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**FIJI'S MARITIME SECURITY
IN OCEAN MANAGEMENT**

J.V. Bainimarama

**Fiji Navy
Suva, Fiji Islands**

**Halifax, Canada
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FIJI'S MARITIME SECURITY IN OCEAN MANAGEMENT

(JV BAINIMARAMA)

I. INTRODUCTION

The 1982 United Nations Convention of the Law of the Sea which will come into force on the 16th November, 1994, hopes to contribute to the strengthening of peace, security, cooperation and friendly relations among all nations. The 1982 UNLOS Convention produced an international consensus in four general areas which are: jurisdictional ocean areas for states; activities prejudicial to international maritime security; a framework for resource management; and a framework for environmental protection¹. Coastal states then, unlike their land locked counterparts, inherit a set of responsibilities because of their proximity to the sea.

The aim of this paper is to show that the fulfilment of these responsibilities, ie proper ocean management, is directly related to the pursuit of maritime security. The paper will also show that in seeking maritime security, Fiji like most coastal states, is relying more and more on regional cooperation and regional approaches for the effective management of ocean space.

Ocean management implies some systematic and orderly approach to the utilisation of ocean space and ocean uses², some of which are:

- a. Fishing;
- b. Extraction of minerals;

- c. Extraction of oil;
- d. Boundary delimitation;
- e. Scientific research;
- f. Environmental quality;
- g. Peace and security;
- h. Transportation; and
- i. Maritime cooperation.

Maritime security, on the other hand, has been described as "the freedom from threat to national interests in, on, over and concerning the sea"³. Although there is no direct military threat to Fiji today, its national security and sovereignty can still be threatened by activities such as illegal resource exploitation, the deliberate or unintentional creation of an environmental hazard, or by the introduction of illicit drugs into the country. The lack of an efficient coastal and ocean management system could result in the introduction of social, political, and economic threats into the society.

II. COUNTRY PROFILE⁴

Geography

The Republic of Fiji is located between 15 and 22 degrees S latitude and 177 degrees W and 17% degrees E longitude. Its neighbours are Vanuatu to the west, Tonga to the southeast, and Western Samoa to the northeast. Fiji is made up of approximately 380 islands comprising 18,272 km². The main islands are Vanua Levu and Viti Levu, where the capital Suva is located. There are large volcanic islands and many smaller coral atolls.

Population

The population of Fiji is about 732,000 with a density of 40 per km². Most of the people live on the island of Viti Levu. The population is comprised of 48 per cent ethnic Fijians (Melanesians), 46 per cent ethnic Indians, and 8 per cent others. Languages widely spoken are Fijian, Indian, and English.

Politics

Fiji was administered by the United Kingdom until independence in 1970. At that time a parliamentary democracy was established with a prime minister as head of government. Parliament was suspended following two military coups in 1987, and Fiji became a republic in October of that year. A new constitution has been promulgated and elections under the new constitution were conducted in 1992.

Economy

The GNP of Fiji is about \$1,190 million (1989) with a GNP per capita of \$1,572. Agriculture, tourism, and manufacturing are the major components of the economy. Much of the population is in the subsistence farming sector. Major exports are sugar, textiles, gold, copra, fish, and timber.

Foreign exchange earnings from tourism is as high as the proportion of total export values, and exceeds that of sugar.

III. THREATS⁵

In conducting ocean management coastal states should identify ocean uses in which threats, that have been previously exposed, may appear. In Fiji they are:

1. Marine Resources

In establishing a national EEZ the coastal state accepts significant responsibilities and obligations. Fiji now has the incentive to manage and conserve the resources in the EEZ because it determines which country is allowed to exploit the resources of the zone. At the end of the day Fiji stands to be the major beneficiary of good management, and in improving resource management it is furthering its own national interests.

Effective management is obviously supported by a lot of knowledge as to what resources exist in the area to be managed. Even in Fiji where there are known fisheries resources, there is insufficient knowledge on such basic data as size of stock and the impact of fishing effort on stocks. On-site sampling, surveying and research efforts must be undertaken.

The Fishing Industry plays a major role in Fiji's economy in:

- its contribution to the Growth Domestic Product (GDP),
- providing a source of exchange. In 1992 the export of canned tuna and raw fish amounted to M\$ 37. Fish meal was sold locally for F\$ 844,280⁶.
- providing a source of protein food. Being a maritime nation where over 70% of the population live on the

coastline the sea and it surrounding is looked at as a source of food.

- providing employment and income.

In fisheries the main threats are from the depletion of stock in overfishing and over exploitation, and by its destruction through environmental problems especially the effect of development in the coastal area. Overfishing is the result of open access to fishing grounds, illegal fishing and the wrongful use of fishing equipment. The fishing industry in Fiji, as we will discover, has been fairly well managed through restrictions and regulations, and assistance through regional cooperation.

However, the impact of development projects on the coastal shores has often been neglected, largely due to a lack of understanding of how fragile the coastal ecosystem is to pollution and the restructure of the natural environment.

The management of these living resources is essential to Fiji's economic viability, and fish in particular represents its major resource for national consumption and in earning export income. Significant benefits is derived from foreign fishing through licensing fees, employment and technology transfer.

Drift net problem

Although much smaller in scale than drift netting in the North Pacific, its impact on the regional economy in the South is potentially much greater. In 1988, 40,000 MT of juvenile albacore tuna was caught, and it was feared that within five years albacore tuna would be down to 10% of its previous level⁷.

After initial meetings with Distant Water Fishing Nation (DWFN) the South Pacific Forum in July 1989 signed the Tarawa

Declaration; establishing a management regime for albacore tuna, and banning driftnet fishing from the region. This included the area within 10 degrees North and 15 degrees South Latitude, and between 130 degrees East and 120 degrees West Longitude; and to include all waters under the fisheries jurisdiction of any party to the convention⁸.

Highly migratory species

The dispute over the control of tuna resources has been a major problem in the region. The long standing position of the US, claiming that highly migratory species in tuna could be managed only through international arrangements, and that no coastal state jurisdiction should intervene in the EEZ or otherwise, was a cause for concern for small island states. It forced the small PINS to make a choice between the surrender of their sovereign rights over their most valuable economic resource. They could well suffer the very large political and economical consequences following the arrest of any US tuna boat illegally fishing within their EEZ⁹.

In the end a multi-lateral access agreement was concluded with the US. Coming into effect in 1988 the treaty entailed the payment of 9% of the value of the catch, as access fees to PINS by the US.

Illegal fishing

Illegal fishing in the South Pacific takes two distinct forms:

- fishing without a coastal state licence,
- fishing in violation of licence conditions (primarily

under or non-reporting of catch)¹⁰.

Illegal fishing results in loss of revenue from access fees and the loss of important fisheries management data. The South Pacific Forum has set down a set of minimum terms of condition for access as a step in exercising control.

Taking effect from January 1991 it included the following:

- Uniform vessel identification,
- Uniform catch and position reporting requirement,
- Restrictions on and reporting of transshipment,
- Standardised catch and effort logsheet,
- Terms and condition for observers placement,
- Appointment of a local agent,
- Flag state responsibility.

Access Based Strategy (ABS)

ABS are those designed to allow foreign fishing vessel to harvest some of the allowable catch within the zone, subject to the payment of fees to Fiji. Two factors underline the pursuit of an access based strategy:

The first is a legal requirement under the 1982 UNLOS Convention. The Convention requires that a coastal state which does not have the capacity to exploit the entire allowable catch of the fishing resources within its EEZ must allow foreigners access to the surplus under agreement and arrangement. In

compliance with the legal requirement Fiji has entered into agreements with foreign companies to exploit the fisheries resources within the EEZ.

The second and more compelling reason for allowing foreign access to exploit the fisheries resources within the EEZ is economic. Fiji does not have the financial and technical expertise to exploit the entire allowable catch of the fisheries stocks within its zone¹¹.

Fiji's mineral resources are closely related to the volcanic activity of the Miocene, Pliocene, and Pleistocene. The narrow range of minerals include the base metal copper, lead and zinc. Precious metals include gold and silver. Other minerals present are manganese, bauxite, iron and phosphate (Figure 1).

Fiji lies on the same regional trend of Miocene reefs which produce oil in Irian Jaya, Indonesia and Papua New Guinea. Over twenty structural reefal traps have been identified mostly in the Bligh Water Basin, estimated at 270 million barrels of oil per structure¹².

The only mineral extraction are those of carbonate and silica sand which are used for cement manufacturing. They are brought to the surface by means of bucket dredge. There are no threats associated with the exploitation of mineral resources in Fiji at this stage.

2. Territorial Integrity

The above covers the possibility of foreign nationals claiming an area of Fiji as a separate sovereign state.

In June 1972, Tonga proclaimed jurisdiction over the Minerva Reefs and has since exercised sovereignty by regulating

foreign fishing vessels in the area, assisted navigation through the placing of beacons and maintained ownership through legislation. Besides being in Fiji's EEZ the significance of Tonga's claim to the reefs lies in the potential implications which would arise if a 200 n.m. EEZ were to be declared around each reef.

Although a claim of this nature has not yet been made it would overlap with the EEZ of Fiji and New Zealand and may produce potential disputes. The South Pacific Forum meeting in 1972 recognised Tonga's association with Minerva Reef and agreed to exclude all other claims. In subsequent Forum meetings Fiji and New Zealand have agreed to Tonga's claim to the reefs and the corresponding territorial seas¹³. The question whether it should generate an EEZ needs to be referred to in detail.

In Fiji this particular delimitation with Tonga may not have a high priority. This situation may change, however, should there be suspicion that oil or gas deposits may be found near the areas near the fringes of national EEZs.

3. Shipping and Search and Rescue

Fiji depends a great deal on the safe conduct of shipping, being the major means of transportation for trade and tourism. The IMO has estimated that 80-85% of the world's trade in goods is transported by ships. Islands States of the South Pacific Region generate 0.05% of this, with Fiji and Papua New Guinea accounting for 75% of the total¹⁴.

The general requirement is that of a management concept that provides easy and safe transition of shipping through Fiji waters and equally important, a faster turn around time at the available ports. It goes without saying that the transportation vehicle, whether it be an oil tanker or containership, be of

safe standard and that the captain and its crew be competent in its navigation. Efforts should also be directed towards concern about the preservation and protection of the marine environment in the face of oil spills due to grounding of vessel, ocean dumping and the carriage of hazardous waste.

Safety precautions have been taken through:

- progressively updating navigation aids,
- provision of updated charts and the continuous charting of Fiji waters,
- provision of alternative routing system,
- provision of weather bulletins and forecasts through radio and coastal stations. This has been used consistently as information for weather routing and subsequently minimising fuel costs,

frequent checks on board vessels prior and after voyages to ensure that marine regulations and actions have been followed.

Much of Fiji's EEZ is unsurveyed, and only about 25% of the international shipping routes through Fijian waters are surveyed to a modern standard.

Article 98 (2) states that "every coastal state shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements cooperate with regional states for this purpose". The Search and Rescue (SAR) Role was initially with the Marine Department until 1989, when it was "moved" to the Navy. This transfer of responsibility was not

formalised resulting in the shortage of operational budget in SAR missions, and, as the Navy has not been recognised as the guardian for SAR, to date no formal training in recognised establishments has been provided for, nor undertaken by its officers and men.

The money allocated for SAR has since remained with the Ministry of Transport, and its associated training is still directed to, and undertaken by officials of the Marine Department.

4. Environmental Quality

As a maritime nation where the population look to the sea as a source of economy and protein, any threat to Fiji's coastline would be detrimental to its future. A glance at a map of Fiji will show that the majority of the population live within the coastal zone, which has been described as "the area where the sea interacts with the land", and it is here in the coastal zone that the degradation of the marine environment is threatening the livelihood of coastal dwellers because of development. In Fiji this area supports the most productive and ecologically diverse ecosystem.

The protection of this area from marine pollution is quite important for the following reasons:

The dependence on fish protein is much greater in developing and small island nations like Fiji. The Food and Agriculture Organisation (FAO) statistics in 1988 rates Fiji as one of the highest per capita fish consuming countries in the world (36 kg per individual). Fiji depends on fish exports as a source of foreign exchange.

In Fiji a relatively large portion of marine productivity is based on primary production that takes place in shallow coastal ecosystem. Upwelling, the occurrence in deep water and is associated with currents, which triggers the production of plankton essential for fish nutrients is extremely rare. This is due to several factors, including the much more pronounced temperature stratification. As a consequence, primary production in the coastal ecosystem, such as seagrass beds, coral reefs and mangrove forests becomes much more important as the basis for the secondary productivity. These habitats are also intimately linked with the life cycle of tuna.

Damage to the marine environment has been evident in Fiji through the "destructive" development of coastal areas including land reclamation and conversion of mangrove forests into agricultural land and development sites. Coral reefs are destroyed directly through the use of explosives for illegal fishing and the clearing of channels, and indirectly as a result of increased density of coastal waters through the release of sewage, pesticides, oil and industrial wastes especially in most harbours.

Tourism is now an important aspect of Fiji's economy and nets substantial earnings. However the nature of the tourism product, especially at the preparation stage, could create a harmful environment in terms of marine pollution. It is in this sense that tourism is considered important.

5. Illegal Activities

Australia has been targetted as the final destination for human cargo in the lucrative, illegal immigrant business. Local newspapers, early this year, highlighted a particular "operation" that had planned on offloading the 300 or so boat people on Fijian shores as the journey was found to be

increasingly expensive. If the scam had been successful the result would have been disastrous for Fiji in terms of finance.

In 1992, \$30 Million worth of hashish was discovered buried in a sand cay at Yangasa in the Lau Group which confirmed reports that Fiji was being used as a staging point for drug transaction in the world.

In 1993 the seizure of an undeclared catchment of arms and ammo from a yacht bound for the Solomons brought us the reality that our waters and seas are being used to convey items that continuously fuel conflicts in our region.

The three cases above illustrate the difficulty of the surveillance and control of activities of these nature.

IV. ACHIEVING MARITIME SECURITY

1. Forum Fisheries Agency (FFA)¹⁵

The 16 countries of the FFA are Australia, Cook Islands, Federated of States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa. Its role is the coordination and provision of technical advice and assistance to members on request. The FFA has successfully undertaken the implimentation of about seven programmes, two of which are:

a. Access Negotiations.

* **Minimum Terms and Conditions.** The Forum has set down a set of minimum terms of condition for access as a step in exercising control.

* **Multilateral Treaty with the United States.** The object of the Treaty was to stop illegal tuna fishing by US purse seiners and avoiding US sanctions from their arrest. It allows US recognition of the jurisdiction of the PINS and all locates areas for US purse seiners to fish. In return for this the amount of US\$60 Millis to the PINS by US over a five year period.

b. Surveillance Programme.

A degree of high priority is placed on this because of the large area involved, and the fact that all countries do not have the capacity to conduct surveillance in their individual region. The Surveillance Programme covers the following:

* **Regional Register.** It is a database for all DWFNS operating in the region and the concept is that a vessel must be in good standing before it is registered in any countries of the region to fish.

* **Maritime Surveillance Communications Network (MSCN).** Working through an Inmarsat "A" terminal then satellite based system focuses on fisheries surveillance data, and provides this information to country members. It is also available for SAR and disaster relief operation throughout the region.

* **Maritime Air Surveillance.** This is provided by the RAAF and RNZAF utilising P3 aircrafts, and the French conducting EEZ air surveillance in its Guadian jet.

- * Niue Treaty. The Treaty includes common operation procedures, sharing of enforcement resources, and provisions that covers extradition and evidence gathering process.

2. Navy Role

There are a number of Acts designed to protect Fiji from threats with maritime connotations. Each Act is usually under the sponsorship of one Ministry or Department and that organisation will usually have the prime responsibility for the administration of that act and its functions. The Ministry with prime responsibility will usually develop a concept for the handling of the function; will update the Act at times and write supporting Regulations; will issue licences as appropriate and initiate the prosecution of offenders. However this Ministry having prime responsibility may have little or no resources and other Ministries will therefore be expected to act in support of the Ministry with prime responsibility.

The Navy has been tasked with the enforcement of all maritime policies of the Government of Fiji hence, has law enforcement duties in relation to a number of maritime Acts and yet is primarily responsible for none. Since fishing is Fiji's most important marine resource and since the management of fish stocks are regional and global issues it is this area which has received the most attention from the Navy when conducting maritime enforcement mission.

Even though the Navy is also tasked with the maritime defence of Fiji this responsibility has been more of a secondary role as the Navy advances more and more into ocean development and management. The developments in international law and the importance of ocean space has lead to a greater emphasis on this "policing" function. The Navy is then tasked with the functions

of control, monitor, and enforcement of laws and regulations that bring about maritime security of the nation.

3. National Maritime Authority

With the enactment of the Fiji Marine Spaces Act (1977) and the rapid introduction of new rules governing the oceans, there was a need to have some framework at the government level that would enable Fiji to intelligently organise our responses to any activity within our region.

In 1982 a Maritime Surveillance Centre (MSC) was established to coordinate fisheries protection, pollution control and general law enforcement duties, which encompassed all governmental maritime policies. The Standing Inter Departmental Committee (SIDC), which comprised of all heads of departments that deals with issues regarding Fiji's EEZ, was formed to assist by charting out strategies for any questions arising in Fiji's coastal and ocean spaces. The SIDC was discontinued in 1989 due to lack of interests from certain quarters.

The preamble to the 1982 UNLOS Convention states that the awareness and problems of ocean structures are interdisciplinary and needed to be considered in totality. It is quite alarming that on the eve of the enforcement of the law of the sea, and with the many issues Fiji has encountered from being a maritime nation there is no forum at government level where such questions could be considered and discussed. It is evident that Fiji's maritime policies are not being discussed nationally because of sectoral differences, and there is a need to discuss this.

CONCLUSION

1. Since fish knows no boundaries effective management must address local, international, technical, economical and political issues. It is in this respect that regional cooperation is necessary for management. Successful resource management could result in significant increases in yield if fishing effort is reduced, the use of damaging fishing methods was brought under control and catches reduced by using selective gear.
2. The status of the Minerva Reef is a matter that will have to be discussed by New Zealand, Tonga and Fiji. In this instance diplomatic measures between the three countries is the only way out, and the Forum prescribes the best setting for talks.
3. The Navy is responsible for the provision of maritime SAR operational services, and the effective operation of the of the coordinated SAR system. Not many realise the importance of this role as it concerns the safety of human lives and property. Primary air resources are provided by the RFMF Air Wing Unit and secondary resources come from the Marine and commercial vessels and local airlines.

An FAO study in the "Rescue of Fisherman in the Pacific" in 1990 rated Fiji as the country with the most effective SAR system in the region. However, there is no doubt that this important sector on safety needs considerable improvement as the present arrangement is found to be inadequate in structure and fundamental.

4. There is a general lack of awareness in the society regarding pollutants and the effects of pollution. Art.194 (1) places the responsibility on the state to "prevent,

reduce and control pollution of the marine environment from any source using for this purpose the best practical means at their disposal and in accordance with their capability".

A great deal of research work is required for the management of coastal area which is also lacking eventually leading to the degradation of the environment and the depletion of the resources.

A heavy burden is placed on the coastal areas resulting from population growth, pollution and economic development, often resulting in the depletion of natural resources and environmental degradation. The implementation of planning and intergrated management of resource use and allocation programmes should be accelerated.

5. Illegal activity can only be countered by intelligence and surveillance, and at times a good measure of luck. The Project Cook (Customs Reporting Network) and the existence of the South Pacific Criminal intelligence Network (SPICIN) provides members with intelligence and investigative services.
6. The need to set up a separate department to administer the activities of ocean management, as was discussed in the Leaders Seminar at the USP in 1993, might take some time to eventuate as the appearance of another bureaucracy and its associated costs will have to be considered. The better course would be to explore the best ways to do the job using existing ministries or departments in the formation of a committee as has been done in the past.

In determining an appropriate security level, many factors come into play including potential physical threats, geography, climate, ocean use and the vulnerability of the marine environment. Not all of the challenges mentioned in this paper

are military in nature nor do they all demand a military response.

As pressures on ocean resources increase and ocean uses intensify ocean management becomes increasingly important. Not all of Fiji's maritime security problems have been solved but the efforts that have been put in by all department concerned need to form the basis for an effective marine policy and maritime strategy to ensure maritime security.

REGIONAL ORGANISATION

The South Pacific Region spans some 24 million km² of ocean, approximately 12% of the earth's surface, and includes some 27 island countries or territories. Some of the countries are of only one or very few islands, while others are comprised of hundreds of islands covering tens of thousands of square kilometres. The 16 member countries of the South Pacific have all declared 200 nautical mile exclusive economic zones, with the exception of Australia and Nauru, who have both declared a 200 nautical mile fishing zone.

Regional cooperation in managing ocean resources and the environment is required by the 1982 UN Law of the Sea Convention. Articles 61, 63, 64, 66 and 70, all call for some kind of cooperation in the management in the various species of fish. Parts 12 and 13 which deal with the Protection and Preservation of the Marine Environment and Marine Scientific Research also requires regional and global cooperation in dealing with resources and the marine environment.

There are five regional organisations that deal in ocean affairs, and which are: South Pacific Commission (SPC) based in Noumea, New Caledonia; the Forum Secretariat (formerly known as the South Pacific Bureau for Economic Cooperation - SPECT) based in Suva, Fiji; the Forum Fisheries Agencies (FFA), based in Honiara, Solomon Islands; South Pacific Applied Geosciences Commission (SOPAC) formerly known as CCOP/SOPAC and based in Suva, Fiji; and the South Pacific Regional Environment Programme (SREP) based in Apia, Western Samoa.

The South Pacific Commission

The South Pacific Commission was founded on 6th February 1947 when representatives from six countries signed the "Canberra Agreement" in Canberra, Australia. The six countries were Australia, France, New Zealand, Netherlands, United Kingdom and the United States of America. Its role is to provide technical advice, training, assistance and dissemination of information in social, economic and cultural fields to 22 governments and administration of the region. Altogether these countries contain approximately five million people scattered over an area of some 300 million square kilometers. Less than two per cent of these area is land.

The Forum Secretariat

The Secretariat was established in 1972 by the South Pacific Forum; which is a political body, comprising the leaders of governments of the independent and self governing countries of the South Pacific. The basic objective of the Secretariat is to encourage and promote regional cooperation in the development of the island countries of the South Pacific, in close partnership with the more industrialised countries of the region: Australia and New Zealand. This includes trade, economic development, transport, tourism and other related matters.

The South Pacific Regional Environmental Programme (SPREP)

In March 1982 the SPREP Action Plan was endorsed at the Conference on the Human Environment in the South Pacific with a view to preparing proposals for an integrated regional approach to the problems of environmental management. Out of the five elements initiated through the Research and Monitoring Network,

three are marine related. They are the survey and monitoring of the coastal ecosystem which includes the habitats; the continued study of ocean condition, including the the study of of potential ocean pollutants; and problems related to the regulation and use of pesticides.

The South Pacific Forum Fisheries Agency (SPFFA)

The SPFFA is a specialised regional fisheries organisation, and was established in 1979 to see to the need for increased regional cooperation in fisheries. Its functions are to collect and disseminate to members information and advice on the living marine resources of the region, including the management, exploitation and development of those resources.

The South Pacific Applied Geoscience Commission (SOPAC)

SOPAC was established in 1972 as CCOP/SOPAC under the sponsorship of the UN Economic and Social Commission for Asia and the Pacific. In 1984 it changed its legal status to become an independent regional body, which consequently was replaced by a treaty, changing its name to SOPAC, known as the Tarawa Agreement. SOPAC carries out the following programmes:

- a. Coastal and nearshore programme. Involves survey conducted of coastal development, coastal and nearshore mapping, ocean energy and nearshore minerals.
- b. Hydrocarbon programme. Assessing the hydrocarbon potential in specific basin.
- c. Offshore programme. Assessing the results of cruises with regard to seafloor occurrences of manganese nodules and crusts, and hydrothermal mineral deposits.

- d. Training programme. Maintenance and operation of geophysical equipment.
- e. Technical support programme. Coordinating assessment of completion of hydrocarbon database.

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