

***OCEAN GOVERNANCE IN SAMOA: A CASE STUDY
OF OCEAN GOVERNANCE IN THE SOUTH PACIFIC***

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Faafetai, faafetai tele lava.

Abstract

As a country that draws much of its revenue from coastal and ocean-related activities while, at the same time, being a developing island state there are important decisions to be made with regards to effective ocean governance in Samoa. At present, the implementation of ocean governance in the country is fragmented. Existing policies for managing marine and maritime resources fall within the mandates of no less than three government Ministries. At the regional level, Samoa has obligations to fulfil under a number of regional initiatives for sustainable development and governance; the Pacific Plan and the Pacific Islands Regional Ocean Policy (PIROP) being the most directly related development strategies. Both documents highlight the need for integrated management of resources, stressing the importance of stakeholder participation in the implementation of strategic development activities.

This paper examines ocean governance-related legislation and policies in Samoa, as well as the effectiveness of national initiatives in fulfilling and complying with regional obligations and commitments. The ocean governance-related roles played by various organisations in the Pacific are also similarly examined.

List of Acronyms

CBFM	Community-based Fisheries Management Programme
CFMAC	Commercial Fisheries Management and Advisory Committee
CFP	Coastal Fisheries Programme
EEZ	Exclusive Economic Zone
GDP	Gross Domestic Product
HDI	Human Development Index
IMO	International Maritime Organisation
IPS	International Port Security programme
IUCN Oceania	International Union for Conservation of Nature – Oceania
IUU	Illegal, Unregulated and Unreported fishing
FFA	Forum Fisheries Agency
LDC	Least Developed Countries
MAF	Ministry of Agriculture and Fisheries
MCS	Monitoring, Control and Surveillance scheme
MFAT	Ministry of Foreign Affairs and Trade
MNRE	Ministry of Natural Resources and the Environment
MOF	Ministry of Finance
NBSAP	National Biodiversity Strategic Action Plan
NAPA	National Adaptation Programme of Action
NatPLAN	National Maritime Spill Contingency Plan
OFP	Offshore Fisheries Programme
PacMA	Pacific Islands Maritime Association
PacPOL	Pacific Ocean Pollution Prevention Programme
PICTs	Pacific Island Countries and Territories
PIGOOS	Pacific Islands Global Ocean Observing System
PIFS	Pacific Islands Forum Secretariat
PIROF-ISA	Pacific Islands Regional Ocean Framework for Integrated Strategic Action
PIROP	Pacific Islands Regional Ocean Policy
SDS	Strategy for the Development of Samoa

SIDs	Small Island Developing States
SIS	Smaller Island States
SNEP	Samoa National Energy Policy 2007
SOPAC	Pacific Islands Applied Geoscience Commission
SPA	Samoa Ports Authority
SPC	Secretariat of the Pacific Community
SPC-RMP	Secretariat of the Pacific Community Regional Maritime Programme
SPREP	Pacific Regional Environment Programme
SRIMP-PAC	Regional Strategy on Shipping-related Invasive Marine Pests in the Pacific
SWA	Samoa Water Authority
UNCLOS	United Nations Convention on Law of the Sea
USCG	United States Coast Guard
USD	United States Dollar
VFMAC	Village Fisheries Management and Advisory Committee
VMS	Vessel Monitoring System
WCPFC	Western Central Pacific Fisheries Commission
WST	Samoaan Tala

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General Introduction

It is difficult to apply a single definition to the concept of ocean governance. However, there are broad elements that comprise the framework of ocean governance, and they can be broken down into functional definitions – political, legal and operational elements. The political component represents the administrative mechanisms required to establish cooperation within and between stakeholders involved in various aspects of ocean governance. The legal part of the framework takes the form of binding instruments and programmes at the national, regional, and/or international level which make provisions for the management process. The operational element of the framework comprises the implementation of activities and programmes to achieve the level of cooperation set out in the institutional element, carried out so as to act in accordance with provisions prescribed in legal instruments regulating the management activity. The measure of a successful ocean governance framework, therefore, may be the level of effective cooperation and collaboration attained by all stakeholders, processes and mechanisms involved.

Ocean governance frameworks in recent history have tended to take on a ‘top-down’ approach, often with relatively little success. The fragmented approach to governance has often resulted in overlaps, gaps, and conflicts in the process that render it ineffective and stakeholders stranded at the periphery of the management process. However, changing perspectives of the value of integrated approaches and the importance of socio-economic interactions has seen a growing trend towards the use of stakeholder consultations and collaborative management regimes. More and more, the use of hard laws and scientific opinions are giving way to less stringent guidelines and declarations, thus paving the way for voluntary systems of management that involve key stakeholders in the decision-making process. As such, interdisciplinary co-management regimes present a more holistic approach to ocean governance.

The objective of this research is two-fold:

1. Review ocean governance frameworks at the regional level in the South Pacific, and also at the national level in Samoa; and,

2. Identify barriers to effective ocean governance, before making recommendations for the future.

The first objective uses the elements of ocean governance frameworks discussed above (political, legal and operational) to identify key factors in relation to a specific aspect of ocean governance. In this instance, aspects of ocean governance are categorised (and broken down further into sub-categories) as:

1. **Living Resources:** fisheries management; fisheries development; aquaculture.
2. **Non-living Resources:** maritime boundary delimitation; energy; natural resources.
3. **Environment Protection:** ecosystem protection; biosecurity.
4. **Science and Technology**
5. **Shipping:** maritime transport; marine pollution; maritime safety and security.

The analysis that follows on from the review includes general observations regarding status of the laws and policies, and barriers to their effective implementation. Areas of conflict, inconsistencies and overlaps are also touched upon, and recommendations are made.

PART I: OCEAN GOVERNANCE IN THE PACIFIC REGION - CURRENT MEASURES AND PROGRAMMES

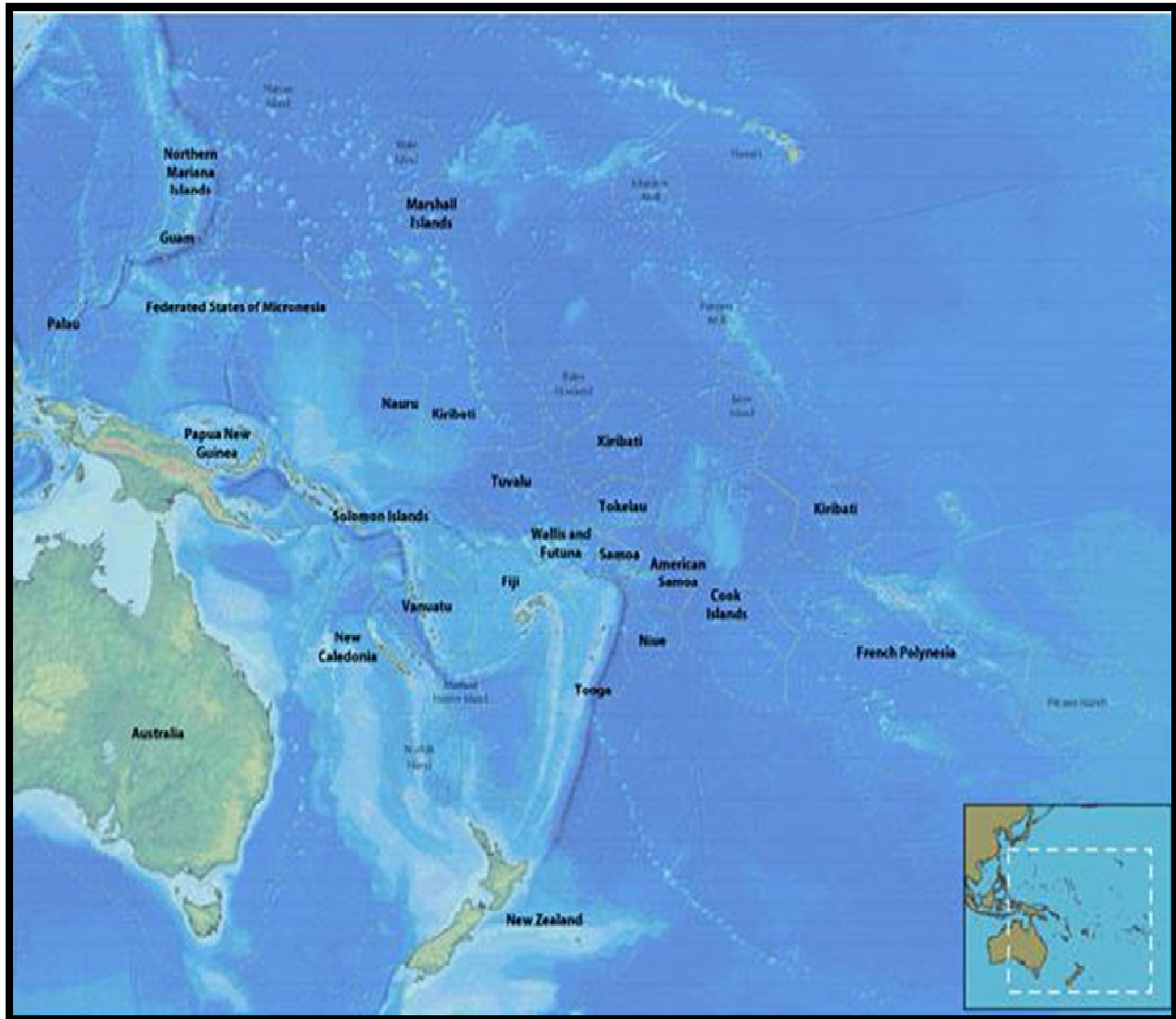


Figure 1: Map of the South Pacific

Source: SPREP Island Ecosystem Mapping/GIS (<http://www.sprep.org/members/map.htm>)

The Pacific Region: Background and developmental directions

The South Pacific region comprises a vast area greater than 30 million km², and is home to 22 Pacific Island Countries and Territories¹ (PICTs). Diversity within the region begins with the people who call it home - based on ethnicity and culture, the three sub-regions of the Pacific consist of Melanesia to the west, Polynesia in the Southeast, and Micronesia to the north. Geographic diversity within and between different States can be seen in the atolls, low-lying coral islands and high volcanic islands that make up the 7500 islands of the region. Economic development status amongst States also varies widely – metropolitan areas, symbolic of economic development, are often surrounded by communities that continue to engage in some level of subsistence living. Agriculture and fisheries, previously the main revenue earners for most countries in the region, are now competing with the expanding tourism industry.

Surrounded by the Pacific Ocean, which comprises 98% of the region, States reap the benefits of the marine resources that abound, including revenue from fisheries exploitation. However, there are also common problems faced by PICTs stemming from the Pacific Ocean. Being mostly developing States, countries are challenged to strike a balance between economic development from exploitation of marine resources and resource management. While there is growing awareness of the need for conservation and protection of the marine environment, governments are hard-pressed to develop alternatives for industrial development. Add to those challenges the fragmented nature of ocean governance that is prevalent throughout the region, and the threats to the valuable common resource become glaringly apparent.

Pacific Island leaders recognised the need for regional collaboration on ocean governance and endorsed the development of a Pacific Island Regional Ocean Policy (PIROP) in 2002. The

¹ American Samoa, Cook Islands, Federated States of Micronesia (FSM), Fiji Islands, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, Niue, Commonwealth of Northern Mariana Islands (CNMI), Palau, Papua New Guinea (PNG), Pitcairn Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu, Wallis and Futuna

policy was developed around the guiding principles of improving understanding of the ocean, developing and managing its resources in a sustainable manner, maintaining the health of the ocean, promoting its peaceful use, and creating partnerships and promoting cooperation². Although not a legal document, PIROP was founded on international law. Following endorsement of the policy, a forum of stakeholders was convened in 2004 to gather information relating to implementation needs of the policy. This Pacific Island Regional Ocean Forum (PIROF) culminated in an implementation framework³ that outlined integrated strategic actions to be carried out in order to facilitate achievement of the guiding principles of the PIROP. The progress of the PIROP and PIROF-ISA has since faltered, with very little action and feedback recorded since almost immediately after PIROF. It has been suggested that barriers to improving regional ocean governance stem from a number of areas – lack of political will, the absence of integrated decision-making processes, limitations in available expertise and institutional capacity, shortages in accessible financial resources and the influence of other external factors⁴.

Another factor that may have contributed the shift in priority across the region was the endorsement of an overarching regional development plan in 2005 by Pacific Islands Forum (PIF) leaders, called The Pacific Plan. The Pacific Plan is centred on four strategic objectives: economic growth, sustainable development, good governance, and security⁵. The concept of ‘regionalism’ is promoted in the Plan as a facilitative tool for prosperity, prescribing the establishment of dialogues and processes between governments, pooling national resources at the regional level, as well as regional integration facilitating market access between PICTs. Through regionalism, the Pacific Plan suggests, the four strategic objectives will be enhanced and stimulated to the benefit of the region and its people. The Pacific Plan does not directly reference the PIROP, but consideration of the implementation priorities emanating from the sustainable development and good governance goals of the Plan - developing national and regional management measures for sustainable development and management of fisheries, and

² Pacific Islands Regional Ocean Policy

(http://www.spc.int/piocean/forum/Info%20papers/5%20Ocean%20Policy%20_plain%20text_.pdf)

³ Pacific Island Regional Ocean Framework for Integrated Strategic Action (PIROF-ISA)

⁴ Manoa, P. and Veitayaki, J. 2009. *Regional Ocean Governance in the Pacific Revisited*. Ocean Yearbook Vol. 23. pp 503-520.

⁵ The Pacific Plan (http://forumsec.org/UserFiles/File/Pacific_Plan_Nov_2007_version.pdf)

enhancement of resource management governance mechanisms – reveals a connection to the PIROP initiatives. In theory, the Pacific Plan should not usurp the importance of the PIROP but, instead, underscore it.

A. Overview of current political, legal, and operational measures of ocean governance

Information provided in the next two sections is presented in relation to Appendix 1, which is a table showing key agencies involved in ocean governance in the South Pacific region – the Pacific Regional Environment Programme⁶ (SPREP), Secretariat to the Pacific Community⁷ (SPC), Pacific Island Applied Geoscience Commission⁸ (SOPAC), Forum Fisheries Agency⁹ (FFA), the Western and Central Pacific Fisheries Commission¹⁰ (WCPFC), and the Pacific Islands Forum Secretariat¹¹ (PIFS). The mandate, political directives, regional instruments, and implementation activities of each organisation was reviewed according to applicable sectors of ocean governance, thus providing a tabular representation of the ocean governance situation at the regional level. Although information was derived from as many sources as possible – regional agreements and arrangements, strategic and corporate plans of action for individual organisations and programmes, etc - the table in Appendix 1 is not meant to be interpreted as an exhaustive point of reference for ocean governance in the in the South Pacific region.

i. *Living Resources*

The importance of fisheries management and development in the South Pacific is highlighted in the implementation priorities of the Pacific Plan under the pillar of economic growth, where the

⁶ SPREP is responsible for managing environment protection and conservation in the region.

⁷ SPC provides policy advice, training and research services to PICTs in the areas of health, human development, agriculture, forestry and fisheries.

⁸ SOPAC is engaged in marine mapping, geosciences, hazards and environmental vulnerability, oceanography, energy, water and sanitation, and communication and information technologies activities in the region.

⁹ FFA assists member countries in controlling, managing, and developing tuna fisheries through regional solidarity.

¹⁰ WCPFC draws on provisions of international Agreements while reflecting on the socio-economic, cultural, geographical, and environmental characteristics of its member countries.

¹¹ PIFS is the primary political and economic organisation in the region.

development of an ecosystem-based fishery management framework is called for to maximise sustainable returns from those resources¹². This acknowledgment from Pacific leaders of the region's dependence on fisheries resources for economic benefit has been reflected in the development of a number of fisheries access agreements between PICTs, and with development partners. The management and implementation aspects of agreements such as the FSM Arrangement¹³, the Nauru Arrangement¹⁴, the Niue treaty¹⁵, the Palau Arrangement for the Management of Purse Seine Fishery in the Western Central Pacific, and the Multilateral Treaty on Fisheries Between Certain Governments of the Pacific Island States and the Government of the United States of America (a.k.a., the US Treaty) are carried out under the mandate of the FFA, which works with the relevant member States to ensure provision of the political arrangements are maintained. Legal instruments that regulate fisheries management include the Conservation Measure to Establish a List of Vessels Presumed to Have Carried Out Illegal, Unreported and Unregulated Fishing Activities in the Western Central Pacific Ocean, and The WCPFC Record of Fishing Vessels and Authorisations to Fish on the High Seas in the Convention Area. WCPFC implements more regulatory tools such as the Monitoring, Control and Surveillance (MCS) Scheme¹⁶, an enforcement and compliance programme that includes the WCPFC Record of Fishing Vessels, and the WCPFC Temporary Register of Fish Carriers and bunkers.

Specific programmes and activities relating to fisheries management at the regional level are primarily the domain of SPC¹⁷ and FFA¹⁸. The SPC is engaged in the management of subsistence fisheries resources in the region, implementing a Coastal Fisheries Programme where subsistence and coastal fisheries are managed through a range of community-based initiatives that work in tandem with national management plans for fisheries management. The implementation of

¹² See n. 5 above.

¹³ Relating to access by domestic vessels of the Parties to the Nauru Agreement (PNA) to fishing resources of other parties;

¹⁴ Sub-regional agreement on the terms and conditions for tuna purse seine fishing licenses;

¹⁵ Cooperation between FFA member countries regarding Monitoring, Control and Surveillance (MCS) in the region

¹⁶ For more information: <http://www.wcpfc.int/mcs-scheme>

¹⁷ SPC Division of Fisheries, Aquaculture and Marine Ecosystems (FAME).2009. *Strategic Plan 2010-2013* (draft). Secretariat to the Pacific Community.

¹⁸ For more information: <http://www.ffa.int/about>

coastal living marine resource assessments falls within the objectives of this programme, and serves to assist member countries in developing national management plans. From a more corporate perspective of fisheries management, the SPC-CFP provides support for industry bodies and fisheries associations that promote the interests of the private sector, as well as supporting subsistence, artisanal, and sport fishing activities. In managing commercial fisheries, SPC–OFP is engaged in a joint Pacific Tuna Tagging Project with WCPFC, providing scientific support for the management of fisheries of tuna and associated species, with the focus on stock assessment and modelling. Fisheries data and statistics is a vital component of fisheries management that is often found lacking in countries around the region. The SPC-OFP works together with member countries to improve data monitoring services for tuna fisheries, developing national databases and building Observer programmes (in collaboration with the FFA) to counter IUU. Taking a holistic approach, the programme also focuses on improving understanding of the ocean ecosystem that supports the region’s tuna fisheries.

FFA, the organisation tasked with managing and developing the region’s tuna fisheries, is promoting an Ecosystem Approach to Fisheries Management (EAFM) to implement assessments and reports for its 17 member countries. Other activities implemented by FFA include coordinating sub-regional workshops and preparatory meetings to the WCPFC Scientific Committee and Technical Committee meetings and Forum Fisheries Committee (FFC) meetings. Fisheries development is an important component of living marine resources ocean governance. The economic needs of PICTs are such that revenue generated from access agreements and commercial fishing activities comprise substantial proportions of national budgets. As such, there is a need to enhance fisheries in the Pacific to garner profitable earnings for the country, while at the same time ensuring that developments in fishing technology are implemented in a sustainable manner. PIFs leaders have demonstrated an understanding of the balance between exploitation and sustainable development by encouraging effective fisheries development, including value-adding activities. The organisation tasked with implementing such fisheries development-related directives from PIFs leaders, the FFA, has developed the Tuna Fisheries in the Pacific ACP countries project (DevFISH) to facilitate policy changes at the national level to enable growth and profit in the industry. As a further tool for fisheries development, the FFA

provides its member countries with trade and industry advice regarding international policy and economic cooperation frameworks. The SPC focus in relation to fisheries development is promotion of fuel efficiency efforts in fishing and processing.

Aquaculture as a living resources component of ocean governance falls within the mandate of the SPC Coastal Fisheries Programme. As more and more pressure is placed on capture fisheries resources, the need to develop alternative sources of fish for food security, as well as for income generation grows. Through activities outlined in the Aquaculture Action Plan 2007, SPC identifies potential aquaculture benefits in the region, as an alternative to heavily-depleted capture fisheries resources. The focal area of the Plan is commodity-development, with an eye to improve food security for the growing Pacific population. Working in collaboration and consultation with stakeholders across the region, SPC's Aquaculture section has classified commodities for prioritisation and, for each commodity, specifies objectives, strategies and actions for its development¹⁹. Also included in the Plan are cross-cutting issues for which SPC and its aquaculture development partners provide services for as further support during the commodity-development process. These services²⁰ include:

- Strengthening information networks;
- Training stakeholders and personnel in technical aspects of aquaculture development, such as hatchery and farm management, disease control, and postharvest safety procedures;
- Facilitating access to grant proposals for prioritised research, and promoting publication of research results to enhance information-sharing amongst researchers in the region;
- Developing regional guidelines and codes of conduct for biosecurity measures so as to protect the Pacific's comparative advantage, in relation to pests and diseases, over other countries involved in aquaculture development;

¹⁹ Secretariat of the Pacific Community (SPC). 2007. SPC Aquaculture Action Plan 2007. Secretariat of the Pacific Community. Noumea, New Caledonia.

²⁰ *Id.*, no. 19, above

- Developing strategies based on cost-benefit analyses of climate change impacts on aquaculture;
- Promoting Pacific products to the world; and
- Assisting States in the development of national aquaculture plans, policies, and legislation, in accordance with international standards and international commitments.

ii. *Non-living Resources*

The category of non-living resources in ocean governance is broken down into maritime boundary delimitation, energy, and natural resources. The research and development of non-living marine resources in the South Pacific region is managed through SOPAC's Ocean and Islands programme. This integrated programme deals with issues relating to seabed resources, ocean processes monitoring, as well as the ocean-governance elements mentioned above. It uses an ecosystem-based approach that focuses on the physical and chemical attributes of ecosystems and their non-living resources assessment²¹.

Under the Ocean and Islands programme, SOPAC manages the Pacific Islands Regional Maritime Boundaries Project (PIRMBP) which assists Pacific Island countries in completing the determination of baselines for defining their territorial and archipelagic seas. The project focuses on developing datasets that facilitate definition of the legal and administrative offshore limits for member countries in accordance with the UN Convention on Law of the Sea (UNCLOS). There is also a capacity-building component to the project, whereby nationals are trained to carry out the assessments for their own countries, along with the implementation of regional training courses on Article 76 of UNCLOS pertaining to the Delineation of the Outer limits of the Continental Shelf and the preparation of submissions to the Commission on the Limits of the Continental Shelf. The workshops were held jointly with the UN Division of Ocean Affairs and Law of the Sea (DOALOS) and the Commonwealth Secretariat. As a result, and further consultation, eight countries have lodged submissions for extension of the continental shelf in

²¹ For more information: <http://www.sopac.org/Ocean+and+Islands>

their EEZ. SOPAC is further tasked with developing and making available to its member countries the use of the Pacific Islands Regional Maritime Boundaries Information System (PIRMBIS) to assist in further agreement and ratification of provisions of UNCLOS. SPC is also playing a role in maritime boundary delimitation through the development of a new model to improve spatial resolution for EEZs in the region.

The energy component of ocean governance within the region is a growing area of interest and concern, following on from recent progress over the bulk petroleum procurement scheme discussed by PIFS leaders²². Within the SOPAC's Community Lifelines programme is the energy section, which aims to assist member countries in securing a sustainable and efficient energy supply. Guidelines for the section's activities are set out in the regional Pacific Islands Energy Policy and Plan. The work that is being conducted by SOPAC with regards to energy ranges from renewable energy research to biofuel production.

Natural resources management, in the context of non-living resources, falls within the boundaries of the SOPAC Ocean and Islands programme. Activities implemented under the scope of the programme includes coast to ocean spatial surveys for coastal management and development, mineral and aggregate assessments, assisting in national ocean policy development and implementation of relevant elements of the Integrated Strategic Framework of PIROP, and providing support for the management of ocean management of coastal state EEZs²³.

iii. *Environment protection*

As the primary organisation dealing with environment protection in the region, SPREP plays a leading role in the development and implementation of ecosystem protection initiatives for PICTs. Guided by the undertakings of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (a.k.a., the SPREP Convention) and

²² Pacific Islands Forum Secretariat. 2009. *Forum Communiqué*. Annex D. Fortieth Pacific Islands Forum, Cairns Australia. PIFS(09)12

²³ For more information: <http://www.sopac.org/Natural+Resource+Governance>

related Protocols, the SPREP implements two programmes: the Island Ecosystems programme, and the Pacific Futures programme. The former addresses ecosystem protection through community-based management, while the Pacific Futures programme works with member countries to manage multilateral environmental agreements and regional coordination.

SOPAC, with the mandate to provide member countries with services to promote sustainable development, is involved in ecosystem protection through its Community Risk Programme. The programme provides effective regional support for natural disaster risk management through coordination and partnership collaboration. Contributions to implementation of the Regional Disaster Risk Reduction and Disaster Management Framework for Action 2005-2015 are made by the strengthening of support in disaster management in the region. The approach to disaster risk management taken on by the programme promotes an integrated approach to facilitate good governance at the national level, while strengthening the foundations of the Strategy at the regional level.

The threat of biosecurity risk in the region is a real and worrying issue for vulnerable States with limited resources and expertise to combat a marine invasive species incident individually. Collectively, however, the region has endorsed the Regional Strategy on Shipping-related Invasive Marine Pests in the Pacific (SRIMP-PAC) which was developed under PACPOL, the Pacific Ocean Pollution Prevention programme implemented by the waste management and pollution control component of the SPREP Pacific Futures programme. Implementation of activities within the Strategy is coordinated under PACPOL implementation.

iv. Science and technology

Science and technology in ocean governance is an area where most PICTs have limited expertise and resources available at the national level. Thus, the SOPAC mandate to provide such services to member countries allows for progress in marine scientific research to take place in areas where national resources are limited. From an operational perspective, SOPAC implements long-

term monitoring systems for the region through projects and programmes such as the South Pacific Sea Level and Climate Monitoring Project, and the Pacific Islands Global Ocean Observing System (PIGOOS). The area of data collection, vital in the development of coastal management solutions, also falls within the operational mandate of SOPAC's Ocean and Islands Programme. Directly related to the undertakings of UNCLOS, SOPAC coordinates technical and policy advice in support of relevant parts of the international instrument pertaining to marine scientific research, technology transfer and mineral prospecting exploration and exploitation.

v. Shipping

The shipping component of ocean governance in the region - comprising maritime transport, marine pollution and maritime safety and security – is implemented somewhat differently from the previous components discussed above. Shipping and maritime issues are stringently regulated by international conventions and arrangements, which are often directly translated to national policies and regulations with little modification and adaptation at the regional level. The regional organisations that are involved in regulating the various components of shipping in the region are SPREP and SPC.

Marine pollution is monitored under the Pacific Ocean Pollution Programme (PACPOL), which is implemented by SPREP so as to assist member States in meeting their legal obligations under IMO obligations. The programme deals with marine spills management, ships waste management, and port operations. Policies associated with this component of shipping include the Pacific Islands Regional Marine Spills Contingency Plan (a.k.a, PACPLAN), the Regional Marine Spill Equipment Strategy, and Environmental Management Guidelines for Pacific Island Ports. With regards to ships waste management, activities implemented by SPREP include reviewing member countries' capabilities to meet obligations under MARPOL 73/78, while port operations activities relate ship waste management recommendations to port activities. The Association of Pacific Ports' Environment Accord calls for the implementation of Environmental Management Guidelines and model Port Marine Spill Contingency Plans.

While SPREP administers marine pollution management programmes in the region, SPC's Regional Maritime Programme (SPC-RMP) coordinates marine transport management for PICTs. Through this Programme, the organisation provides services and policy advice relating to shipping management and operation, as well as promoting efficiency of shipping services, particularly in Smaller Island States (SIS). Regional maritime capacity-building is also a focal area of the RMP: marine surveys and audits, maritime information systems, maritime law, port and security, maritime administration, port operations and supply chain logistics are all activities implemented so as to improve shipping management within the region.

Managing maritime transport in the region is no small undertaking, and the RMP is also tasked with promoting a bulk fuel purchasing scheme to its members. The remote, and relatively isolated, locations of member States facilitate the need for such a scheme within the region so as to generate savings on shipping costs. The PIFS monitors progress of the bulk fuel purchasing scheme through the activities and reports of the RMP, as well as from meetings and consultations with the relevant Ministers from member States. Intermittent shipping services to SIS is an area of concern, particularly with the potential for monopoly markets to develop in States with small economies and limited access to shipping services. As such, the RMP works with member States in utilising feeder shipping services for transshipments of passengers and cargo so as to maintain effective and economical transfer cargo transfers. The convenience of feeder shipping services is also capitalised on by RMP to improve shipping services to SIS, as an avenue for ship repair facilities for the greater region, and increased employment of seafarers from member States. Still working with SIS, the RMP works to boost trade from those States by determining ports where incoming and outgoing cargo can be collected and deposited, thus promoting more efficient and economical shipping services, amongst other activities. In accordance with the focus of the Pacific Plan, RMP coordinates cooperative efforts within and between regional maritime associations to improve the business excellence framework, while garnering sufficient competition between shipping services so as to avoid the development of a monopoly on services to parts of the region. WCPFC and FFA regulate fishing vessels through VMS, CMS and the Observer Programmes, working alongside enforcement agencies in individual countries.

The importance of maritime safety and security has escalated in recent years and, although not as directly exposed to incidences of violence, the Pacific region has had to adjust its maritime safety and security programmes to fulfil new requirements from international instruments. SPC's Regional Maritime Programme, in accordance with requirements from international organisations and instruments, conducts safety and security audits with the Pacific Islands Maritime Association (PacMA) to ensure adherence by member States. Further efforts to make certain that member States are keeping abreast of the ever-growing requirements for port and maritime security measures include regular dissemination, by RMP, of security modules developed by in accordance with international maritime security standards. The RMP also monitors State compliance with such standards by working with the US Coast Guard (USCG) in a cooperative effort, particularly in relation to the USCG's International Port Security programme.

B. Analysis of the effectiveness of current measures at the regional level

i. Overlaps, gaps and conflicting areas of policy implementation

In general, the mandates of the most regional organisations reviewed here are relatively clear, the exception being SOPAC. This could be attributed to the broad-spectrum mandate²⁴ under which the organisation was created, compounded by subsequent expansions in its operational mandate. However, as SOPAC became more engaged in a diverse range of areas of regional governance, overlaps and conflicts with already-established mandates of other regional organisations gave Pacific Island leaders cause to call for a reform of current regional institutional frameworks. This process has been completed, with the result being that SOPAC programmes and services will be rationalised into SPC and SPREP as of January 2010²⁵. As part of a commitment by PIF leaders to strengthen SPREP as the region's lead environmental agency, the environmental aspects of SOPAC programmes will be absorbed by SPREP, specifically: the Pacific Islands Global Ocean Observing System, the Islands Climate Update, the Climate and Meteorological Database, and the component of the energy sector relating to monitoring and evaluation of greenhouse gases and the clean development mechanism (CDM)²⁶. SOPAC's regional energy programme will be rationalized into activities and programmes of SPC, culminating in the creation of a Geosciences Division within SPC²⁷.

With regards to the living resources aspect of regional ocean governance, the coordination of activities and programmes between FFA and the SPC Offshore Fisheries Programme works well to produce comprehensive information and data that stand PICTs in better stead at WCPFC Technical Committee meetings. Although the two organisations – FFA and SPC - ran the risk of implementing activities that overlapped in mandate and purpose, communication and cooperation between all three fisheries-oriented programmes has bypassed potential conflicts and overlaps. However, there may come a time in the future when such arrangements no longer work, in which case periodic reviews of the relevance and effectiveness of the inter-

²⁴ Provide services to promote sustainable development in the countries SOPAC serves.

²⁵ *Id.*, n 22.

²⁶ *Id.*, n 17.

²⁷ *Id.*, n 17.

organisational cooperation should be conducted to so as to avoid the situation that SOPAC is now faced with.

As a whole, regional organisations are implementing programmes dealing with aspects of ocean governance and, generally, are successful in managing their mandated areas. However, this bits-and-pieces approach to regional ocean governance acts as a major obstacle to achieving the purpose and objective for which PIROP and the PIROF-ISA were developed: Improving understanding of ocean governance in the region. One reason why fragmented ocean governance in the region still persists despite the clear objectives and strategic actions set out in PIROP and PIROF-ISA is that no one organisation has taken the lead role in ensuring that the initiatives are implemented at the regional and national levels. During the course of researching the progress of PIROP and PIROF-ISA, it became apparent the individual organisations would only own to parts of PIROP that fit into their already-established programmes and mandates. While this still yields positive results at a sector-by-sector level, the lack of leadership in coordinating information dissemination has attributed to the lukewarm reception at the regional level, and the almost complete failure to implement PIROP's strategic actions at the national level. The absence of an integrated approach to implementing the much-touted regional ocean policy does not bode well for the translation of regional commitments into national policies and programmes.

ii. Future directions

It appears that despite the best efforts to create an ocean policy that is integrated in the implementation of its framework, ocean governance at the regional level is still very much tackled from a sectoral approach. Prior to the endorsement of PIROP, the need for an integrated approach in ocean policy development at both the regional and national levels was emphasised²⁸. That although echoed by leaders and regional organisations during the PIROF-ISA development process, practical experience has now shown that commitments made to the regional policy and

²⁸ Tuqiri, S. 2001. *Overview of an Ocean Policy for the Pacific Islands*. Council of Regional Organisations in the Pacific, Marine Sector Working Group.

framework for strategic action does not necessarily translate into policy at the national level²⁹. Five years have passed since PIF leaders signed off on the regional ocean framework for integrated strategic actions with no follow-through on the initiatives set out in the document³⁰. Before steps can be taken to remedy the ongoing situation of fragmented and ineffective ocean governance programmes at the regional and national levels, an assessment needs to be made to determine the level of commitment that governments are willing to make towards applying the regional policy and its action framework in the future.

The lesson learnt from the inaction of the past 5-years is that PICTs suffer from a lack in political will to implement programmes that may conflict sectors that support national economic growth³¹, which is understandable as most countries in the region are developing nations with aspirations for economic progress and development. For the most part, the groundwork for an integrated approach to ocean governance in the region was laid out in the initiatives and strategic actions of PIROF-ISA. PIF leaders and heads of administrations should re-visit the purpose, objectives, and actions with a view to revising the policy and strategic framework to reflect current development directions in the region. The future success of a regional ocean policy hinges on the implementation of an integrated approach to ocean governance, both at the regional and national level.

Amidst the process of rationalisation of SOPAC mandates and failure of PIROP to translate into national plans promoting ocean governance, an international NGO operating in the region is taking the lead in addressing threats to the Pacific Ocean through the development of another programme of ocean governance. IUCN-Oceania launched the Pacific Ocean 2020 Challenge³² in early 2009, to address environmental threats to the Pacific Ocean and the resulting socio-

²⁹ *Id.*, n 4.

³⁰ Marine Sector Working Group. 2004. *Pacific Islands Regional Ocean Framework for Integrated Strategic Action*. Council of Regional Organisations in the Pacific.

³¹ *Id.*, n 4

³² For more information go to:

<http://www.iucn.org/about/union/secretariat/offices/oceania/oro_programmes/oro_initiatives_pac2020/oro_pac_2020.cfm>

economic impacts on communities in the region. Where there was little done by way of raising awareness in the region regarding the PIROP and PIROF-ISA, the Pacific Ocean 2020 Challenge will work towards region-wide awareness of the threats to the Pacific Ocean by reporting on the cost of inaction in coastal and ocean resource management. A consensus statement³³ has been signed and issued by The awareness campaign intends to culminate in the development of the Pacific Ocean 2020 Strategy, identifying key strategies and time-bound targets for the region and its partners. To counter what has been cited as a major obstacle to implementation of PIROP at the national level³⁴, i.e., the lack of available funding for assistance in national implementation, IUCN-Oceania is proposing to establish a Trust to which communities in the region will have access to assist in implementing activities to address recent negative trends³⁵. Furthermore, to ensure that regional and national commitments and communication is ongoing, the Pacific Ocean 2020 Challenge will convene biennial summits to promote awareness and information-sharing towards the goals of successfully achieving its objectives³⁶. Most recently in the implementation of the Pacific Ocean 2020 Challenge work plan, PIF leaders have been approached to give their support of the new initiative. The success of the Challenge will be achieved if its proponents can avoid the obstacles and setbacks that PIROP and its strategic action framework encountered.

³³ Ecosystems and People of the Pacific Ocean - Threats and Opportunities for Action: A Scientific Consensus Statement, online at <http://www.centerforoceansolutions.org/data/consensus_statement.pdf>

³⁴ *Id.*, n 4

³⁵ *Id.*, n 33, above

³⁶ *Id.*, n 33, above

PART II: IMPLEMENTING REGIONAL OCEAN GOVERNANCE MEASURES AT THE NATIONAL LEVEL IN SAMOA



Figure 2: Map of Samoa

Source: www.lib.utexas.edu/maps/samoa.html (in: Strategy for the Development of Samoa 2008-2012)

General Background on Samoa

The Independent State of Samoa, formerly Western Samoa, is an islands State in the South Pacific. Part of the Samoan archipelago which includes the US territory of American Samoa, the islands associated with Samoa consists of two main islands, Upolu and Savaii and seven smaller islands. Only two of the smaller islands are inhabited. The islands are volcanic, comprising of mountain ranges and sloping fertile land nearing the coast. The vast majority of Samoa's coastline remains intact, untouched and un-developed. Geographically, Samoa occupies a relatively small area of the Pacific Ocean, between 13°25'S – 14°05'S and 171°23'W – 142°48'W. Total land area is estimated to be around 2,820 km², with a coastline measuring roughly 403 km. Samoa has the smallest recorded Exclusive Economic Zone in the Pacific region, estimated at 98,500 km².

Fringing reefs surround most of the islands, with few barrier reefs on the more exposed parts of the coastline. There have been close to 1000 species of fish identified in Samoan waters, as well as more than 200 coral species. Mangroves are not predominant, although some mangrove forests have been dated at more than 100 years old. Parts of the coastline have been modified over the years through a number of projects and developments, some which have gone unchecked, thus threatening vital inshore ecosystems. Growing concern over the impacts of development on the environment has prompted the introduction of procedures to regulate development to protect and preserve these beautiful natural ecosystems.

Samoans are Polynesian in origin and, as with other Polynesian cultures, have strong traditional ties with the surrounding ocean. Aspects of '*faa-Samoa*', or the '*Samoa way*', are practised throughout the country and, although more strongly asserted in rural villages, permeate through daily interactions between locals. The strong cultural self-awareness displayed by Samoans is a point of attraction in the tourism industry, with tourists being drawn to home-stay styled accommodations that enable them to sample village activities.

Population estimates put current population at 186, 640 (2007), with a population growth rate that has tripled in the past twenty-five years to reach 1.29% per annum, estimated in 2007. Population growth and movement has seen population density rise to 65 people/km² in 2004, of which 20% of the population residing in and around Apia, the country's capital and main urban centre. Samoa's per capita Gross Domestic Product (GDP) figures in 2006 was estimated at WST6,969 (USD2,543), with overall GDP for the country estimated to be WST1,248.7 million (USD455.7 million). It was estimated that between 1990 and 2003 that 20% of the country's GDP comprised of remittances, and this high contribution from overseas sources (primarily family members) still continues. The primary sector (agriculture, fisheries, etc) made up 11.4% of the GDP in 2006, an improvement from previous years, indicative of the recovery of the taro export industry since the 'taro leaf blight' devastated crops and export potential in the 1990s. The Human Development Index (HDI) for Samoa was 0.778 in 2004, thus ranking the country at 75th out of 177 countries in the medium human development group. This has implications for future development, with Samoa scheduled for removal from the Least Developed Countries (LDC) list in 2010. An appeal for reconsideration has been presented to the United Nations.

Samoa gained independence from New Zealand on 1st January 1962, and the government operates as a Parliamentary democracy. The legislative assembly comprises 49 members of parliament who, the Prime Minister, and the Speaker of the House. Members of parliament are elected every five years, with 47 Members being 'matai' (chiefly titleholders) and 2 members elected as independents. Village law and governance falls under the authority of the Village 'Fono' (village council), which was recognised and empowered to also oversee health and social issues within their respective villages by the Village Fono Act 1990.

The legal administrative system in Samoa, as with many Commonwealth countries, follows the Westminster model, based on the English system. The judiciary system consists of four courts – the Supreme Court, the Magistrate's Court, the Lands and Titles Court, and the Court of Appeals. The Court of Appeals sits once a year, presided over by judges from overseas. Matters

relating to customary land ownership and ‘matai’ (chiefly) titles are dealt with in the Lands and Titles Court. The Supreme Court takes care of maritime issues, and has jurisdiction over the Maritime Zones Act 1999. There have been several legislative reforms in Samoa over the last decade, facilitating the modernisation of legal arrangements in areas including fisheries, ports and harbours, and water resources management, amongst others. Policy development, however, has always been the responsibility of the relevant Ministry but in the ensuing legislative reform process, the Office of the Attorney General has the responsibility of drafting legislation to be submitted to Cabinet. The Head of State gives the final approval before a Bill becomes law.

Ocean governance in Samoa, as with other Pacific Islands countries, is overseen by a number of government Ministries and Agencies, each administering legislation and policies relevant to their mandate. The over-arching national policy that touches on ocean governance, currently in place, is the Strategy for the Development of Samoa (SDS) 2008 – 2012³⁷. The product of an extensive consultation process between government and its stakeholders, the SDS falls under the mandate of the Ministry of Finance (MOF) within its role as the agency responsible for developing economic strategies and plans³⁸ for the country, and represents a cycle of policy advice and feedback.

A. Aspects of ocean governance as implemented by Government Agencies

Appendix 2 is a tabular representation of the key agencies involved in ocean governance in Samoa – Ministry of Natural Resources and Environment (MNRE), Ministry of Agriculture and Fisheries (MAF), Ministry of Works, Transport and Infrastructure (MWTI), Ministry of Foreign Affairs and Trade (MFAT), Ministry of Finance (MOF) and the Samoa Ports Authority (SPA) – and the political directives, legislation, and activities each of the Ministry’s operates under in relation to the component(s) of ocean governance that falls under its mandate. In order to populate the table a review of national legislation pertaining to ocean governance was carried out to ascertain roles and responsibilities ascribed to the various agencies, followed by that of

³⁷ Ministry of Finance. 2008. *Strategy for the development of Samoa 2008-2012*. Government of Samoa.

³⁸ Ministry of Finance website (<http://www.mof.gov.ws/publish/aboutmof.shtml>)

national policies, strategies and plans of actions that had be produced to address issues in specific sectors of ocean governance. Finally, the list of ocean governance-related activities implemented by the relevant agencies was determined from agency corporate and actions plans. As with the table in Appendix 1 for regional organisations, Appendix 2 is presented here as a guideline to the ocean governance in Samoa and is not meant to be interpreted as an exhaustive point of reference for ocean governance in the country.

This section summarises and highlights relevant sections of the table, and key points of interaction between the different agencies in fulfilling their mandates. The following section presents an analysis of ocean governance in Samoa, touching on gaps, overlaps and conflicts that have surfaced as a result of the country's current approach. Suggestions for resolving or minimising such barriers to effective ocean governance are also made.

i. *Living Resources:*

The management and development of marine resources, fisheries resources in particular, is prioritised in Samoa as in other PICTs. Traditional and cultural ties to ocean resources – historically as a source of nutrition, more recently for economic benefit – stems from the limited availability of terrestrial resources in the region. PICTs attitudes towards resource management have been guided by a sense of stewardship over the ocean and coastal resources, and programmes developed around this concept have seen relative success in Samoa through the Fisheries Division's Community-based Fisheries Management programme.

The groundwork for management and development of fisheries and aquaculture in Samoa is laid out in the Strategy for Development of Samoa (SDS) 2008-2012. The Ministry of Foreign Affairs and Trade (MFAT) is the liaison between international and regional platforms and the

government of Samoa³⁹, providing policy advice and guiding its decision-making processes in the management and development of the country's fishery resources.

Implementation of regional and international initiatives at the national level relating to fisheries management, fisheries development and aquaculture falls primarily within the mandate of the Fisheries Division of the Ministry of Agriculture and Fisheries (MAF). As the Ministry primarily tasked to provide, *inter alia*, regulatory and technical advice to stakeholders so as to effectively manage and use potential fisheries resources for food security, income generation, commercial developments and sustainable management, MAF (through its Fisheries Division) is the driver of management and development activities for fisheries and aquaculture. The Division's strategic objectives include providing advisory services as well as carrying out research and monitoring activities with a view to encourage and promote community involvement in inshore fisheries, aquaculture, private sector investment in commercial fisheries, and adoption of sustainable fisheries practices⁴⁰.

Activities relating to fisheries management and development range from community-based fisheries management to monitoring and compliance exercises to combat Illegal, Unregulated and Unreported (IUU) fishing within Samoa's EEZ in collaboration with the Police Maritime Unit, from conducting resources and stock assessments for both coastal and offshore fisheries to collaborating with the Cabinet-sanctioned Commercial Fisheries Management and Advisory Committee (CFMAC) to address issues pertaining to commercial fisheries development and sustainability. Aquaculture and mariculture activities include exploring the possibility of developing alternative fishery resources supplement to over-exploited inshore fishery resources, and stock enhancement. Legislation governing planning and implementation of this aspect of ocean governance are covered under the Fisheries Act 1988 and associated amendments, regulations and by-laws created under the provisions of the Act.

³⁹ Ministry of Foreign Affairs and Trade. 2006. *Ministry of Foreign And Trade Corporate Plan 2006-2009*. Government of Samoa.

⁴⁰ Minsitry of Agriculture and Fisheries website
(http://www.maf.gov.ws/index.php?option=com_content&view=category&id=48&Itemid=74)

ii. *Non-living Resources:*

Governance of non-living marine resources in Samoa is implemented through three government primary agencies – the Ministry of Foreign Affairs and Trade (MFAT), the Ministry of Finance (MOF), and the Ministry of Natural Resources and the Environment (MNRE). The role played by MFAT is that of providing policy advice and direction with regards to maritime boundary delimitation negotiations with neighbouring States. The Ministry is also the administering agency of legislation pertaining to maritime zones^{41, 42}. Provisions of the legislation lay out Samoa's sovereignty, and specify the areas of water to which this is applicable, over which the country exercises its rights in accordance with international law. As is the case with most countries, MFAT leads government delegations at such negotiations, ensuring that Samoa is adequately represented in international organisations and negotiations relating to, *inter alia*, maritime issues. The MFAT Corporate Plan 2006-2009 addresses the Ministry's responsibilities under the legislation and outlines activities accordingly.

The area of ocean-sourced renewable energy is largely untouched in Samoa (and much of the South Pacific) to date, attributable to limitations brought about by the lack of local technical expertise, available technology, and financial resources. The Ministry of Finance, however, has allocated an Energy Unit within its mandate. The Samoa National Energy Policy (SNEP) has been developed and implemented through the Unit, in line with priorities outlined in the SDS 2008-2012, including activities such as promoting the sustainable use of indigenous energy resources and renewable energy technologies. Another activity outlined in SNEP 2007 is the provision of electricity from proven renewable energy technologies, ensuring that environmental regulations are complied with⁴³. In Samoa this is primarily hydro-electricity, generated from a number of harnessed river sources, but the possibility of garnering electricity from wave energy is mentioned for future initiatives. Current activities of the Energy Unit in relation to the energy aspect of ocean governance, however, are limited.

⁴¹ Maritime Zones Act 1999

⁴² Maritime Zones Amendment Act 2004

⁴³ Ministry of Finance. 2007. *Samoa National Energy Policy 2007*. Government of Samoa

The Ministry of Natural Resources and Environment (MNRE) plays the leading role in implementing natural resources governance in Samoa. With regard to the non-living marine resources, the Ministry's activities are mandated by a number of national policies and legislation, and a government-sanctioned advisory committee that deals with disaster management. The emphasis on disaster management within the governance of natural resources management in the country stems from the vulnerability of coastal regions around the country. Incidentally, coastal regions are also the most populated and developed areas in the country. Therefore, the MNRE focuses its activities on areas of hydrology, watershed management, and disaster awareness. The implementation of these activities, governed by an interdisciplinary committee comprising personnel from different agencies with roles to play in natural resource management and disaster prevention and response, is largely a collaborative effort led by MNRE cooperating with other agencies.

iii. *Environment protection:*

Ecosystem protection and biosecurity activities, the environment protection aspects of ocean governance highlighted in Appendix 2, fall within the mandates of the MNRE and the MAF, respectively. With mandated responsibilities for the sustainable development and management of Samoa's natural resources and environment⁴⁴, MNRE has developed several national policies, strategies, guidelines etc addressing a variety of ecosystem management initiatives. The Lands, Surveys and Environment Act 1989 is the comprehensive primary piece of legislation that outlines the jurisdiction of the Ministry and its partners in carrying out its functions. This Act is implemented in tandem with regulations and by-laws created in accordance with its provisions, as well as that of the Planning and Urban Management Act 2004. The ecosystem protection activities relating to ocean governance implemented under the various laws, policies, and other undertakings of the MNRE are broad, ranging from marine biodiversity conservation to waste management, from climate change to sustainable development and strategic urban planning. Smaller operational roles in the area of ecosystem protection are played by MAF (promoting

⁴⁴ Ministry of Natural Resources and Environment. 2008. *Corporate Plan 2008-2011*. Government of Samoa

conservation, management and development of fisheries in Samoa) and MFAT (participation in international forums to guide Samoa's policy development and implementation relating to natural resources and ecosystem protection), along with other agencies that collaborate with MNRE on activities relevant to their own mandated functions.

Biosecurity protection is the mandated responsibility of the Quarantine Division of the MAF. Interestingly, however, the National Invasive Species Strategy and the National Biosafety Framework and Biosafety Clearing House have been developed and implemented under the MNRE, with the corresponding Invasive Species Committee also reporting to that Ministry. This may be a characteristic of the approach that was used in drafting Samoa's biosecurity legislation, whereby the Quarantine (Biosecurity) Act 2005 makes provisions for cooperation and mutual support in the effective management of the Act. Thus, using a multi-agency approach, the Quarantine Division works together with inspection agencies to protect ports of entry around Samoa against biosecurity risks.

iv. Science and technology:

The most comprehensive legislation relating to marine science and technology is the Research and Development Institute of Samoa Act 2006, which is administered by the MNRE. However, marine scientific research presents a complicated situation as the permission to authorise the implementation of marine scientific research is included in the mandate and legislation of multiple agencies – the Fisheries Act 1988⁴⁵; the Lands, Surveys and Environment Act 1989⁴⁶; Maritime Zones Act 1999⁴⁷, and the Research and Development Institute of Samoa Act 2006⁴⁸. The result of the ambiguity in authorisation and leadership is that individual agencies conduct marine scientific research that fulfils their respective mandates, with little or no collaboration and/or communication with other agencies operating in similar research activities. The ineffectiveness of this sectoral approach to governing marine scientific research and technology

⁴⁵ Fisheries Act 1988, s.10

⁴⁶ Lands, Surveys and Environment Act 1989, s.104(5)

⁴⁷ Maritime Zones Act 1994, s.21

⁴⁸ Research and Development Institute of Samoa Act 2006, s. 4(b)

is seen in the occurrence of programmes similar, if not mirrored in purpose and implementation, by different agencies. The worst case of such overlapping in implementation was the implementation of research by MNRE and the Fisheries Division of MAF in the same areas, without any information sharing or collaboration throughout the whole process. The ‘tunnel-vision’ approach to programme mandates is unnecessary at best, and wasteful of both funding and resources that could be better utilised to achieve better ocean governance and natural resource management for the country.

v. *Shipping:*

The maritime and shipping component of ocean governance in Samoa operates almost exclusively of other areas of ocean governance in the country. The Maritime Division of the Ministry of Works, Transport and Infrastructure (MWTI) and the Samoa Ports Authority (SPA) are mandated to implement laws and programmes within their specific jurisdictions – SPA operates within ports and approaches to ports, whereas MWTI’s Maritime Division operates within Samoa’s EEZ. As with other sectors of ocean governance, political directives for the development of shipping in Samoa are outlined in the SDS 2008-2012. Legislation⁴⁹ regulating maritime transport, marine pollution, and maritime safety and security is comprehensive so as to meet international maritime requirements. Similarly, activities are prescribed at international standards to avoid penalties that would affect not only the maritime interests of the country, but would have devastating consequences for trade and Samoa’s economy. Activities relating to maritime transport monitoring and management include ship registration, surveying and inspection; crew training and certification; auditing the Maritime Training Institute to standards set out in the Standards of Training, Certification and Watch-keeping (STCW); and, providing technical advice from international conventions and national maritime legislation to the shipping industry, ports, training institutions and seafarers. Within its jurisdictional limits of ports and approaches to ports, the Samoa Ports Authority regulates navigation and maintenance of navigational aids within ports, coordinates activities of and within ports and approaches, and promotes the development, use and improvement of ports around the country.

⁴⁹ Shipping Act 1998; Ports Authority Act 1998; Ports Authority Act 1998; Maritime Zones Act 1999; Shipping Amendment (Bareboat Charter) Act 2001; Ports Authority Amendment Act 2002; Marine Pollution Prevention Act 2008;

The Marine Pollution Prevention Act 2008, administered by MWTI, outlines provisions for responses to, and prevention of marine pollution incidents from vessel sources. It also makes provision for the implementation of specific international marine pollution conventions⁵⁰ in Samoa. In light of the limited resources and expertise available to be dedicated to marine pollution prevention, the Act stipulates that there be coordination and cooperation between agencies that have responsibilities relating to protection and management of the marine environment, with MWTI taking a leading role in coordinating marine pollution prevention in Samoa⁵¹.

The third element of shipping covered in Appendix 2, maritime safety and security, also falls within the mandate of the Maritime Division of MWTI. The Division is tasked with maintaining stringent international standards of maritime safety and security through implementing security assessments and audits of port facilities and ships to meet requirements set out in the International Ship and Port facility Security Code (ISPS). Flag state, coastal state, and port state duties are also implemented by of the Maritime Division.

⁵⁰ SPREP Convention and related Protocols; London Convention; MARPOL 73/78; CLC 92; HNS Convention and HNS Protocol; OPRC Convention; Fund 92; INTERVENTION Convention; Bunkers Convention; Anti-fouling Convention

⁵¹ Marine Pollution Prevention Act 2008, s. 3(6)

B. Analysis of the current ocean governance measures in Samoa

i. Overlaps, gaps and conflicting areas of policy implementation

The lead agency in matters dealing with ocean governance appears to be the Ministry of Natural Resources. However, the focus of that agency's primary piece of legislation - the Lands, Surveys, and Environment Act 1989 – is more terrestrial environmental laws rather than ocean governance. Maritime and shipping laws are clearly defined, although some overlaps between Ports Authority and Fisheries laws can be seen, and have caused operational conflicts between the two agencies.

The relevant ocean-related laws in Samoa appear to have been modified and updated periodically as issues and priorities have changed. One such example is the creation of the Quarantine (Biosecurity) Act as a result of growing concerns on the regional and international fronts. However, implementation of the Act still leaves much to be desired with regards to ocean governance. Also, the Lands, Surveys, and Environment Act has not be revised or modified since it was passed into law, an issue that affects a large part of ocean governance for the country.

Various pieces of legislation create Authorities or committees to oversee implementation and compliance with certain aspects of ocean-related laws. Many committees comprise of personnel from multiple agencies and many share similar objectives and duties. It may serve a greater purpose for ocean governance if such committees were streamlined to give a clearer sense of purpose, and may also be more effective in implementation.

The definitions of terms used in the various pieces of law differ in relation to the objective of each Act. While this is expected, this also gives rise to some confusion relating to responsibility and jurisdiction of the affected agencies and laws. If tested in court, such confusion or conflict could result in rulings that contradict or defeat the purpose of the laws in questions.

Overall, the different laws cover most aspects of ocean governance while catering to their respective objectives. However, there is no clear cohesion of the laws thus resulting in overlaps in mandates, implementation, and operation. For example, provisions for offences relating to marine pollution are covered in more than one law, as are vessel licensing powers and powers to make regulations or by-laws. Ultimately, ocean governance in Samoa would be best served by the development, and implementation, of an ocean policy that encompasses the relevant aspects of the various pieces of legislation and national policies that have been analysed here. Before such a policy can be developed, however, there are areas of overlap, areas where national policies and law do not adequately cover ocean governance, or conflict each other in their operation and implementation, and these problem areas should be resolved to allow for the development of an effective national ocean policy. The need for government and stakeholder support of a national ocean policy is also crucial.

ii. Future directions

The current situation of ocean governance in Samoa, i.e., sectoral and often ineffective in implementation, is one that can be seen in PICTs across the region, and even at the regional level amongst regional organisations. As with the regional framework for strategic action of initiatives of PIROP, current national policies and legislation in Samoa lay the backbone for the potential development of a sound national ocean policy. There is, however, much work that needs to be done before an effective national ocean policy can be implemented in Samoa. The first steps that need to be taken would be the harmonisation of national policies and legislation across relevant agencies to resolve problems of overlaps and conflicts arising from the sectoral nature of policy and legislation that has been prevalent to date. The ideal situation would be for the creation of an integrated, multi-disciplinary agency charged with the task of implementing and promoting a holistic ocean governance regime. However, there is already a strain on resources and expertise to facilitate implementation of established programmes, and it would be impractical and detrimental to the effectiveness of such programmes for resources to be diverted to another programme. A more practical approach would be to utilise the resources and expertise within the respective agencies in a collaborative and cooperative manner whereby resources and personnel

are periodically pooled to review current ocean governance-related programmes and establish a network of communication and cooperation that would serve to collectively improve ocean governance understanding and implementation in the country.

The development of a national ocean policy for Samoa need not require the creation of a separate body to ensure its effective implementation. However, there is a need for the government to be clear on its level of commitment to an integrated ocean governance policy. Agencies would be hard-pressed to fulfil the objectives of an integrated ocean policy if development and management priorities of the government lie with sectors that do not support integrated ocean governance. The involvement of stakeholders in all facets of the integrated ocean governance process is therefore vital, as government priorities would ideally reflect those of the people it serves.

General Conclusions

The Pacific region and its people are intricately tied to their surrounding ocean. As a source of food, income, trade, and even potential biosecurity risks, the region must take steps to implement more effective ocean governance regimes than have been previously put in place. At the regional level, the rationalisation of regional organisations is an important step towards streamlining activities and programmes of ocean governance so as to resolve recurring problems of overlaps and conflicts in implementing mandated activities. The harmonisation of legislation and policies at the national level is the logical first step towards improving ocean governance at the country level. There is also a need to gauge political commitment to integrated ocean governance at both the regional and national level. Obstacles that prevent effective support from governments have been highlighted, and such issues must be addressed so as to avoid a repetition of the stall in activities implementation of PIROP and its integrated strategic action framework after a comprehensive consultation process with stakeholders and development partners had been completed. The need for an integrated approach to ocean governance at both the national and regional levels cannot be stressed enough.

Diversity abounds in the Pacific region, and this is sometimes seen as a weak point in the development of an effective ocean policy. However, it should be reiterated that the strength of a national ocean policy is derived from the commitment of the country's leaders to adapt and tailor the initiatives of the regional ocean policy to suit the development and conservation needs of its country. This calls for inter-agency communication and coordination in developing an integrated policy that does not clash with the economic development priorities of the country, as experience has shown that policy development and prioritisation at the national level is often linked to sectors that benefit economic progress for the country.

There are no miracle solutions to the current problems of ocean governance in the region. Neither are the issues and suggestions made in this document new to the realm of ocean

governance in the Pacific region^{52,53,54}. However, steps are being taken at the regional level to resolve barriers to effective governance, and this should pave the way for progress in the future. Translating progress and achievements to corresponding programmes at the national levels requires commitment from government, cooperation between agencies, and involvement of stakeholders throughout the integrated policy development process. Again, an integrated approach to ocean governance is the hinging factor for an effective ocean governance policy, be it at the national or regional level.

⁵² Aldous, D.; R. Capistrano; H. Doan; L. Wilson. 2006. *Assessment of the South Pacific Islands Regional Ocean Policy*. Group Assignment for MARA 5001. Dalhousie University. Halifax, Canada.

⁵³ International Union for the Conservation of Nature Oceania Regional Office. 2009. *The Pacific Ocean 2020 Challenge: Briefing Paper*. The International Union for the Conservation of Nature Oceania Regional Office. Suva, Fiji.

⁵⁴ Id., n 3; n 4; n 33

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<http://www.spc.int/>

<http://www.sprep.org/>

<http://www.wcpfc.int/>

Appendices:

Appendix 1: Matrix of main regional organisations with ocean governance-related programmes in the Pacific region

	Pacific Regional Environment Programme (SPREP) ⁵⁵	Secretariat to the Pacific Community (SPC) ⁵⁶	Pacific Islands Applied Geosciences Commission (SOPAC) ⁵⁷	Forum Fisheries Agency (FFA) ⁵⁸	Western and Central Pacific Fisheries Commission (WCPFC) ⁵⁹	Pacific Islands Forum Secretariat (PIFS) ⁶⁰
Membership	American Samoa, Australia, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia, Guam, Kiribati, Republic of Marshall Islands, Nauru, New Caledonia, Niue, Commonwealth of Northern Mariana Islands, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, United States of America, Vanuatu, Wallis and Futuna.	American Samoa, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, Niue, Northern Marianas, Palau, Papua New Guinea, Pitcairn Island, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu, Wallis and Futuna, Australia, New Zealand, France, United States of America	<i>Members:</i> Australia, Cook Islands, Federated States of Micronesia, Fiji, Guam, Kiribati, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu <i>Associate Members:</i> American Samoa, French Polynesia, Tokelau, New Caledonia	Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu	<i>Members:</i> Australia, China, Canada, Cook Islands, European Community, Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, Vanuatu <i>Participating territories:</i> American Samoa, Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna <i>Cooperating non-members:</i> Belize, Indonesia, Senegal, Mexico, El Salvador	<i>Members:</i> Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu. <i>Associate Members:</i> New Caledonia, French Polynesia <i>Observers:</i> Tokelau, Wallis and Futuna, the Commonwealth, Asia Development Bank (ADB) <i>Special Observer:</i> Timor Leste
Description	Established by	provides technical	Provides services to	Strengthens national	Draws on provisions	The region's premier

⁵⁵ <http://www.sprep.org/>

⁵⁶ <http://www.spc.int/>

⁵⁷ <http://www.sopac.org/tiki-index.php/>

⁵⁸ <http://www.ffa.int/>

⁵⁹ <http://www.wcpfc.int/>

⁶⁰ <http://www.forumsec.org/>

	governments in the region to look after the environment	assistance, policy advice, training and research in areas of health, human development, agriculture, forestry and fisheries	promote sustainable development in the countries it serves	capacity and regional solidarity so members can control, manage and develop their tuna fisheries.	of UNFSA, while reflecting on characteristics of the WCPO (including socio-economic, geographical, and environmental)	political and economic policy organisation
Vision/Mandate	<ul style="list-style-type: none"> - Promote cooperation in the region; - Provide assistance in order to protect and improve the environment; - Ensure sustainable development for present and future generations. (SPREP's focus is to sustain the integrity of the ecosystems of the Pacific islands region to support life and livelihoods today and tomorrow) 	<ul style="list-style-type: none"> - Provide technical assistance, policy advice, training and research services to PICTs in areas such as health, human development, agriculture, forestry and fisheries. (The focus of SPC's work can and does change over time in response to evolving regional needs and collaborative arrangements with other regional organisations, taking care to match activities with available resources) 	<ul style="list-style-type: none"> - Contribute to sustainable development, reduce poverty and enhance resilience for the people of the Pacific by supporting the development of natural resources, in particular non-living resources, investigation of natural systems and the reduction of vulnerability, through applied environmental geosciences, appropriate technologies, knowledge management, technical and policy advice, human resource development and advocacy of Pacific issues. <p>(While the initial focus of SOPAC work was on marine mapping and geosciences, recent years have seen a broadening of this scope to include hazard assessment and risk management, environmental vulnerability, oceanography, energy, water and sanitation and information and communication technologies)</p>	<ul style="list-style-type: none"> - To enable Member Countries to manage, conserve and use the tuna resources in their Exclusive Economic Zones and beyond, through enhancing national capacity and strengthening regional solidarity. <p>(At the regional level, FFA solicits the views of leaders, identifies consensus areas and emerging areas for debate and briefs leaders on technical and policy issues in preparation for their participation in the decision-making body on tuna management in the region – [the Western and Central Pacific Fisheries Commission] and for negotiations about binding legal agreements [the various treaties, agreements and arrangements pertaining to fishing in Pacific])</p>	<ul style="list-style-type: none"> - Address problems in the management of high seas fisheries resulting from unregulated fishing, over-capitalization, excessive fleet capacity, vessel re-flagging to escape controls, insufficiently selective gear, unreliable databases and insufficient multilateral cooperation in respect to conservation and management of highly migratory fish stocks. 	<p><i>Guiding Principles:</i></p> <ul style="list-style-type: none"> - Address the needs and rights of the most vulnerable Members, communities and people (Special and Differential Treatment); - Embrace the cultural diversity of the region with tolerance and respect (The Pacific Way); - Strive for recognition of the region's responsibility for guardianship of the world's largest ocean (Common Heritage); - Facilitate the debate on how to position the region to meet emerging challenges both now and in the future (Foresight) - Embrace good governance and gender equality, and seek peak performance (Continuous Performance); and - Foster quality interaction with all stakeholders, both internal and external (Communication). <p><i>Goals:</i></p> <ul style="list-style-type: none"> - to stimulate economic growth and enhance political governance and security for the region, through the provision

								of policy advice; - to strengthen regional cooperation and integration through coordinating, monitoring and evaluating implementation of Leaders' decision.
Living Resources	fisheries management	Political				<ul style="list-style-type: none"> - FSM arrangement on access by domestic vessels of the Parties to the Nauru Agreement (PNA) to fishing resources of other parties; - Nauru arrangement sub-regional agreement on terms and conditions for tuna purse seine fishing licenses in the region; - Niue treaty on cooperation between FFA members regarding MCS in the region; - Palau Arrangement for the Management of Purse Seine Fishery in the Western and Central Pacific; - Multilateral Treaty on Fisheries Between Certain Governments of the Pacific Island States and the Government of the United States of America (aka US Treaty) 		
		Legal					<ul style="list-style-type: none"> - WCPFC Record of Fishing Vessels and Authorizations to Fish on the High Seas in the Convention Area - Specifications for 	

							the Marking and Identification of Fishing Vessels - Conservation Measure to Establish a List of Vessels presumed to have Carried out Illegal, Unreported and Unregulated Fishing Activities in Western Central Pacific Ocean	
		Operational		<p>Offshore Fisheries Programme (OFP) activities:</p> <ul style="list-style-type: none"> - provide scientific support for the management of fisheries of tuna and associated species, focussing on stock assessment and modelling; - provide and improve data and tuna fishery monitoring services; - improve understanding of the ocean ecosystem supporting the region's tuna fisheries; - develop national databases and build observer programmes to counter IUU fishing. <p>Coastal Fisheries Programme (CFP) activities:</p> <ul style="list-style-type: none"> - promote an appropriate mix of community-based approaches and national management plans; - assess coastal living marine resources status and use at national level for 		<p>- Ecosystem Approach to Fisheries Management (EAFM) assessments and reports for individual member countries</p> <ul style="list-style-type: none"> - coordinating subregional workshops and preparatory meetings for the WCPFC Scientific Committee and Technical Committee meetings and FFC meetings <p>- FFC Sub-Committee on South Pacific Tuna and Billfish Fisheries (SC-SPTBF) promotes cooperation amongst member countries to ensure maximum sustainable benefits from fisheries</p> <p>- regional surveillance operations (e.g., Operation Kurukuru, a coordinated maritime operation in which countries cooperated to detect activities such as IUU fishing, smuggling,</p>	<p>- Monitoring, Control and Surveillance (MCS) Scheme (including the WCPFC Record of Fishing Vessels, and WCPFC Temporary Register of Fish Carriers and bunkers);</p> <ul style="list-style-type: none"> - implement the joint research project, Pacific Tuna Tagging Project, with the SPC-OFP, PNG NFA, member countries, and participating non-member countries to improve stock assessment and management of tuna fisheries; 	- develop and implement national and regional conservation and management measures for the sustainable utilisation of fisheries resources

				member countries; - support subsistence, artisanal, sport and industrial fishing activities; - promote improved seafood quality standards and value-adding; - provide support for fishing industry bodies and fisheries associations that can promote the interests of the private sector.		and people trafficking) - FFA Observer programme - FFA Vessel Monitoring System (VMS) - Vessel Day Scheme (VDS) to constrain and reduce catches of target tuna species, and increase the rate of return from fishing activities through access fees paid by Distant Water Fishing Nations (DWFNs)		
	fisheries development	Political						
		Legal						
		Operational		- contribute to sustainability of fisheries resources by promoting efforts fuel efficiency in fishing and processing.		- Development of Tuna Fisheries in the Pacific ACP Countries Project (DEVFISH) facilitates policy changes at the national level to enable fishing industry growth and profit; - Trade & Industry advice provided to FFA members regarding international trade policy and economic cooperation frameworks, and how member countries can advance individual and collective fisheries interests in trade policy and economic partnership negotiations		- encourage effective fisheries development, including value-adding activities
	aquaculture	Political		Aquaculture Action Plan 2007				
		Legal						
		Operational						

Non-living resources	maritime boundary delimitation	Political						
		Legal						
		Operational		- develop and use a new model that improves spatial resolution to the detail of individual EEZs.	- provide technical and data and information on maritime and land boundaries; - manage the Pacific Islands Regional Maritime Boundaries Project to assist PICTs to complete the determination of baselines for defining their territorial and archipelagic seas, contiguous zones and EEZs. - develop and make available for member countries the use of the Pacific Islands Regional Maritime Boundaries Information system (PIRMBIS) so as to assist in further agreement and ratification;			
	energy	Political						
		Legal						
		Operational						
	natural resources	Political						
		Legal						
		Operational			Ocean and Islands programme: - coast to ocean spatial surveys for coastal management and development; - mineral and aggregate assessments - implement relevant elements of the Integrated Strategic Framework of PIROP; - assist in national ocean policy development and implementation support for ocean management of coastal states EEZs			

Environment Protection	ecosystem protection	Political						Pacific Climate Change Framework 2006-2013; Pacific Disaster Risk Reduction and Disaster Management: Framework for Action 2006-2015
		Legal	- Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (SPREP Convention) and related Protocols					
		Operational	- The Island Ecosystems programme will continue to engage in community-based initiatives to protect coastal and marine ecosystems, using socio-economic factors within communities to facilitate resource use and conservation and co-project management; - the Pacific Futures programme will focus on assisting member countries in managing multilateral environmental agreements and regional coordination mechanisms by promoting coordination at the national level, providing technical and legal advice to members, identifying synergies between agreements and		Community Risk Programme - provide effective regional support and coordination through partnership collaboration to strengthen natural disaster risk management practices to contribute to the successful implementation of the Regional Disaster risk Reduction and Disaster Management Framework for Action 2005 - 2015 towards building safer and more resilient communities to disaster; - promote an integrated approach to disaster risk management practices to facilitate good governance at the national government level.			

			related international processes.					
		Political						
		Legal						
		Operational	- implementation of the PACPOL-formulated Regional Strategy on Shipping Related Invasive Marine Pests in the Pacific (SRIMP-PAC)					
Science & Technology	ocean processes	Political						
		Legal						
		Operational			- manage the regional integrated ocean observing system alliance, Pacific Islands Global Ocean Observing System (PIGOOS); - implement long-term monitoring systems for physio-chemical parameters of ocean and islands ecosystems in selected areas, including the South Pacific Sea Level and Climate Monitoring Project; - provide physical oceanographic data to provide solutions for coastal management and development; - provide technical and policy coordination and advice to support relevant parts under UNCLOS for marine scientific research, technology transfer and for mineral prospecting exploration and exploitation			
Shipping	marine pollution	Political						
		Legal						

		Operational	<p>- provision of technical advice and assistance on request from member countries to address WWII Wrecks in the region;</p> <p>- Pacific Ocean Pollution Prevention Programme (PACPOL) assists member countries in addressing their obligations under IMO legal instruments (e.g., the Convention on Anti-fouling Systems, Protocol on Hazardous and Noxious Substances, Bunkers Convention, Ballast Water Convention, and the Ship Wreck Removal Convention)</p> <p>- under PACPOL, activities include:</p> <p>1. Marine Spills management, under which the Pacific Islands Regional Marine Spills Contingency Plan (PACPLAN) and the Regional Marine Spill Equipment Strategy were formulated, endorsed, and activated;</p> <p>2. Ships Waste Management, which reviewed member country capabilities to meet obligations under MARPOL 73/78, and the status of compliance with these provisions;</p>					
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			3. Port Operations, including implementing recommendations on ships waste management applicable to ports, and the formulation and implementation of Environmental Management Guidelines for Pacific Island ports and model Port Marine Spill Contingency Plans under the Association of Pacific Ports Environment Accord.					
	maritime transport	Political						
		Legal						

		Operational	<ul style="list-style-type: none"> - provide quality shipping management and operational advice to PICTs; - promote more efficient shipping services to sufficiently address shipping services of PICTs, Small Island States (SIS) in particular; - build regional maritime capacity covering: shipping management, marine surveys and audits, maritime information systems, maritime law, port and security, maritime administration, business excellence, port operations, and supply chain logistics; - implement in-country transport studies for member countries aimed at improving shipping in the region; - promote the bulk fuel purchasing scheme within the region to facilitate savings for member countries, and a positive affect on shipping costs; - maintain effective and economical transfer of cargo from port of origin to destination using feeder shipping services to tranship passengers and cargo from hub ports to neighbouring countries; - utilise feeder 					
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				<p>shipping services to SIS, PICT ship repair facilities, and increased employment of regional seafarers to improve shipping in the region.</p> <ul style="list-style-type: none"> - explore commodities used by SIS with reference to trade factors, and matching them to major ports in the area to ascertain best-suited ports for collection of consolidation of incoming and outgoing cargo or commodities - cooperate with regional maritime associations in reviewing fees and charges, and implementation of business excellence framework; - plan shipping commissions for the Eastern and Central Pacific region (modelled upon the Micronesian Shipping Commission) to promote sufficient competition between shipping services providers; - explore opportunities to maximise cargo loading on sub-regional shipping by identifying available products for regional exports. 					
	maritime safety and	Political							
		Legal							

	security	Operational		<ul style="list-style-type: none"> - conduct safety and security audits in cooperation with PacMA, to ensure adherence to regional and international maritime compliance auditing standards; - disseminate SPC security modules for training purposes; - work in cooperation with USCG to ensure PICTs remain compliant with maritime security standards, in particular the USCGs International Port Security (IPS) programme 				
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Appendix 2: Matrix of main Government Ministries with ocean governance-related programmes in Samoa

	Ministry of Natural Resources and the Environment (MNRE) ⁶¹	Ministry of Agriculture and Fisheries (MAF) ⁶²	Ministry of Works, Transport and Infrastructure (MWTI) ⁶³	Ministry of Foreign Affairs and Trade (MFAT) ⁶⁴	Ministry of Finance (MOF) ⁶⁵	Samoa Ports Authority (SPA) ⁶⁶
Vision/Mandate/Description	<p>MNRE is primarily responsible for the sustainable development and management of Samoa's natural resources and environment.</p> <p><i>Vision: "Sustainable development and management of the country's natural resources and environment to ensure improved quality of life for all Samoans."</i></p> <p><i>Mission: "To implement and utilise the principles of best practice in the sustainable management of the country's natural resources and environment in partnership with all relevant stakeholders."</i></p>	<p>MAF is the principal organisation providing regulatory and technical advice, training, and support for subsistence farmers, commercial farmers, agri-processors, and exporters to effectively manage and use the potential in agriculture and fisheries for food security, income generating opportunities, commercial development, and sustainable management of resources.</p> <p><i>Vision: Self sufficiency in food and increased income generating opportunities in farming.</i></p>	<p>Maritime Division: Assist the CEO in dealing with matters regarding Maritime Policies and regulations on national, regional and international levels. It is responsible for overseeing all maritime transportation and related activities in Samoa. The work of the Division ensures safe and secure operation of maritime actions by full compliance with IMO conventions, protocols, codes, standards and recommended practices.</p> <p><i>Vision:</i> to be internationally recognised as a regional leader in benchmarking safety and security of transport and infrastructure</p>	<p>MFAT is entrusted with the administration and conduct of Samoa's relations, foreign affairs and trade relations with other nations, and is committed to managing Samoa's international relations to promote Samoa's national interest and achieve most benefits for Samoa in relation to the Government's economic, trade and security objectives. The Ministry records, facilitates and advises on Samoa's accession and ratification of treaties, conventions and agreements. It also carries out depository functions for various regional and international agreements, as required under</p>	<p><i>Vision:</i> The Ministry of Finance to maintain its leading role in sustaining a financially sound, socially stable and vibrant economy.</p> <p><i>Mission:</i> To strengthen best practice in sound financial and macroeconomic management and delivery of services.</p>	

⁶¹ <http://www.mnre.gov.ws>

⁶² <http://www.maf.gov.ws>

⁶³ <http://www.mwti.gov.ws/>

⁶⁴ www.mfat.gov.ws/

⁶⁵ www.mof.gov.ws/

⁶⁶ www.spasamoa.ws

					<p>regimes.</p> <p><u>Mission:</u> To promote, regulate and monitor transport and infrastructure legislation and policies to ensure safe, secure and viable transportation modes and infrastructure assets in Samoa.</p> <p><u>Goal:</u> Navigating a sea of change through ensuring safety and security of all maritime transportation and cleaner seas.</p>	<p>international law.</p> <p><u>Vision:</u> For Samoa to be recognised as a regional leader and an active participant in global decision making and to improve trade prospects and opportunities for Samoa.</p> <p><u>Mission:</u> To initiate and continue to provide high quality and professional policy advice to Government on the management of Samoa's foreign and trade relations.</p>		
Living Resources	fisheries management	Political		<p>Tuna Management and Development Plan 2005-2009; Village Fisheries Management Plans</p> <p>Commercial Fisheries Management and Advisory Committee (CF-MAC); Village Fisheries Management and Advisory Committees (VF-MACs)</p>		MFAT Corporate Plan 2006-2009	Strategy for the Development of Samoa 2008-2012	
		Legal		<p>Fisheries Act 1988, Fisheries (Ban of Driftnet Fishing) Act 1999; Fisheries Amendment Act 1999; Fisheries Amendment Act 2002; Fisheries By-Laws</p>				

		Operational		<ul style="list-style-type: none"> - Implement the Community-Based Fisheries Management (CBFM) Programme - enforce legislation and policies on fishing - conduct surveillance activities in collaboration with the Police Maritime Unit to monitor Samoa's EEZ to deter and combat IUU fishing - carry out inspections of foreign fishing vessels for ensure compliance with Samoan legislation 		<ul style="list-style-type: none"> - provide policy advice on foreign relations to influence the Government's decision and policy-making processes and yield positive feedback from Cabinet and other government agencies. 		
	fisheries development	Political		Tuna Management and Development Plan 2005-2009			Strategy for the Development of Samoa 2008-2012	
		Legal		Fisheries Act 1988				
		Operational		<ul style="list-style-type: none"> - provide infrastructure support to the fishing industry - conduct research to identify key offshore fisheries resources status - work with CF-MAC to address issues hindering development and sustainability of the commercial fishing industry 				
	aquaculture	Political						
		Legal		Fisheries Amendment Act 2002				

		Operational		<ul style="list-style-type: none"> - conduct mariculture and aquaculture activities to lessen pressure on over-exploited near-shore fishery resources - create alternative fishing resources, such as tilapia farming, for communities in need - stock enhancement activities to supplement depleting nearshore invertebrate and finfish stocks to prevent further declines in resources 				
Non-living resources	maritime boundary delimitation	Political				MFAT Corporate Plan 2006-2009		
		Legal				Maritime Zones Act 1999; Maritime Zones Amendment Act 2004		
		Operational				- maintain an active level of representation or presence in international and regional organisations to which Samoa is a member.		
	energy	Political					Samoa National Energy Policy 2007; Strategy for the Development of Samoa 2008-2012	
		Legal						

		Operational	<ul style="list-style-type: none"> - energy efficiency - renewables 				<ul style="list-style-type: none"> - develop, coordinate, implement and monitor implementation of the Samoa National Energy Policy (SNEP) 2007; - develop an energy demand-and-supply database to collect and compile all energy-related information; - promote fuel efficiency in land and air transport, and ensure systems are reliable, efficient and affordable - promote sustainable use of indigenous energy resources and renewable energy technologies; - enforce national and international safety regulations when storing and refuelling air, sea and land transport; - promote electricity generation from proven renewable energy technologies and ensure that environmental regulations are adhered to. 	
	natural resources	Political	Coastal Infrastructure Management Strategy 2006; National Bio-prospecting Policy 2001; National Adaptation Programme of Action (NAPA) 2005 Disaster Advisory Committee				Strategy for the Development of Samoa 2008-2012	
		Legal	Disaster and Emergency Management Act 2007; Water Resources Management Act 2008		Samoa Water Authority Act 2003	Maritime Zones Act 1999; Maritime Zones Amendment Act 2004		

		Operational	<ul style="list-style-type: none"> - Hydrology - Watershed - Disaster management 			- maintain an active level of representation or presence in international and regional organisations to which Samoa is a member.		
Environment Protection	ecosystem protection	Political	<p>National Policy on the Conservation of Biological Diversity 2007; Samoa's Biodiversity Strategy and Action Plan (NBSAP) 2001; National Environment Management Strategies (NEMS) 1993; Codes of Environmental Practice 2006; Environmental Impact Assessment Guidelines 1998; National Policy on Combatting Climate Change 2007; Samoa's First Report to the CBD 2000; Samoa's Second Report to the CBD 2001; Samoa's Third Report to the CBD 2005; National Capacity Self Assessment (NCSA) 2007; State of the Environment Report (unpublished) 2007</p> <p>Biodiversity Strategy Committee; Biodiversity Framework Committee</p>	Ministry of Agriculture and Fisheries Corporate Plan 2008-2012			Strategy for the Development of Samoa 2008-2012	
		Legal	<p>Lands, Surveys and Environment Act 1989; Planning and Urban Management Act 2004; Environmental Impact</p>	Fisheries Act 1988		Maritime Zones Act 1999; Maritime Zones Amendment Act 2004		

			Assessment Regulations 2007; Marine Protected Areas (MPA) By-Laws 2007; Marine Wildlife Protections Regulations 2007					
		Operational	<ul style="list-style-type: none"> - Conservation of Marine biodiversity - Implementation and maintenance of National Parks and Reserves - Waste Management - climate change - sustainable development and strategic urban planning - environmental conventions and legal advice 	- promote conservation, management and development of fisheries in Samoa		- maintain an active level of representation or presence in international and regional organisations to which Samoa is a member.		
	biosecurity	Political	Samoa's Biodiversity Strategy and Action Plan; National Invasive Species Strategy; National Biosafety Framework and Biosafety Clearing House Invasive Strategy Committee					
		Legal		Quarantine (Biosecurity) Act 2005				
		Operational						
		Political						
Science & Technology	ocean processes	Legal	Research and Development Institute of Samoa Act 2006			Maritime Zones Act 1999; Maritime Zones Amendment Act 2004		
		Operational	<ul style="list-style-type: none"> - Geo-scientific services 			<ul style="list-style-type: none"> - provide policy advice on foreign relations to influence the Government's decision and policy-making processes and yield positive 		

						feedback from Cabinet and other government agencies.		
Shipping	maritime transport	Political					Strategy for the Development of Samoa 2008-2012	
		Legal			Shipping Act 1998; Shipping Registration Regulation 2001; STCW Regulation 1998; Small Vessel Regulation 1998			Ports Authority Act 1998; Samoa Shipping Act 1998; Shipping Amendment (Bareboat Charter) Act 2001
		Operational			<ul style="list-style-type: none"> - ship registration - ship surveying and inspection - shipping crew training and certification - seafarers employment contracts - Approval Training Modules School of Maritime Training - STCW Audit Maritime Training Institution - Technical Advice of International Convention and National Maritime Legislation to Shipping Industries, Ports, Training Institution and Seafarers 	- provide policy advice on foreign relations to influence the Government's decision and policy-making processes and yield positive feedback from Cabinet and other government agencies.		<ul style="list-style-type: none"> - regulate navigation and maintenance of navigational aids within ports; - promote the use, improvement, and development of ports; - coordinate all activities of or within ports and approaches.
	marine pollution	Political						
		Legal			Marine Pollution Prevention Act 2008	Maritime Zones Act 1999; Maritime Zones Amendment Act 2004		Ports Authority Act 1998; Ports Authority Amendment Act 2002

		Operational				- maintain an active level of representation or presence in international and regional organisations to which Samoa is a member.		
	maritime safety and security	Political					Strategy for the Development of Samoa 2008-2012	
		Legal			Maritime Security Regulation 2004; ISM Regulations 1998;	Maritime Zones Act 1999; Maritime Zones Amendment Act 2004		Ports Authority Act 1998; Samoa Shipping Act 1998
		Operational			- ship safety clearances - security assessment of ISPS Port Facilities and Ships - ISPS Audit of Ports and Ships - Flag State, Coastal State and Port State Implementation - Monitor Compliance of International Conventions and National Legislation	- maintain an active level of representation or presence in international and regional organisations to which Samoa is a member.		