CHAPTER IV

AUSTRALIA AND OTHER ACTIVITIES OF THE FORUM
The South Pacific region continues to face difficult and complex political, constitutional and security issues for solution to their full economic and social potentials. The on-going problems on Bougainville, the resolution of Fiji's constitutional situation, the progress of Matignon accord in New Caledonia, environmental issues like nuclear testing, dumping of hazardous wastes, driftnet fishing etc., are all issues of vital importance for the long-term future of the region. The SPF, realising the importance of the issues, is working whole-heartedly to resolve the problems. Australia, as a developed power in the region and member of the SPF is working with genuine interest to help the Pacific Islanders to get rid of all the hardships. For achieving the same, it is providing technological as well as financial support not only to the Forum but also to the individual Forum members.

However, there are some broader issues which relate directly to the future of the South Pacific region, which, if not addressed with a sense of urgency, could have consequences which would make those more immediate and serious political problems small by comparison.

Since the emergence of modern independence period of the South Pacific, these small island countries are facing a series of difficulties and limitations dictated in large measure by geographic isolation, small domestic market, narrow productive bases and vulnerability to natural disasters.

The FIC are continuing to face grave situations that need to be addressed by the SPF. It is because, over the past decade, the tiny island countries have achieved only slow growth in per capita income. The lack of economic growth, when combined with high population growth rates, unsustainable exploitation of natural resources and rapidly rising community expectations have led to a range of social and economic problems, including permanent environment disaster.
Established in 1971, the SPF resulted from the desire of the independent countries of the region to tackle common issues from a regional perspective, and to enhance their collective regional voice so as to give their views greater weight in the international fora. Towards this endeavour, the Forum as well as Australia share common objective of economic and social progress to achieve regional stability and development. They are also aware of the fact that a concerted approach would increase their ability to address common and serious problems.

Australia has played a crucial role in promoting and resolving the activities of the Forum. It is an active partner in all the affiliated bodies of the Forum like the Forum secretariat, the Forum Fisheries Agencies, and the South Pacific Regional Environment Programme. It is also a party to the South Pacific Nuclear Weapons Free Zone (SPNWFZ) proposal. Australia actively participates in all the activities of the Forum and provides financial support not only to them but also to other regional and international programmes providing assistance to the South Pacific region.

The issues that have been taken up and analysed in this chapter are as follows: (a) environmental threats, (b) nuclear-testing programmes and anti-nuclear movement and (c) New Caledonian independence movement (d) fisheries dilemma. While analysing the issues it tries to show the activities and reactions of the SPF and Australia.

I. ENVIRONMENTAL ISSUES IN THE SOUTH PACIFIC

The South Pacific governments have a strong awareness of and concern to ameliorate their environmental problems, many of which are common to each of the island countries. This commonality has led to the development of a regional programme as the most appropriate means by which to ensure that the environment of the South Pacific is protected and managed on a sustainable basis. Since the early 1980's, a degree of lip-service has been paid to environmental management activities reflected the concern felt by governments that their continued economic development and prosperity is closely linked to
effective management and protection of the island governments. The SPF, as a regional body, is working sincerely towards this endeavour. The metropolitan powers like Australia and New Zealand are also providing financial help and technological support to manage and protect the environment. The SPF's auxiliary body, the South Pacific Regional Environment Programme (SPREP) is working sincerely to meet the environmental challenges.

The South Pacific Regional Environment Programme (SPREP)

The regional approach to South Pacific environmental management and protection activities is now a decade old, having commenced ten years after the first worldwide environment conference. Meeting in Rarotonga, Cook Islands in March 1982, at the ministerial-level Conference on the Human Environment in the South Pacific, the twenty-two island governments and administrations of the South Pacific, together with other member-governments of the South Pacific Commission (SPC) from supporting developed countries (Australia, France, New Zealand, the United Kingdom and the United States), approved a mandate under which the South Pacific Regional Environment Programme (SPREP) came to operate. Island governments and administrations recognized the fact that economic development activities, together with urbanisation and population growth within the region, were placing increasing stress on the environment and they realised that these problems can be best tackled by a pooling of resources in a regional programme. The initiative for the development of this regional programme emanated from the South Pacific island governments themselves (through their two major regional bodies, the SPC and the SPF) with support from the United Nations Environment Programme (UNEP) and the Economic and Social Commission for Asia and the Pacific (ESCAP). Initially, the majority of financial assistance for projects came from voluntary member country contributions. For the first six years of SPREP's life, the four founding organizations (the SPC, the SPF, UNEP and ESCAP) undertook a coordinating role for the programme, but they moved more into the background after 1988 to make way for a greater degree of direct involvement by member-governments in the guidance and direction of SPREP through a member-government
steering committee. The four founding organizations continued to assist in an advisory capacity, with the SPC remaining as the host body.

In 1990, the SPREP reached a stage in its development where its member governments decided that their combined environmental interests were best served by the programme obtaining full autonomy. Thus it became an organization in its own right, answerable to its member-governments through an annual inter governmental meeting as well as directly reporting to the two major regional bodies through their annual meetings, the SPC and the SPF. It was recognized that independence was required for SPREP:

- to mobilise and capture international funding for managing the environmental problems of the South Pacific;
- to manage more effectively its financial and human resources, projects, contracts and consultants;
- to enhance its dialogue with other relevant international bodies;
- to represent the interests of the region in appropriate international fora;
- to provide information on issues for which a broad policy mandate is required; and
- to be directly accountable to all member countries and territories.

It was decided that SPREP would gradually move from ‘relative’ to ‘full’ autonomy whilst, in the meantime, remaining with its host organization, the SPF. Acknowledging the offer of the government of Western Samoa to host a fully autonomous SPREP, member governments agreed that the question of relocation should be reviewed. Further, they established three member-government working groups to examine legal issues, revision to SPREP's action plan, and financial implications of an autonomous SPREP. These working
groups reported to a 1991 ministerial conference which confirmed that SPREP would shift its headquarters to Asia and become fully autonomous.

Despite SPREP's functioning and Australian assistance, the environmental problems have not been resolved. The Forum Countries are still facing enormous environmental problems.

Specific Environmental Problems

The environmental problems of the region, many of which were first enunciated in 1982, have more recently been given greater emphasis, and additional concerns have been added by the individual FIC and the SPF. The problems in 'paradise' are many: coastal erosion; scarcity of fresh water; degradation of forests; pollution and erosion caused by mineral extraction, loss of the endangered species; damage and pollution of reefs and lagoons; nuclear testing; excessive fishing and driftnet fishing; destruction of mangroves domestic, industrial and nuclear waste disposal - the list is long and many of the problems are associated with the dilemma faced by governments of attracting much sought-after tourist, industrial development and finance, whilst at the same time protecting the environment.\(^1\)

Particularly, during the last two decades a range of environmental problems are found to be associated with economic development in most of the FICs.\(^2\) Not only that, in looking at the environmental challenges facing the region, it also has to be acknowledged that there is a lack of hard scientific data.\(^3\)

A traditional village style of life (still prevalent in some islands), places relatively stress on the island environment, resources being utilised very much on a sustainable basis,

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\(^1\) The Former Indian High Commissioner to Fiji Mr. Bhagwan Singh told the researcher during an interview on 19 May 1995, in New Delhi.


\(^3\) ibid., p. 19.
particularly where traditional conservation practices are still in operation. For instance, in the South Pacific where drinking water is a problem, one tourist hotel could use in one day more water than the population of a whole island would use in a week. On some of the smaller coral atolls, where scarcity of fresh water has been identified as a significant problem, the wished for tourist dollar which stimulates the economy can, at the same time, spell disaster for the environment. Fresh water scarcity is regarded as a problem by 60 percent of South Pacific Island governments, many of whom are forced to utilize expensive wells and pumping system to tap ground water sources which are many a time, quite vulnerable to pollution from overuse leading to salt water intrusion. Inadequate supplies of fresh water have been stated as a possible cause of an outbreak of cholera in one South Pacific country early in 1990.4

a) Hazardous Waste Disposal and Environment:

Waste disposal on small islands with limited land resources creates major difficulties in the South Pacific. The cry for economic development brings with it a life style, which utilises an increasing number of packaged consumer goods without associated solutions to waste disposal problems. For instance, Majuro, in the Marshall Islands, has a dual problem of waste disposal and rapidly accelerating coastal erosion. As a result it becomes difficult to convince land owners to remove household garbage, old appliances and rusting cars when these are regarded as a valuable commodity as landfill; but unfortunately, land fill is more prone to drinking water pollution.

Another major problem is dumping of hazardous waste materials. It's a problem that just won't go away - getting rid of the mountains of hazardous waste produced in the industrial world.5 In recent years, there have been at least 10 different schemes by waste

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brokers to ship hazardous materials to the FIC for land-fill or incineration or just out-of-sight, out-of-mind storage. Waste disposal is a universal problem; more than 90 percent had difficulties disposing of liquid wastes without creating pollution, and 60 percent could not find satisfactory means for getting rid of their solid wastes. Toxic chemicals such as rusticates to which small islands are vulnerable, were another worry for the FIC.6

The report of the Green Peace (a world-wide environmental organization) has revealed that the FIC are being slowly poisoned by pesticides which are banned and not registered in more developed countries.7 There are at least 286 pesticides active ingredients available in the FIC; and 57 of these are regarded are being particularly hazardous. The report said that a lack of knowledge of the effects of pesticides on the fragile ecosystems of the FIC has led to contamination of drinking water wells, soils, rivers and the marine environment.8 Another report prepared by David Mowbray on pesticides in South Pacific, after conducting a survey all the FIC in revealed that a dearth of adequate legislation and regulations relating to importation, handling, storage or disposal of chemicals.9 This disposal problem, in a region prone to natural disaster such as cyclones, the storage of chemical has resulted in spillage and seepage into the surrounding waters, particularly dangerous when the islands are heavily dependent on their marine resources.

The dumping of nuclear waste materials is another issue of serious concern for the FIC. The weakness of the FIC is being used to lure the island states to allow dumping against yearly payment as compensations. It is very interesting to note that an American company offered US $ 160 million to Marshall Island government to allow them the nuclear dumping facility. However, in the past, many of the FIC have also expressed concern over the British registered pacific pintail cargo of 14 tonnes of high level radio-active waste, crossed the Pacific to Japan in mid 1995. The Russian nuclear waste dumping in the north

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8 Fiji Times, Suva, 18 October 1995.
9 ibid.
Pacific created havoc in the South Pacific.\textsuperscript{10} Currently, China and Japan are discussing to drop the nuclear wastes that were left after the World War II in the South Pacific.\textsuperscript{11} The outside countries are continuously taking South Pacific as the convenient empty spot for waste dumping.\textsuperscript{12}

The SPF and its environmental agency SPREP has reacted strongly over the waste disposal issue on shown their concern over making the region as a convenient dumping ground for toxic and hazardous waste and chemicals and radioactive materials.

The SPF, taking London Dumping Convention of 1972 to stop radioactive dumping at sea and in particular for its 1990 decision to phase out industrial waste dumping at sea into account initiatives a more to eradicate hazardous wastes. Reaching strongly to this problem, the PNG government put forward the idea of a regional hazardous waste convention at the 1992 SPF in Honiara.\textsuperscript{13} When signed and brought into effect, the convention (known as Waigani Convention), this will represent a collective ‘No’ to future hazardous waste impart schemes.

But still there are some differences over the Waigani Convention. While several FIC (who are also member of the working group of the Waigani Convention argued for a commitment not to export hazardous waste to other developing countries outside the Forum (in recognition of the global regime established under the Basel Convention), but Australia was adamant in saying that the international decision should not be reflected in the regional convention.

\textsuperscript{10} Nani Keys, n. 5, p. 4.
\textsuperscript{11} Fiji Times(Suva ), 18 October 1995.
\textsuperscript{12} Singh, n. 1, 1995.
\textsuperscript{13} ibid.
As with most agreements dealing with global environment problems, the issue of technology transfer is the waste trade debate. Industrialised countries such as Australia have argued that if it can assist with or ensure a hazardous waste reprocessing facility built in a developing country is up to standard acceptable to both exporting and importing government, then this type of technology transfer should not only be allowed but could be encouraged as a form of development. The Australian government's position was, the opportunity for imposing individual bans using Basel Convention processes should be done collectively.

While supporting the FIC in the proposed ban, it was to their own benefit if Australia's participation in the convention was used to help link the regional convention to the Basel Convention, the principal global instrument. Because some of the FIC like Marshall Islands, due to economic underdevelopment is considering to turn one its coral atolls into a dumping ground for nuclear wastes and not ready to sign any kind of banning proposal by the Forum. It was, therefore, very important for governments to maintain extensive processes of consultation on convention implementation with the different governments, agencies and growth concerned with it in their countries. It also expressed its concern that its position on the proposed Waigani Convention was misrepresented.

b) Excessive Logging and Eco-disturbance

The South Pacific region generally is not well endowed with forests, except for PNG, the Solomon Islands, Fiji, Vanuatu and Western Samoa. Considerable concern has been expressed regarding exploitation of this resource through environmentally unsound commercial forests. For instance, in the Solomon Islands, foreign owned timber companies have induced villagers to sell their resource for what has seemed like substantial monetary gain, but in retrospect, it has proved not to be so. Much of this timber has been exported as unprocessed logs. If this trend continues, many of the FIC like the Solomon Islands, will be exhausted their forest resources within 10 years. Like Solomon Islands the timber-rich

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14 ibid.


tropical forests of Vanuatu has also been logged by a Malaysian company. The local land owners have condemned the government for granting licence to these companies because they are forecasting environmental disaster. 17

After the disappearance of South-east Asian Forests, the logging companies are mainly looking towards the South Pacific region to meet the world's timber requirements. This, in turn, has affected the flora and fauna of the region and reduced the resource life of the island's forest.

The SPF meetings also took note of the dire consequences of such quick deforestation. The SPF viewed that the forest throughout the region is disappearing at an alarming pace. The Madang (PNG) Forum met in September 1995 also endorsed a draft proposal for code of conduct on tropical forests while leaving its ratification to the individual FICs. 18 At the same time, the SPF also urged for an international agreement with respect to preservation and sustainable use of the world's forests, leading to a convention on the protection of forests, with appropriate relations to both the climate and bio-diversity conventions. 19 The Madang Forum meet also endorsed a draft code of conduct on the sustainable logging of tropical forests, while leaving its ratification to the individual nations. 20

Because of strong concern about exploitation of the region's tropical forests, the SPF's timber-producing countries are presently working towards a common code conduct on logging of forests. The Solomon Islands government has also banned logging on its land in the environmentally sensitive Marovo Lagoon area. Australia government has signed a proposal with Solomon Island on a "debt for nature swap" to share the lagoon areas. The Australian government has also realised the importance of the forests. Speaking on its stand on forests, Paul Keating, the Australian Prime Minister in 25th Forum meet in 1995 said that an uniform legislation to govern logging of island forests is the need of the time due to the unsustainable practices and weakened the initiatives of Solomon Islands and Vanuatu to halt

20 SWB, n. 18, 1995.
the spread of logging practices, including the introduction of independent monitoring system and on agreement on the need to secure better returns.\textsuperscript{21}

The Australian government also agreed to help Solomon Islands government with a grant of A $ 2 million for meeting its structural adjustment program with the condition that all logging practices in the lagoon area has to be banned.\textsuperscript{22} Australia has also poured substantial amount of aid into Solomon Island and other forest rich countries. The Timber Control Unit (TCU) was established by AIDAB, to assist the FIC, is one of the glaring example of Australian's concern.

But, the vested interest of the logging companies and a few corrupt Pacific leaders and bureaucrats are hampering the decisions of the Forum. The companies are corrupting the political leaders and bureaucrats by providing lucrative gifts and money to get the license and to continue illegal logging business.

The environmental group Green Peace showing its concern, is of the view that anti-logging protests are on the rise in the South Pacific and is more prominent in the Solomon Islands. The major aid donors are pressurising the government to rein in extensive over logging of forest. According to Australian's estimation, in the South Pacific deforestation is taking place at three times of the sustainable rate.\textsuperscript{23}

Not only that, the wish to become self-reliant and economically developed is also responsible for this excessive logging. For example, Solomon Islands, the growth rate was an astounding 8.2 percent in 1992. The principal reason for this was that in that year it virtually doubled its log exports at the cost of environment.\textsuperscript{24}

\textsuperscript{21} 25th South Pacific Forum Communiqué, (Brisbane), 1 August 1994.

\textsuperscript{22} Julie McDonald, “Forum Agrees on Action to Protect Regions Resources”, Insight, 15 August 1994, p. 13.

\textsuperscript{23} SWB, FE/2517, C/2, 24 January 1996.

\textsuperscript{24} Roman Grynberg, n. 16, p. 11.
c) Climate Change & Global Warming and Environment Threat

In the South Pacific a major concern is the proposed sea level rise predicted to occur during the next 30 years due to greenhouse effect. Other problems resulting from climate change are of less concern in tropical regions, because increase in temperature will be lower in the tropics than at higher attitudes. The general patterns of rainfall etc. may not change appreciably.

The dilemma that are being faced by the FIC is, how and when to prepare for uncertain contingencies which are perhaps 30 to 40 years away, in circumstances where reputed scientists believe accurate forecasting may only be available in the next 10 to 20 years.²⁵

If the predictions of the greenhouse model occur, it may be that populations will have to move. However, at this stage, it requires constructive and creative thinking rather than contingency planning. Countries like Australia and organizations like the SPF with its agency, SPREP should work whole-heartedly towards this endeavour. Australia, with its considerable scientific expertise should take up the responsibility for making reliable and objective information available to the decision makers in their part of the world, so that human civilization will not vanish. In fact, Australia is working sincerely and providing financial and scientific support to make the region eco-friendly.

Global Warming-better known as the Green house effect is the recent menace to the survival of the FIC. The "El-Nino" effect which influences weather and seasonal conditions across the Pacific Ocean predicted that this will ultimately lead to sea-level rise. The National Aeronautic Science Academy (NASA) of the US observed a high rise in the surface waters of the Pacific by the end of the century. The El-Nino also found devastating floods and

unseasonal weather in the Pacific. The Pakistani Prime Minister Benazir Bhutto at a recent Asia-Pacific conference held in Manila blamed the western countries particularly the US and Europe for environmental pollution and called on the Asia-Pacific states to take vital role in cleaning up the environment. In an address to the PICC Responses strategies Working Group of Geneva in 1989, Ernest Bani of Vanuatu reprimanded the industrialised nations and appealed them to take more judicious policies towards the ecology to prevent the Pacific islanders, from becoming endangered species or the dinosaurs of the next century.26

According to the scientists, Green house effect takes place due to burning of fossil fuels, and biomass, industrial activities deforestation. These factors are responsible for the rise of atmospheric concentration (about 20 percent) within a period of seven decades.27

The contribution of the human Green house gases to this profile, according to a study are: Carbon dioxide 55%, CFCs 17%, Methane 15%, Nitrous Oxide 6%, others (CFCs) 7%. Excluding these gases, ozone and sulphur dioxide also plays a part in global warming.28

Talking about its effect on the South Pacific, a weather watcher of Tonga kingdom viewed that the 1980s have turned into the warmest decade ever recorded on planet earth. After keeping records for more than a century, the four hottest years had been found in this decade. In 1986, Nuku'alofa had the highest temperature ever recorded for a year - more than one degree above normal and more than half a degree above previous records.29 Similar pattern of new average temperature has also been found in other PICs. The scientists expected that global warming is yet to get worse in the coming days, raising average temperatures by four degree centigrade.

27 ibid.
28 ibid.
29 ibid.
It's consequence for the South Pacific will be disastrous because it would lead to grave water crisis, severs dry seasons and possible desertification. The Solomon Islands, PNG and Mid-PIC like Kiribati and line islands would really suffer, with the first two developing cyclone periods of their own. On the other hand, the severity of floods and hurricanes would increase in the usual places. This study also affirms the possibility of sea-level rise by about 30 to 50 cm - caused by sea surface water expansion through warming or melting of polar ice. Such a scenario would be ravaging to people of low-lying atolls and islands. For example, Tuvalu, Kiribati, Tokelau, Marshall Islands, and line Islands. This, of course, would lead direct to greatly changed coastal ecology and loss of much valuable dry lands. The scientists also predicted that, Nuku'alofa where 20% of Tonga's population live could lose upto 15% of its area from a 50 centimetre.

Other undesirable consequences of climate warming would include bad breaks for marine life and fish species. The fresh water supplies would be inconsistent and unreliable with adverse impacts on agriculture, hygiene and life style. It would also invent new health problems because increased heat and humidity would be ideal for bacterial and viral activities and the breeding of vectors that carry and can even introduce these to areas formerly free of them. Not only that, the increase of the level of dust in the air may forward the incidence of respiratory complications for the Pacific people.

But the most unfortunate fact is, the global warming issue has not been given proper attention yet, both at regional and international level. One big thing which was missing at South Pacific Environment conference in 1991, held in New Zealand was - "the Pacific". The conference when took up the issue of global warming's effect, amazingly, the whole region was not in the map, not even New Zealand. The models on even the most super computers break the world into 500-km squares, missing the tiny island groups and atolls of the Pacific. The crude model representations are due to the large number of computer formulas. However, the roughness of the models does not disprove the green house theory.

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Talking about this, Professor Henderson - Sellers said the inter-governmental panel of climate change (IPCC) report indicated that "emissions resulting from human activities are substantially increasing the atmospheric concentration of the green house gases, which will lead to an additional warming of the Earth's surface." The current models predicted a one-degree Celsius increase in temperature above 1990 temperatures by 2025, and a three degree Celsius increase in temperature by 2100. The calculation is such that immediate reductions of over 60% would achieve atmospheric stabilisation at the level of equivalent doubling of carbon dioxide over pre-industrial levels by 2100.

A New Zealand geographer Professor Roger Mclean believes that most PICs will be above the sea level with in 100 years. Dr. Vili Fuavao, the director of the SPREP was also very critical about the issue and said "this affects the existence of the whole region and one can not sit back and allow the FICs to be under water". Since the Forum's meeting at Kiribati in 1980 the PICs action to force the industrialised world (which produced 80% of the green houses gases) to reduce the emission has became a top priority issue.

Fortunately, the problem of environment and development in the Pacific is getting world attention. The "Green Peace Movement", working against all environmental odds, revealed in 1990 that "recently environment has gained wide attention, not because that it is fashionable or interesting but its awareness is very crucial for survival". It again said ,it is not fair to keep pumping poisons into the air or water without costing". The Green Peace is already working seriously on the issues of damaging driftnets, green house effect, dumping of hazardous materials, nuclear testing excessive mining and indiscriminate logging. The United Nations also took serious note of the deteriorating environment and subsequently it organized a conference of small island nations in Barbados to highlight the problems and challenges regarding the sustainable development and environmental hazards.

\[31 \text{ibid.}\]
The South Pacific Forum is also apprehensive of the environmental degradation. It reaffirmed that global warming and sea-level rise are among the most glaring issues. The Forum therefore reiterated its strong support for the Framework convention on climate change and urged all FICs to sign and ratify the convention as early as possible. The Forum noted however that, according to the latest advice from the IPCC (the scientific body set up to advise the negotiations of the convention) the commitment contained in the Framework Convention would not be sufficient to arrest the threat of global warming. Recognising the potential impacts of global warming and sea level rise on FIC, the forum stressed the need for relevant research and conservation projects, such as its sea level rise and climate change project.

In the 28 Forum meet which took place in Rarotonga in 1997, the FIC recognised and endorsed the deep concerns regarding the impact of greenhouse gas emissions on rising sea levels and changing weather patterns on all Forum members. The Forum urged all parties to the Forum climate change convention to consider fully AOSIS (Association of Small Island States) summit declaration which took place in Rio, Brazil in June 1992. The declaration lamented the fact that small island and low lying coastal developing countries continue to see, their needs and concerns over the greenhouse gas emissions a phenomenon over which they have no control but to which many are most vulnerable.

Presently, four proposals proposed by the IPCC are being assessed by the FIC to tackle the global warming. They are:

(a) A 20 percent reduction on the 1990 level of greenhouse emissions by the year 2005. That is the most stringent option. It was proposed by the AOSIS;

(b) 10 percent reduction in emission by 2005 and a 15-20 percent reduction by 2010 were the options put by Germany.

(c) 5 to 10 percent reduction by 2010 was the British proposal; and
(d) A return to 1990 emission levels - an option which simply extends the deadline for reduction already promised.32

Australia's Response

In Australia, recognition of the importance of the problem of global warming due to the greenhouse effect has led to a number of conferences and other bodies discussing the options. However, as yet there has not been a formal commitment to any particular action by the Australian government in order to reduce greenhouse gas emissions.

Australia has established a good record of co-operation with its Forum islands neighbours over many years. In 1993-94, about 30 percent of its budget for development assistance went to small island developing countries. On the issue of establishing a network of climate monitoring station, the Australian government granted $ 6.25 million and $ 5.54 million for research. A further $ 3.50,000 in was granted in 1990 for a public awareness and education campaign. The Australian government also established a National Greenhouse Advisory Committee under the Chairmanship of H. Nix with the objective to work on greenhouse research scheme in 1990.33

Australia is all set to reduce its emissions of Greenhouse gases - the gases put out by industry and agriculture, which are believed to be contributing to global warming.34 This issue has been continuously discussed by a number of inter-governmental bodies, which hopefully will result in an agreed Australian position for action. The Australia - New Zealand Environment Council has committed with the promise to achieve 40 percent cut in the emission of the greenhouse gases by 2005.35 But, at the same time, Australia is arguing in

33 Stait, n. 25, p. 22.
35 Stait, n. 25, p. 23.
favour of differentiated targets, to take into account what it has termed the unfair burden Australia would suffer from flat rate targets such as the 15 percent reduction on 1990 levels sought by European countries by 2010.36

Australia, as the world's biggest coal exporter, will be disproportionately hit by Greenhouse targets. The Prime Minister of Australia, John Howard said it can not reach the current weak targets, and is continuing to push its policy of 'differentiation', that is different gas emission targets depending on the capacity of the country to comply.37

Australia, although is committed to reduce the Greenhouse gases for the safe of the FICs and the region as a whole, but is not ready to accept the ICCP policy on the issue. Because, it would be damaging for Australia's long-term interests if Australia become locked into a fossil-fuel based economic structure while the rest of the world shift to low emission energy sources over the next decade. But, at the same time, Australia along with its Forum members pursued vigorously an outcome, which would produce the highest level of net reduction in global greenhouse emission, by means of a legally binding protocol, uniform guidelines and other legal instrument.38

II. NUCLEAR TESTING PROGRAMMES AND SOUTH PACIFIC ENVIRONMENT

With the dawn of nuclear age, the whole of South Pacific has been turned into one of the most vulnerable region of the world by way of testing nuclear devices, both on shore and under the ocean. Many of the lush green islands of the South Pacific have been used by one nuclear power or another for weapon experimenting and perfecting its nuclear weapon capabilities. The micro-island states of the Pacific have already realized that this nuclear arms race is alarmingly leading to wholesale contamination of their water, innumerable health

36 Jemina Garrett, n. 34, p. 41.
37 Hussein, n. 32, p. 13.
hazards to the people and future generations. At the same time, this is also increasing their security problems. Therefore, there is a strong anti-nuclear sentiment in the South Pacific. The islanders, political leadership, individual states and regional bodies like SPF are trying hard to implement the nuclear weapons free zone (NWFZ) proposal put forward by the Forum in 1985.

The nuclear-testing programmes, which have been continuing in the South Pacific since 1947, have brought severe environmental problems before the FIC. This has been precisely demonstrated in the 'Radioactive Heaven and Earth', a book published in May 1991 - just after the French exploded three more bombs in French Polynesia.  

Since 1945, the nuclear powers have waged a relentless war against the environment, averaging an explosion a week. They have exploded bombs in space, in the air, under water, underground, and on the surface littering the environment with long-lasting carcinogens line Plutonium - 239 which has a half life of 24,000 years.

The scientists found that radio-activity produced by the underground testing at Mururoa atoll of French Polynesia was only a tiny fraction of that produced by atmospheric testing since 1945. They also felt that most of the short-lived radio-isotopes produced in a deep underground. Any release of gases or vapours at surface level would be rapidly diluted. There was a more serious concern over the possible testing of radioisotopes into the ocean, which may affect the internal structure of all the human and marine life.

It is hardly surprising that governments so casual with the lives of their own citizens that they were uncaring about the welfare of people like Pacific islanders who lived in the

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40 ibid.
vicinity. In 1982, even a United Nations report to this effect of radiation did not take into account of local fall out "as tests have generally been conducted in isolated areas".  

In all, the US exploded 106 bombs in the Pacific because of what a priceless memo for the Army Chief of Staff in 1949 referred to as "an unhealthy, dangerous and unjustified fear of atomic detonations" at home. The US has now exploded no fewer than 814 bombs in Nevada, 700 of them underground. It exploded over a hundred, mostly tactical, bombs in the atmosphere there, even though prevailing westerly winds ensured that the fallout would spread over much of the country. Indeed it did, causing one ferocious hot spot as far away as Albany, New York, where in 1954 a thunderstorm intersected the high flying fallout cloud.

Working on the NIMBY (not in my back yard) principle, the US has decided to test its really big weapons in the Marshall Island. 43 The fact that as a "strategic territory", it was under unfettered US control meant it was chosen even through it also "did not meet the meteorological requirements". As a result, instead of being dispersed, the radioactive debris from the explosions came back to haunt both the personnel at the site and the local inhabitants. During the Bravo test, the islanders on Rongelap thought that the fallout was snow, and their children went out to play in it. In 1956, an Atomic Energy Official noted that the people in the Northern Marshall Islands provided a unique research opportunity because the area "is by far one of the most contaminated in the world".

After the test no less than 19 of the 22 exposed "uncivilised" children of Rongelap island have since had nodules surgically removed from their thyroids. Another exclusively Pacific Problem Ciguatera poisoning - a serious ailment which, it suggests, is caused by the destruction of reefs, both by the explosions themselves, and the associated construction damage.

42 Williams, n. 32, p. 21.
43 ibid.
After leaving Algeria, the French moved to the Pacific, where they have now exploded about 175 bombs, to the chagrin of all those who live in the region. France seems to have had predilection for exploding bombs despite adverse weather reports. For example, in 1966, the Betelgeuse test went ahead despite weather reports.

The British picked on Malden Island and Christmas Island (what is now Kiribati), because it was far away from anyone with a voice or a vote. They tested nine British bombs, and allowed the US to test a further 24 there. Malden was uninhabited, but the inhabitants of Kiribati were taken off shore while the bombs went off, and returned immediately afterwards. "Evacuation was thought unnecessary" during the later US tests, which included underwater detonations, but many islanders had the good sense to leave anyway. Furthermore, a survey carried out in 1980 by an independent US agency clearly indicated that the islanders of South Pacific had the highest rate of cancer in the world.44

Despite the declaration of a moratorium on the nuclear tests in the South Pacific in April 1992, France resumed its nuclear testing programmes in the region. France, under the stewardship of President Jacques Chirac conducted eight tests between September 1995 and May 1996. In the event, six tests were conducted over four months the first, of a modest 8 kilo tonne field was conducted in Mururoa atoll on 5 September 1995 and the sixth and final test of around 120 kt. was conducted at Fangataufa Atoll on 27 January 1996.

After the test, the French government claimed that, the nuclear tests carried out in the South Pacific would not affect the environment and requested to form an international team to study its impact-in the nuclear sites of Mururoa and Fangataufa atolls.45 Over 75 scientists from 20 countries are part of the study to assess the radiological situation, both present and future, at the atolls and involved areas from the point of view of the radiological safety ascertain whether there are any radiological hazards to people and make recommendations


45 Huscin, n. 32, p. 17.
on the form, scale and duration of any monitoring, remedial action or other follow-up action that may be required. 46

The Committee started functioning from July 1997 and divided into two group. The first group is responsible for evaluating the radio-active materials in the environment that may lead to human radiation exposure and the harm it does to members of the public as a result of environmental contamination, while the second group is evaluating the potential of long-term radiological impact of the radioactive materials remaining in the geological cavities of the atolls. 47

The report of the Committee is still awaited. It may provide a better understanding about the problem. But, the previous scientific discoveries and various meets had viewed over its negative fallouts. The Environment Ministers and representatives at 24 Forum meet in Brisbane in August 1995 condemned French test on environmental grounds. 48 The meeting surmised that, as the scientists feel, there was little evidence, on the data they currently had access to, that the testing would have serious human impact, even in the immediate neighbourhood of the testing, they said that there were concerns about the structural integrity of the atoll and the release of radioactive material into the surrounding ocean and the biosphere.

Whatever its impact may be, there is a strong tide of anti-nuclear feeling among the FIC. The Forum also recognized the special circumstances pertaining to the continued presence of radio-active containments in the testing sites like in the Republic of Marshall Islands which was adversely affected as a result of nuclear weapon tests. 49 Therefore, the

46 ibid.
47 ibid.
46 ibid.
49 Insight, 5 September 1995, p. 3.
Forum eagerly called on the nuclear powers (those who have not signed yet) like the US to ratify the protocols of the SPNWFZ treaty at the earliest.

The Australian Government since the beginning was also against nuclear testing programmes. It's concern, for the first time, came into light in the 1970's when it opposed French test and played a key role on the declaration of the South Pacific as nuclear Free Zone area in 1985. The Australian government also constantly reaffirmed its stand over the issue and always supported the Forum's decision and provided financial aids to the FIC. It believes that many of the Forum countries are small and ecologically vulnerable. The continuous nuclear tests in the South Pacific will affect their life style and environment profoundly.

Anti-Nuclear Movement And Nuclear Weapons Free Zone

There has been a long-standing anti-nuclear statement among the FICs. The danger of annihilation through nuclear warfare, along with the present reality of widespread nuclear contamination has become a major moral, social and political issue in the South Pacific. The South Pacific for long a testing ground of American and French nuclear weapons, a post-call for nuclear powers and nuclear armed warships, a dumping ground of world's nuclear wastes. For all these reasons, it is in the process of becoming a disastrous ground on environmental front. These factors have led the independent South Pacific Islands states to become a self-declared nuclear free zone. The South Pacific is the world's first region where anti-nuclear ideas were reflected in the constitution of a country. For example Palau, the 185th member of the United nations and a US trust territory has adopted a constitution that creates a nuclear free zone in the region.

The anti-nuclear ideas was very much present in the mind of the South Pacific islanders because before the shock of Hiroshima bombing subsided the US started the atmospheric testing over the Bikini atoll at Marshall Islands in 1946. In 1948, USA began...

testing at Eniwetak atoll of the some Island group, where they exploded first hydrogen bomb 'Bravo' in 1952, the consequences were disastrous. The islanders who were living in the site of the testing were forced to leave their homeland. It led to the spread of many diseases. T.V. Paul has rightly observed that much of the anti-nuclear sentiments of the Pacific islanders are due to the Painful experience of the Marshall Islanders and the intangible atmospheric testing at other Pacific sites. This memory was strengthened by the Powerful Australian film, 'Half Life', widely circulated in 1986, suggesting that the US allowed Marshall Islanders to due as a scientific test of radiation. The allegation that the test site was chosen out of disdain for inhabitants produces an emotionalism that includes a rational discussion of all nuclear issues. After the US testing, subsequently Britain and France also conducted nuclear testing, which led to the idea it declaring the region as a nuclear free zone by the South Pacific Islanders.

During 1985 there were several indications that countries in the remote South Pacific region were assenting an anti-nuclear position, and that all the nuclear powers took these moves seriously. The anti-nuclear posture became prominent when the labour Government of New Zealand refused permission for the US destroyer Buchanan to enter its port. This was the first time a treaty all had not allowed a US worship to visit on the ground of carrying nuclear weapons.

A second indicators of an emergent anti-nuclear position in the South Pacific occurred in the same month that the US Buchanan was refused entry. In an unexpected move, the Australian government under Prime Minister Hawke announced it was reversing its earlier decisions to move staging facilities available for US forces monitoring MX missile tests in the Pacific, a position based on objections to the destabilising aspects of the strategic modernization programme. Later, in the year, Australia also indicated that it had

51 T.V. Paul, "Nuclear free zone in the South Pacific" Round Table(London), July 1986, pp. 256-62
53 ibid, P. 140.
serious reservations about President Ronald Reagan's SDI initiative, and its foreign Minister warned outsiders in his criticism the US's failure to engage in a meaningful attempt of negotiating a comprehensive test ban.

The third development occurred in August 1985. Meeting on the small island of Rarotonga in the Cook Island, the members of the SPF agreed to establish a nuclear free zone in the South Pacific.\(^{54}\)

The history of the relationship between the use of nuclear weapons and testing in the Pacific area has made Pacific people more sensitive than others to the nuclear evil. As a result of there past nuclear experiences and concern about ongoing and future developments, the Island states developed a broad consensus on a number of regional nuclear issues.

From its inception in 1971, the SPF states took a strong collective stand against French testing and repeatedly call for an end to the testing. It was this issue and wider concern over potential regional involvement in superpower nuclear conflicts, that in 1975 led the FICs to support the New Zealand Labour Government's proposal of establishing a regional SPNWFZ.\(^{55}\) New Zealand, Fiji, PNG then took the proposal to the United Nations and secured the United Nations General Assembly endorsement on December 11, 1975 of a resolution endorsing the idea of a SPNWFZ\(^{56}\) and inviting the countries concern to carry forward consultations about ways and means of realizing the proposal.

The early Forum consensus on the desirability of establishing a SPNWFZ did not reach the stage of detailed negotiation and drafting since the conservative governments that came to office in both New Zealand and Australia at the end of 1975 opposed the implementation of the concept of the grounds that it was "impractical" and likely to adversely affected ANZUS obligations. While Fiji, Western Samoa and PNG indicated at the March

\(^{54}\) ibid.

\(^{55}\) AFAR, Vol. 46, No. 7, July 1975, P.406

\(^{56}\) ibid
1976 forum meet that they wished to proceed with negotiations, the Island states were bound by the forum consensus principle and therefore could not proceed in the absence of support from Australia and New Zealand.57

Over the next six years, the FIC did not collectively pursue the concept of a regional nuclear free zone. But, the Forum became very concerned with the additional nuclear issue of regional waste dumping as a collective response to both Japanese and American plans for nuclear waste dumping in the region. The Forum communiqué from 1979 onwards strongly condemned both waste storage and ocean waste dumping along both the nuclear testing programmes.58

By the 1980s there were six nuclear issues which are of concern to the people's of the regions: vertical proliferation among the nuclear weapons states; the possibility of the breakdown of the nuclear peace; the spread of strategic weapons doctrines and nuclear weapons deployment in the South Pacific; facilities in the South Pacific testing in the South Pacific; facilities in the South Pacific which constituted part of the worldwide infrastructure of nuclear logistics; environmental anxieties about possible dumping of nuclear wastes.

These issues, keenly felt by the Island States and received sympathetic support from both Australia and New Zealand. This regional response was developed both through the 1982 regional conference on the South Pacific environment which led to the negotiation of the SPREP regional convention on the environment and through the subsequent SPNWFZ initiative.

The Australian Prime Minister, Bob Hawke, first proposed the new SPNFZ proposal at the 1983 Forum meeting, seeking a draft declaration of a SPNWFZ that would prohibit the acquisition, testing, receipt, storage, stationing and control of nuclear weapons in

57 ibid

international territory and territorial transit and port facilities at the discretion of individual governments. Reading the draft proposal he argued that the language of the previous 1975 SPNFZ proposal was "considered by some to be too rigid and was seen as being in conflict with commitments under ANZUS" and that Australia felt that unless its allies could rely on port access, there would be "little enthusiasm for the (SPNWFZ) treaty. The proposed declaration would pave the way for a Tlatelolco-type treaty that "could be taken up in the UN and "provide a rallying point for opposition to French testing. Australia further emphasised that it did not envisage the zone as seeking to regulate uranium mining and export or regulation of commercial nuclear power generation. The Australian initiative was, from the start, concerned to insulate both ANZUS and Australian nuclear interests from the scope of the SPNFZ proposal while holding out to island states the prospects of American backing for the zone and a more forceful campaign against French nuclear testing particularly at the UN.

In the event, the island states responded cautiously, and in some cases critically to the proposal. Several of the Melanesian states, together with the Cook Islands, criticised the proposal as not going far enough, while others, notably Fiji and Tonga, supported the Australian concept of permitting transit. Many island states also criticised the proposal as not having been submitted to Forum members sufficiently well in advance to permit proper consideration. As a result of the reservations about both procedure and concept, the island states rejected the idea of declaration. However, Australia was successful in gaining "wide" Forum agreement on the general zone principles advanced in the Australian proposal and on Forum willingness to consider the idea again in the following year following circulation of information on the NWFZ concept to all members.

While not getting immediate island support for its proposed declaration, the Australian Government did succeed in putting its initiative on the regional agenda and

persuading some of the islands states, including Fiji and several of the Polynesian states, of the merits of a partial SPNFZ arrangement.

One year later, at the August 1984 Forum meeting at Tuvalu, Australia resubmitted its SPNFZ proposal in amended form. This time Australia was successful in gaining the Forum support to establish a Working Group, chaired by Australia, to negotiate a treaty based on the Australian proposal. The Forum meeting, which included the newly elected Labour Prime Minister of New Zealand, David Lange, endorsed seven principles advanced by Australia:

1. that South Pacific countries be free to "run their own affairs in accordance with the wishes and traditions of their people";

2. that South Pacific countries should be able to enjoy development "free from the threat of environmental pollution";

3. that existing treaties, organizations and regional arrangements, such as the UN Charter, NPT and Law Of the Sea, be acknowledged;

4. that "there should be no use, testing or stationing of nuclear explosive devices in the South Pacific";

5. that "no South Pacific country would develop or manufacture or receive from others, or acquire or test any nuclear explosive device";

6. that "nuclear activities of South Pacific countries should be in accordance with applicable international principles and treaties, notably the NPT, and take into account regional arrangements"; and

7. that "South Pacific countries retain their unqualified sovereign rights to decide for themselves; consistent with their support for these objectives, their security
arrangements, and such questions as the access to their ports and airfields by vessels and aircraft of other countries".60

These principles, adopted as guidelines by the Forum SPNWFZ Working Group, embodied some of the generally opposed nuclear activities in the region, such as testing, stationing and environmental contamination but omitted other, such as missile testing, and sought to protect fundamental U.S. and Australian concerns about protecting current and future nuclear weapons transit in the region.

While the Melanesian states like Fiji, PNG continued to press for more comprehensive zone arrangements, the newly-elected. New Zealand Labour Government, despite its strong domestic anti-nuclear policies, sided with the limited-scope Australian SPNWFZ initiative. The Lange Government, to avoid further repercussions from either of its ANZUS partners, was anxious so reassure both the United States and Australia that it was not seeking to "export" its "nuclear allergy" to the rest of the South Pacific region.

Following the 1984 Tuvalu Forum's agreement to set up a SPNFZ Working Group chaired by Australia, there was a series of four Working Group meetings between November 1984 and May 1985 to develop a draft treaty. These were attended by all the Forum states with the exception of Tonga, and also included the Federated States of Micronesia (which then had observe status at the Forum but subsequently became a full member in 1987). In the course of the negotiations, as revealed in the Report of the Chairman of the Working Group, a number of island states took differing views on aspects of the Treaty. These differing views will be discussed below in discussion of individual island state SPNFZ policies.

The draft treaty was presented to, and endorsed at, the August 1985 Rarotonga Forum meeting, with eight Forum states (Australia, New Zealand, Fiji, Cook Islands, Tuvalu,

60 *AFAR*, Vol. 55, No. 8, August 1984, p. 800.
Niue, Western Samoa, and Kiribati) signing the treaty at the meeting, and the same eight states eventually ratifying the treaty by late 1986.

Although China and the erstwhile Soviet Union endorsed the treaty, the three western nuclear weapons states have not reinforced until March 1996, although in the interim years Britain and the US did not violate any of the zonal requirements. France, however, continued testing programme at Mururoa.

However, the SPNWFZ treaty did manage to rescue the region from becoming a breeding ground for nuclear race. The SPNWFZ treaty provides a neat juxtaposition of the regional demands of security on the global perspective of Australia, both within and outside the Forum network. It is whole-heartedly supporting the desire to declare the region free from nuclear testing programmes, and at the same time, also pressurising the World Community to work towards this endeavour.

III. ISSUE OF DECOLONISATION IN THE SOUTH PACIFIC: CASE OF NEW CALEDONIA

It has been widely assumed that post war era of decolonisation would draw to a halt long before all colonies received independence, since many were considered as being very small.61 Many colonies of big powers started achieving independence since the end of World War II but unfortunately, in the South Pacific, the decolonisation trend has not found its relevance. The struggle for independence has still remained a key issue. Besides nuclear threat, environmental pollution, under-developed economy, the independence movement especially in New Caledonia has remained a major issue for the South Pacific leaders and regional organisations such as SPF. The Australia government also reaffirmed its commitment to support in the movement for independence of the Kanaks (native inhabitants) in New Caledonia.

The Issue

New Caledonia, still remains under the French governance, covers a land area of 19.103 sq. k.m., has a total population of 1,33,233. Its multi-racial population comprises 55,598 Melanesians (native Kanaks), and 50,757 people of European origin (which are widely known as Caldoches). New Caledonia along with French Polynesia is the oldest colonies in the South Pacific. France took formal possession of New Caledonia in 1853. Political reforms after the World War II transformed New Caledonia from the status of a colony to an overseas territory with an elected Assembly in 1958.

As a part of the French overseas territory, New Caledonia is represented in the French National Assembly and Senate. It elects two deputies to the National Assembly and one to the senate. The Melanesian population (Kanaks) obtained the right to vote in 1951, formed their first multi-racial party, Union Caledonienne (UC), with a motto "two colours - one people" by the left wing French born Maurice Lenormand and Roch Pidjot, a Kanak Chief. The Kanak community had their first territorial minister in 1956, and was a majority in the territorial assembly in 1958 and in subsequent elections. However, a referendum in 1958 saw a majority votes (most of whom were non-Kanaks) reject the independence option in favour of territorial autonomy within France.

Kanak disturbances in protest, opposition to independence by local settler parties, and French assertion of strategic interests all led France to curtail local powers. Progress towards independence stalled throughout the 1960's and 1970s. Immigration from France and nearly countries during the nickel boom further diluted Kanak electoral strength. The

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French Government systematically and deliberately encouraged immigration in the seventies to reduce the Kanaks to the position of a minority.

It may be worth recollected that François Mitterand, the French socialist party leader in November 1979 had criticised the French policy of encouraging immigration from France to the neighbouring countries. He criticised vehemently because he found that the French policy was hinted at to drown the budding Melanesian nationalism by demographic means. The changes in demographic balance of New Caledonia are the most important factor, which has resulted in violence and conflict.

The Kanaks, who have long endured economic and social deprivation, have been pressing for total independence since 1969. In 1976, they achieved a limited measure of self-government. But, the local government was dismissed over the question of independence and direct French rule was imposed. A new electoral law was introduced which ensured that pro-independence forces/parties were unrepresented in the local assembly. The Kanaks demanding independence from France came to known as "independentistes". Many demonstrations were held against France, which led to the administration unleashing repressive measures. This in turn forced the Kanaks to become militant. By 1970, the UC, keeping the mood of the Kanaks in mind, demanded early independence. Subsequently, in 1979, the Independence Front was established by those parties supporting independence for New Caledonia. It came into being because of the unwillingness of the French government to adopt reformist policies, and the realization of the Kanaks that self-government was a distant dream through the ballot box.

The Kanak nationalist movement consists of various parties and groups. Most of them belongs to the FLNKS (Le Front de Liberation National, Kanak et Socialist - the

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65 Kaul, n. 46, p. 52.

66 *ibid*, p. 55.

67 *ibid*.
National Kanak Socialist Liberation Front), a coalition was set up in September 1984. The FLNK is the successor to Independence Front, an alliance formed to contest the 1979 Territorial Assembly elections, in which it won 34.4 percent of the vote and fourteen of the thirty-six seats.\textsuperscript{68} Following the elections, a governing coalition had been established between the centrist FNSC (Federation for New Society in Caledonia), which had seven Assembly Members, and the conservative foreign nationals RPCR (Assembly for Caledonia in the Republic), which held the remaining 15 seats. When this coalition collapsed in June 1982, the Independence Front and the FNSC formed a new council of Government under the stewardship of Jean-Marie Tjibaou. Although, it became a major force in the ruling coalition, but the pro independence groups could not achieve much. Therefore, they decided to increase the pressure on France by replacing the independence front with a "Liberation Front", and by boycotting and disrupting the November 1984 Territorial elections.

The FLNK (Liberation Front) defines itself as "the Union of active forces to establish Kanak Socialist Independence. It is a Front, established with the motive to liberate the Kanak land from colonialism, capitalism and imperialism. The basic premise of establishing socialism was based on local realities but defined in the struggle by those fighting for freedom.\textsuperscript{69}

In pursuing its goal of "Kanak Socialist Independence", the FLNK argued that formal independence would not by itself transform and elevate the position of the Melanesian population. Rather, the FLNK's aspiration for independence does not involve only re-ordering of its economy but also to have a cordial relations with the ethnic communities. To achieve this transformation, the FLNKs has called for special political and constitutional arrangements, beginning with those for a referendum.


\textsuperscript{69} \textit{ibid.}
The resurgence of Kanak nationalism, under the leadership of former Catholic Seminarian Jean-Marie Tjibaou with a slight socialist touch was made possible due to the change of government in France in 1981. The new French President, François Mitterand, was ideologically more sympathetic to decolonisation than its predecessors. He introduced several reforms in the French's Caledonian Policy. The French government hoped thereby to assuage the anger of Kanaks, but this was far too late, far too little and did not curb Kanak nationalism, which was demanding total independence. Decolonisation process in the South-West Pacific, particularly in Vanuatu, further activated the Kanak desire for independence. However, an inconclusive succession of plans, referenda, elections, boycotts, violent-clashes, conferences and agreements punctuated the 1980's and frustrated the independence movement.

In 1981, the assassination of a separatist leader, Pierre Declercq, led to an increase in tension. The French government in order to pacify introduced a number of measures, including fiscal and land reforms, and equal access to position of authority. In 1983, a programme was introduced which envisaged decolonisation in 1989, with the independence as an available option. In 1984, French parliament approved a statute of autonomy, which purported to delegate considerable powers to an elected executive. The statute met opposition from the separatist parties. They said the statute did not provide a clear programme on independence and also rejected the electoral reform, which limits the franchise to Kanaks. That led to the establishment of FLNK, which also immediately boycotted the election to the semi-autonomous Territorial Assembly in 1984. As a result, RPCR managed to get 34 out of 42 seats.

The Kanak boycott of the election was dramatically successful. The FLNK immediately formed its provisional government. Seeing the deadlock, Mitterand appointed

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70 M. Kaul, n. 46, p. 55.
the EEC Commissioner, Edgard Pisani, to meet all the parties in order to submit a proposal for resolution of the impasse within two months.\textsuperscript{71}

\textbf{The Pisani Proposal}

The proposals put forward by Pisani were based on Article 88 of the French constitution, which makes provision for associated statehood, and would permit an independent New Caledonia to assume association with France. Under this arrangement, France would still retain considerable influence in the internal affairs of New Caledonia and would be responsible for law and order, defence and foreign affairs. It was also proposed to hold a referendum in July 1985 on the constitution of New Caledonia as an independent state associated with France. All children who had lived in the country for three years would be permitted to vote on its future. If the proposal succeeded, the French Parliament would recognise New Caledonia's independence as of 1 January 1986. In the interim period, the territory would be governed by a transitional government under the High Commissioner until a new legislative assembly was elected that could negotiate the necessary treaty with France.\textsuperscript{72}

The Pisani Plan was criticised in Paris and Noumea as a sell out, while the Kanaks argued that the enfranchisement of all who were in the territory before three years only would result in the supremacy of white settler interest. Mr. Pisani himself admitted that he had to take care of the interest of France, the Kanak people and other communities.

The Pisani formula was not received with enthusiasm either by the FLNKs who called it a "Neo-colonial" solution or by the "loyalists", who felt the proposals favoured the Kanaks.\textsuperscript{73} Soon after Prime Minister Laurent Fabius came with a set of proposals. His

\begin{footnotes}
\item[71] Roff, n. 62, p. 633.
\item[72] \textit{ibid.}, p. 634.
\item[73] Kaul, n. 46, p. 57.
\end{footnotes}
proposals advocated a division of New Caledonia into four regions, each with their own council. The FLNKs accepted this plan and in 28 September 1985 election for regional councils, they won in three out of four regions. However, the RPCR having won 25 seats of the 46 seats in the Noumea region, was able to regain its control over the interim Territorial Congress. However, this process of limited reforms was reversed soon after Jacques Chirac came to power in 1986. It decided to carry out a referendum on self-determination in 1988 in which all those who had stayed for minimum three years were granted voting rights. This clearly meant that the settlers would naturally vote for French presence, an outcome foreseen by the Kanaks.\(^74\)

The South Pacific Forum condemned the French Policy in New Caledonia and its proposed plan to go ahead with the referendum. To seek support for the independence of New Caledonia, Tjibaou went to Australia in June 1987. The highhandedness and the insensitivity of the conservative Chirac Government towards the Kanaks even provoked New Zealand's Foreign Minister, Russel Marshall to urge France to give up its plan for holding referendum and condemned it for its use of force for suppressing peaceful Kanak demonstration.\(^75\)

The FLNKs denied the legitimacy of and boycotted the 1987 referendum and majority voted against the independence. But, like other earlier elections, the referendum showed the absence of a broad consensus on the future of New Caledonia. Subsequently, later in May 1988, the FLNKs also boycotted the election for the French President and Parliament. In 1988, 19 Kanaks were killed by the French military forces that were stationed to rescue 22 French gendarmes and two others held hostage by Kanak militants. The incident was the most violent in the history of the Kanak struggle; and worsened the already fragile relationship between the Kanaks and the Caldoches.\(^76\)

\(^74\) ibid, p. 58.

\(^75\) ibid.


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President Mitterand, in spite of showing some considerations for the Kanaks, was not interested to let go of New Caledonia - But, at the same time, he refused Chirac's advice to ban FLNKs. On May, 1988, the FLNKs appealed to the UN to intervene in New Caledonia and stop French atrocities.

In June 1988, after the bloody Ouvea kidnapping and rescue operation, the New French Socialist Prime Minister, M. Michel Rocard succeeded in bringing an accord between the FLNKs and the RPCR. This accord was known as Matignon Accord where Kanak leader Tjibaou and the Caldoche leader Jacques Lafleur signed the agreement along with the Prime Minister Rocard.

According to the Accord, major reforms were to be introduced along with greater political autonomy. Election took place in three autonomous province assemblies, each empowered to choose its own executive officers. A territorial congress was constituted of all the provincial assembly members. In 1989, it was composed of 19 FLNKs, 27 Caldoches (RPCR), and 7 minor party members (which support RPCR). The territorial executive powers are handled by the High Commissioner and Deputy High Commissioner, appointed directly by the French Government.

The most important feature of the accord was a promise of a referendum on self-determination in 1998. Since the electoral arithmetic are not impartial, it was decided to revise the electoral rolls in 1989, 1992 and 1993. On the question of the right to vote, France did not give into the FLNKs demand for electoral reforms. Thus, despite insistence that voting rights be given to only those born in New Caledonia, the Accord came up with a compromise which also kept settlers interests in mind. Accordingly, those who were residents of New Caledonia in 1988 were to be allowed to vote in the referendum of 1998.

77 Headley, n. 64, p. 150.
The final accord based on the Matignon Accord was signed on 20 August 1988 by Tjibaou for FLNKs, Dick Ukeiwe for RPCR, and Rocard for the French government. The agreement was appreciated in both France and New Caledonia. But, some Kanak radicals opposed the accord; that led to again tension and bloody clashes in the New Caledonia.

On 4 May 1989, Jean Marie Tjibaou who was widely known as Mahatma Gandhi of New Caledonia and his deputy Yeiwene Yeiwene were assassinated by Djoubelli Wea, a left-wing member of the FLNKs. Wea, while opposing the Matignon accord thought immediate independence to New Caledonia was not possible because of Tijbaou. Shock was expressed by the South Pacific countries and the metropolitan powers i.e., Australia and New Zealand. After Tjibaou's death, François Burck was elected as the President in 20 May 1989. The movement, as it was decided by the new President, will follow the institutional role to independence. Thus, it was decided to go ahead with the election as it was planned. On the other hand, the French government wanted to show its sincerity by starting a constitutional process, which would perhaps eventually lead to New Caledonia's independence in 1998, and a timetable for the transfer of responsibilities.

On 13 November 1993, the UC, the oldest party in the territory and the largest component party of the FLNKs indicated the precise choice of its future in its 24th annual conference in Noumea. It ended speculations that RPCR's chief Lafleur's 1991 call for a "consensus solution" to be found in order to avoid the 1998 "referendum guillotine" had found a very warm response within the UC, and was a clear answer to more radical members of the FLNKs who raised doubts about the fact that the UC is still pro-independence. The issue was raised because in October 1993, the PALIKA (Kanak Liberation Party, a smaller, more radical component party of the FLNKs) had criticised the UC leaders. It said, the consensus that the UC advocate has more to do with a strategy of status quo, which does not bring any hope.

79 ibid.
In fact, the UC argued in favour of a negotiation with the RPCR but it categorically says "things have to be wrapped up before 1998". This is quiet essential in order to accurately define the question which will be asked in the referendum of 1988, where Caledonians will decide whether they want to remain French or become independent. At the Press Conference of UC, Burck, the President of the UC declared that "in 1998, the country will be sovereign which means it is internationally recognized by the UN as a sovereign state".

But, the French government still does not want to provide independence to the Melanesian Kanaks. Responding to French apathy, the radicals and extremists formed a Kanak Liberation Army (KLA) and distributed leaflets advocating the armed struggle for immediate independence. The KLA was not only against the French rule but also against the members of the UC the key group within the moderate pro-independence movement, FLNKs.

The French government also realised the fact that the FLNKs is divided into two groups. One group is moderate, (just like the Indian National Congress during the early 20th Century) which wants constitutional reform to achieve independence while the extremist group depends upon early redressal of the problem. Therefore, the French administration took advantage of the situation and deferred the process of decolonisation.

Seeing the developments, the FLNKs also realised that early independence is a distant dream. Therefore, it started focusing more on autonomy than on independence and

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80 ibid.
81 ibid.
82 SWB, FE/2560, C/1, 14 March 1996.
83 SWB, FE/2561, C/1, 15 March 1996.
the French loyalist party, the RPCR, is also looking for autonomy while maintaining some kind of ongoing relationship with France.\textsuperscript{84}

But, when the Matignon Accord was signed in 1988 calling for a 10 year truce, the FLNKs was talking about independence and the RPCR wanted full integration with France. Since the French government was disinterested to provide early independence to Melanesian Kanaks' the independentistes redefined their grievances and wanted a kind of sovereign status and supportive political arrangement.

However, the SPF and the Australian government continued to support the demands of the Kanaks to achieve early independence. All the South Pacific countries are vocal in their support for the Kanaks.

\textbf{South Pacific Forum and the New Caledonia Issue}

The New Caledonian issue was remained a high profile issue and an important agenda of the South Pacific Forum. The Forum island countries have always stand apart and supported the Melanesian Kanaks demand for an early independence. On their insistence, the General Assembly adopted a resolution in December 1986 re-inscribing New Caledonia on the list of non self-governing territories. In December 1987, the UN Decolonisation Committee adopted a resolution on New Caledonia which, among other things:

\begin{itemize}
  \item Reaffirmed the inalienable right of the people of New Caledonia to self-determination and independence.
  \item Reaffirmed the obligation of France to transmit information on New Caledonia to the Secretary-General and called on France to do so.
  \item Considered that the peaceful transition of New Caledonia to self-determination and independence should be undertaken in a manner, which guaranteed the rights and interests of the people of New Caledonia.
\end{itemize}

\textsuperscript{84} \textit{SWB}, FE/2590, C/1, 19 April 1996.
Called upon France to resume dialogue with all sections of the population of New Caledonia in order to facilitate rapid progress towards an act of self-determination consistent with UN principles and practices in which all sections of the community would participate.\textsuperscript{85}

The South Pacific Forum countries did not consider the outcome of the 13 September 1987 referendum as the real views of the people of New Caledonia.\textsuperscript{86} The Forum, always, in its annual summit meet reaffirms its support for self-determination and the early transition to an independent New Caledonia in accordance with the innate, active rights and aspirations of the indigenous people and in a manner which would guarantee the rights and interests of all inhabitants of this multi-racial society. The Forum recognises the FLNKs, and supports its demand for the institutional road to independence and agreed to set up a working group to review the question of observer status of the FLNKs to sit in the Forum. It condemned the Kanak Liberation Army, a military and radical outfit for its action of violence and killings to achieve quick independence, when, the Kanak leader Tjibaou was assassinated, it expressed its deep shock and appealed to radical Kanaks and the French government to follow peaceful road to resolve the imbroglio.

The Forum also established a ministerial group in its Tuvalu meet in 1984 to discuss Forum views on New Caledonia with the Independence Front and the French authorities. In the 24th Forum meet in 1994, the Forum reaffirmed its support for the aspirations and goals of the people of New Caledonia including the Kanak Community. It reiterated its full support for the processes being conducted under the Matignon Accord and, while sensitive to the varying and conflicting interpretations and expectations of the Accord, encouraged all parties to maintain their commitment to the Matignon process.

\textsuperscript{85} Kaul, n. 46, p. 61.

\textsuperscript{86} ibid.
The Forum agreed that transparency is required in preparing electoral rolls for the 1998 referendum, which will decide the fate of the Kanak Movement. The Forum encouraged the increasing contacts between New Caledonia and the countries of the Forum. As New Caledonia was an integral part of the South Pacific region, the strengthening cooperation between Forum members and New Caledonia was a positive contribution towards the process of political and economic re-balancing in the territory.

Australia supports wholeheartedly the SPF's communiqué on the New Caledonia issue. It wants that French should leave the territory as earliest as possible. Like Forum, it also does not support the KLA but it backs the FLNKs to bring independence for the Kayaks. Barring the New Caledonia's membership in the Melanesian spearhead group where Fiji plays a key role, the Australians do not have any difficulty in supporting the freedom movement.

On the other hand, French government was also critical about the metropolitan powers, i.e., Australia and New Zealand. The French Minister for the South Pacific said on June 1987 that it was hypocritical on the part of Australia because it supports majority Indians in Fiji where it opposes majority in New Caledonia and not recognising Caldoches to hold power in New Caledonia.

Australia, aware of Melanesian support for New Caledonia, has also supported the independence movement in the country. It is in Australia's national interest that New Caledonia remains politically stable. Writing on the strategic importance of New Caledonia to Australia, Ross Babbage points out "... tactical aircraft could operate over large sections of northern Australia from the closer Melanesian countries, the Solomon Islands and New Caledonia are of the greatest security importance...". And, till date, Australia reiterates its commitment for the independence of New Caledonia both at the regional level and at the global level. Bill Hayden the Former Australian Foreign Minister's statement on Australia's

87 Sydney Morning Herald (Sydney), 4 June 1987.
88 Kaul, n. 46, p. 102.
position still remained as it is. He said in his speech in Fiji on 21 May 1986 that "... let it be understood that Australia would like to see New Caledonia joins the ranks of independent states of the Pacific as quickly as is realistically possible. We hope that this will involve a peaceful transition and that it will be achieved with the good will of France, because French assistance is clearly needed to sustain the economy of New Caledonia. 89

The conservatives in Australia feel that the French presence, in New Caledonia is required for Australia's security. As for the future of New Caledonia, they hold the view that the Caldoches are as important as Kanaks - after all, they point out Australia is made of immigrants too. Now, France is at least trying for an amicable settlement of the New Caledonian problem. 90 However, the demands of the Kanaks has also started gaining international support and it is hoped that very soon, the French government will take a concrete decision on this front.

IV. FISHERIES DILEMMA IN THE SOUTH PACIFIC

The history of resource use in the South Pacific whether it was under colonial rule or in the post-independence era has never been a happy one. For over a century, the Pacific Islands' role in international trade in natural resources has been as a peripheral supplier of some of very insignificant raw materials. And even then the Pacific islands have only been suppliers of choice when supplies from sources closer to main European and Asian markets were not available.

Whether it was sandal wood or beche de mer or trochus shell, the relationship that developed in the 19th century between Pacific island suppliers and Asian and European buyers was invariably one of nabbed exploitation. 91 Those who had exploited the resources

90 Kaul, n. 46, p. 102.
had no refined ideas about the sustainable marine management. Their short-term financial interest has destroyed long-term planning which eventually led to FIC's exploitation by the outside countries.

Fisheries, the limitless renewable resources of the South Pacific is also not free from a sort of rape, as the forests of Melanesia have experienced in the last 15 years. The Marine resources of the Pacific are being constantly exploited by the Distant Water Fishing Nations (DWFNs). The DWFNs are least bothered about the marine environment, which also affects the flora and fauna of the South Pacific. Not only that, there is also lack of proper surveillance over the catch of oceanic resources. Lack of adequate information and policing is also affecting the South Pacific economy. For example, 55 percent of the world's canning tuna (a type of fish) comes from the South Pacific but the FIC are not able to take advantage of the fact and are being constantly exploited by the DWFNs.

The Food and Agricultural Organisation estimates that there are approximately 50 million people who gain their livelihood directly from fisheries and a further 150 million are dependent upon the income generated from the industry. In the South Pacific Island states, there are at least 3000 jobs in Commercial Fishery in Fiji and the Solomon Island. In American Samoa, the entire economy is dependent upon the fish canaries. However, "the state of South Pacific Fisheries is such that in the next few years one can expect an onslaught of Fishing Companies that make the sandalwood traders of the 19th century look like choir boys". This is because fisheries management is very unsatisfactory and nobody knows how much marine resources is being taken out and how much there is? Even the existing regional organizations like Forum Fisheries Agency, an outfit of the SPF and the SPC are divided over the issue.

92 ibid.
Much effort has been devoted by South Pacific governments and agencies in trying to stimulate the development of domestically-based export fisheries, including tuna. However, the size of capital requirement for industrial fishing has precluded the entry of the FIC, while the established export canneries based in the region that process the locally-caught tuna have been disappointing in generating profit. The factors that responsible for this gloom period are: DWFNs and the corrupt practices adopted by the South Pacific leaders for little financial gains.

Fishing, in a comprehensive sense, plays a major role in the culture and traditions of the South Pacific. Historically, it provides livelihood, and offer "daily meals" to millions of native inhabitants. Despite the introduction of the New Fishing methods, as the Australia marine biologist Dr. Bob Johannes feel, "the real experts are old, often illiterate Pacific Island Fisherman. These fishermen have developed an encyclopaedic knowledge about their marine environment.

After the ancient way of fishing method where spear and hand was used to catch fish, small-net fishing method was slowly introduced. This was launched with the intention to catch more fishes at a time from lagoons and coastal lines in Shallow Waters. Then mechanised boating system was introduced. This system was introduced by the DWFNs for two purposes. One to catch more fish and secondly, to carry the resources to their respective countries.

In the course of time, the islanders started being conscious that their natural and renewable resources are being carried away and the money that they receive is too less.

93 The South Pacific Tuna Fishery is one of the Great Fisheries in the world.


95 Fishing Tales, PIM, January 1993, p.21.
Therefore, there was hue and cry to establish fish canneries and cold storages. Fiji, after independence, had established the first canneries in the South Pacific. American Samoa went much further than Fiji. Now, they have the access to best fishing canneries at Pago Pago.

The Economic Zone concept, which came into being in 1976, after the law of the sea convention, encouraged the fishing industry. Because, each island state has now its 200-nautical mile EEZ, and they are free to charge duties and negotiate with outside companies for industrial and commercial base. The growing consciousness about fishing resources as their substantial means forced the island states to specialise in fishing and making fishing boats and patrolling boats.

With the decision of the SPF in October 1976 to introduce 200-nautical mile EEZ, the island states looked to the sea for their economic future. While of course the declaration of the zones did not create a new resource, it was hoped that by imposing legal restrictions on access to the zones, this would enable the countries to make more effective use of their off share resources (either by extracting rent from outsiders or providing for the expansion of their own limited fishing fleets).

The inshore fisheries of FIC have traditionally provided much of the protein requirement of the inhabitants where as the offshore resources have been beyond the reach of the subsistence fishermen which have continuously been exploited mainly by DWFNs and local fishers does not have much access to offshore fishing techniques.96

The known offshore resources of the South Pacific are dominated by highly migratory species, predominantly tunas. Of a total fishing catch of 300,000 tons from the 200-mile zones of the Island States tuna accounts for 88 percent of the catch, valued at around US $ 300 million. The greater of the total (about 87 percent) is taken by foreign

vessels fishing independently of the coastal states. While the FIC's receive only about US $6 million from the total tuna catch.  

Table 1: Estimated Landed Value of South Pacific Tuna Catch, 1995.

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<th></th>
<th>Canning</th>
<th>Fresh Markets</th>
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<tr>
<td></td>
<td>$US</td>
<td>%</td>
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<tr>
<td>Distant Water Fishing Nations (DWFNs)</td>
<td>772</td>
<td>87</td>
</tr>
<tr>
<td>Pacific Island Countries</td>
<td>108</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>880</td>
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Through the declaration of EEZ, most of the FIC have effectively gained property rights over the tuna stocks in their EEZs. These rights and their enforcement have had, and will continue to have, international, and intergenerational impacts. While the island states are now in a much more powerful position, both individually and collectively to extract resource rent from the fishery, through access fees charged the DWFNs that exploit the tuna resource, fees are nevertheless still only a small percentage of value of the catch of the DWFNs.

The DWFNs tuna fleet generally dominate catches in the EEZs of the South Pacific. These fleets are primarily from Japan, Taiwan, Korea, the Philippines and the US, harvests an estimated 90 percent of the total regions catch. The rest catch is taken by several small

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97 Bergin, n. 79, p. 21.

98 Hunt, n. 81, p. 3.
domestic fleets of the South Pacific. Five methods are usually used to catch fishes. There are long-lining, pole-and-lining, purse-seining, trolling, and driftnetting.

The fleets normally operate from the ports but have little economic interaction with countries that issue license for then to fish in their EEZs. At the end of the each fishing-trip, vessels usually return to their home parts to discharge catches, though for economic reasons transhipment of catches at inter-mediate point is becoming more common.

Japan, the Philippines, Taiwan, the US, and South Korea are the major DWFNs, are actively involved in the tuna harvesting. Many island countries are also being benefited from licensing fees paid for access to EEZs but they only render about 5 percent of the value of the catch. Therefore, the FIC need to further develop commercial fishing and processing activities to get more benefit from this extensive natural resources. The South Pacific Regional Agencies like the FFA, the SPF will have to play a major role in this regard.

The fishery has been transformed from one characterised by 'open access' to one in which fishing effort can be controlled in EEZs. However, the available fishes in great numbers i.e., Tuna are migratory. Therefore, the DWFNs also claims that it does not solely belongs to the FIC's. In this respect, the joint agreements and actions of island states through the Forum fisheries Agency, has given some cause for optimism that the fishery industry can be managed sustainably.

In focussing the benefits that can be derived from the renewable marine resource by the FICs, the following issues stands out and are examined in turn by the SPF's auxiliary body i.e. FFA.

The issues that needs to be tackled by the regional bodies are as follows: (i) the extraction of higher royalties from the Tuna fishery by the South Pacific Islands, via fishing fees; (ii) the extractions of greater benefits from marine resources through greater participation by FIC's themselves in fishing and processing activities, and (iii) the
establishment of a regional management regime and putting faith on the FFA which can bring sustainability on the SPF industries. To work towards this endeavour, the SPF realized the importance of a regional fishery management agency and passed a resolution in the Tuvalu Forum meet in 1976 and subsequent forum meets. The regional Fishery body i.e. FFA, finally came into being in 1979. The FFA's members are Australia, Cook Islands, FSM, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, PNG, Tonga, Tuvalu, Solomon Islands, Vanuatu, Western Samoa.

**Forum Fisheries Agency**

The Forum Fisheries Agency (FFA) was formally established in 1979. All the Forum members thinking of its relevance, signed the draft proposal. The agency reflects members common interest in deriving maximum economic benefit from their extensive marine resources and recognises the severe development constraint's imposed on most of them by small size, lack of land based resources and distance from major markets.

The preamble to the FFA convention expresses the members concerns and objectives: (i) their common interest in the conservation and optional use of the living marine resources in the region, particularly highly migratory species; (ii) their desire to promote regional co-operation and co-ordination in fisheries policies; (iii) their concern for securing maximum benefits from the regions marine resources for the national well being of the forum countries; and (iv) their desire to facilitate the collection, evaluation, analysis, and dissemination of information about the SPF was instrumental in the formation of the forum fisheries Agencies. FFA's origin owes to the two papers presented at the SPF meeting in Suva in 1976. The papers were presented by PNG and Fiji. Both these papers expressed a desire for regional co-operation in fish resources. The PNG paper highlighted the importance of regional co-operation in environmental and fisheries matters. However, it was the Fiji paper that provided a compact South Pacific perspective on the need for regional fisheries co-operation. Fiji proposed the adoption of a coherent and national approach to
fisheries co-operation to ensure that the benefits stemming from the United Nations Clauses on Law of the Sea (UNCLOS) would flow to the FIC.

Impressed with Fiji’s paper, the Forum directed the Fiji-based South Pacific Bureau for Economic co-operation (SPEC); presently known as the Forum Secretariat, to convene a meeting to consider the need for a specialised regional fisheries organisation. In the Port Moresby Forum meet 1977, SPEC tabled its report and favoured the proposal.

Having decided the need of the organisation, the Forum directed that a convention be drawn up and that it will be available for consideration at its 1978 meeting. Consensus in Forum concerning the convention, and in particular on the issue of membership of US and other DWFNs. The disagreement among the Forum states started when the US claimed to become a member of the agency. The US's membership desire was supported by Western Samoa, Cook Islands, Niue, Australia and New Zealand but opposed by PNG, Kiribati, Nauru, Tonga and Fiji. The issue was resolved with the decision that membership will not be open to dependant territories and DWFNs. In short, it means American Samoa, New Caledonia, the US, UN, Japan and Taiwan were not allowed to become FFA members. And thinking the necessity of the agency, forum established the organization in 1979 in Honiara.

The region's fisheries resources

The desire of the SPF governments to adopt common measures both to conserve and to ensure optimum use of highly migratory resources in the region stems largely from UNCLOS III99. The UNCLOS III completed the negotiation. On the issue of twelve-mile territorial sea, the special regime for archipelagic states, the 200 mile EEZs, and the regime of

islands. Under extended jurisdiction, coastal states were given sovereign rights to manage and conserve fisheries with their EEZs.

After declaring their EEZs in conformity with prevailing international practice, Forum countries realized that they would have to negotiate fisheries access agreements with DWFNs because they lacked the capacity to harvest their fisheries resources themselves and information. Therefore, they needed to know (i) the quantity and quality of their fisheries resources; (ii) how much fishing could be permitted while sustaining stocks; (iii) who had traditionally fished their resources; (iv) where their fish was sold, processed and consumed; and (v) the market value of their fish. The Forum countries felt a regional body like the FFA would be helpful to obtain information. This information would in turn enable them to exercise management functions competently, both individually and as a group.

After the establishment of FFA, the FIC are working hard to stop driftnets fishing from the Pacific waters. The use of driftnets which some of the Asian countries find economical, has dangerous marine and environmental consequences. These nets which are used mainly by the Japanese and the Taiwanese in the South Pacific waters popularly known as "walls of death".

The FIC voiced strong opposition to driftnet fishing. It is because, these nets concern was mainly based on the non-selective nature of the fishing method and it has undesirable impact upon the fish stock, marine mammal population and sea birds. The driftnets also sometimes lost in the sea while pursuing long-line fishing. This has heavy environmental hazards and also hinders shipping. The major difficulties of drift-netting was that the fishing operations were confined to the regions high-sea and the DWFNs refuses to accept that the gillnets (other name of driftnet) has adverse fisheries and environmental impact.

William M. Sutherland, "Management, conservation and co-operation in EEZ fishing", Ocean Development and International Law, Vol. 18, No-6, p. 614
In 1989, Japan refused to end driftnet fishing and said that more research was required to find out the effects of the driftnets. At the 20th Forum meeting in Tarawa in Kiribati in July 1989, all the member countries agreed to the "Tarawa Declaration". The most relevant feature of this declaration was to "resolve for the save of this and succeeding generations of Pacific peoples to seen the establishment of a regime for the management of fish stocks in the South Pacific that would ban driftnet fishing from the region; such a ban might then be the first step to a comprehensive ban on such fishing.\textsuperscript{101}

In the 24th forum meet in Nauru in 1993, the FFA member countries had signed the convention for the prohibition of fishing with long driftnets in the South Pacific. However, there was no unanimity even among the Forum members over the driftnet issue. Fiji, Vanuatu and Cook Islands were against a total ban of driftnet fishing. They felt that "there was not enough expert knowledge on the issue to justify such a drastic measure". Taking advantage of the divided-Forum, Japan is playing economic-diplomacy and providing finance lure to the FIC. In 1989, Japan gave Kiribati US $ 6.7 million for building projects and Vanuatu were paid US $ 10000 by a Japanese company to participate in the games of disabled people. Vanuatu also received US $ 8 million from Japan for infrastructure development. Similarly, Tonga, Tuvalu and other FIC's also received aid for various projects since 1989.\textsuperscript{102}

Another factor, which put the FIC in trouble is corruption. The Island leaders and officials one being bribed by the foreign companies to get the license to continue long-line fishing with the help of driftnets in the vast Pacific Ocean. For example, in 1994, a state law Maker of the FSM was bribed by an Asian company seeking fishing permits.\textsuperscript{103}

\textsuperscript{101} Kaul, n. 46, p. 148

\textsuperscript{102} ibid, p. 149

\textsuperscript{103} PIM, 1994, p. 3
Despite all inconveniences, efforts are continuing to stop gillnet fishing. In 1989, Australia worked hard at the UN so that it would pass a resolution to ban driftnetting. It did achieve a resolution in December 1989, which called for a "Moratorium on drift net fishing on high seas".104 The forum also noted the vital importance of effective regional arrangements for dealing with DWFNs for the benefit of the region as a whole. It also extended the multilateral treaty on fisheries with the US, which it considers will work as a model for fisheries co-operation in the region. In 1994, in the Brisbane Forum meet, the forum members sought the help of multi lateral treaties for monitoring and policing fishery practices.105 And, subsequently certain Pacific Island States signed a multilateral agreement with US. Under the treaty, $ US 1.8 has been paid annually into a Project development fund administered by the FFA, 15% of the balance being shared among the FIC and the remainder divided between FIC according to the weight of catch taken from their EEZs.

Fisheries management, Forum and Australia

The ability of the FIC to continue to extract rents from fisheries of the region, either through access fees or direct exploitation, is dependent in the long term on the management of the stocks through control of fishing effort. The key to management is catch-and-effort data by species and by vessels.

The SPC collects, publishes and interprets statistics on catch and effort and supplements these by undertaking research. However, the record-keeping of certain DWFNs has left a lot to be desired as mentioned above. Moreover, data on tuna catches in the regions high sea areas (outside EEZs) is deficient. The DWFNs are not reporting correctly about the amount of the catch, therefore, are not paying required rent to the FIC. The FIC

104 Kaul, n. 46, p. 149
105 Julie McDonald, “Forum agrees on action to Project Regional Resources”, Insight, 15 August 1994, p. 7
are also not in a position to get the correct information because the DWFNs vessel generally returns to their home country after the catch. In the South Pacific, the situation is the existing tuna fisheries are clearly out of control. The SPC has no idea where fish are being caught in the waters of the South Pacific because the Taiwanese and Korean tuna boats massively under report their catch. The SPC thinks, it knows the total quantity because it can get landing figures in Thailand, Korea, etc. However, there are also under-reported for commercial benefits.

Even though fishery is their biggest economic resource, the FIC’s find it difficult to own fishing vessels and establish their fish processing industries. The number of fishing vessels per country are: Fiji 18; Kiribati 4; Marshall Islands 4; Nauru 2; PNG 10; Solomon Islands 38; Tonga 1; Tuvalu 1; Vanuatu 20. Adding to the illegal poaching this is another constraint, which hampers the FIC’s economy.

It is also readily admitted the level of scientific research is inadequate to know with certainty how much tuna can be safely caught in any year. The DWFNs pay a pittance for the tuna. Korea, Taiwan and Japan pay between four to five percent of what they declare, the US purse-seiners pay nine percent and some nations are paying 11 percent to Australia.

There are presently no regional plans to manage the South Pacific tuna industry. The multi-species nature of the fishery, whereby several species of tuna and by-catch may be caught at one time, means that there will be overwhelming difficulties in regulating the catch of individual species. Moreover, the mechanisms that need to be implemented for control of fishing effort (these could include restriction and surveillance on the number of vessels and/or restrictions on catch) are not under development.
Illegal Fishing and Surveillance Measure

The SPF and its metropolitan member, Australia are committed to stop illegal fishing by the DWFNs. The complexity that the Forum is running through is the lack of information on the vessels operating in the high seas.

Australia is playing a key role in this regard of thorough and effective maritime surveillance. The Australia policy towards this endeavour was initiated during the 1980s. In 1983, at Canberra Forum meet, the Australian Prime Minister, Bob Hawke declared that it would provide Australian designed and built Pacific Patrol Boats (PPB) to the FICs. This project was managed by the "Royal Australian Navy", which has already provided four boats to PNG, three to Tonga, two each to Solomon Islands, and FSM and one each to Vanuatu, Cook Islands, Western Samoa and the Marshall Islands. After the establishment of diplomatic relations with Fiji (which was damaged due to military coup in Fiji in 1987) Australia agreed to supply patrol boat to Fiji also.

Through this project, Australian government sought to encourage self-reliance and enhance national sovereignty of the FIC. Not only the supply of boats, but it also provides advisory support, (training, spare support package and other technical arrangements) to the Forum members. The Australians showing their commitment, have even gone further and agreed to link national surveillance centres by satellites to the regional fisheries management data base at the FFA headquarter in Honiara. For the Forum's activities and its members' requirements, the Australian government has done a tremendous job by providing continuous training and planning and maintaining communications and co-ordination with the FICs.

According to the Director of the FFA, Sir Peter Kenilorea with the effectiveness of the regional register system, development of FFA's observer programme and with valuable aerial surveillance assistance provided by Australia and New Zealand, it was opponent that the FIC's slowly but surely establish firmer control over the DWFNs activities in the South Pacific. Most of the forum countries and member states of FFA including Australia has
signed the nine fisheries surveillance and law enforcement co-operation treaty in Honiara in July 1992. This treaty provides for co-operation among the regional countries on surveillance of their fisheries resources to the co-ordinates from the FFA. 106

Fisheries management for greater domestication is also an important issue before the FIC. This issue needs to be highlighted in three sections. These are: Purse seine fishing, long-line fishing and fish processing.

The majority at Purse-seine vessels are capable of remaining at sea for extended periods and are mostly based outside the region. The thrust of the FIC to try to capture greater benefits from the purse seine fleets of the DWFNs is through licensing and tax arrangements and through ‘trans-ship provisions.’

Like purse seining, the long-line fishing in the South Pacific is principally done by the DWFNs. And in contrast to the purse seine fishery (which is based on juveniles of the abundant skip jack tuna), long-liners targets adults of the albacore, big eye and yellow fin species.

Since 1993, there has been a rapid growth of the number of long-line vessels landing Chilled tuna in the South Pacific island countries, rather than in East Asia. Even though long-lining is relatively less expensive but it affects the marine environment. Not only that, equal barrier is the high organisational and technical skills. The resource less, FIC’s even could not able to won the long-line vessels.

The canning of tuna is also another factor, which needs to be looked into seriously by the FIC. The abundant South Pacific supplies approximately half of the worlds canning tuna mast being processed in Thailand and American Samoa but despite the preferential access to the European market under the Lome Convention, only one export cannery has been

established in recent years. The other export canneries are Solomon Taiyo Limited (STL) a joint venture between the Japanese firm Taiyo Gyogyo Uabushiki Haisha and Solomon government and Fiji's Pacific Fishing Company Limited (PAECO).

The joint venture projects on canneries and processing plants have invariably failed. They have in fact been acted as a vehicle for foreign fleets to gain cheap entry to the rich tuna grounds rather than genuine development proposals.

As has been seen, the DWFNs are the greater gainer in the South Pacific over fishery business. Therefore, the main means by which the FIC will be able to get benefits from their large and valuable stocks is through access fees paid by the DWFNs. While localised long-line operations are growing in number, but the overall income from this source has remained relatively low because of scarcity of local capital and expertise, and inadequate infrastructure. The future of tuna export canaries in the region is also doubtful. The end of preferential market access to Europe will expose the South Pacific canaries to the unaccustomed price competition.

In the end, it can be surmised that if the FIC are to capture a greater share of the benefit of fishery, and if the long-term sustainability of the fisheries are to be safeguarded, then the Forum meets, the FFA and regional metropolitan powers like Australia should work bring changes so that parity can be maintained between the FIC and the DWFNs. The factors that immediately needs to be looked into are: (i) establishment of business arrangement between the FIC and the DWFNs, and (ii) the access arrangement to tuna stocks by the DWFNs.