

3. The legal and regulatory environment for maritime security cooperation in the Pacific Islands

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- Pacific Island countries are united in their foreign policy objective to act as one Blue Pacific Ocean Continent. This unified approach recognises their interconnectedness and shared stewardship for governing their vast maritime space. Collective security performs a critical role in responding to intensifying climate change and geostrategic competition. This vision culminated in the **2050 Strategy for the Blue Pacific Continent** designed to strengthen the regional security architecture and influence and shape the strategic environment.
- The Pacific Islands Forum (PIF) set a comprehensive interpretation of security under the 2018 **Boe Declaration on Regional Security** inclusive of human security, environmental and resource security, cybersecurity, and countering transnational organised crime. To improve coordination among the existing collage of overlapping regional, sub-regional, and national security arrangements, the region is committed to developing a 'flexible, inclusive and responsive Regional Security Mechanism'.⁷⁰ Tension exists, however, between the regional ambition for an integrated regional maritime security architecture and national and external efforts for bilateral and minilateral arrangements.

Pacific Island countries recognise the strategic value of their maritime space and affirm their commitment to a peaceful rules-based international order under the UN Charter. The PIF is exploring the potential of designating their Blue Pacific Ocean Continent as a Zone of Peace.⁷¹ For maritime security issues the **United Nations Convention on the Law of the Sea** (UNCLOS) is the central legal



instrument guiding state and regional practice. Cooperation through the regional maritime security architecture is necessary – given national resource and capacity constraints – to give effect to their rights and duties as coastal and archipelagic states.

Together PIF members are influencing the interpretation and state practice of UNCLOS in response to adverse climate impacts with their 2021 **Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise**. In Oceania, regional instruments implementing UNCLOS are often inclusive of areas within and beyond national jurisdiction.⁷² Consequently, adherence with the three Implementing Agreements under UNCLOS for seabed activities, conservation and management of highly migratory species, and conservation and sustainable use of biodiversity beyond national jurisdiction form a critical component of their regulatory framework.⁷³

The main institution of the regional security architecture is the PIF. Specific guidance under the **‘2050 Strategy Implementation Plan 2023-2030’** acknowledges the central role of the PIF in a ‘strengthened, inclusive and harmonised regional security architecture, guided by the Forum processes, with improved ability to address existing, evolving and/or emerging security issues; and to guide

decision making on regional and global security issues.’⁷⁴ The aim is to ‘develop a flexible, inclusive and responsive Regional Security Mechanism’ to strengthen the regional security architecture in the fulfilment of regional security priorities under the *Boe Declaration*.⁷⁵

Effective maritime cooperation will depend on an integrated approach to coordinate the regional-scale security architecture with unilateral and bilateral arrangements.

Of foremost importance in this array of tactical approaches is the centrality of the Pacific Islands Forum. The *2050 Strategy for the Blue Pacific Continent* sets the Forum’s direction and priorities for internal and external security relations.⁷⁶ The *Boe Declaration* articulates the Pacific’s priorities for maritime security under an expanded concept of security that includes human security, environmental and resource security, transnational crime, and cyber security. The **Forum Officials Subcommittee on Regional Security** (FSRS) has the authority to operate across this spectrum of maritime security priorities. The Pacific region requires a comprehensive and resilient security architecture to effectively assert and implement its strategic priorities. A central aim of the **‘Boe Declaration Action Plan’** is to create an appropriate coordination mechanism to oversee implementation.⁷⁷

The regional security architecture to implement the *2050 Strategy* is composed of Regional Law Enforcement and Legal Secretariats,⁷⁸ the Council of the Regional Organisations of the Pacific, and other regional organisations be explored below.⁷⁹ A key priority for the implementation plan of the *2050 Strategy* is ‘[s]trengthened security policy arrangements in the region’.⁸⁰ Former PIF Secretary General Dame Meg Taylor warns that because ‘Pacific regionalism does not have its own means to fund new institutions and structures ... richer countries ... will be increasingly able to influence our institutions to deliver their

own agendas’.⁸¹ Vigilance is required to ensure that all funding for the architecture is transparent and unconditional. It is therefore timely that the **Review of the Regional Architecture** is underway.

To better assert control over its security interests, the Pacific must strengthen oversight of the various maritime security arrangements. The very first recommendation of the Review of the Regional Architecture is for the PIF to retain control as the apex of the regional architecture. Many bodies in the diverse collage of maritime security arrangements in the Pacific operate outside the Pacific regional security architecture.⁸² The next phase of the Review of the Regional Architecture aims to comprehensively analyse the ‘existing institutional structures, arrangements and governance mechanisms that are part of the regional architecture and which operate alongside the CROP’.⁸³ The purpose is to understand the roles and responsibilities of this diverse architecture and develop ‘effective engagement mechanisms to ensure that their support to the region is aligned to the Vision and Values as laid out in the *2050 Strategy*’.⁸⁴ An advance in this respect would be the requirement for these bodies to report to FSRS on their alignment with the *2050 Strategy* and *Boe Declaration*. This procedure is already in operation for the **Regional Law Enforcement and Legal Secretariats**.⁸⁵

The Pacific security architecture is composed of relevant **Council of the Regional Organisations of the Pacific** (CROP) institutions that govern the comprehensive scope of security issues: **Pacific Community** (SPC), **Pacific Regional Environment Programme** (SPREP), **Pacific Islands Forum Fisheries Agency** (FFA), **Pacific Island Development Programme** (PIDP), **Pacific Aviation Safety Office** (PASO), and **Pacific Power Association** (PPA) and their relevant subsidiary bodies such as the SPREP’s **Pacific Meteorological Council** and SPC’s **Pacific Islands Emergency Management Alliance** (PIEMA). Many CROP organisations have – in accordance with their mandate – regional instruments to meet Member State obligations under UNCLOS.

The regional security architecture also includes regional law enforcement bodies: the **Pacific Islands Chiefs of Police** (PICP), **Oceania Customs**



Organisation (OCO), Pacific Immigration Development Community (PIDC), Pacific Islands Law Officers' Network (PILON), South West Pacific Heads of Maritime Forces, Pacific Immigration Development Community (PIDC), and the Pacific Transnational Crime Network (PTCN). Additionally, new innovative agencies such as the **Office of the Pacific Ocean Commissioner (OPOC), Joint Heads of Pacific Security, the Pacific Resilience Facility, and the Pacific Fusion Centre** complete this architecture.⁸⁶

The regional vision for a harmonised regional security architecture under the *2050 Strategy* Implementation Plan lies in tension with the divergent national and external alliances of Pacific States. Complex fractures to unified and collective regional security are evident through: bilateral alliances with competing external powers; cleavages from the rising influence of sub-regional groups; the division of the Forum diplomatic bloc with the **United Nations Pacific Small Island Developing States (UN PSIDS).**

Effective maritime cooperation will depend on an integrated approach to coordinate the regional-scale security architecture with minilateral and bilateral arrangements. In this context, the PIF FSRS established in 2019 performs a key convening role between CROP and other law enforcement agencies to implement the *Boe Declaration*. Despite the 2019 Boe Declaration Action Plan's ambition to create supportive conditions with an appropriate coordination mechanism, deeper maritime security integration and coordination are still required. The current PIF Review of the Regional Architecture presents a crucial opportunity to address disconnections and overlapping competence within this maritime security architecture.

For Pacific Island countries, maintaining their agency in maritime security collaborations is a constant challenge when their capabilities rely on external resources. Intensifying geostrategic competition has, however, signalled a new era in Forum diplomatic relations with the expansion to 21 Forum Dialogue partners. The Forum's inclusive approach to partnership is viewed by some as counter to Western allied efforts toward the denial of China emerging as a

strategic power in the region.⁸⁷ Yet, the Forum remains open to collaboration with states who continuously adhere with the '**Blue Pacific Principles for Dialogue and Engagement**'.⁸⁸

Specifically, recognition of the region as 'One Blue Pacific' and a commitment to advancing the Forum's regional priorities.

Beyond traditional maritime security issues, Pacific Island countries pursue a future-focused agenda aimed at influencing international climate regulation,⁸⁹ securing maritime boundaries,⁹⁰ enhancing ocean resilience⁹¹

and anticipating and managing climate displacement.⁹² Indigenous analytical lenses are increasingly applied to Pacific maritime security offering more comprehensive and inclusive perspectives on security issues.⁹³ Finally, the assertive, innovative, and uniquely Pacific style of diplomacy at the United Nations Security Council, under the *UN Framework Convention for Climate Change*, and for advisory opinions under UNCLOS has reset climate as a global security issue that continues to shape the Pacific maritime security environment.⁹⁴

