Pacific. Through the Ministerial Statement, Parties called on States to take all appropriate measures within their territory, jurisdiction or control to prevent significant transboundary harm to the territory of another state, as required under international law.

PIF Members are actively pursuing engagement and advocacy opportunities with Japan and other key partners to better understand all issues, including legal and scientific issues, and impacts and risks, including on fisheries resources, marine environment, biodiversity, rare and fragile ecosystems, human health, and food systems. PIF is pursuing all avenues, including independent and verifiable scientific assessments, to safeguard the Blue Pacific Continent against any nuclear threats.

#### 4.4 Marine biodiversity

##### 4.4.1 The Vemööre Declaration

Commitments to nature conservation action in the Pacific Islands region, 2021-2025 was endorsed at the 10th Pacific Islands Conference on Nature Conservation and Protected Areas in late 2020. It is a call for actions organized under 5 key areas: Our

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<sup>1</sup> 2019 PIF Leaders Communique, para. 28

Ocean, Our Islands, Our Connection with Nature, Implementation and Call to Action. ([declaration-Vermoore-endorsed-2020-eng.pdf \(sprep.org\)](#) ).

#### 4.4.2 Biological Diversity Beyond National Jurisdiction:

The Office of the Pacific Ocean Commissioner, provided support to the convening of a webinar jointly convened by the Chairs of the Alliance of Small Island States (AOSIS), Pacific Islands Forum (PIF) and Pacific Small Island Developing States (PSIDS) on Small Island Developing States (SIDS) issues. With the postponement of the IGC, further regional preparations such a webinars and preparatory meetings are expected to take place in the coming year.

### 4.5 Marine science

#### 4.5.1 UN Decade on Ocean Science for sustainable development: the work of SPC

The Pacific Community (SPC) as the principal scientific and technical organisation in the Pacific region has been leading the work on the Decade for Ocean Science for the Pacific region. The Decade offers a crucial opportunity for the Pacific Ocean science community, the policymakers, the private sector, and the civil society to aspire for real change. It will support and accelerate the implementation of the FPO. Operationalising the implementation plan of the Ocean Decade will also support the development of a 2050 Blue Pacific Strategy<sup>5</sup> under the Framework for Pacific Regionalism.

Leading up as part of the Preparatory Process of the United Nations Decade of Ocean Science for Sustainable Development (2021-2030), a consultation meeting for the Pacific region was held from 23-25 July 2019 in Noumea, New Caledonia <https://www.spc.int/events/workshop-on-un-decade-of-ocean-science-for-sustainable-development>. SPC has since the consultation meeting, set up a Pacific Regional Planning Group, with the specific objective to identify and design a large-scale, multi-country, transformative Decade programme to answer the first part of the call for action under the Ocean Decade.

Next steps for the Planning Group is to sensitize the region of the decade plans and to engage member countries on National Ocean Policy Implementation, including talking to partners. Funding mobilization continues to be a challenge for the region in rolling out an effective plan that would enable the decade to have a transformative change for the region.”

### 4.6 International Day Celebrations:

#### 4.6.1 Celebration of Day for Women in Maritime:

On 18 May, the Pacific Community (SPC) in partnership with the International Maritime Organization (IMO), Pacific Women In Maritime Association (PacWIMA) and the IMO Regional Women In Maritime Associations and sister Associations

celebrated the Day for Women In Maritime (D4WIM) with the theme “Women in Maritime: Resilience and Leadership amidst a global pandemic”.

The celebrations of the Day for Women in Maritime (D4WIM) was centred around the statistics that proved that Pacific women in the maritime sector are leading the way, surpassing the global gender average of women seafarers. The PacWIMA/Pacific-led Day for Women In Maritime is seen as an opportunity to raise the profile of women's leadership, resilience and contributions to the maritime industry, to highlight that the maritime sector is at the heart of post-COVID-19 recovery, and to promote women's strengths as essential to a more inclusive, equitable and sustainable maritime sector going forward, both regionally and globally.

As part of its efforts to put SDG 5 at the heart of discussions, SPC in partnership with IMO is working to ensure better access for women and ensure that they are equally represented at all levels, including leadership levels. Since 2005, IMO and SPC have partnered to develop a Pacific woman in maritime network and support activities to facilitate equal education and training opportunities.

#### 4.6.2 World Ocean Day Celebrations

There were numerous events around the region to mark the important World Ocean Day celebrations. OPOC convened a high-level event on 8 June to mark World Ocean Day celebrations and featured the Forum Chair and Prime Minister of Tuvalu, Hon Kausea Natano, the UNSG Special Envoy, Ambassador Peter Thomson and the Pacific Ocean Commissioner, Hon. Henry Puna. The high-level event was followed by an exciting youth segment which featured youths from around the region sharing their inspiring ocean journeys, namely: Ms. Nicole Yamase (FSM); Ms. Kathrilla Rikeo (RMI); Ms Hereti File (Cook Is); and Ms. Ann Marie Raduva (Fiji).