

## *The Region in Review: International Issues and Events, 2002*

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The Pacific has been portrayed as a sea of islands, whose peoples' identity, culture, and livelihood are fundamentally defined by their relationship with the marine environment. Islanders have always relied on the sea as a source of food and as a conduit for trade and communication with the outside world. In the contemporary Pacific, successful development depends on the ability of sectors such as tourism, fisheries, and aquaculture to sustainably manage the marine environment. Pacific Islanders at all levels of government and civil society have focused much of their lobbying and diplomatic energies on measures to preserve the natural environment.

In no area has the regionalism of the Pacific Islands shown such unity of purpose as in the campaign to protect the marine environment from undue exploitation and pollution, especially by outsiders. In the past this unity was evident in the campaign to end nuclear testing and prevent nuclear waste dumping in the Pacific. Today it is apparent in regional efforts to coordinate monitoring and management of water, waste, coastal areas, coral reefs, and the high seas, notably with respect to tuna stocks. Anti-nuclear sentiment has persisted in opposition to nuclear shipments through the region. Climate change is an enduring concern. In 2002 these issues provided a focus for regional lobbying and action at several international forums.

The 2002 Pacific Islands Forum leaders summit adopted an important

initiative in the form of a Pacific Islands Regional Ocean Policy. The policy's vision is to maintain "a healthy Ocean that sustains the livelihoods and aspirations of Pacific Island communities." It emphasizes the economic opportunities offered by the ocean but draws attention to the increasing number and severity of threats to its long-term integrity. The new policy is a framework of guiding principles for collaborative action to promote sustainable management of the ocean's resources. It is meant to prevent a fragmentation of programs and conflict between different sectors as use of oceanic resources escalates. New Zealand offered to assist with setting up the initiative (PIF 2002, annex 2).

The overriding "goal of the policy is to ensure the future sustainable use of our Ocean and its resources by Pacific Islands communities and external partners. The guiding principles to achieve this goal are: improving our understanding of the Ocean; sustainably developing and managing the use of ocean resources; maintaining the health of the ocean; promoting the peaceful use of the ocean; creating partnerships and promoting cooperation." The document outlines specific actions to be taken nationally and regionally to realize these principles over the next five years. The principles and actions form the basis for a Pacific Ocean initiative, a regional summit to define current knowledge and activities, a review process, and an integrated framework of existing



programs and future actions (PIF 2002, annex 2).

No sector depends more on collective environmental management than the region's fisheries, and this sector is in turn the linchpin of many economies. The alarm has been raised over a persistently low replacement rate of tuna stocks in recent years. This is largely due to juvenile tuna being caught inadvertently by purse-seining nets. Forum leaders urged distant-water fishing nations to increase the mesh size of nets to reduce the destructive by-catch (PIF 2002, para 47–48).

Leaders welcomed the extension until 2013 of the Multilateral Fisheries Treaty governing fishing access fees paid since 1987 by the United States to the fourteen Forum Fisheries Agency member states. Other distant-water fishing nations have sought to lower fisheries access fees paid in their bilateral agreements with island states (already at only 5 percent of catch value) on the grounds of low market prices for tuna and increasing fuel costs. However, under the new agreement, fees paid by the United States were increased by \$3 million compared to the previous treaty, for a total of \$21 million per annum: \$18 million paid by the US government and \$3 million by the fishing industry (Tarte pers comm 2003).

The Western and Central Pacific Fisheries (WCPF) Convention is the most significant initiative in the world to manage migratory fish. It is the first regional agreement to implement the United Nation's agreement on Straddling Fish Stocks (1995) and constitutes an unprecedented endeavor to facilitate cooperation between the

island coastal states and distant-water fishing nations. The convention was adopted in Honolulu in September 2000 after negotiations dating back to 1994 (Tarte 2002a).

In 2002 the second and third Preparatory Conferences (PrepCons) for the Establishment of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific were held in Madang in February and in Manila in November. The role of the PrepCons is to design the organizational and financial framework so that the WCPF Commission can be established once the convention enters into force. Forum leaders urged those members who had not done so to ratify or accede to the convention.

All seventeen members of the Forum Fisheries Agency (FFA) attended the third PrepCon, along with representatives of eleven other states and territories, including the fishing nations. Japan returned to the negotiating table after having boycotted the proceedings since it voted against the convention's adoption in 2000. The United States, France, and New Zealand finally agreed to the participation of their Pacific Island territories in the decision-making process.

The third PrepCon considered sensitive and complex issues including financial arrangements and the monitoring, control, and surveillance (MCS) regime. Progress in these areas was thus slow and incremental. Japan succeeded in having a resolution passed on the need to curb illegal, unreported, and unregulated fishing. Despite abiding differences between



fishing and coastal nations on the issue, progress was made on the principles to govern high seas boarding and inspection, and on the commission's observer program to undertake MCS functions (Tarte 2002b).

Forum members gained more recognition of the special requirements of the small island developing states party to the WCPF Convention. An imperative highlighted in their collective opening statement was to ensure their "full and effective participation" in the work of the commission. To this end they lobbied strongly for recurrent funding to cover the costs of Island states attending commission meetings and to facilitate their capacity to carry out conservation and management. However, the meeting failed to resolve the size of the convention's Special Requirements Fund to assist the developing states (Tarte 2002b).

The PrepCon was also unable to agree on the formula for determining member contributions to the overall budget of the commission. The Forum Fisheries Agency proposed a budget of US\$4 to 6 million, which is not unreasonable in view of the annual catch value of US\$1.5 billion. A decision was reached on locating the commission's headquarters in the Federated States of Micronesia. Unfortunately, rivalry on this issue revealed divisions among Island countries, which, if unresolved, could undermine the solidarity and bargaining power of the Forum group at future meetings (Tarte 2002b).

Whales are of lesser economic significance to Pacific states than tuna stocks but are nevertheless becoming an asset for operators catering to the burgeoning demand for ecotourism.

Surprisingly, this is not an environmental issue on which the Pacific Island states are united. The Forum communiqué welcomed the establishment of whale sanctuaries in Australia, the Cook Islands, Niue, and Papua New Guinea, as well as the fact that whales are also protected by national legislation in New Zealand, Samoa, and Tonga. The Forum invited members who had not done so "to declare their respective waters as whale sanctuaries." However, this statement was qualified by the "strong reservations of some members" who had begun to support the pro-whaling lobby (PIF 2002, para 41).

The campaign to extend whale protection has been set back by Japan's concerted and now infamous check-book diplomacy. In May 2002 a joint Australian and New Zealand initiative to establish a South Pacific whale sanctuary failed because it was unable to achieve the three-quarters majority required in the International Whaling Commission (IWC). Palau and Solomon Islands both voted in a bloc of countries with Japan against the proposed sanctuary. Later in the year the two Pacific Island nations also voted in support of Iceland joining the International Whaling Commission, even though Iceland does not recognize the global moratorium on commercial whaling.

It is alleged that by the end of 2002, nine (mostly small-island) developing states had joined the International Whaling Commission for the express purpose of voting on any issue with Japan. Since 1987 Japan has provided aid to these "pro-whaling" nations in the order of US\$320 million, including over US\$10 million to



Solomon Islands. An official of the Fisheries Agency of Japan has admitted to using fisheries grant aid to buy votes. At a workshop on the proposed Pacific whale sanctuary in April 2001, a Tongan delegate complained that Japanese officials had explicitly linked the issues of aid and whales in discussions with his country but Tonga had rejected the overtures (Greenpeace 2002a).

Palau must have been rewarded handsomely to support Japan's pro-whaling agenda, as this Micronesian nation is otherwise renowned for its progressive environment policies. There are fears that the pro-whaling bloc may eventually grow large enough to overturn the IWC moratorium. Japan has indicated its intention to lobby to overturn the ban on trade in whale products in the Convention on International Trade in Endangered Species. Japan may seek additional Pacific Island recruits for these campaigns. As the largest or second largest aid donor to most Island states, Japan has considerable leverage. Regional solidarity has resisted Japanese pressure to water down tuna conservation measures, notably in the Western and Central Pacific Fisheries Convention, but Island states clearly perceive less of a vested interest in the fate of whales (Tarte 2002c).

The main regional meeting of the year on the environment was the Seventh Pacific Islands Conference held in the Cook Islands and organized by the South Pacific Regional Environment Programme. Scientists, politicians, activists, and bureaucrats from the region convened to address pressing environmental challenges. The conference theme, "Mainstream-

ing Nature Conservation," advocated the integration of conservation and sustainable development into all levels of government planning, legislation, and action. Resolutions targeted key issues for further action, including: climate change, invasive species, management of marine areas, bird conservation, and whale sanctuaries (IB, Aug 2002).

In keeping with the concept of mainstreaming the environment, the South Pacific Regional Environment Programme organized a joint meeting of regional economic and environment ministers in Fiji in May. The forum's aim was to explore barriers to mainstreaming the environment, with adaptation to climate change as the case study. The Forum Economic Ministers Meeting in July maintained the momentum by discussing linkages between economics and the environment. Both groups agreed for their Chairs to attend each other's annual meetings and to encourage further interaction between their respective secretariats (IB, Sept 2002).

The single largest global conference on environmental matters was the UN World Summit on Sustainable Development (WSSD) held in Johannesburg in September. The summit was to review the progress made since the Rio Earth Summit of 1992 and to determine new goals and strategies for the coming decade. Overall the record of achievement has been less than impressive, with levels of official development assistance in decline (including such assistance to the Pacific), increasing global poverty, and worsening environment problems. Progress has been slow in implementing the ambitious global conventions



agreed to at Rio, including the one to combat climate change.

Pacific Island regional organizations and governments spent two years preparing a regional submission to the World Summit on Sustainable Development. The Council of Regional Organizations of the Pacific, the Pacific Islands Forum Secretariat, and the South Pacific Regional Environment Programme coordinated this effort. At the summit, delegations from the Pacific Islands and the Alliance of Small Island States highlighted the common problems affecting them. Their unity was rewarded by the inclusion of a chapter dedicated to the "Sustainable development of Small Island Developing States (SIDS)" in the WSSD Plan of Implementation (*PM/IB* April 2002; *IB* Oct 2002).

This WSSD chapter builds on earlier achievements by Small Island Developing States in Agenda 21 at the 1992 Earth Summit, the Programme for Action for the Sustainable Development of SIDS at Barbados in 1994, and the decisions adopted by the twenty-second special session of the UN General Assembly. The SIDS chapter specifies actions to be taken with support from aid donors and the multilateral Global Environment Facility in areas including: fisheries, coastal and regional seas management, marine and coastal biodiversity, freshwater programs, pollution control, sustainable tourism, disaster management, adaptation to impacts of climate change, and renewable energy. Environmental concerns dominated the SIDS agenda for action, as these underpin the long-term health and livelihood of Islanders. The chapter concluded with a UN commitment to

review a decade's progress toward SIDS goals in 2004 (WSSD 2002, 41-43).

A major new environmental campaign has been launched in the Pacific Islands to clean up persistent organic pollutants (POPs). The insidious man-made pollutants are "resistant to degradation, they can accumulate rapidly, move easily through air and water, and travel with migratory species across international boundaries, invading ecosystems on both land and sea" (*PM*, July 2002). Persistent organic pollutants are stored in the fatty reserves of people and animals and can be found in tissues of all living organisms the world over. Due to the serious threat posed by these chemicals, ten Pacific Island states have joined the Stockholm Convention to combat them.

The Stockholm treaty was adopted in May 2001 after six years of negotiations. However, the extent of the hazard in the region was already well documented by a report from the Australian Agency for International Development (AusAID). It identified chemical stockpiles in more than fifty contaminated sites in thirteen Pacific Island countries. The Global Environment Facility offers funding to address national waste problems. About US\$2 million has been granted to four Pacific Island states, with the other six signatories also applying for funds (*PM*, July 2002).

Greenpeace issued a damning critique of major aid donors who have promoted incineration as a solution to waste problems in the Pacific. Incineration poses a serious threat to the health of communities and the environment, as such facilities emit toxic



chemicals into the atmosphere. Health effects can include adverse impacts on the respiratory and immune systems and may contribute to heart disease, cancer, and congenital abnormalities. Dioxin is one of the twelve worst persistent organic pollutants identified by the Stockholm Convention. Incineration is one of the largest sources of dioxin pollution. It is therefore alarming that "the region is experiencing an expansion of incineration as the technology of choice for waste management by donor agencies." The World Bank is funding three such projects in Sāmoa, Fiji, and Papua New Guinea (Penjueli 2002, 39).

The origins of the "POPs in the Pacific" campaign dates back to 1997, when the Australian Agency for International Development instigated a study to ascertain priorities for improved waste management. It concluded that a large-scale program was needed to identify and manage chemical waste. With AusAID funding, the South Pacific Regional Environment Programme undertook the first phase in 1998, to assess the extent of contamination at sites throughout the Pacific and make recommendations for their disposal. Phase two will involve actual disposal and remediation of contaminated sites.

The phase one report proposed incineration as the simplest disposal option for the wide range of wastes in the Pacific. "At a time when Australia is actively seeking to reduce the number of medical incinerators and has banned the development of high temperature incineration for POPs waste, it seems incongruous . . . for an AusAID report to propose incineration for Pacific island states" (Penjueli

2002, 44). Indeed, because of health and environmental concerns about incineration, Australia is a leader in developing alternative technologies for the safe disposal of persistent organic pollutants. Greenpeace advocates that Australia provide this new technology to the Pacific (Greenpeace 2002b).

The Stockholm Convention on persistent organic pollutants complements the 1998 Waigani Convention banning the importation of hazardous and radioactive waste into the region. The Waigani Convention came under challenge in 2002 from a bid by the Solomon Islands government to import waste from Taiwan as a desperate revenue-raising measure. In early May the government approved a license to a Taiwanese company to transport 3 million tons of waste to Solomon Islands in return for a US\$200 million down payment and a further US\$35 million for each shipment of 10,000 tons. It then came to light that the waste was toxic, as it contained high concentrations of heavy metal. The Solomon Islands agriculture and quarantine divisions finally cancelled the license on the grounds that the country lacked the resources to manage the waste and because it would contravene the Waigani ban (PNB, May 2002, 11).

Another practical initiative in the region is the International Waters Programme (IWP), also funded by the Global Environment Facility, implemented by the United Nations Development Programme and executed by the South Pacific Regional Environment Programme. The Forum Fisheries Agency and the Secretariat of the Pacific Community will run the three-



year oceanic program, which focuses on managing fish stocks. The coastal program features community pilot projects run by national coordinators in fourteen Pacific Island countries and will run for five years. Participating countries can access up to US\$400,000 each for approved environmental initiatives. The priorities are to promote better management of marine protected areas, coastal fisheries, community waste, and fresh water conservation (*PM/IB*, June 2002).

Access to adequate supplies of water is becoming critical. Fresh water is a precious resource at the best of times for the atoll nations, but during recent droughts several countries, including the Cook Islands, Kiribati, the Marshall Islands, Nauru, and Tonga, have been subject to severe water shortages. The situation has worsened due to increasing demands on water by urban dwellers, industry, tourism, and agriculture. Even in Fiji, Sāmoa, and Solomon Islands, which enjoy ample rainfall, populations face chronic water shortages due to factors such as pollution and inefficient delivery of water. At a recent meeting organized by the Asian Development Bank and the South Pacific Applied Geoscience Commission, Pacific Island nations agreed on a regional action plan for sustainable water management (*PM*, Nov 2002).

Australia also experienced a devastating drought in 2002 and early 2003, which contributed to a dramatic decline in agricultural output and to massive bushfires. The El Niño phenomenon has long been linked to extreme weather events in the Pacific. New research by the World Wildlife

Fund suggests that global warming is also a major contributing factor to the severity of the recent drought in the region. Australia should thus be a leading advocate of efforts to combat climate change. To the consternation of its Island neighbors, the opposite is true. In 2002 Australia announced it would not ratify the 1997 Kyoto Protocol, which features binding targets for cutting greenhouse gas emissions. Not only is Australia expected to exceed its Kyoto target of 8 percent growth in emissions between 1990 and 2010, but a government report leaked in April estimated that output would be 33 percent higher by 2010. Australia's disappointing performance on this issue is, however, surpassed by another ostensible friend to the Pacific.

The United States announced its withdrawal from the Kyoto Protocol in March 2001. A year later President George W Bush announced an energy plan to cut "greenhouse gas intensity" by 18 percent over the next ten years. The publicity was misleading, as it really referred to reducing the proportion of emissions in relation to growth in gross domestic product. Far from constituting a real cut, the World Resources Institute estimated that the Bush plan would involve a 14 percent increase in emissions by the US in the coming decade. US emissions would thus be 33 percent above the Kyoto 1990 baseline by 2012, compared with a commitment to an average 5 percent cut by other developed countries party to the treaty (*PNB*, Feb 2002, 9).

Instead of ratifying the Kyoto treaty, the United States and Australia announced the Climate Action Partnership (CAP) as a bold initiative in



February 2002. CAP projects include information exchange and research into cleaner energy technologies. The United States and Australia would also assist developing nations in monitoring climate impacts and in building their capacity to adapt to climate risks. Two of the world's worst greenhouse gas emitters are thus insisting that other nations adapt to adverse impacts rather than devising meaningful strategies and commitments to cut the emissions causing these impacts (ACF 2003). The World Bank is similarly focused on its clients preparing strategies of "adaptation" to climate change. Pacific Island nations, the Forum, and the South Pacific Regional Environment Programme have little choice but to engage in planning for worst-case scenarios.

The Eighth Conference of Parties (COP8) to the UN Framework Convention on Climate Change (UNFCCC) held in November stressed that, in addition to mitigation, high priority must be given to adaptation, especially for least-developed countries and small island developing states. To this end the conference devised guidelines for funding from the Global Environment Facility to assist developing countries in adapting to climate change impacts and obtaining clean technologies. The Delhi declaration called for ratification of the Kyoto Protocol, although Australia and the United States were unmoved by this appeal. By the end of 2002 one hundred countries—including the European Union, Japan, Canada, New Zealand, and eleven other Forum members—had ratified. If Russia ratifies it, the protocol could enter into force in 2003. However, the declara-

tion noted that developed countries still have much work to do to meet their targeted cuts in emissions by 2012 (UNFCCC 2002).

As litigation to compensate a range of harmful effects is increasing exponentially worldwide, climate change is set to be the next focus for a legal challenge. The government of Tuvalu is considering the options for suing the United States, Australia, or multinational companies over their failure to ratify the Kyoto Protocol and over their disproportionate contribution to climate change, which is threatening the low-lying nation. The United States is the single biggest greenhouse gas emitter, while Australia has the highest per capita emissions. In 2001 Tuvalu had appealed to Australia and New Zealand to consider giving its people "special visas" in the event that they become environmental refugees from rising sea levels, but this request was rejected. Tuvalu is a poor nation of only 10,000 people that can ill afford to fund an international legal action; however, it may receive sponsorship from nongovernment organizations keen to mount a test case (PNB, March 2002, 6).

A briefing paper by the Australian Conservation Foundation (ACF) argued that there are grounds for litigation because, according to the Intergovernmental Panel on Climate Change, there is ample evidence of increasing temperature, rising sea levels, and decreasing snow and ice cover worldwide over the past century. This trend is coupled with an increase in the intensity and frequency of extreme weather events in the form of drought, floods, and cyclones. Compensation claims would be legitimate because



climate change incurs demonstrable economic loss from natural disasters. In addition, climate change contributes to health hazards, including death and injury from disasters and vector-borne diseases like malaria (ACF 2002). The challenge in legal terms will be to prove a direct cause-and-effect link between the actions of specific countries and companies, and climate change.

In the Pacific, climate trends are already adversely impacting the environment, health, and economic development. In some countries drought has severely affected the production of food and export crops. Coral bleaching has been attributed to global warming; this phenomenon is undermining a key tourism asset and a major resource for subsistence fishing. Changes in weather patterns have altered the movement of migratory fish and left Pacific Island countries with substantial reductions in seasonal tuna catches. Climate change has contributed to higher levels of erosion affecting coastal roads, bridges, and plantations. Warmer temperatures have led to outbreaks of malaria in areas of Melanesia previously too cold for mosquitoes (ACFOA 2002, 3-4).

Due to their vulnerability, the Pacific Islands have taken every opportunity over the past decade to urge greater action against climate change. This issue was prominent in the first chapter of the 1994 Barbados plan of action for small island developing states. The momentum of this campaign picked up in 2002. At the ACP summit in Nadi, Fiji's prime minister made reference to the likelihood of rising sea levels creating environmental refugees (Qarase 2002). A

detailed statement was made in the communiqué of Forum leaders, in spite of Australia's perennial desire to play down the issue there, and at the subsequent World Summit where climate change was a focus for debate.

The Forum "encouraged the US and all other major emitters" to combat climate change and ratify the Kyoto Protocol. Island leaders supported efforts to coordinate the region's response to climate change including a roundtable process and a comprehensive review by the Council of Regional Organizations in the Pacific of all relevant outcomes of the World Summit. They called for a mobilization of resources to prepare for adaptation to climate change while noting that such measures had been rendered more urgent by an international failure to tackle the causes in a timely manner. For their part, Forum leaders saw a need to plan future coastal developments in order to manage the adverse impacts of climate change. To this end they proposed the development of national Comprehensive Hazard And Risk Management plans (PIF 2002, paras 24-31).

Australia gives the region cause for bewilderment. As a greenhouse gas emitter it contributes to the problems faced by the Pacific Islands, including displacement and migration due to rising sea levels. Ironically, while Australia has asked diminutive island nations to host asylum seekers under the Pacific Solution, it has been unwilling to countenance receiving environmental refugees in the future (von Strokirch 2002). Yet Australia has been a key financial supporter of efforts by the Forum nations to monitor and adapt to climate change. Aus-



tralia has funded the South Pacific Sea Level and Climate Monitoring Project since its inception in 1991 and will continue to do so until 2005. Australia has also provided significant funding through the Global Environment Facility to the regional Pacific Islands Climate Change Assistance Programme (ACFOA 2002, 4).

It is little wonder that Australia is sending the Pacific Islands mixed messages on environmental policies, notably with respect to climate change. Australia has been characterized as a "laggard state" internationally for its environmental record. In per capita terms it has the world's second highest level of waste production, the fifth highest water consumption, and more than double the developed country average for greenhouse gas emissions. In the past decade Australia has become a "renegade state" by acting as a spoiler at negotiations for global environmental regimes, including the Kyoto Protocol and the World Summit (Christoff 2002, 3). The US administration has exhibited similar tendencies since Bush came to power.

Australia's penchant for exploiting the Oceanic desire for consensus and pressuring the Forum leaders to water down statements on climate change is well known. Submissions by numerous nongovernment organizations and concerned individuals to the Australian Senate inquiry into relations with the Pacific Islands pointed to the awkward disjuncture between Australia's purported commitment to the region and its continuing intransigence on the need to act convincingly and urgently to combat climate change (see, eg, ACFOA 2002).

Antinuclear sentiment driven by

concern to protect the environment has traditionally united the region to protest and ultimately prohibit dangerous activities undertaken by external powers. The thirty-year campaign against nuclear testing finally saw the last Pacific test held by France in 1996. Japan's bid in the 1980s to dump nuclear waste in the Pacific Ocean was banned under international law. To date, attempts by multinational companies to export nuclear waste for dumping on land in the Pacific Islands have been thwarted by the regional Waigani Convention. Not surprisingly, then, the shipment of radioactive materials through the Pacific has evoked impassioned opposition.

Japan has been shipping nuclear waste to Europe for reprocessing since the late 1960s. A shipment of one ton of plutonium, passing through the Pacific in 1992, provoked an international outcry. Due to domestic and international opposition, reprocessed materials have since been shipped in the form of mixed plutonium and uranium oxide, known as MOX fuel. In 1999 while a shipment to Japan was en route, it was revealed that British Nuclear Fuels Limited (BNFL) had falsified quality control data relating to the cargo of MOX fuel. As a result, in 2000 Japan sent the suspect fuel back to the United Kingdom and received compensation of 110 million British pounds. A new shipment of replacement fuel was sent to Japan via the Pacific in 2002 under armed guard (Maclellan 2002, 27–28).

At the 2000 Forum in Kiribati, Japan offered to establish a "goodwill" trust fund to cover initial costs to the Pacific Islands in the event of



an accident involving the shipment of radioactive materials. A principal of US\$10 million is to be invested in a Pacific Island Development Cooperation Fund with the interest used to finance development projects. The council managing the fund would include equal representation from Japan and the Forum. Japan subsequently became alarmed about the political and legal implications of explicitly linking the fund to the issue of an accident as this would undermine the claim of French and British shipping agents that there is virtually no chance of such an accident occurring. At the 2001 Forum meeting in Nauru Japan sought to remove direct references to accidents from the draft Fund Management Guidelines (*PNB*, Aug 2001, 3).

As with climate change, Australia is completely out of step with its Island neighbors on the subject of nuclear shipments through the Pacific because of its vested interests. First, Australia profits from the nuclear fuel cycle through its export of uranium, including to Japan and France. It is thus reluctant to criticize the practices of countries reliant on nuclear power and associated shipments. Second, it has a small nuclear reactor for research purposes. This creates reprocessing and waste problems for Australia itself. Third, from an arms control perspective, Australia supports an international regime limiting the number of countries with nuclear reprocessing facilities, as these could be diverted to weapons production. Australia and Japan are thus committed to shipping their spent nuclear fuel elsewhere for reprocessing. This conflict of interest means that Australia pushes for much

milder statements on the nuclear shipments issue at Forum meetings than the other leaders, including New Zealand, would like.

In November 1999 and January 2001 Australia sent shipments of spent fuel rods from the Lucas Heights reactor in Sydney through the Pacific to France. Eventually the same nuclear materials will be returned after reprocessing. Australia is proceeding with plans to build a second research reactor. This facility will require further shipments overseas of spent fuel to be reprocessed for reuse or conditioned for disposal. It therefore comes as no surprise that the Australian government proclaims its confidence in the effectiveness of existing arrangements by the International Maritime Organization and the International Atomic Energy Agency (IAEA) concerning the shipment of nuclear materials.

The agency advises that, since shipments began in the 1960s, "there has never been an accident during the transport of nuclear materials that has resulted in any release of radioactivity." Any restrictions on the route of such shipments are rejected because: "International law grants all states the right of freedom of navigation on the high seas or through Exclusive Economic Zones and the right of innocent passage through territorial seas of states" (DFAT 2002).

Pacific Island nations and non-government critics have responded that if nuclear shipments are so safe, the companies and countries concerned should have no qualms about accepting full liability in the event of an accident. They would also like to be advised in detail of the plans for an emergency response to assess their



adequacy. In contrast to the reassurances provided by the International Atomic Energy Agency and shipping nations, Pacific Islanders and the environmental watchdog Greenpeace are far from convinced about the safety of nuclear shipments.

Shipping nations claim that the vessels "have safety features far in excess of those on conventional cargo ships including double hulls . . . [and the MOX is] placed in casks to withstand collision, fire and submersion" to depths of thousands of meters (DFAT 2002). Greenpeace says that two ships currently in use in the Pacific fleet are not fully double hulled. Greenpeace also asserts that the casks containing nuclear materials have been insufficiently tested for the ability to withstand extended high temperature fires on board ships (Greenpeace 2002c; Deere-Jones 2002).

A chemical tanker, which was double hulled and met the highest international standards, nevertheless sank in the English Channel in 2000. A British warship ran aground near Lord Howe Island, Australia, in July 2002, while at year's end an oil tanker broke up off the coast of Spain causing untold damage to the environment and the fishing industry. These accidents highlight the real risks posed by transporting hazardous substances at sea (or in the air), and the risks are multiplied when the cargo involves long-lived radioactive substances.

The nuclear companies and their advocates, including Australia, have repeatedly assured the coastal states, including those in the Pacific, that there are "comprehensive emergency response plans and safety procedures to minimize the environmental risks of

an accident, no matter how unlikely" (DFAT 2002). For example, the British company (BNFL) has a set of special arrangements for responding to at-sea emergencies involving nuclear materials. These are considered to be commercial in confidence and are the sole property of the company. Their contents are not available to the public or even to the governments of coastal nations on the route of shipments (Deere-Jones 2002, 3).

The four nations involved in the controversial shipments of nuclear materials through the Pacific—namely Japan, France, the United Kingdom, and to a lesser extent Australia—also rank among the major aid donors to the region. These donors are thus in a position to exert considerable pressure on individual island states and even on regional organizations whose existence depends to a large extent on a handful of aid donors. As a consequence, the Forum is coordinating the regional campaign but, unlike its Caribbean counterpart, has stopped short of demanding an outright cessation of nuclear shipments. Instead it has called for prior notification of shipments and clear guarantees concerning liability.

Coastal states along the route of nuclear shipments in the Caribbean and the Pacific have repeatedly expressed fears that an accident involving nuclear materials would be devastating to fisheries, tourism, and other industries dependent on the marine environment. They have (unsuccessfully to date) sought written assurances that the shipping companies and nations acknowledge liability for directly or indirectly causing any damage to regional economies. The



International Atomic Energy Agency and parties to the existing international liability regime are considering ways to improve the conventions governing compensation for accidents involving nuclear materials and possibly extending coverage to coastal states such as those in the Pacific. However, this process could take years and the Forum is keen to establish an interim arrangement to clarify liability.

As it stands, Japan is not a party to the relevant treaties, the 1960 Paris Convention and the 1963 Vienna Convention. Moreover, Forum island states are unable to accede to these conventions without the unanimous consent of all signatories. Most importantly, from the point of view of the Pacific, these conventions do not cover loss arising from the *perception* of risk after an accident (Maclellan 2002, 29). The Forum argues that after any kind of nuclear accident perceptions alone could be sufficient to deter tourists as well as consumers of Pacific tuna.

In recognition of public concern, the shipping nations and companies launched a public relations campaign in the Pacific on the safety of nuclear shipments. Unconvinced, the Forum established a Working Group on Liability and Compensation for the Shipment of Radioactive Materials Through the Region. It continued pressing for discussions with shipping nations (France, United Kingdom, and Japan) and nuclear industry representatives. The first meeting was held in late 1999, followed by a second a year later, and a third meeting in July 2001. The shipping nations made assurances concerning the safety of shipments and the adequacy of emergency

response plans but did not give any ground on liability or compensation (Maclellan 2002, 31–33). A meeting was anticipated for late 2002 but failed to eventuate. Another round of dialogue will take place in Nadi in February 2003.

The International Atomic Energy Agency is entrusted with developing internationally accepted standards for the transport of radioactive material. It acknowledges that in recent years substantial concern has arisen among members of the public and at a political level about this issue. The agency is worried that unless such fears are put to rest, there could be “unfortunate consequences” in terms of restricting the delivery of radioactive substances, including some that are vital for medical research. Partly with a view to addressing this concern, the agency is hosting a major international conference in July 2003 in Vienna on the safe transport of radioactive material (IAEA 2003).

Opposition to nuclear shipments has burgeoned among coastal states in recent years. Latin American and Caribbean countries have been strident in their critiques. In March 2001 the Rio group of nineteen Latin American countries invoked their right to protect their exclusive economic zones under the Law of the Sea. The Caribbean Council for Foreign and Community Relations reiterated in May 2002 their “implacable and steadfast opposition to the continued use of the Caribbean for the trans-shipment of nuclear waste.” They raised concerns that, given the international climate since 11 September 2001, there was an increased risk that terrorists might target such shipments. The council



was also aggrieved over the failure to give governments adequate prior notice of shipments and the absence of any comprehensive environmental impact statement. They vowed to investigate every legal avenue to halt the shipments (Greenpeace 2002c).

In early June 2002, the congressional representative for Guam, Robert Underwood, wrote to the US secretary of state asking that every possible precaution be taken to ensure that the health and welfare of the Pacific Islanders not be jeopardized by a possible terrorist act or mishap at sea. On 20 June, the Australian Senate passed a resolution with the support of the opposition parties calling on the government to hold a public review of the bilateral Australia Japan Nuclear Safeguard Agreement. As Australia has responsibility to keep track of any nuclear materials it exports from the cradle to the grave, the opposition parties sought to use this mechanism of Australian Obligated Nuclear Material as a means to "expressly deny permission [to Japan] to transport this shipment of mixed oxide plutonium nuclear fuel through our region" (PNB, June 2002, 8).

Regional protests peaked in mid-2002 as two British freighters, the *Pacific Pintail* and the *Pacific Teal*, passed through the region carrying 255 kilograms of MOX fuel. These vessels entered the exclusive economic zones of the Federated States of Micronesia, Marshall Islands, Solomon Islands, Vanuatu, Papua New Guinea, and New Caledonia. Individual governments that issued strong statements opposing these shipments included the Federated States of Micronesia, Cook Islands, New

Zealand, Vanuatu, Fiji, and Nauru. Unlike the small island developing states, New Zealand gained a commitment that ships will not transport nuclear materials through its exclusive economic zone.

In opening remarks to the Africa Caribbean Pacific (ACP) summit held in Fiji in July, Fiji Prime Minister Laisenia Qarase condemned nuclear shipments in the strongest terms yet: "this relationship with the ocean will make it easy for you to understand why we are so adamantly opposed to any actions which expose it to threats of pollution . . . a ship carrying plutonium is headed towards our waters . . . join with us in expressing our outrage and opposition to those who are so willing to put the Pacific and our peoples at risk" (*Fiji Times*, 19 July 2002, 24).

It is unprecedented for the Africa Caribbean Pacific group to comment on sensitive political issues and African countries were unwilling to criticize EU members, namely the United Kingdom and France. Yet, lobbying by Pacific and Caribbean members led to solidarity in the final declaration by the seventy-eight participating ACP nations: "We express our strong objection to the transport of nuclear and other hazardous materials through the waters around ACP states. We call for the immediate cessation of such practice in order to prevent any occurrence of accidents that could seriously threaten their sustainable development and the health of their peoples" (ACP 2002, Article 50).

The Pacific Islands Forum began expressing its concerns about nuclear shipments at its 1992 meeting and since then has repeated them in every



annual communiqué. The 2002 meeting of leaders welcomed the growing international recognition of the concerns of small island states regarding radioactive shipments. They expressed disappointment that the shipping states had not met with Forum members prior to the 2002 leaders meeting to discuss proposals for "innovative arrangements and assurances." While noting Australia's reservations, the Forum reiterated its "serious concerns" and called on shipping states to accept "full responsibility and liability for compensation for any damage which may result," and for the "advanced notification and consultations by shipping states with States in the region" (PIF 2002, paras 33–34).

The whole thrust of the region's proactive environment diplomacy has been criticized by the director of the South Pacific Applied Geoscience Commission. Alfred Simpson argued that although global warming, nuclear issues, and overfishing are externally imposed problems, the island states need to get their own house in order with respect to managing the environment and addressing basic needs before launching crusades at the international level (*PNB*, Aug and Sep 2002). It would seem logical to mount campaigns on both fronts, for if Pacific Islanders are not vigilant in protecting their ocean, the very basis of their economies and livelihoods may be threatened.

Island states are often not able to count on the support of former colonial powers and current aid donors in environmental campaigns. New Zealand is an exception and routinely sides with Pacific Islanders. Australia and the United States are in the oppo-

site camp on climate change. Japan, France, the United Kingdom, Australia, and the International Atomic Energy Agency form an awesome coalition defending the right of passage for nuclear shipments. Japan also has a longstanding reputation for undermining regional efforts to protect tuna stocks, not to mention its pro-whaling stance. The Forum is often criticized for not taking a stronger stand on these controversial issues. In contrast, the diminutive island nations should be applauded for the extent to which they do dare to speak out collectively against the practices of key aid donors.

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