



CONFERENCE OF THE PRESIDENTS OF PACIFIC ISLANDS PARLIAMENTS

- CONCEPT NOTE -

THEME 1

A RESILIENT PACIFIC OCEAN

The Pacific Ocean is " the lifeblood of our economies and societies and is crucial to global climatic and environmental stability. (...) The people of the Pacific Ocean are a living testament to that truth. Our way of life, our culture, our direction and our actions should reflect that truth, as it is our very identity: People of the Ocean¹. "

The people of the Pacific Islands as custodians of the Ocean have learned to cultivate a symbiotic relationship with the marine environment based on mutual respect: to continue to benefit from the ocean and its bounties, it must be protected and cared for. It is also from this principle that the Blue Economy is founded : to be able to sustainably grow, reasoned and equitable use of marine resources as well as a particular attention to ecosystem health are important.

¹ Palau Declaration on 'The Ocean: Life and Future' : Charting a course to sustainability, Pacific Island Leaders Forum, 2014.
<http://www.forumsec.org/wp-content/uploads/2017/11/2014-Palau-Declaration-on-'The-Ocean-Life-and-Future'.pdf>

BACKGROUND

The ocean, which covers nearly 98% of the Pacific region, provides many vital services to Pacific islanders such as food security and economic exchanges. The ocean produces more than 50% of the oxygen in the air we breathe and absorbs about 30% of CO₂ as well as 93% of excess heat². In the Pacific, the inter-tropical convergence zone also plays a key regulatory role. Coral reefs provide habitats to close to a quarter of all marine life and provide a protective barrier against the marine elements to coastal dwellers.

However, this blue lung is running out of breath. Pollution from land and sea sources, overfishing, over-extraction of resources, as well as the acceleration of the effects of climate change and ocean acidification, undermine its ability to continue providing its precious services. The most serious threat to the ocean is the lack of or slow response to the multitude of pressures.

The United Nations Convention on the Law of the Sea (UNCLOS) signed in December 1982 defines the rights and obligations of states in the use of the ocean and its resources. It establishes a regime for maritime borders and an organization of the national maritime area in several zones, each with special rights and obligations. However, despite providing for the duty to cooperate for the protection and preservation of the marine environment, it does not provide guidance on how to operationalize it, which results in a rather weak application of this obligation. Sectoral and regional organizations are also governed by this obligation but have adopted their own rules, criteria and standards. Thus, the regulatory framework is fragmented. This lack of coherent and concerted governance of marine activities related to the use of resources is partly responsible for the inability to reduce the damages undermining societies, economies, and livelihoods. As the ocean is only one body of water, collective and coherent efforts are necessary.

Invested in their role as stewards of the ocean, Pacific regional leaders have made strong commitments to promote and restore the health, productivity and resilience of the ocean and its resources. Through the Pacific Island Regional Ocean Policy (PIROP) and Pacific Oceanscape (FPO), they committed to catalyzing efforts and creating synergies, with a focus on integrated ocean management elements and the conservation of biodiversity.

However, regional efforts are merely effective if supported by international mobilization. Pacific delegations worked hard to help the international community recognize the urgency of the situation and the importance of the ocean for sustainable development. As a result, over the past few years, international political commitments in favor of the ocean have multiplied, including in The Future We Want, the SAMOA Pathway, and the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) (in particular SDG 13: climate change, and SDG 14: ocean).

These commitments recognize the need for collective and multi-sectoral mobilization at all levels, which is built on the following key categories of action:

- Improving ocean governance
- Sustainable management and use of resources and activities
- Protection of ocean against pressures, such as climate change, ocean acidification, or pollution
- Improving understanding of the ocean and its processes

² Group of Experts of the Regular Process (Innis, L. and Simcock, A., Joint Coordinators) The First Global Integrated Marine Assessment: World Ocean Assessment I. United Nations Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects. United Nations, New York, NY, 2016. Can be downloaded at http://www.un.org/Depts/los/global_reporting/WOA_RegProcess.htm

- Ocean security
- Partnerships and cooperation

Parliaments have an important role to play in achieving the goals set by the international community and Pacific leaders. Legislative bodies are important partners for governments as they provide many of the means to implement ambitious policies. The conference of Presidents/Speakers of the Polynesian Parliaments will be an opportunity to share the respective national experiences and identify avenues of action to contribute to a resilient Pacific Ocean. The following elements have been identified as key processes in regional and international discussion fora.

ISSUES FOR DISCUSSION

1

Integrating climate change and the ocean

The ocean and the atmosphere are closely related and form a complex system³. If the ocean is an important climate regulator, its degradation is rooted in many of the same causes, and it suffers from much of its impacts. This is why mutual consideration of ocean and climate is important for more effective and efficient response.

The 2030 Agenda for Sustainable Development with its 17 SDGs and 169 mutually supportive targets, in particular from SDGs 13 and 14, recognizes the complex interactions and mutual support. The Ocean Pathway initiative, which supports "Because the Ocean" launched 2015 at the twenty first United Nations Framework Convention on Climate Change Conference of the Parties (UNFCCC COP 21) in Paris, also support such consideration.

There are many measures that can be implemented to mutually support each agenda. For instance, the designation and effective implementation of management or conservation measures responds to specific challenges to maintain or rehabilitate the health of the environment, thereby contributing to improving resilience to external pressures, particularly climate change. Mitigation measures tackling GHG emissions are also another tool at their disposal.

In addition to sharing experiences, participants could discuss the role of legislative institutions in marine resilience efforts, including their potential roles in the designation, implementation and monitoring of management and protection areas, the promotion of integration of traditional knowledge in the management of marine resources, the adoption of national strategies, plans, budgets or other structuring projects, or the promotion of climate compatible and ocean resilience supportive projects or subsidies.

2

Sea-level rise and impact on maritime boundaries

UNCLOS defines the methodology to determine the various maritime zones from baselines or low-water lines⁴. The combination of various effects of climate change together with some poor land use choices are accelerating coastal erosion. An increase in sea level is likely to cause the coastline to recede landward affecting the basepoints from which States generate their maritime zones and their associated sovereign, jurisdictional and resource rights. In some context, it could even remove an island from a legal definition and significantly reduce part of an EEZ. This is a major risk for countries with more than 90% of their maritime domain. More than an economic issue, this issue of rising sea levels and sea borders is an issue of security and sovereignty for all countries in the region. It is all the more

³ Technical Summary of The First of Global Integrated Marine Assessment: World Ocean Assessment I (2017). <https://www.un.org/regularprocess/sites/www.un.org.regularprocess/files/17-05753-f-impacts-of-climate-change.pdf>

⁴ articles 5, 6, 7, 9, 10 et 13 UNCLOS

significant that many boundaries remain to be defined and that the race for high seas fisheries is intensifying.

In addition to establishing the maritime boundaries for the countries in the region that have yet to do so, it is critical to identify solutions to maintain the integrity of national jurisdictions. Projects are already underway, in particular led by the Pacific Community.

Region leaders have also recognized their rights to freeze their maritime boundaries in the 2010 Pacific Oceanscape action framework, Taputapuātea's 2015 climate change declaration, and "Delap Commitment to Securing our Shared Ocean Wealth" of 2018. Today, eight island nations in the region have adopted texts to freeze their maritime boundaries⁵ so as to not see their national boundaries challenged by others.

Lessons learned from Parliaments that have already froze their limits could help assess the feasibility and interests in developing a region-wide practice.

3

Conservation of biodiversity : "BBNJ"

Areas beyond national jurisdictions⁶, commonly referred to as high seas, are currently under no global framework for the conservation and sustainable use of marine biodiversity. As a result and because of the accelerating degradation of the ocean and its resources, the international community has begun to engage in discussions to develop a legally binding text to address these challenges.

After more than a decade of discussions, the UN General Assembly⁷ decided to convene an intergovernmental conference to develop a legally binding international instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Four 10-day sessions have been scheduled to take place by 2020⁸.

This conference discusses in particular the development of legal provisions for marine genetic resources, including benefit-sharing from their utilization, area-based management tools, including marine protected areas, environmental impact assessments, and capacity building and transfer of marine technology.

This process is important for the Pacific because of the understanding that what happens beyond national jurisdiction can have an impact on areas under jurisdiction. As a result, the Pacific has been very active in the negotiations. The opportunities for this future instrument to support national and regional marine management efforts are great. The conference of Parliaments could discuss the role of national legislative institutions in the timely finalization of the instrument and especially its implementation.

4

Marine pollution: marine debris strategy

Marine pollution takes many forms, including marine litter. Every year, between 4.7 and 5 million tones of materials, most of which consisting of vehicles, oil, paper / cardboard, and polyethylene terephthalate (PET) containers, are imported into Pacific island countries and territories. Only 1 million tones are returned to their places of origin generating an incredible volume of waste remaining in the region most of which ends up in the ocean⁹.

A regional action plan on marine litter (2018-2025) has been elaborated as part of the Cleaner Pacific 2025. It provides for actions, including the improvement of existing regulatory frameworks and the development of new regulatory ones. The implementation of this action plan supports existing regional commitments, including the Pacific Oceanscape, the Noumea Convention, as well as international soft

⁵ Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau and Tuvalu according Karen Scott : <https://www.internationalaffairs.org.au/australianoutlook/rising-seas-and-pacific-maritime-boundaries/>

⁶ Areas beyond national jurisdiction include the High Seas and the Area as defined by UNCLOS

⁷ UNGA Resolution 72/249 of 24 December 2017

⁸ The first session was held in September 2018, the second in March-April 2019, and the third will be held in August 2019

⁹ Pacific Marine Action Plan: Marine Litter 2018-2015. Apia, Samoa : SPREP, 2018.

and hard law frameworks such as UNCLOS, MARPOL, the 2030 Agenda for Sustainable Development and its SDGs.

What lessons can be drawn from the experiences of the various regional legislative bodies in the implementation of programs to combat pollution and waste? What role can Parliaments have to contribute to the implementation of global and regional strategies?

5

Improve understanding: improving marine scientific research

The first integrated global assessment of the marine environment reminds us that there are many gaps in the knowledge and understanding of marine processes. Not addressing them is undermining our global response to ocean change¹⁰. To restore and promote the health, productivity, and resilience of the ocean and its resources, it is important to understand ocean's processes, its wealth, its vulnerabilities, its characteristics and the risks it is confronted to. The consideration of best available scientific information is a well-established principle of ocean governance. In recognition of its importance but also of the need to increase global knowledge in the maritime and marine fields, the United Nations General Assembly proclaimed that the decade beginning on January 1, 2021 would be that of ocean sciences¹¹.

Parliaments can have a significant role in framing, supporting and maximizing national benefits that activities developed in the context of the decade can bring. They could share their experiences in adopting and implementing codes of conduct or research contracts with external research institutions or teams to better frame research and enable benefit-sharing from such research projects. Furthermore, they could discuss how the consideration of traditional knowledge in scientific information be promoted to enrich the science and policy interface.

6

Support implementation of SDG 14

Transforming Our World: The 2030 Agenda for Sustainable Development sets the international community development policy. It is aimed at all stakeholders, to be implemented by all stakeholders at all levels. Its overall goal is to eradicate extreme poverty and achieve sustainable development by leaving no one behind. It is framed and guided by 17 sustainable development goals (SDGs) and 169 targets.

It also recognized *inter alia* that the ocean and its resources play a significant role in eradicating extreme poverty and achieving sustainable development. The inclusion of a dedicated ocean SDG (SDG 14) results from the relentless work of Pacific delegations. It has contributed to much political commitment around ocean issues and mobilization from all stakeholders.

At the first UN conference to follow-up on the implementation of SDG 14 in 2017, a number of voluntary commitments from various stakeholders and at various levels of implementation were recorded. Some of these commitments also support the implementation of the SAMOA Pathway.

The holding of the Second Conference of Speakers of the Polynesian Parliaments, including the adoption of joint declarations, demonstrate these institutions' commitments to supporting the achievement of SDG 14. Participants could share their experience in implementing the SDGs. Furthermore, they could discuss the relevance of sharing their efforts and mobilization at upcoming meeting of the Pacific Ocean Alliance for the follow-up of SDG 14 under the guidance of Pacific Ocean Commissioner in October 2019 in Fiji, as well as at the UN conference for the follow-up of SDG 14 to be held in Portugal in June 2020¹².

¹⁰ Group of Experts of the Regular Process (Innis, L. and Simcock, A., Joint Coordinators) The First Global Integrated Marine Assessment: World Ocean Assessment I. United Nations Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects. United Nations, New York, NY, 2016. Can be downloaded at http://www.un.org/Depts/los/global_reporting/WOA_RegProcess.htm

¹¹ UN Res 72/73, para 292

¹² UN res 73/292 of 9 mai 2019

With the participation of :

