

MAKING WAVES IN THE BIG LAGOON: THE INFLUENCE OF PACIFIC ISLAND FORUM COUNTRIES IN THE UNITED NATIONS

*Michael Powles**

Pacific Island countries have been playing an increasingly important part in United Nations proceedings. All independent Pacific Islands Forum countries are now UN members. This article assesses the contribution Pacific Island Forum states have been making at the UN, emphasising their past successes and contemporary issues as well as future challenges facing the group.

La participation des Etats insulaires du Pacifique dans les travaux des Nations Unies prend une importance sans cesse croissante. A ce jour, tous les pays indépendants membres du Forum du Pacifique sont aux Nations Unies. Cet article dresse un état des lieux de l'étendue et de la nature de leurs contributions, il met aussi l'accent sur leurs succès antérieurs tout en analysant les difficultés et les défis futurs auxquels ils ne manqueront pas d'être confrontés.

I INTRODUCTION

Over the past quarter century the countries of the Pacific Islands Forum have had some extraordinary successes in pursuing their objectives on the world stage. This article reviews some of them and discusses early signs today of an even greater potential for influence at the United Nations.¹ But nothing can be taken for granted in the jungle of international relations. Further success, it is argued, will depend on following the lessons of past achievements, careful identification of the priority issues to be pursued, maximising current opportunities for influence, and demonstrating further progress by the region in repairing its damaged reputation on governance and human rights.

* Formerly New Zealand's Permanent Representative to the United Nations

1 The author was until recently New Zealand's Permanent Representative to the United Nations. He has also lived in Samoa and in Fiji where he was New Zealand's High Commissioner to Fiji, Kiribati, Nauru and Tuvalu. The views expressed in this article are entirely his own and do not represent New Zealand government policy.

II PAST SUCCESSES

Arguably the most successful international endeavour which the countries of the Pacific have ever undertaken together was the achievement of nearly all island state objectives in the near decade-long negotiation of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). While the value of economic resource rights which accrue to island countries from UNCLOS cannot be estimated until surveys and research reveal the extent of under-sea mineral and other resources in exclusive economic zones, it is clear that the surrounding waters of island states, and the continental shelves, contain a significant proportion of the overall resources available to them, certainly in the case of smaller island states.

Writing as long ago as 1975, New Zealand's leading international legal negotiator, the late Chris Beeby, highlighted the potentially crippling challenge faced by island states at the outset of the negotiations in the form of severe restrictions on the resource rights of small island states proposed by larger continental powers.

At both Caracas and Geneva the case has been argued for the introduction of restrictions on the rights of islands, including those which are small, those which are uninhabited or uninhabitable, those without an economic life of their own and those located far from the mainland, to the effect that they should not generate a 200-mile economic zone or, alternatively, should have a much smaller zone than would apply to other territory. Some proposals would, in addition, deprive islands in those categories of a territorial sea.²

The cooperative efforts of Pacific island countries in opposition to these likely disastrous restrictions were expected (in 1975) to succeed, as ultimately they did, in thwarting these unwelcome proposals. In fact, through their first ever close and sustained cooperative effort on the world stage, the island countries of the Pacific achieved most of their shared objectives in the law of the sea negotiations.

Nearly a quarter century after its adoption, the achievements of the Pacific countries, ultimately embodied in the Convention, remain invaluable to all countries of the region. This was further evidenced in the call by the Pacific Island Forum (formerly the South Pacific Forum) in 1999 to member states which had not yet done so to become parties to the Convention 'at the earliest opportunity' and the statement welcoming 'the recent initiatives taken by the Commonwealth Secretariat and the Council of Regional Organisations of the Pacific agencies' assisting member countries 'to understand their rights and obligations under UNCLOS.'³

A more directly political success achieved by Forum countries, again cooperating closely together on the world stage, was the United Nations decision in 1986 to reinscribe New Caledonia on the UN list of non-self-governing territories. New Caledonia had been one of

2 Chris Beeby, 'The United Nations Conference on the Law of the Sea: A New Zealand View', *Pacific Viewpoint*, September 1975.

3 Thirtieth South Pacific Forum, Koror, Republic of Palau, 3-5 October 1999, Forum Communique, paragraphs 26 and 27.

the 74 entities enumerated in the 1946 General Assembly resolution listing the territories on which the General Assembly received information pursuant to Article 73e of the United Nations Charter. Since 1947, however, no information on New Caledonia had been provided by the administering power, France, and subsequently the territory had been excluded from the list.

In the mid-1980s, the island countries of the Pacific, believing that the obligations of administering powers imposed by the Declaration Regarding Non-Self-Governing Territories should be applied to France in respect of New Caledonia, requested the General Assembly to inscribe New Caledonia on the list of Non-Self-Governing Territories of the Special Committee on Decolonisation.⁴ The Permanent Representative of Fiji (Ambassador Winston Thompson) spoke eloquently on behalf of the seven countries of the South Pacific Forum that were then members of the United Nations – Australia, Fiji, New Zealand, Papua New Guinea, Samoa, Solomon Islands and Vanuatu:

We cannot stand aside and watch unmoved while that tide which brought independence and nationhood to our shores laps futilely on others in our region. The process of decolonisation is not yet complete in the South Pacific. Acknowledgement of the rights of peoples in our midst is not yet universal. There is still work for the Organisation – for the Assembly – to do. ... The Charter is explicit. There are obligations to be fulfilled in the case of the Non-Self-Governing Territories and these are not being fulfilled by France today in the case of New Caledonia. New Caledonia is a Non-Self-Governing Territory and France must honour its commitment to the Charter. ... We support the United Nations in its continuing task to see all live in freedom. ... We, the peoples of the multiracial South Pacific, stand ready to welcome an independent multiracial New Caledonia to its rightful place in our community of nations.⁵

New Zealand's Permanent Representative to the United Nations, David McDowell, spoke vigorously in support, concluding with a reference to New Zealand's own very different record of cooperation with the United Nations on decolonisation:

None of this is at all extraordinary, or beyond what we have ourselves been happy to do in the case of those Territories which New Zealand formerly administered in the South Pacific. As befits a country whose Prime Minister of the time chaired the Commission which drew up Chapters XI, XII and XIII of the Charter in San Francisco, we have extended all co-operation to the United Nations in helping ensure the exercise of self-determination in the small Territories we have administered. We did not just carry out the bare Charter obligations. We took the initiative to involve this Organisation in the process of fostering political awareness, in watching over the consultations which led to self-determination, and in monitoring and observing the final decision-making process. Then we sought and obtained the specific agreement of this Assembly that our obligations under the Charter and Resolution 1514 (XV), the Declaration on decolonisation, had been fulfilled. We thus ask of France no more than we have been prepared to do ourselves. I conclude with one final thought. We of the South Pacific have made few

4 These include not only the provision of information but, under Article 73, various other obligations, including a requirement 'to develop self-government'.

5 United Nations Document A/41/PV.92.

demands of this Organisation. We have for many years pulled our weight here. We have provided troops for peace-keeping and observation forces around the globe. We have mounted sanctions, responded to appeals for disaster and development operations, helped out in a hundred political causes in every region of the world. We have acted on the basis of Charter principles. Now we merely ask that delegations do the same in this case. ... We trust that support for our draft resolution will therefore be forthcoming.⁶

Success was achieved on 2 December 1986. The resolution reinscribing New Caledonia on the list of Non-Self-Governing Territories was adopted by 89 votes to 24 with 34 abstentions.⁷ Since then, New Caledonia has been one of the 17 remaining Non-Self-Governing Territories on the list held by the Special Committee on Decolonisation. Every year New Caledonia is examined by the committee and almost every year representatives of the FLNKS have addressed the Special Committee as petitioners. Annually since 1987 the General Assembly, on the recommendation of the Special Committee, has adopted a resolution on New Caledonia.

While France as the administering power has refused formal cooperation with the Special Committee, it has increasingly collaborated informally with it. The annual resolution on New Caledonia in 1998 invited the administering power 'to consider inviting to New Caledonia, at the time the new institutions [under the Nouméa Accord] are established, a mission of information, which could comprise representatives of member states of the Pacific region.'⁸ In response, France invited a delegation of representatives to the United Nations to participate in an information mission to New Caledonia in August 1999. The invitation was made on a bilateral basis to the representatives of the states concerned and not to the Special Committee itself. But in issuing the invitation France was effectively complying with the General Assembly's formal request.

A first visiting mission, albeit one invited informally in this way, duly visited New Caledonia in August 1999. It was led by Permanent Representative Peter Donigi of Papua New Guinea, not coincidentally the Chairman of the Special Committee, and it reported back to the Special Committee on its return.⁹ At last New Caledonia had effectively been brought within the system established by the United Nations Charter to supervise the decolonisation of dependent territories and protect the interests of their inhabitants. The role of South Pacific delegations, working closely together, had been instrumental in achieving this result. The region's attention had been sustained, with its leaders continuing to address the protection of New Caledonian interests at their annual meetings¹⁰ and, at the multilateral level, ensuring that it retained (in the person of successive Permanent Representatives of Papua New Guinea) the chairmanship of the crucial Special Committee.

6 United Nations Document A/41/PV.92.

7 United Nations Document A/41/L33.

8 General Assembly Resolution 53/65 of 3 December 1998.

9 General Assembly Document A/54/921 of 16 June 2000.

10 For example, see the Communique of the Thirtieth South Pacific Forum, paragraphs 17 and 18.

Sensitised by nuclear weapons testing conducted by the United States and the United Kingdom in the north of the region and, until very recently, France's continued testing in the South Pacific, the members of the Pacific Islands Forum have been active in their opposition to nuclear testing and on nuclear disarmament issues generally. This has involved bilateral, regional and multilateral efforts as well as litigation in the International Court of Justice. Most countries of the region have been involved in some, if not most, of these endeavours. Success was eventually achieved in ending nuclear testing in the Pacific. Further afield there is no doubt that the forceful Pacific role on nuclear disarmament issues generally has had an impact on important aspects of the multilateral negotiating process.

Regional opposition to nuclear testing gathered strength in the early 1970s, leading to the first applications to the International Court of Justice by Australia and New Zealand and to the early initiative of Fiji to intervene in support. A decade later, in 1985, the Treaty of Rarotonga was adopted by the countries of the region, creating the South Pacific Nuclear Free Zone. But as underground nuclear testing by France continued, New Zealand, and later Australia, went back to the International Court in the mid-1990s. On this occasion more island states wanted to become involved, and eventually the Federated States of Micronesia, Marshall Islands, Samoa and Solomon Islands intervened in the action out 'of a deep sense of identification and solidarity with Australia and New Zealand on the nuclear issue.'¹¹ Yet the end of nuclear testing in the South Pacific did not result in the region turning its attention away from other aspects of nuclear disarmament. Pacific Island Forum leaders continued to call for the remaining nuclear power which has not signed the Protocols to the Treaty of Rarotonga, the United States, to do so, and to urge countries which have not done so to sign and ratify the Comprehensive Test Ban Treaty.¹²

When the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held in New York in April 2000, the Pacific Forum Group – comprising Australia, Fiji, Federated States of Micronesia, the Marshall Islands, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu – made a joint statement in the general debate which presented agreed common positions on many issues under debate and negotiation, arguing:

While we are geographically far removed from the contemporary centres of international tension, all nations, wherever they may be, enjoy security benefits because of the NPT and have, therefore, major interests in its continued success.¹³

In the course of the statement, Ambassador Tupou of Tonga, speaking on behalf of the Pacific Forum Group, also called on 'those nuclear weapon states that must yet ratify the

11 Samoa's Ambassador Tuiloma Neroni Slade, currently its Permanent Representative to the UN, in an address entitled 'Pacific Perspectives on International Law', presented to the International Law Association Conference, Wellington, 8-10 July 1999.

12 Communique of the Thirty-First Pacific Islands Forum, Tarawa, Kiribati, paragraphs 50 and 51.

13 Statement by Ambassador S. Tu'a Taumoepeau Tupou, Permanent Representative of the Kingdom of Tonga to the UN on behalf of the Pacific Forum Group, to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Comprehensive Test Ban Treaty (CTBT) to do so without delay', noting that France had done so and, in 1998, had completed the dismantlement of its South Pacific testing sites on Mururoa and Fangataufa atolls. Nevertheless, 'in the meantime we are proceeding with the establishment of the International Monitoring System network of stations in the South Pacific.'

The Pacific Forum Group urged the region's agreed positions on the negotiation of a Fissile Material Cut-off Treaty, the conclusion of NPT safeguards agreements, and the importance of the South Pacific Nuclear Free Zone. The Forum states called on the United States (the only nuclear power still do so) to ratify the Protocols to the Treaty of Rarotonga, and expressed serious concerns about the shipment of radioactive materials and mixed oxide fuel through the region. Ambassador Tupou concluded:

The countries of the South Pacific recognise that the NPT serves our interests well in preventing nuclear proliferation. It remains the only treaty in which nuclear weapon states have committed themselves to the goal of eliminating nuclear weapons. In order to achieve non-proliferation and disarmament goals the NPT remains of irreducible importance. The Treaty has achieved much over its thirty years. Yet much remains to be done. Fully achieving the NPT goals requires determined effort and demonstrated commitment by all parties to the Treaty. The countries of the South Pacific are so committed, ready to make individual and collective effort in order to ensure the ongoing strength of this cornerstone of the international nuclear non-proliferation and disarmament regime.¹⁴

III CONTEMPORARY CHALLENGES

Many of the issues which have preoccupied South Pacific countries on the world stage in the past continue to be important, although sometimes there has been a change of focus to reflect contemporary challenges or opportunities. In this respect, while decolonisation remains important for Pacific countries at the United Nations and the situation in New Caledonia is monitored closely, there are new issues such as the application of decolonisation principles to very small territories such as Tokelau. New ground is being broken here, and needs to be, but meanwhile Tokelau remains on the list of Non-Self-Governing territories. New Zealand, as the administering power, shares the opprobrium attached to colonial powers as the country ostensibly responsible for 'the continuing clink of the chains of colonial oppression.'¹⁵

In the disarmament field, attention has naturally turned from the issue of nuclear testing to present concerns about the elimination of nuclear weapons, non-proliferation, and the transport of hazardous materials. Moreover, recent developments in the South Pacific, as

14 Statement by Ambassador S. Tu'a Taumoepeau Tupou, Permanent Representative of the Kingdom of Tonga to the UN on behalf of the Pacific Forum Group, to the 2000 Review Conference of the Parties to the Treaty on the NPT.

15 Ambassador Abdallah Baali, Permanent Representative of Algeria to the United Nations, addressing the Fourth Committee of the General Assembly, UNGA 54, September 1999. For an assessment of Tokelau's approach to nationhood, see Tony Angelo (2001), 'Establishing a Nation – A Second Look' in *Revue Juridique Polynésienne*, special edition, pp. 235-250.

elsewhere, have highlighted the need for urgent action in respect of small arms. In February 2000, Ambassador Peter Donigi, Permanent Representative of Papua New Guinea to the United Nations, delivered a statement on behalf of the Pacific Forum Group to the First Meeting of the Preparatory Committee for the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons. On 21 September 2000, in the joint statement on behalf of the South Pacific Group made in the General Debate of the 55th session of the General Assembly, Ambassador Masao Nakayama, Permanent Representative of the Federated States of Micronesia, acknowledged that the threat posed by small arms had already been 'brought into stark relief in the region recently' to become a focus of attention nationally, regionally and globally.¹⁶

The longstanding Pacific concentration on law of the sea and oceans issues continues today, but with a new focus. In the words of Ambassador Tupou of Tonga in a recent Pacific Group joint statement to the United Nations General Assembly:

The Pacific Group has continued to demonstrate its commitment to the [UNCLOS] Convention, and more generally to oceans and sea issues over the past year. Delegations within our group have been active in almost every endeavour currently taking place in the UN's agenda on oceans and the law of the sea, and in many instances have taken an active leadership role.¹⁷

Of particular note in the past year had been the first meeting of the United Nations Informal Consultative Process on Oceans and Law of the Sea on 30 May-2 June 2000, under the co-chairmanship of Ambassador Neroni Slade of Samoa. The proposal for a new consultative process on oceans had come from Pacific delegations originally (and from Satya Nandan of Fiji, Secretary-General of the International Seabed Authority) to improve the international community's capacity to cooperate and coordinate oceans policies and activities, bringing together both law of the sea and sustainable development considerations. Ambassador Tupou of Tonga, in his Pacific Group statement, with many other representatives, applauded the value and practical importance of this new innovation.

A Sustainable Development

Perhaps the most important of the new challenges facing Pacific Island countries relate to issues of sustainable development and climate change. Independent studies predict declining environmental quality in the region. Variations are expected to occur across and within Pacific countries, but there are predictions of decline most markedly in rapidly growing urban areas. Cumulative impacts in coastal zones are expected to cause dramatic deterioration in the environment, particularly in the event of sea-level rise combining with more frequent and more severe cyclones. Risk exposure for almost all countries and territories

16 Ambassador Masao Nakayama, Permanent Representative of the Federated States of Micronesia to the UN, on behalf of the Pacific Forum Group, to the UN General Assembly General Debate, UNGA 55.

17 Ambassador Tu'a Taumoepeau Tupou, Permanent Representative of the Kingdom of Tonga to the UN, on behalf of the Pacific Forum Group, to the UN General Assembly's 55th session, in a statement on 'Oceans and the Law of the Sea', 26 October 2000.

in the region is heightened by background patterns of recurrent natural disasters in addition to severe cyclones, the more extreme including volcanic eruptions and tsunamis.¹⁸

Against this background, the topic of sustainable development is necessarily high on any list of the region's priorities. Here the landmark international commitments are contained in the Rio Declaration and in Agenda 21, the outcomes of the 1992 United Nations Conference on Environment (UNCED) in Rio de Janeiro. The majority of Pacific Forum states were represented at Rio at the highest levels:

They advocated as a regional group and as members of the Alliance of Small Island States (AOSIS). Several of their key points of contribution, and others which they supported, are reflected in the Rio Declaration and Agenda 21. Agenda 21 recognised small island developing states as a special case for both environment and development, because they are ecologically fragile and vulnerable and their small size, limited resources, geographic dispersion, and isolation from markets place them at a disadvantage.¹⁹

A key achievement for small island states was provision in the UNCED process for the holding of a global conference to deal specifically with the sustainable development of small island states. The global conference duly convened in 1994 and produced what has become known as the Barbados Programme of Action on the Sustainable Development of Small Island States. This first global agreement on the objectives for sustainable development of islands is clearly of landmark importance to all small island developing states. In 1999 the Seventh Session of the Commission for Sustainable Development (CSD 7), a subsidiary body of the Economic and Social Council charged with overseeing the implementation of Agenda 21, assumed special significance for Pacific Forum countries for two reasons. It had on its agenda items of particular importance to island states: oceans and seas, and tourism. Furthermore, CSD 7 had been given the responsibility of preparing for the scheduled United Nations General Assembly Special Session on Small Island Developing States, which was intended to carry out a five-year review of progress in implementing the Barbados Programme of Action.

CSD 7 was held in April 1999, with New Zealand's then Minister for the Environment and Associate Foreign Minister, Simon Upton, as its chairman. In addition, ministers led several other Pacific Forum country delegations. The Solomon Islands' Minister of Forests, Environment and Conservation, Hilda Kari, spoke on the subject of oceans and seas on behalf of the Pacific Forum group, promoting the Pacific proposal for an open-ended consultative process devoted exclusively to oceans issues.²⁰ In the end, after much hard negotiation in which Pacific Forum delegations were important protagonists, the consultative process was duly established by the General Assembly on the Commission's recommendation with the first meeting being held early in 2000.

18 *Environment Outlook on the South Pacific*, United Nations Environment Programme (UNEP), Apia, 1999.

19 Samoa's Ambassador Tuiloma Neroni Slade, currently its Permanent Resident to the UN, in an address entitled 'Pacific Perspectives on International Law', presented to the International Law Association Conference, Wellington, 8-10 July 1999.

20 See Russell Howarth, 'Pacific Voices Heard in New York', *South Pacific Applied: Geoscience Newsletter*, Vol 16, Nos 1-2, January-June 1999.

On the second item of key importance to Pacific states, the preparatory process for the then forthcoming United Nations Special Session on Small Island Developing States, Tuala Sala Tagaloa (Samoa's Minister of Lands, Survey, Environment and Tourism) spoke on behalf of the Alliance of Small Island States (AOSIS), of which Samoa was chair. Tagaloa emphasised that while the ethic of self-reliance was important for small island states, many of the problems which they had to face originated at, and could only be addressed at, the global level. Globalisation and trade liberalisation (in particular the erosion of trade preferences) had seriously undermined the ability of small island developing states to compete within the international trading system. Marginalisation, compounded by vulnerabilities including fragile environments and susceptibility to natural disasters, had hampered efforts to achieve sustainable development. The Minister emphasised the need for joint action with a sense of common partnership between developed and developing countries:

The need for a partnership approach we fear is not always being heard. Since Barbados there has been a significant decline in overall disbursements to small islands, bilateral and multilateral combined. Let me make it clear this will not dampen our own efforts, national action remains paramount. We do not, cannot and will not walk away from our responsibilities.²¹

The Pacific call for more helpful global attitudes and responses was repeated at the United Nations General Assembly's Special Session on Small Island Developing States, held in 1999. This was regarded as a step forward, if not necessarily a big one, and at the next Forum Leaders Meeting at Palau (3-5 October 1999) it was agreed:

The Forum welcomed the broadly satisfactory outcomes of the review of the Barbados Plan of Action undertaken at the Twenty Second Special Session of the United Nations General Assembly. These include encouraging the multilateral trading system to consider as appropriate the grant of special and differential treatment of SIDS in recognition of their vulnerabilities and the difficulties they experience in participating in world trade; the recognition of AOSIS as representing the interests and concerns of SIDS and their sustainable development in the UN system; and the call to strengthen SIDSNET²²

At the 2000 Regular Session of the United Nations General Assembly, Pacific Forum countries repeated their determination to keep up their efforts on the world stage to gain more widespread recognition of the problems of small island states with a view to international action where that was appropriate and necessary:

Agenda 21 and the Barbados Programme of Action on Small Island Developing States remain the basic guideline for protecting the environment and achieving sustainable development. Steady progress is required in the preparations for the ten-year review of the UN Conference on the Environment and Development (UNCED) in 2002.²³

The struggle continues.

21 Quoted in Russell Howarth, 'Pacific Voices Heard in New York', *South Pacific Applied: Geoscience Newsletter*, Vol 16, Nos 1-2, January-June 1999.

22 Thirtieth South Pacific Forum, Republic of Palau, 3-5 October 1999, Forum Communique.

23 See UNGA 55 General Debate, Joint South Pacific Group Statement.

B *Climate Change*

If there is one specific challenge facing the island countries of the Pacific which, more than any other, raises fear and alarm it is the threat to the livelihood and, in some instances, the very existence of some islands as a consequence of the process of climate change. Thermal expansion of the oceans connected to global warming now appears to be a serious natural phenomenon affecting small island states. For low-lying atolls in particular, a rise in sea level of even a few centimetres could have significant negative impact on traditional pit agriculture. According to some measurements, sea levels are now 18 centimetres higher than they were a century ago. In Kiribati and Tuvalu, which have some of the most diverse and fragile ecosystems on earth, the seas have swamped small islets and destroyed roads and bridges. It is no exaggeration when some Pacific peoples assert that not just their livelihoods, but also their homes are under threat. Not surprisingly therefore, Pacific Forum governments have been outspoken on the need for the international community to reverse trends that are so potentially harmful to their peoples. At the 2000 Forum meeting in Kiribati, leaders reiterated that 'the issues of climate change, climate variability, sea level rise and environment protection continue to be of major concern to the Forum region' and called for increased global efforts to combat climate change.²⁴

The Pacific Island countries, recognising the importance of numbers in seeking to influence the international community on such politically and economically sensitive issues, has here given priority to working through the Alliance of Small Island States (AOSIS). AOSIS is an informal group of 42 small island developing states and low-lying countries which share a fundamental concern about the threats posed by climate change. For small states, it is an essential forum that allows for identity, security and strength in numbers. Thirty-two of the AOSIS members are represented at the United Nations, comprising almost 25 percent of developing countries and about 18 percent of the total UN membership. Established in 1990, AOSIS convened in 1991 as a negotiating group to ensure that the position of small island states was fully represented in the Climate Change Convention. The Pacific island states have played a key role in the affairs of AOSIS from the very outset and continue to do so.

AOSIS has argued consistently for more significant cuts in industrialised country emissions. However, because developing countries are growing rapidly, AOSIS believes there is a need for the regime to evolve to include the more systematic and formal contributions of developing countries, or at least the more rapidly industrialising developing countries. AOSIS has urged the ongoing review of the adequacy of existing commitments and has stressed the need for these commitments to be strengthened. Writing about AOSIS, Neroni Slade observes that

the eventual replacement of polluting energy systems with renewable sources is a long-term strategy for AOSIS. We think current efforts should be intensified. ... AOSIS was instrumental in the inclusion of adaptation requirements in the Clean Development Mechanisms of the Kyoto

24 Thirty-First Pacific Islands Forum, Tarawa, Kiribati, 27-30 October 2000, Forum Communiqué, paragraphs 46-49.

Protocol. We are doing what we can, at the climate change negotiations, and through the Pacific island States constituency at the Global Environment Facility (GEF), to advance global consensus...It is important to bear in mind that action is now necessary, especially for countries like Kiribati, Marshall Islands and Tuvalu, for the protection and preservation of fresh water reserves and other life-support systems – whether or not there is international consensus on these difficult issues, and whether or not the Kyoto Protocol is implemented. It may never come into force. As we have seen with the creation and development of the FFA [the Forum Fisheries Agency], the Forum region did not wait around for the Law of the Sea Convention to be operational before acting.²⁵

This determination to force international progress in a sensitive field of vital importance to Pacific island countries was most recently expressed as well in the joint Pacific Forum Group statement to the 55th Session of the United Nations General Assembly and undoubtedly it will continue to be a feature of Pacific Forum states' diplomacy.²⁶

C *A Diversity of Current Interests*

While most effort by Pacific states goes into securing international influence on issues seen to be of paramount importance to them, there are many other issues on which Pacific countries make their views known and on which they seek to influence the evolution of policy. In the past, as noted, Law of the Sea negotiations were a top priority, as were decolonisation (specifically the question of New Caledonia) and nuclear testing. If the more recent Pacific Island effort on achieving better coordination of oceans issues could be described as 'the child of Law of the Sea', so the present emphasis on the NPT and the increased focus on small arms are children of nuclear testing while the priority still given to decolonisation by several Forum members is a byproduct of New Caledonia reinscription.

But even this list does not cover the range of Forum government activity at the United Nations. At Beijing+5 (the 22nd Special Session of the UN General Assembly: Women 2000 (Beijing+5): Gender Equality, Development and Peace for the 21st Century), the Permanent Representative of Nauru, Ambassador Vinci Clodumar, delivered a statement on behalf of the Forum governments represented at the Special Session. In it, he emphasised:

The South Pacific region, and women in the region, face unique challenges in achieving the goals of Beijing. The particular economic and environmental vulnerability of the island nations in the region influence strategies for achieving gender equality, peace and development... Since 1995 the [Beijing] Platform has been used by countries in the Pacific to guide national action towards empowering and achieving their equality. Many countries have produced National Action Plans... The countries of the region recognise the need for cooperation at the regional level to assist governments to implement and monitor the Platform as well as National Action

25 Samoa's Ambassador Tuiloma Neroni Slade, currently its permanent Representative to the UN, in an address entitled 'Pacific Perspectives on International Law', presented to the International Law Association Conference, Wellington, 8-10 July 1999.

26 See UNGA 55 General Debate, Joint South Pacific Group Statement.

Plans... Further capacity building at all levels, including in partnership with NGOs and UN agencies working in the region, is essential for implementing the Platform.²⁷

The representatives of Forum governments have been consistent in seeking to strengthen the rule of law internationally. The case for doing so has been clearly argued by Ambassador Slade:

The rule of law in the affairs and the conduct of nations is of paramount importance to small States. Fundamentally, it is the force that motivates the endeavours I have outlined. Small countries have a larger stake in the rule of law and in an effective judicial system than do large ones. Ultimately, the law is their most effective protection, an indispensable antidote to their security and sense of vulnerability.²⁸

The significant role of Pacific delegations in the legal side of United Nations work has long been noted, and has culminated most recently in their involvement in the negotiation of the Statute of the International Criminal Court. The promotion of the international rule of law is likely to be an ongoing preoccupation.

A final example of Pacific Forum cooperation on the world stage is linked to strengthening the rule of law. A strengthened United Nations is similarly of more importance to small states than large ones. Cooperation together on UN reform has therefore been taken seriously by Pacific delegations at the UN. The areas of reform most important to the Pacific were described in the UNGA 55 (2000) statement on behalf of the group. They included strengthening the General Assembly, reforming the Security Council and improving the Organisation's peacekeeping capacity.²⁹

Pacific solidarity in this area as in others has gone well beyond the articulation of general principles. In the main committees of the General Assembly, where the 'real work' of the United Nations is done, this cooperation has been carried through at the practical level. Detailed reform measures designed to strengthen the UN have been vigorously pursued.

IV PACIFIC INFLUENCE AT THE UN: WHY AND HOW

The noticeable recent increase in Pacific activity and influence at the United Nations is attributable to a number of factors, several of them emerging at the same time. The most obvious and dramatic development has been the explosion in numbers. In the early 1990s, Pacific Forum membership of the United Nations reached ten – Australia, Fiji, Marshall Islands, Federated States of Micronesia, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands and Vanuatu – a significant number which enabled the group to flex its

27 Statement to the 22nd Special Session of the UN General Assembly: Women 2000 (Beijing+5), 9 June 2000.

28 Samoa's Ambassador Tuiloma Neroni Slade, currently its Permanent Representative to the UN, in an address entitled 'Pacific Perspectives on International Law', presented to the International Law Association Conference, Wellington, 8-10 July 1999.

29 See the statement by Ambassador Masao Nakayama, Permanent Representative of the Federated States of Micronesia, 21 September 2000, to the UN General Assembly, GA 55, on behalf of the Pacific Forum Group.

muscles increasingly. By mid-2000, these Forum countries at the UN had been further augmented by Kiribati, Nauru, Tonga and Tuvalu, giving the group a total membership of 14. Only two Forum members, the Cook Islands and Niue, have not also joined the UN. The size of Pacific Island delegations varies; all are small-scale.

This increase in UN membership numbers has itself affected both the perceptions of the group by others and the confidence of its members. Numbers count at the UN. The General Assembly and the Economic and Social Council, with their various committees and subsidiary bodies, are nothing if not democratic, to the occasional ill-conceived chagrin of the UN's larger members, some of whom remain uncomfortable with the 'one state one vote' rule which underpins the universality of the United Nations. By now the Pacific Forum group has achieved greater voting power than ASEAN and almost the same as CARICOM. Of course, to mention Pacific Forum influence in the same breath as ASEAN (or the EU, which is numerically not too far ahead) is, in most senses, somewhat absurd. Yet votes do matter at the UN, and numbers alone are therefore widely recognised as a key factor.³⁰

Another factor has been the changing dynamics within the Pacific group itself. Both the island developing countries within the group and the two developed countries have, for different reasons, become increasingly frustrated by constraints on their freedom of action imposed on them by the regional electoral groups to which they belong in New York. The island countries are all members of the Asian Group at the UN. However, their small size and lack of close ties with any of the major members of the group have resulted in Pacific island countries being sidelined on many electoral issues. They have had great difficulty, more than they feel is fair, in obtaining Asian Group support for membership of elected bodies and this has led to a frustration which has increased the attraction of working in other ways to achieve influence, for example through AOSIS or the Pacific Forum itself.

At the same time, Australia and New Zealand have become increasingly uncomfortable with their membership of the Western European and Others Group (WEOG). Not only does this membership sit oddly with Australian and New Zealand perceptions of themselves as Asia-Pacific countries, but dynamics within the WEOG have changed dramatically with the growth and increasing foreign policy cohesion of the member states of the European Union. While EU countries deny that they operate as a bloc on UN electoral matters, clear evidence points the other way.³¹

Faced with frustrations and obstacles elsewhere, and mindful that small countries are successful at the United Nations only when they can mobilise support from other members, delegations from all Pacific Forum countries have therefore recently seen greater advantage in cooperating together and in using the increased voting strength of the Pacific group to

30 New Zealand, for one, has received direct benefit of this in several hotly contested elections over the last few years, including for the Security Council in 1992, for the ACABQ (the Advisory Committee on Administrative and Budget Questions, the UN's key budget and management advisory group) in 1996, for the Commission for Sustainable Development (CSD) in 1997, and for the Continental Shelf Commission in 1998.

31 To cite but one small example, in 1999 a bid by New Zealand for re-election to the ACABQ was blocked by concerted opposition from EU states and had to be withdrawn.

promote their interests and concerns. A newly energised and revitalised Pacific group has been the result. Collaboration and cooperation within the Pacific group has accordingly increased significantly. It now includes monthly meetings of Pacific Forum permanent representatives, which have changed over the last few years from largely social gatherings incorporating some policy discussion to meetings that are solidly policy-oriented; much increased use of 'joint statements', in which Pacific Forum governments seek increased influence and recognition for their views;³² close cooperation and mutual support on electoral matters, the key to success by any Pacific country in any contested election; the institution of occasional working lunches with the UN Secretary-General and the institution of similar sessions with ASEAN representatives, begun nearly four years ago and now held bi-monthly, at which issues of common concern and electoral aspirations (on which there is an informal understanding that, where possible, the two groups will give each other mutual support) are discussed.

Another factor contributing to the Pacific's capacity to have influence when acting jointly is the wider dynamic of group interaction at the UN. The high number of UN members (189 by the end of 2000) and their inevitable variety in culture, language and interests makes the task of actually getting down to business both complex and difficult. This has always been so, but today, with increased membership and the fact that the vast majority of members are small states with small delegations and often minimal resources in New York, the complexities have increased. So too, therefore, has been the obvious desirability in this situation of small countries seeking to exert influence through the interaction of groups. For the Pacific group, with both developing and developed countries, there is no one wider group into which they all fit neatly. However, the growing relationship between the Pacific and ASEAN groups has perhaps begun a process leading to a more defined grouping, the formalisation of which would be a natural development and deserves continuing encouragement.

All the Pacific Forum countries except Australia are members of the Forum of Small States (FOSS). While this group is used for campaigning by small states, its main value has proved to be in providing a forum in which delegations can exchange views across the notorious North/South divide, a barrier which impedes much valuable dialogue and cooperation at the UN. To preserve its value in this context, the Singapore chair of FOSS has always been careful not to let it become involved in contentious issues.

The developing countries of the Pacific Forum group are all members of AOSIS, currently chaired by Samoa's Permanent Representative to the UN, Tuiloma Neroni Slade. Clearly this is their most valuable negotiating group on economic, development and environment issues, encompassing many of the Pacific states' priorities at the UN. Beyond that, the developing country members of the Pacific Forum group are members of the G77, the

32 To cite only a few, joint South Pacific Group statements have been made on a variety of topics, including: Oceans and the Law of the Sea, 26 October 2000; Reform of the Security Council, 17 November 2000; Review of HIV/AIDS, 3 November 2000; Women and Peace and Security, 24 October 2000; Establishment of the International Criminal Court, 20 October 2000; The Situation in Africa: the impact of AIDS on peace and security, 10 January 2000.

principal negotiating group for all developing countries at the UN. While this membership is of fundamental importance, it is not often easy for Pacific Forum developing countries to persuade the G77, a coalition of so many disparate developing country interests, to focus and act on the specific concerns of small island states. The Non-Aligned Movement (NAM), with its more political focus, is also important to some Pacific Forum countries. But again, the NAM is not regarded as of direct assistance on specifically Pacific issues. Clearly therefore the developing Pacific Forum group countries value their membership of AOSIS and the G77, using AOSIS in particular to pursue specific Pacific Island interests. But equally clearly, Pacific states at the UN are seeking to establish and assert their identity explicitly as Pacific Forum group countries.

Australia and New Zealand, for their part, have even more reason to look to the Pacific Forum group for strength. They have no association that is equivalent to the G77 or NAM. Increasingly the European Union, after going through an often complex negotiation to achieve a common EU position, will then negotiate with the G77 directly. If they are successful, other interested members are then presented with a *fait accompli*. To compound their situation, Australia and New Zealand are still members of a regional electoral group at the UN, the WEOG, which likewise is dominated by an increasingly cohesive EU and includes none of the two countries' immediate neighbours. Accordingly, all members of the Pacific Forum group have good reason to give high priority to the role and profile of their own informal UN group.

A final factor in the growing influence of the Pacific Forum group at the UN has been the calibre of several of the group's UN representatives. This has been reflected in the positions that some ambassadors have been invited to accept by the wider UN membership, jobs given to representatives who are known to be effective and influential. In recent years, Pacific Forum representatives have held a variety of positions, including:

- Chair of the Alliance of Small States (AOSIS) – Samoa
- President of the Meeting of States Parties to the UN Convention on the Law of the Sea (UNCLOS) – Papua New Guinea
- President of the Council of the International Seabed Authority – Fiji
- Chair of the General Assembly Fifth Committee – Australia
- Chair of the Decolonisation Committee (C24) – Papua New Guinea
- Secretary-General of the International Seabed Authority – Fiji
- Co-Chair of the UN Consultative Process on Oceans – Samoa
- President of the Executive Board of UNICEF – New Zealand
- Co-coordinator for the text of the Rome Statute of the International Criminal Court – Samoa
- Facilitator for the 2000 UN Millennium Summit – New Zealand.

V *SOME DAUNTING CHALLENGES*

First among these must be the impact internationally of Fiji's abandonment of constitutional government in 2000. There is no doubt that this dramatic renunciation of universally accepted standards relating to the rule of law, constitutional government, and

human rights has been and will remain for some time in the forefront of any thinking about the region at the United Nations. In June 2000, in a statement to the press on behalf of the Security Council after a routine consideration of progress on Bougainville, the Council's President (Ambassador Jean-David Levitte of France) expressed concern about 'instability in the region' in the light of the latest crises in Fiji and Solomon Islands, and he reiterated the Council's support for democratic and constitutional processes and the rule of law. (Given suggestions within the Pacific region that the coup in Fiji could be justified as a legitimate rejection of imposed Western ideas, it was significant that the statement was agreed to by all members of the Council, including its 'non-Western' members – China, Argentina, Bangladesh, Jamaica, Malaysia, Mali, Namibia, Tunisia and Ukraine.)

In the absence of economic or military clout, influence multilaterally depends on persuasion and coalition building. For some time to come, vivid memories of the Fiji coup and the treatment of Indo-Fijians will inhibit Pacific Forum group efforts in both respects. Of course, if Forum governments are seen to be putting their own house in order this will reduce the impact of the developments in Fiji internationally. A substantial start, at least, has been made in demonstrating a regional determination to do just that. The first steps in this direction included:

- the convening in Apia, Samoa, from 10 to 11 August 2000, of a meeting of Forum Foreign Ministers at which they recommended that Forum leaders commit themselves to a number of 'fundamental principles' designed to enhance and secure human rights and fundamental democratic principles;
- detailed reporting to the United Nations General Assembly's 55th Session in the Pacific Forum group joint statement on 21 September 2000 on the outcome of the Apia Foreign Ministers' meeting³³
- endorsement by Forum leaders at the Thirty-First Pacific Islands Forum at Tarawa, Kiribati, on 27-30 October 2000, of the Forum Foreign Ministers' recommendations and, in addition, adoption of the Biketawa Declaration providing (for the first time in the region's history) for a regional mechanism for responding to future political and security crises in the region.³⁴

Overcoming the problem of anachronistic regional group membership at the UN would also significantly enhance the influence and bargaining power of the Pacific Forum group. Australia and New Zealand participation in the WEOG, against their wishes, and Pacific Island members of the Asian Group now makes little sense. These groups exist primarily for UN electoral purposes, yet have a much wider symbolic and practical significance.

For some years, Australia and New Zealand have been arguing for a reconfiguration of the electoral groups which would enable them to take their places in a group that included

33 Statement to the United Nations General Assembly (GA55) by Ambassador Masao Nakayama, Permanent Representative of the Federated States of Micronesia, 21 September 2000.

34 Thirty-First Pacific Islands Forum Communique, paragraphs 7-10.

their Pacific neighbours.³⁵ The groundbreaking decision at Tarawa in October 2000 that, 'in order to advance the Forum's foreign policy objectives at international fora, Leaders agreed to explore the creation of a separate regional group of Pacific states within the United Nations',³⁶ will certainly boost the effort currently being put into this objective at the United Nations and enable its profile to be raised substantially.

Confirming the practice developed over many years and described in this article, leaders also 'agreed to work together as a regional caucus at all international meetings.'³⁷ Pacific Forum group cooperation, conducted in the context of a UN-recognised group, would add enormously to its status and influence within the UN generally. It would also have the potential for significant electoral benefits, particularly for some of the island countries who currently find that the large countries within the existing Asian Group win most of the electoral prizes. Unfortunately, regional group reconfiguration does not seem to be imminent, despite pressure from Pacific Forum countries, now formally backed by an instruction from Forum leaders. The challenge will now be to find ways of increasing this pressure and taking advantage of other stresses in the UN system which point to the need for change.

A final challenge to be wrestled with to maximise the usefulness of the Pacific Forum group will be for each member government to handle individually and privately. It is the issue of policy compatibility. When Pacific delegations only cooperated on a few specific topics on which they had clear common interests, this issue rarely arose. But as cooperation intensifies, not least in light of the recent instruction by Forum leaders, and becomes more a matter of habit, inevitably increasing instances of policy divergence will arise and have to be dealt with. Usually this should not pose substantial difficulties or cause tensions within the group. There is a long history of cooperation in the Forum context. But the North/South divide cuts right through the Pacific Forum Group, of course, and it is at the UN in New York that the divide is most evident. It will normally not be difficult for Australia and New Zealand on the one hand, and the island countries on the other, to prevent North/South tensions affecting relations within the Pacific group. But occasions will arise when there are real interests involved and real differences of perspective. An early example of this arose in relation to climate change with the differing obligations imposed on developed and developing countries. Some developed countries, including Australia and New Zealand, did not accept entirely the preferential status accorded all developing countries in relation to polluting emissions. This issue was in the end discussed and resolved, but not without some tensions. With a growing habit of cooperation and collaboration these kinds of problems are likely to recur. Because governments act on the basis of their own assessments of their national interests, policy differences will be inevitable. But if individual governments see the advantages to be gained from working together, this will also be a factor in assessing the national interest where there are likely policy differences – not so much as an argument to

35 See Ramesh Thakur (ed.), *What is Equitable Geographic Representation in the Twenty-First Century?*, Tokyo: the United Nations University, 1999, and Terence O'Brien, *The United Nations: Legacy and Reform*, Wellington: Centre for Strategic Studies, CSS Working Paper 6/1997.

36 Thirty-First Pacific Islands Forum Communique, paragraph 56.

37 Thirty-First Pacific Islands Forum Communique, paragraph 57.

make major policy adjustments, but as an influence on the manner in which policies which are sensitive in this regard will be pursued.

VI CONCLUSION

The evidence outlined here points towards increasing cooperation among Pacific Forum countries at the United Nations in pursuit of common objectives. It also suggests increasing success in achieving these objectives, although the achievements of earlier decades in the UNCLOS negotiations and in achieving the reinscription of New Caledonia set a high standard.

New challenges will always arise to be dealt with. The threat to many Pacific countries posed by climate change will require more effort and influence than anything achieved in the past. Internally, within the region, there is the problem of the Pacific's own record on governance and human rights. The damage done to the region's international standing by events in Fiji will be an obstacle for Pacific states generally.

At the UN itself, Pacific delegations will need to step up their effort to achieve regional group reconfiguration to give the region's UN members a better platform, through membership of the same group, from which to achieve their fair share of electoral office and increase influence multilaterally. A key lesson from the experience of Pacific delegations at the United Nations thus far is that the most important element in achieving success is effective cooperation with each other in pursuit of common goals. If it continues to be true, as Pacific representatives to the United Nations have said, that 'instinctively, they recognise strength in acting together,'³⁸ and that 'cooperation is perhaps the defining characteristic of our region,'³⁹ then Pacific countries can look forward to substantial success in pursuing important national objectives at the United Nations, achieving far more than their small populations and limited resources would otherwise suggest could be possible.

38 Samoa's Ambassador Tuiloma Neroni Slade, currently its Permanent Representative to the UN, in an address entitled 'Pacific Perspectives on International Law', presented to the International Law Association Conference, Wellington, 8-10 July 1999.

39 A Pacific Forum country ambassador speaking at a private meeting of the group, New York, 17 April 2000.