

# **International Cooperation among States in the South Pacific Region**

## **Foreword**

Idea as well as form of international cooperation among states, illustrated on the example of the South Pacific region seems to be a new and not yet fully developed subject matter. The world leaders cross their influences there, what gives this area primacy in geopolitical domination, slowly downgrading the Atlantic Community. The main purpose of this article was, therefore, to research into possibilities and methods of states' cooperation in the small circles of close neighbours. Secondly, the 21st century is indeed often called as the century of Pacific. The world's attention is focused mainly on the South East Asia, neglecting in the same time the more numerous United Nations' members on the Pacific. Accordingly, this paper is an attempt to fill this loophole in science.

The article is a modest attempt to answer on the following questions: what is the purpose of the cooperation among independent subjects of international law? For what reasons those actors decide to integrate within the region and in which areas they prefer to act globally? How the South Pacific region differs from others? And finally, how does this regional cooperation look like in the examined geopolitical area?

The Pacific region is indeed becoming one of the world's dominating areas in economic, political, and scientific terms. Therefore, it is largely important to study the emergence of this globally relevant and decidedly dynamic research area, with the aim of participating in its development. This knowledge will definitely help with establishing and maintaining close relations between states on the international level.

## **Part I. Forms of Regional Cooperation in International Law**

### **1. Differentiation between Regional and Global Cooperation**

International organizations seem to be the most typical and well-known vehicles for cooperation on the international arena. Supranational, global, as well as close, regional subjects of international law provide a wide range of forms, rates and degrees of intensity of the process of integration. The European Union with no doubt tend to reach, slowly but surely, such level of cooperation that previously independent states have

started to form a new international entity which they are not able to undo straightaway. *A contrario*, other organizations leave a wide margin to determine any actions taken by their members. Such non-committal provision can be found in the North Atlantic Treaty<sup>1</sup>. Though, there appears some questions; why and how the international actors cooperate with each other? Do states, as the main subjects of international law, truly need such mutual aid? For which purpose they cooperate globally and in which areas they decide to integrate locally? Finally, how does regional cooperation look like, in what sense does it differ from the international, global collaboration?

Before those questions would be given the answers, there is a strong need to consider the definitions. Terms *collaboration*, *cooperation* and *coordination* differ from each other in the extend of integration. By an integration, there can be understood the process of increased intensification of interactions between its participants<sup>2</sup>. The main aim of this process is to establish international community of states, possessing full sovereignty. There has to be a state's consent, without which, according to international law, there would be a breach of general rules and such forced cooperation would mean nothing but an imperial aspiration. Also, what is very important from the normative point of view, the level of decision-making changes from international to supranational<sup>3</sup>. As the cooperation is the first step is a continuum, involving process of sharing expertise and information still having an autonomous position from each other, the coordination introduces a degree of integration by making mutual adjustment for a better outcome. The next step is the collaboration with its greater degree of integration, some recognition to the entity. In Australia and New Zealand, this concept is referred to its synonym; a *partnership*. It assumes the quasi-formal organizational arrangement for interactions between state, society and business. Nevertheless, collaboration might have the pejorative sense referring to the term "collaborationism" used for collaboration with an occupying army.

To sum up, for the purpose of this article, a cooperation, as the essential element of international relations and interstate policy, means the actions for the common benefit, in the name of common interest through multilateral exchanges, forming stable organizations and coalitions able to make enforceable decisions on joint affairs under shared

<sup>1</sup> Under article 5 of the North Atlantic Treaty, agreement establishing the North Atlantic Treaty Organization (NATO), member states are under an obligation to do whatever they "deem necessary" in the case of attack on one of them, document available at NATO Publications and Official Documents, <http://www.nato.int/cps/en/natolive/63591.htm>, 11.03.2013; J. Klabbers, *An Introduction to International law*, Cambridge University Press, Cambridge 2011, p. 25-26.

<sup>2</sup> Definition by P. J. Borkowski, *Polityczne teorie integracji międzynarodowej* [Political Theories of International Integration], Difin, Warsaw 2007, p. 15.

<sup>3</sup> E. Haliżak, *Współpraca międzynarodowa* [International Cooperation] in: E. Haliżak, R. Kuźniar (ed.), *Stosunki międzynarodowe : geneza, struktura, dynamika* [International Relations: Origin, Structure, Dynamics], Wydawnictwa Uniwersytetu Warszawskiego, Warsaw 2006, p. 250.

norms. The area of cooperation might be every aspect appearing as a problem in global as well as regional politics, such as peaceful coexistence between states or different communities, democracy with its main pillar – human rights, preservation of environment, or running business, *etc.*<sup>4</sup>

For understanding why states and other subjects of international law decide on local or global integration, one has to define what a regional cooperation is. The world, organized into an estimated 200<sup>5</sup> sovereign states, has numerous international institutions, mainly established on a regional level. What is more, over 50% of international economy is conducted within preferential regional trade agreements (so-called RTAs<sup>6</sup>). The widespread membership in regional institutions brought a new phenomenon of regionalism – political and economic values, ideas and objectives contribute for establishing and providing a creation of a particular region. Very often such formal policy leads to institution building<sup>7</sup>.

There are three reasons why states may be motivated to pursue regionalism. Firstly, after the end of the Cold War, the bipolar division has restored regional sovereignty which in turn allowed local powers to develop. Also, the United States of America (USA) hegemony strongly influenced bilateral relations all over the globe, which in turn caused the turning of states into regional organizations to overcome common problem. Other reason was to introduce the post-hegemonic international system. Thirdly, there were difficulties in reaching agreements through multilateral trade negotiations. Since the mid-1980s, there was a development of local programs on a global scale. The most obvious example tend to be the European Union (EU), but the phenomenon of regionalisation (“the process of region formation by which regions come into existence and are consolidated<sup>8</sup>”) is evident in expansion of other regional projects. The examples of the forms of state-led, regional frameworks are the Association of Southeast Asian Nations (ASEAN), the African Union (AU), the North American Free Trade Agreement (NAFTA) and the Southern Common Market (MERCOSUR<sup>9</sup>). At the beginning of the 21<sup>st</sup> century, there was the revival of importance and knowledge of characteristics of regional tradition in various civilisations and cultures. The crucial development with the process of deep integration take place in the South East Asia through ASEAN. This

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<sup>4</sup> B. Badie, D. Berg-Schlosser, L. Morlino (ed.), *International Encyclopedia of Political Science*, vol. 2, SAGE, Los Angeles 2011, p. 297-298, 447.

<sup>5</sup> The United Nations has 193 members with 2 observers states, but the number of sovereign states depends on the states' recognition.

<sup>6</sup> Z. Hafez, *The Dimensions of Regional Trade Integration in Southeast Asia*, Transnational Publishers, Ardsley 2004, p. 5

<sup>7</sup> B. Badie, D. Berg-Schlosser, L. Morlino (ed.), *op. cit.*, vol. 7, p. 2238-2248.

<sup>8</sup> *Ibidem.*

<sup>9</sup> Spanish: *Mercado Común del Sur*.

organization is supposed to be the 3<sup>rd</sup> place of making world economy, next to NAFTA and EU<sup>10</sup>. The two latter ones are also an example for the viability of membership in a regional organizations. However, the European Union system is far more complex and more integrated than, still very argued, nature of integration in Asia and South America. The costs of leaving an organization, or even not being a member state, can be economically tough and unprofitable<sup>11</sup>.

A term “region” derives from a Latin word *region*, which means a direction, a location, an area. In addition, other sources point on a term *rego, regere* – to reign, to order, and *regius* – royal<sup>12</sup>. Consequently, indication of a region is an area separated from surroundings (in geographical, social, political and cultural sense) under a legal power<sup>13</sup>. Two American researchers, Louis J. Cantori and Steven L. Spiegel, invented the other definition for a region: an area, on which states, geographically closer to each other, form an interconnected entity in the sphere of international relations<sup>14</sup>. The concept of a region might be understood in two senses. The region is a space between the local and the national level, within a given state. In this meaning, the adequate synonym would be sub-national region, or *microregion*. The second definition relates to, so-called, international or world regions- *macroregions*. Those ones in turn, being larger territorial units, exist between the state and the global level<sup>15</sup>. For the purpose of this study, the focus will be brought into the macroregions, as they are objects of international relations and the actions taken by the states within particular regions, as well they are subjected to international law. The local system with its characteristic legal order has to be in accordance with the principles of international law, such as *ius cogens*, *pacta sunt servanda*, peaceful settlement of disputes between states, *etc.* For this reason, regional cooperation is also international one. What is more, regionalism is one of the features of international law. Therefore, the differentiation appears only between the levels of regional, local and global mutual aid, not regional-international.

<sup>10</sup> *Ibidem*, J. Rowiński, J. Pawłowski, *Specyfika i tradycje państwa w Azji Wschodniej na przykładzie Chin* [Specificity and Traditions of the State in the East Asia on the example of China], in: M. Sulek, J. Symonides (ed.), *Państwo w teoriach i praktyce stosunków międzynarodowych* [The State in the Theories and Practice of International Relations], Wydawnictwa Uniwersytetu Warszawskiego, Warsaw 2009, p. 297.

<sup>11</sup> P. J. Borkowski, *op. cit.*, p. 190; J. Klabbers, *op. cit.*, p. 29.

<sup>12</sup> P. Wahl, *Europejska polityka regionalna* [The European Regional Policy], Wyższa Szkoła Integracji Europejskiej, Szczecin 2003, p. 9, 53.

<sup>13</sup> E. Stadtmüller, *Regionalizm i regionalizacja jako przedmiot badań naukowych w stosunkach międzynarodowych* [Regionalism and Regionalization as a Subject of Research in International Relations], in: K. Jędrzejczyk- Kuliniak, L. Kwieciński, B. Michalski, E. Stadtmüller (ed.), *Regionalizacja w stosunkach międzynarodowych; Aspekty polityczno-gospodarcze* [Regionalization in International Relations; Political and Economic Aspects], Wydawnictwo Adam Marszałek, Toruń 2008, p.21.

<sup>14</sup> L. Cantori, S. Spiegel, *The International Politics of Regions*, Palgrave Macmillan Journals, New Jersey 1973, p. 2.

<sup>15</sup> *Ibidem*.

The participation of almost all governments in regionalism, do not exclude involvement of a wide range of non-state actors. The informal character of many *ad hoc* types of regional networks, the characteristic pluralism and multidimensionality give rise to a variety of new entities. However, cooperation among states only, as the sovereign, autonomous from other international entities, legal personalities on the international arena, will be considered in the following study. As it was mentioned earlier, the symptoms of legal culture, common tradition, and first of all, joint historical and geopolitical background persuade states to cooperate with their neighbouring countries having similar problems, aims and needs. These features, creating regionalism, do decide about the homogeneity, uniform character of such organizations, frameworks, forums *etc.*<sup>16</sup> Within the major interests of every state there is an endeavour for mutual work in the region in order to maximize trade, to ensure safety and welfare. One of the main feature of the contemporary international relations is the fact that, due to a state's need or an aim, the relations are reduced in the operating range and possibility of affecting others. The scope of manifesting the local interest determine the degree of development of regional communities. Sometimes, there can be even a process of, so-called, redefinition of the interests, from national to joint regional ones<sup>17</sup>. Therefore, one can divide the groups of subjects, that is states, having interests as a) a sovereign entity, b) a group of states belonging to a particular region or an international organization, or c) the global system. Next to the key interests for a given group, there are many different, often opposing aims. The preference which one to choose is habitually made upon the geographical factor.

Due to the multitude of states having various interests, the problem of correlation of contradiction is given rise. On one hand, there can be noted an obvious endeavour to share universal, global values, such as respect for human rights. However, the specific nature of international relations gives the privilege to states' interests, at the level of one nation and its region indeed. The described particularism of relations among states constitutes a proof of the lack of realism in preferring global than regional cooperation. What is more, the existing disproportions and inequality in the world do not allow to cooperate between diversified states<sup>18</sup>.

Forming the region politics very often is made by the local organizations. The states, which are the members and founders of such governmental institutions, have

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<sup>16</sup> J. Menkes, A. Wasilkowski, *Organizacje międzynarodowe; Prawo instytucjonalne* [International Organizations, Institutional Law], Oficyna Wolters Kluwer Polska, Warsaw 2010, p. 76.

<sup>17</sup> P. J. Borkowski, *op. cit.*, p. 21-22.

<sup>18</sup> T. Łoś-Nowak, *Interesy narodowe i międzynarodowe* [National and International Interests], in: T. Łoś-Nowak (ed.), *Współczesne stosunki międzynarodowe* [Modern International Relations], Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 1995, p. 67-73.

precise knowledge about the circumstances, legal nature and hypothetical obstacles which might appear on a given continent, or smaller territory. The example of creating new, independent foreign policy after a period of colonisation was the Organization of African Unity (OAU). It was one of the most important and the most numerous international organization, established in 1963. It was renamed on the AU in 2002<sup>19</sup>. The phenomenon of forming regional policy seems to be the final step in the process of the regionalization. Creating an institutionalised arrangement of cooperation, reminiscent to the federation, finishes the dynamic process of region formation. It is preceded by regional space (set on a territory, including social identity), regional complex (with trans-local relations), regional society (formally organized) and regional community (variety of contacts with shared aims and values)<sup>20</sup>.

It has to be signalised here, that some areas of cooperation bring better effects if they are located on the lowest level of a region. There are many particular organizations, as well as other *ad hoc* institutions created by states, which are divided on continents. What is more, most intergovernmental organizations are not global in membership, but indeed regional. There is a commonality of interest, which motivates states to cooperate on subjects directly affecting them<sup>21</sup>. The most well-known example would be the international protection of human rights. Every particular legal system, with all its characteristic features deriving from different groups of states, is valid upon the signatures of its own treaty<sup>22</sup>. Next to the universal human rights conventions<sup>23</sup>, represented by the Universal Declaration of Human Right, adopted by the United Nations (UN) in 1948, there is a regional system of protecting those fundamental freedoms. The following legal acts are; the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)<sup>24</sup>, the American Convention on Human Rights<sup>25</sup>, the African Charter on Human and Peoples' Rights<sup>26</sup> and the Arab Charter on Human Rights<sup>27</sup>. The regional regimes,

<sup>19</sup> J. Menkes, A. Wasilkowski, *op. cit.*, p. 76.

<sup>20</sup> E. Stadtmüller, *op. cit.*, p. 25-26.

<sup>21</sup> M. P. Karnsand, K. A. Mingst, *International Organizations: The Politics and Processes of Global Governance*, Lynne Rienner Publishers, Boulder 2004, p. 6.

<sup>22</sup> A. Aust, *Handbook of International law*, Cambridge University Press, Cambridge 2010, p. 219.

<sup>23</sup> Treaty, according to the Vienna Convention on the Law of Treaties, has the binding force, what in turn declarations, conventions do not possess.

<sup>24</sup> From 1950, adopted by the Council of Europe (CE), available at The Treaty Office: <http://conventions.coe.int>, 11.03.2013.

<sup>25</sup> From 1969, created by the Organization of American States (OAS), known as *the Pact of San José*, available at Multilateral treaties: <https://www.oas.org/dil/treaties.htm>, 11.03.2013.

<sup>26</sup> Also known as *the Banjul Charter*, adopted by OAU in 1981, available at Multilateral Treaties/Agreements of the United Nations Refugee Agency: <http://www.unhcr.org/refworld/type,MULTILATERALTR/EATY,OAU,,3ae6b3630,0.html>, 11.03.2013.

<sup>27</sup> Very controversial document, due to its openly presented finding violations of human rights by Israel through the Zionism movement in the occupied Palestinian territory. The League of Arab States (LAS)

through legally binding treaties or other soft-law instruments<sup>28</sup>, have established local enforcement mechanisms<sup>29</sup>. These systems can be seen as relatively independent and verifiable.

Other discipline of cooperation taken in smaller, particular regions rather than globally, appears to be international security. In the area of defence, military cooperation is being transferred from the universal organizations (UN, NATO). Regional peacekeeping missions are held as the major means of solving conflicts. Under the chapter VI of Charter of the UN, the Security Council is not able to impose legally binding measures of such actions<sup>30</sup>. What is more, according to article 53, the Council may utilise regional arrangements or agencies<sup>31</sup>. The maintenance of international peace and security is appropriate for regional actions, as they supplement the UN missions<sup>32</sup>. Such legal nature of those activities will be deeper discussed in the next part of the study.

## 2. Legal Basis for International Cooperation

States, through many legal and extrajudicial mechanism, develop uniform standards and rules. In line with the system of international law, they create a legal order compounded by norms of universal validity, being regional or local. Therefore, states do bear responsibility for implementing new rules<sup>33</sup>. Being a heart of global issues, international organizations shape and are shaped by politics, at the global and local level<sup>34</sup>. As one can read in a book of professor of international organizations law, Jan Klabbbers; “they take on a role and dynamics of their own. Organizations may become actors on their own stage”<sup>35</sup>. The belief that similar considerations hold with respect to regional intergovernmental organizations, might bring the capacity of organizations to enhanced cooperation<sup>36</sup>.

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created the act in 2004, the UN Refugee Agency: <http://www.unhcr.org/refworld/docid/3ae6b38540.html>, 11.03.2013.

<sup>28</sup> The definitions with the examples of soft-law in the regional cooperation will be presented further.

<sup>29</sup> A. Aust, *op. cit.*, p. 215-220.

<sup>30</sup> Article 36 says: “The Security Council may [...] recommend appropriate procedures or methods of adjustment”. Such wording means rather a right, not an obligation.

<sup>31</sup> Some member states, such as China and Russia, stress the need for such regional actions to be strictly conducted in the framework of the Charter; A. Aust, *op. cit.*, p. 195.

<sup>32</sup> Ch. Gray, *The Use of Force and the International Legal Order*, in: M. D. Evans (ed.), *International law*, Oxford University Press, Oxford 2010, p 642-645.

<sup>33</sup> Ch. Dominicé, *Co-ordination between universal and Regional IOs*, in: N. M. Blokker, H. G. Schermers, *Proliferation of International Organizations; Legal Issues*, Kluwer Law International, The Hague 2001, p. 83-84.

<sup>34</sup> I. Hurd, *International Organizations: Politics, Law, Practice*, Cambridge University Press, Cambridge 2012, p. 1.

<sup>35</sup> J. Klabbbers, *op. cit.*, p. 30.

<sup>36</sup> *Ibidem*.

Still states are those which decide on signing treaties being the legal basis for the process of regionalization<sup>37</sup>. Treaty, as an international agreement, means here a legal act, which has a binding effect on the states<sup>38</sup>. The most important source of the law of treaties, that is the 1969 Vienna Convention on the Law of Treaties. The document does not separate statutes of international organizations as the different category of agreements. One has to have on mind the final character of any treaty. After the fulfilment of contractual term (legal conditions, specified in the content), an international agreement becomes legally binding. The rights and duties might be derived from the document. In accordance with the article 5, the Convention is applicable to every treaty which is a constitutive act of an international organization (establishing treaty). The invoked restriction means that despite the provisions from the Convention, the rules adopted by the international organization are applied as well<sup>39</sup>. In other words, the treaty<sup>40</sup> constituting such international entity, or a treaty adopted within its structure, has to be governed by the rules coming from the Convention in any procedure (amendments, reservations, *etc.*)<sup>41</sup>.

The Charter of the UN, signed in 1945, permits the development of the regional organizations only if such organization is in accordance with the Charter<sup>42</sup>. From this reason, the number and the variety of such institutions have been increasing since the creation of the UN indeed. The United Nations, regional IGOs and NGOs<sup>43</sup>, as well as states, after the Second World War have been challenged to deal with intrastate conflicts, mainly genocide and ethnic cleansing, as never before. Those subjects could, on the legal basis, cooperate to gain the common endeavour<sup>44</sup>. But it has to be pointed clearly, there is no subordination between universal and regional organizations. Both normative actions and operational activities whenever desirable, can be achieved through agreements<sup>45</sup>. On the European continent, the evolution of regional cooperation through organizations had an enormous impact on the shape of contemporary Europe. The special influence over the process of regionalization had indeed the Council of Europe (CE)<sup>46</sup>.

<sup>37</sup> E. Stadtmüller, *op. cit.*, p. 24.

<sup>38</sup> There are two group of states, on which a given agreement (often called as a decision of an international organization) may legally influence: members and non-members. Therefore, the types of decisions adopted by the international organizations differs. The International law doctrine distinguishes decisions *pro foro interno* –referring to the inside structure of an organizations, to its member states, and *pro foro externo* – outside the structure having the influence as well on non-members.

<sup>39</sup> J. Menkes, A. Wasilkowski, *op. cit.*, 146-149.

<sup>40</sup> Despite of its name, which might be a constitution, a statute, *etc.*

<sup>41</sup> A. Aust, *Modern Treaty Law and Practise*, Cambridge University Press, Cambridge 2007, p. 8-9.

<sup>42</sup> The article 52, passage 1 of the Charter.

<sup>43</sup> Despite of the existence of international governmental organizations (IGOs), there are also non- governmental organizations (so-called NGOs), which are not compounded by the states nor established on the basis of the treaty. Therefore, the NGOs are not being studied in the following paper.

<sup>44</sup> M. P. Karnsand, K. A. Mingst, *op. cit.*, p. 23.

<sup>45</sup> Ch. Dominicé, *op. cit.*, p. 84.

<sup>46</sup> J. Menkes, A. Wasilkowski, *op. cit.*, p. 76-77.



Founded in 1949, CE was the oldest European international organization founded after World War II. From the beginning, it has been making the attempts to create a pan-European legal area, with the three fundamental principles of democracy, human rights and the rule of law.

It appears impossible so far to comprehensively define an international organization. However, there are some indications without which, an entity cannot be named *international organization*. Such an actor at the global arena, has to be created by the states, who signed an already noted treaty, which brings into existence at least one organ. Another, often mentioned feature, holds that the international organization must possess its own aims<sup>47</sup>. Due to the criterion of subjectivity, that is the range of the membership. One can divide the international organizations functioning globally, with their aspiration to universal membership<sup>48</sup>. The 2<sup>nd</sup> kind of organizations are regional ones. The latter ones are not oriented on spreading their range on every state<sup>49</sup>. On the other hand, there are some organizations, like the Organization for Security and Co-operation in Europe (OSCE), which membership is not exclusively within a given region<sup>50</sup>. In other publications, there can be found other terminology than *regional*; the more generic wording often used is *particular*, or *closed*<sup>51</sup>. Further distinction, having high importance for the purpose of the following study, is differentiation on the scope of domains. From this approach, there can be derived organizations of general nature and functional, non-general ones. The first ones gather to discuss every aspect of relations among the member states, which proves to be potentially vital for them. The distinction on functional organizations might be indeed misleading. Cooperation is indeed limited to certain tasks, definite functions, and politics of such regional organization. In fact, there are a few general organizations on the regional level<sup>52</sup>. Scholars use such labels only for the purpose of the classifying organizations. The aims and functions of an organization are always written in the establishing treaty<sup>53</sup>.

The regional organizations of functional character deal with economic or military cooperation, development of states, assurance of peace, stability and welfare, or protection of environment and rights of individuals. Here has to be noted, the significant activities of organizations from the Third World regions have meaningfully decreased. Such situation is caused by many conflicting interests among states and, what is more

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<sup>47</sup> For more detailed characteristics of the international organization, see: J. Klabbers, *op. cit.*, p. 6-12.

<sup>48</sup> Therefore, they are called *open* organizations. See more in: J. Klabbers, *op. cit.*, p. 22.

<sup>49</sup> B. Kuźniar, M. Marcinko, *Organizacje międzynarodowe* [International Organizations], Wydawnictwo C. H. Beck, Warsaw 2008, p. 6.

<sup>50</sup> Ch. Dominicé, *op. cit.*, p. 69.

<sup>51</sup> J. Klabbers, *op. cit.*, p. 22-24.

<sup>52</sup> Like those mentioned in the 1<sup>st</sup> chapter of this study. See more in: Ch. Dominicé, *op. cit.*, p. 69.

<sup>53</sup> J. Klabbers, *op. cit.*, p. 6-11.

important, by strong diversification of pace and level of social and economic development. It makes it impossible to properly function. The integration processes among the Third World states did not yield many noteworthy effects<sup>54</sup>.

Since the end of the Cold War, there has been a meaningful increase of activity of regional organizations, which in turn resulted in deeper cooperation between them and the UN in the military area. Finally, they could play a bigger role through consultations, regional enforcement actions and joint operations. Already mentioned regional arrangements or agencies, legalised on the basis of the Charter of UN, were not defined. However, the main regional organizations, and other sub-regional institutions, due to taking on peacekeeping powers, have drafted new constitutional instruments. On this basis, the Economic Community of West African States (ECOWAS), OSCE<sup>55</sup>, the Southern African Development Community (SADC)<sup>56</sup>, and the Intergovernmental Authority on Development (IGAD) were established. The complementary roles of regional and universal organizations have given logical support, financial assistance and, last but not the least, incentive to mutual work on a particular territory<sup>57</sup>. Non-military actions taken by the regional organizations are on the further place. The enforcement actions cannot be unilateral action, without the prior authorisation of the Security Council. However, there are two exceptions, which are serious violating of rules of *ius cogens* or obligations *erga omnes*. Only in such cases, state can act through its regional organization. Secondly, common local entities in cooperation with universal organizations, like the UN, may deal with the crisis. This kind of mutual aid is to be fostered in the future<sup>58</sup>.

The two already named legal acts of human rights, the UN Charter and the Universal Declaration of Human Rights, have established an elementary framework of such specified law at the global level. States in different geopolitical regions, sharing common values and history, found it useful to develop regional norms with legal institutions assuring freedoms. Internationally-guaranteed human rights states' duties, both with permanent organs constitute the definition of regional human rights system. Such order has experienced fragile changes in membership, which in response allowed adopting new procedures and normative instruments<sup>59</sup>.

The international organizations, mainly governmental, have become a cooperation forum for colliding various ideas and interests. On the other hand, they are also a place for

<sup>54</sup> T. Łoś-Nowak, *op. cit.*, 121-129.

<sup>55</sup> Formerly, the Commission on Security and Cooperation in Europe (CSCE).

<sup>56</sup> Formerly, the Southern African Development Coordination Conference (SADCC).

<sup>57</sup> Ch. Gray, *op. cit.*, p. 642-645.

<sup>58</sup> Ch. Dominicé, *op. cit.*, p. 83.

<sup>59</sup> For more information about the region system of HR, see: D. I. Shelton, *Regional Protection of Human Rights*, Oxford University Press, Oxford 2010.

mitigating any conflicts, which makes them the unique means of providing the foreign policy. They are considered to be the best developed form of international cooperation<sup>60</sup>.

### 3. Extrajudicial Factors for Establishing and Providing Regional Aid

International cooperation takes place not only within formal governmental institutions, but perhaps more importantly, in informal mechanisms, through occasional meetings of politicians, diplomats, judges and regular gatherings of civil servants. Dominant states, instead of attempting to exercise their powers, help to establish the organizations ensuring bigger influence than they could get alone. Reaching relative power positions in their own region is not free from informal rules and procedures<sup>61</sup>.

There is a well-known, spread all over the world, concept of establishing formalized institutions which had their beginning in a single idea. As it was mentioned already in this study, regional community might arise on the basis of having their own shared values. The Commonwealth of Independent States (CIS) is one of the integration mechanism in the territory of post-Soviet states. The loose framework, as the CIS can be called quasi-organization<sup>62</sup>, was established with the intention of proliferation of political and economic standard of the Russian Federation. The idea of cementing Eurasian neighbours comes from the president Vladimir Putin. It is his leading project in the foreign politics. Since the collapse of the Union of Soviet Socialist Republics (USSR), there were many drafts of reintegration, including the hypothetical union state with Belarus, the Eurasian Union (EAU) or the latest idea - the Eurasian Economic Community of Russia, Belarus and Kazakhstan<sup>63</sup>. However, within the CIS territory there are some other frameworks, created on the purpose of regionalization, such as the EurAsEC Customs Union (the abbreviation of the Eurasian Economic Community), the Common Economic Space<sup>64</sup>, GUAM<sup>65</sup>, and the Tashkent Cooperation Treaty<sup>66</sup>. This Eastern European and Western Asian initiative for regional integration has also other

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<sup>60</sup> T. Łoś-Nowak, *op. cit.*, p. 101.

<sup>61</sup> J. Klabbers, *op. cit.*, p. 28-30.

<sup>62</sup> To know the structure and measures of performance of CIS, see: K. Baslar, *The Commonwealth of Independent States: Decayed within a Decade*, in: *The Turkish Yearbook*, Ankara 2005; K. Malfliet, L. Verpoest, E. Vinokurov, *The CIS, the EU and Russia: The Challenges of Integration*, Palgrave Macmillan, London 2007.

<sup>63</sup> A. Wierzbowska-Miazga, *Przyjaźń mimo woli* [The Involuntarily Friendship], in: *Nowa Europa Wschodnia* [New Eastern Europe], 6 (XXVI) 2012, p. 81-83.

<sup>64</sup> The other, more popular, name is the Single Economic Space (SES).

<sup>65</sup> The GUAM Organization for Democracy and Economic Development compounded by four post-Soviet states; Georgia, Ukraine, Azerbaijan, and Moldova, from which comes the name of the regional organization.

<sup>66</sup> K. Malfliet, L. Verpoest, E. Vinokurov, *op. cit.*, p. 2.

aspect of controlling the foreign policy of its members through the organization, which becomes a representative of the common, unique interests of the regional community<sup>67</sup>.

The second example of creating a regional organization on the basis on an idea is the history of AU. Formation of, what is sometimes called, United States of Africa has its beginnings in the philosophy of Pan-Africanism. The aspirations of people having African descent have been shown through many congresses attended by scholars. Such ideology was, and still is, aimed at combating the political, economic, social and cultural marginalization of the African states. Both African people and the African Diaspora work to advance cooperation in the major areas, as well as to demonstrate the true ownership of their own resources, contesting external patronizing. Kwame Nkrumah, the first Prime Minister of Ghana, was the ambassador of the believed philosophy. His huge contribution to many actions taken under the regionalisation of the African nations was noteworthy. The Pan-Africanism movement brought some achievements, such as raising a sense of togetherness, and campaigning against the Caribbean and African colonialism with its famous slogan: "People of Africa, Unite; you have nothing to lose but your chains<sup>68</sup>". Rapid realization of sovereignty by many African states are undoubtedly the greatest effort of the philosophy of Pan-Africanism. What seems more important, it has accomplished indeed much more than what the idea was designed to achieve<sup>69</sup>. Therefore, one can observe the great value of extrajudicial concept, having even the most difficult and complex objectives, which might be at the end completed successfully and gain formal character. Such actions will lead the African region to finally becoming politically and economically significant in the 21<sup>st</sup> century.

Those ideas coming from single nations are the perfect examples of contemporary politics seeking for the state's positions on the global arena. Becoming a true subject of international relations, realizing its own interests, intends to the strategy of suggesting new forms of cooperation to the neighbours, without waiting on others' signal. The very wanted measures of reaching such object are the *soft-law* legal tools. Contrary to *hard-law* measures, the first ones do not possess a legal character, which makes them more flexible, easier and desirable for states. Very often, the governments do not have an intention to keep formalized, definitive relations. Signing an agreement, regarding to closer economic contacts or attending to the international organizations, establishing diplomatic or consular relations, impose the rights and duties, which would be enforced in the future. Exactly the facilitation of regional cooperation is one of the soft-law measures in

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<sup>67</sup> A. Wierzbowska-Miazga, *op. cit.*

<sup>68</sup> E. I. Udogu, *The Problems of African Unity and the Awakening of Regional Cooperation*, Cambridge Scholars Publishing, Southern Illinois 1977, p. 35.

<sup>69</sup> E. I. Udogu, *Confronting the challenges and prospects in the creation of a Union of African States in the 21st century*, Cambridge Scholars Publishing Newcastle upon Tyne, 2010, p. 59-70.

the area of international relations. Scholars mention also advancement of development of civil society and social contacts of belligerents and employment of the local ruling elites into multilateral projects of neutral character, like journalist and academic ones. The above-mentioned measures of cooperation could easily be used to, even the most difficult, talks among the states in a given region<sup>70</sup>.

For that purpose, there can be seen an increase of signing non-legally binding agreements, called *memorandum of undertakings* (MOU)<sup>71</sup>. They are in fact soft-law sources of regional integration, as they do not possess a valid character. On the other hand, they might become legal acts, of the binding importance, but only if the signatories of MOU would consider them in such way. Oral agreements are not embraced by the Vienna Convention on the Law of Treaties. Nevertheless, it does not affect the legal force of such acts, or the application of any rules from the Convention, just like customary international law<sup>72</sup>. Soft law concepts, not having legally binding character, do not mean they have no legal effect. At its simplest and informality, soft law solutions had facilitated the evolution of customary international law. Being the alternative to law-making treaties, they often complement those legal agreements. Indeed, the soft law instruments cannot become law *per se*, but they shall be evidence of binding law, or even going deeper, a formative of *opinion juris* generating a new customary law<sup>73</sup>.

International custom is probably one of the well-known and most often used measure in international relations. This remark relates to diplomatic relations, as well as to the other informal associations. In addition to rules established by all international legal subjects, there are some customs binding only on states of a particular geographical area. There can be observed also a regional custom engaging only two states<sup>74</sup>. This in line proves the general international observance of the local legal orders<sup>75</sup>. The International Court of Justice (ICJ) has admitted such rules might exist in the famous Asylum case from 1950, where the criteria for the application of regional custom were established too. In the case, Colombia relied on a local custom of granting diplomatic asylum in the Latin American States. The Court handed down a judgement where Colombia, as a state granting asylum, was not competent to unilaterally and definitively qualification the custom binding on Peru<sup>76</sup>. From this judgement, the doctrine of international law derived

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<sup>70</sup> D. P. Jankowski, P. Świeżak, *Bezczynność kosztuje* [The idleness costs], in: *Nowa Europa Wschodnia* [New Eastern Europe], 6 (XXVI) 2012, p. 45-47.

<sup>71</sup> A. Aust, *Handbook...*, p. 53.

<sup>72</sup> However, states can enter into oral agreements with other states. They can be just as binding only if states express their will; Aust, *Modern...*, p. 9.

<sup>73</sup> A. Boyle, Soft Law in international law-making, in: M. D. Evans, *op. cit.*, p.122- 138.

<sup>74</sup> Judgment of the International Court of Justice in the case concerning the Land, Island and Maritime Frontier Dispute (El Salvador v. Honduras: Nicaragua intervening) from 11 September 1992.

<sup>75</sup> M. N. Shaw, *Prawo międzynarodowe* [International law], Książka i Wiedza, Warsaw 2011, p.85-86.

<sup>76</sup> *Ibidem*; Judgment of the ICJ in the Asylum case *Colombia v. Peru* from 20 November 1950.

two premises of objective and subjective character. The customary rule must be tacitly accepted by the concerned parties, and its existence has to be proven by the state which invokes the regional custom. Here is important to mention the fact, if the state fails to burden the proof, the claim will be rejected<sup>77</sup>.

The example of the regional integration are the Euroregions, created by the European Union. Here is worth mentioning, the EU has a very complex regional policy, where the main aim is to stimulate sector- and structural-oriented adjustment in regions. The major regional product within this regional organization are indeed Euroregions. In the western Europe, over 90% municipalities declare their participation to existing there Euroregions. The character of those *sui generis* platforms of cooperation has consultative and advisory character. The mutual, mostly bilateral, cross-border aid is held within the framework of the gentleman's agreement. It is clearly written in both the agreement establishing particular Euroregion<sup>78</sup> as well as in its statute<sup>79</sup>. The lack of written treaty constitute the reciprocal confidence in other party of the gentleman's agreement. Inso-much as it does not result in legal sanctions, there cannot be a possibility of enforcement of laws<sup>80</sup>. What is more, the mutual cooperation is limited by many principles, like general ones for whole organizations, but as well the principles of organizing, financing and assessment of project realization. Therefore, any action taken by the locals, on the regional level of the EU, would be evaluated and carefully controlled by the European Commission. Such hybrids are created by similar but, at the same time, independent from each other, associations. After all, they contain public and private regulations<sup>81</sup>. Additionally, the process of decentralization appears as premise of developing the internal regional policy.

Among the huge amount of border regions, the Euroregion Cieszyn Silesia (*Śląsk Cieszyński*), seems to be very complex. This Euroregion engages in the process of

<sup>77</sup> A. Cassese, *International law*, Oxford University Press, Oxford 2005, p. 164-165.

<sup>78</sup> On the example of the Cieszyn Silesia "*Śląsk Cieszyński – Těšínské Slezsko*", see: The Agreement of The Regional Cooperation under the name of "*Euroregion Śląsk Cieszyński - Těšínské Slezsko*" signed in 22 April 1998 in Cieszyn between the Polish party represented by the Association of Regional Development and Cooperation "Olza" and the Czech party represented by the Regional Association of Czech-Polish Cooperation "Teschinensis Silesia".

<sup>79</sup> See the Statute of the Euroregion Cieszyn Silesia signed in 22 April 1998 in Cieszyn.

<sup>80</sup> J. Penc, *Leksykon biznesu: słownik angielsko-polski* [Encyclopedia of Business: English-Polish], Placet, Warsaw 1997, p. 468.

<sup>81</sup> P. J. Borkowski, *op. cit.*, p. 190-194; T. Palmowski, *Rola regionów transgranicznych w procesie integracji Europy Bałtyckiej* [The Role of Cross-border Regions in the Integration of the Baltic Europe], Wydawnictwo Uniwersytetu Gdańskiego, Gdańsk 2000, 5-6; I. Pietrzyk, *Polityka regionalna Unii Europejskiej i regiony w państwach członkowskich* [Regional Policy of the European Union and the Regions in the Member States], Wydawnictwo Naukowe PWN, Warsaw 2000, p. 11-24, 153-155; A. Mync, R. Szul (ed.), *Rola granicy i współpracy transgranicznej w rozwoju regionalnym i lokalnym* [The Role of the Border and Cross-border Cooperation in the Regional and Local Development], Wydawnictwo Rolewski, Warsaw 1999, p. 37.

equalizing economic and social differences. Obviously, the bilateral cooperation needs many efforts, hard work of self-territorial government clerks, regional associations and individuals. The net of political, economic, cultural connections facilitate integration, both formal and informal cooperation structures. Pure international law with implementation of its legal acts would not bring much profit itself without local efforts for integration processes<sup>82</sup>.

Considering the extrajudicial factor on establishing regional cooperation, there has to be mentioned the contemporary process called *Global Governance*. In 1995, an independent group of international figures gathered to consider the reforms in modes of international cooperation. The Commission on Global Governance, composed of ambassadors of the world of business, politics, and IGOs' high representatives, defined governance as: "the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal [...] as well as informal arrangements that people and institutions have agreed to"<sup>83</sup>. The governance problem is specific to a given region of the world or certain group of countries, with the need to manage a major river system that flows through several countries, a regional sea such as the Mediterranean<sup>84</sup>, or basins of the particular oceans, like Pacific Ocean indeed.

As it was already presented, in establishing of regional cooperation between states, there is a significant role of private persons. The achievements of the head of states, diplomats and businessmen facilitate and accelerate maintaining of mutual aid on a given geographical area. Their attitude presented by diverse actions is known by the communities, which in turn enables them to obtain common approval. The politicians very often use the measures of, so-called *paradiplomacy*, or quasi-diplomacy. Such new phenomenon of foreign policy capacity implies international participation of sub-state entities, independent of their state, in pursuit of own global, or regional interests. This unconventional measure does not attach importance to normative or protocol rules, is characterized by flexibility of measures selection. Taking advantage of less formal

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<sup>82</sup> More about the Euroregion, especially on the example of the Euroregion Cieszyn Silesia, see: the Bachelor of Arts, written by Michał Moździara on the University of Wrocław in 2011, *Aspekty prawne współpracy transgranicznej na przykładzie euroregionu „Śląsk Cieszyński- Těšínské Slezsko”* [Legal aspects of cross-border cooperation, on the example of the Euroregion Cieszyn Silesia].

<sup>83</sup> The report of the Commission on Global Governance, *Our Global Neighborhood*, 1995: 2; read more in: M. P. Karnsand, K. A. Mingst, *op. cit.*, p. 2-3.

<sup>84</sup> *Ibidem*.

meetings, conferences and various summits appears to be the main characteristic of this extrajudicial kind of maintaining international relations<sup>85</sup>.

## Part II. Entities Responsible for Engaging in Cooperative Activity in the South Pacific Region

### 1. Legal Personality of Subjects of International Law

The regional cooperation in the Pacific area is being taken in the first place by the states. However, those “national entities”, which are components of this region, are indeed the representatives of particular states acting through their political decisions accordingly to their interests on the Pacific Ocean. Such process was demanded many social formations to achieve the expected gain, including political, economic and administrative purposes. Colonial interests<sup>86</sup> split Samoa into Independent State of Samoa, formerly known as Western Samoa, and Territory of American Samoa<sup>87</sup>. Series of people were combined in political entities which were administered by one or more colonial powers (example of British and French forms of government in Vanuatu<sup>88</sup>) producing multiple national cultures. Therefore, one can use the metaphor “countries as western fiction” speaking about the Pacific emergence of distinct nation states. Also, discourse of nation states encompasses progressively more and more Pacific population<sup>89</sup>.

A proper analysis of the topic of this paper cannot be made without signaling regional characteristics. The Pacific Ocean is the biggest of the Earth’s oceanic divisions, subdivided by the equator into the North Pacific Ocean and the South Pacific Ocean. There are 42 sovereign bordering countries<sup>90</sup> and 23 dependent territories. Those states are considered to be the Pacific Rim. In this socioeconomic region, informal means of international cooperation are being created. The concept of the Pacific Rim will be presented in the next part of the work. Pacific islands are divided into three groups, having own cultures and course of history, including attitude to colonization.

<sup>85</sup> More about quasi-diplomacy and its various kinds, see: J. Sutor, *Leksykon dyplomatyczny* [Encyclopedia of diplomacy], Dom Wydawniczy Elipsa, Warsaw 2010, p. 99-124; .S. Wolf, *Paradiplomacy: Scope, Opportunities and Challenges*, The Bologna Center Journal of International Affairs, vol. 10, 2007.

<sup>86</sup> Colonization both with decolonization and their strong effects on the shape of cooperation among Pacific states will be presented further.

<sup>87</sup> More about the Samoa division, read: S. R. Fischer, *A History of the Pacific Islands*, Palgrave Macmillan, Hampshire 2002, p. 142-146.

<sup>88</sup> The history of Vanuatu recorded in *Vanuatu* made by Institute of Pacific Studies, The University of the South Pacific and The South Pacific Social Sciences Associations, Christchurch 1980.

<sup>89</sup> C. Macpherson, *Some Concluding Thoughts on Social Change*, in: *Social Change in the Pacific Islands*, ed. A. B. Robillard, Kegan Paul International, London 1992, p. 431.

<sup>90</sup> The legal status of Taiwan is disputed.



Micronesia, Melanesia, and Polynesia<sup>91</sup> are indeed ethnologically divided subregions of the South Pacific<sup>92</sup>. Their differences are linguistic, ethnic “encompassing Pacific islanders’ three most salient human features”<sup>93</sup>.

Melanesian islands extend from the western end of the Pacific Ocean, and eastward to Fiji. The subregion is characterised by its social and cultural diversity, where some generalizations are not valid for the whole region. In comparison to other Pacific Islanders, the local habitants were not sailors. Therefore, they did not travel much, what in turn caused the series of near neighbour partnerships. Unlike the rest of Pacific Islands, Melanesia is not the open island territory. This subregion possesses autochthonous<sup>94</sup> Austronesians, Papuans and Papuan- Austronesian mixtures, which elaborated distinct Melanesian societies. Papua New Guinea, the Republic of Fiji, the Solomon Islands, the Republic of Vanuatu are those states, which gain independence in this subregion. Secondly, Micronesia is composed of the Republic of Palau, the Federated States of Micronesia, the Republic of Kiribati, the Republic of the Marshall Islands, the Republic of Nauru<sup>95</sup>. It is distinct from Polynesia to the east, and Melanesia to the south. There are over 3 100 km<sup>2</sup> of water for each km<sup>2</sup> of land. The majority of islands are low coral atolls, uninhabited and uninhabitable. Micronesians might closely resemble Polynesians in society and ethnicity. Central, eastern and western Melanesia differ from each other, though their culture is considerably less diversified than the Melanesians’, and much more diversifies than the Polynesians’. Lack of the resources of Polynesians’ and Melanesians’ larger islands forced autochthons to create strategies to survive and resist severe climate conditions.

Polynesia is the largest subregion in the Pacific Ocean. Since an archaic Polynesian society emerged, it distinguished from any other on Earth. Polynesian most closely resemble Southeast Asian Islands ancestors. Composed of the Cook Islands<sup>96</sup>, Niue, the Independent State of Samoa, the Kingdom of Tonga and Tuvalu, Polynesia has the Hawaii Islands at the North and New Zealand at the South<sup>97</sup>.

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<sup>91</sup> The distinction of those groups of islands was first made by a French explorer, Jules Dumont d’Urville. The purpose was to denote geographical and an ethnic grouping of islands.

<sup>92</sup> I. C. Campbell, *A History of the Pacific Islands*, University of Canterbury Press, Christchurch 1989, p. 40-135; S. R. Fischer, *op. cit.*, p. 23-42.

<sup>93</sup> *Ibidem*.

<sup>94</sup> An autochthon is an indigenous person from ethnic minority.

<sup>95</sup> The US territories, as well as those belonging to Australia, New Zealand, Great Britain, France, Chile and Pacific islands themselves, were not taken into consideration due to their dependence.

<sup>96</sup> The Cook Island is self-governing state in free association with New Zealand. This status in international law will be presented further relative to this states as well as to other particular Pacific countries.

<sup>97</sup> More in: D. L. Oliver, *The Pacific Islands; Third Edition*, University of Hawaii Press, Honolulu 1989, p. 87-246; S. Margolis, *Adventuring in the Pacific: The Sierra Club Travel Guide to the Islands of Polynesia, Melanesia and Micronesia*, Sierra Club Books, San Francisco 1983, p. 77-374.

For the record, the definitions of *Oceania* and *Australasia* have to be separated from the term *Pacific region*. Oceania has no legal definition, therefore does not exist in any legal document. This appears to be a collective name for the islands, both dependent and subordinated states, on the Central and South-West Pacific Ocean<sup>98</sup>. Those islands, along with the state of Australia<sup>99</sup>, constitute the Australian continent. Australasia in turn, is a part of Oceania comprising Australia, New Zealand, and neighbouring islands in the Pacific Ocean, up to the New Guinea on the North. In accordance with the title of this paper, the main focus will be put on the sovereign South Pacific states, that is those listed above. However, they are very often engaged in cooperation with the states possessing dependences. From this reason, analysing the regional cooperation among Pacific states should not be made without a consideration of the relations with neighbour, depending, islands<sup>100</sup>. Here, one cannot forget the recently established informal cooperation within the Pacific Rim, which will be described deeper in the further part.

Another crucial fact appears to be the regional, oceanic system. As already mentioned, Pacific islanders depended on the resources of their islands, self-sufficient in food, sharing the similar ceremonials and Creole languages, what in turn, in spite of some differences in cultures, facilitated the process of cooperation in their region. Achieving independence, giving nations the possibility to independently decide on foreign relations, was the long course of actions after decolonization in Pacific. Therefore, there has to be introduced an example showing this historical impact on contemporary cooperation among South Pacific states.

For better understanding the legal personality of subjects of international law in this region, there will be made a comparison of two South Pacific nations, French Polynesia and New Zealand. Possessing whatever different legal status, those countries are engaged in the process of cooperation in their region. But their contribution and extend of initiating and tightening mutual relations naturally differ. In 1842, after former religious and military missions to Tahiti, the largest island of contemporary French Polynesia, France declared protectorate. Entities possessing the status of “colonial protectorates” were subordinated to the protecting power (protected diplomatically and/or militarily). In effect, they lost their independent statehood. In 1880, protectorate status was changed into colony. French Establishments of Oceania (*Les Établissement Français d’Océanie*, EFO) turned to be the main element of French colonies. The islands, still independent,

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<sup>98</sup> J. Siekiera, Diplomatic Relations with the Pacific Countries maintained by the Republic of Poland, *Antypody. A Quarterly Magazine of Australia, New Zealand and Oceania Research Association*, No. 4/2010.

<sup>99</sup> The official name of Australia, according to the Constitution from 1 June 2003, is the Commonwealth of Australia.

<sup>100</sup> The interview with the former Chargé d’Affaires of New Zealand, Julian Ludbrook, Warsaw 14.12.2012.

were integrated to EFO. After World War II, Tahitians was granted the French citizenship due to the fact of affiliation colony to overseas territory of France (*Territoire d'Outre Mer*) and renaming EFO on French Polynesia. That was because of the amendment of the Constitution of the IV Republic, where the term *colony*, possessing negative, and very often traumatic sense, was removed. However, diplomatic measures caused granting an internal autonomy in 1984. That was an effect of already visible clear class distinctions between ethnicities. The military and external features were still in French government hands. Also, socio-political and economic status of native Tahitians was established lower than those of metropolis origin or Chinese dealing with the trade. Granting the overseas collectivity status (*collectivité d'outre-mer*, COM) was the last but one step in contemporary history of French Polynesia. This legal position meant first-order administrative divisions of metropolitan country. Finally, in 2004 the name of French Polynesia was change into overseas country inside the Republic (*pays d'outre-mer au sein de la République*, POM). Possessing the second symbolic manifestations, which is the title of the President of French Polynesia, country has a huge degree of autonomy<sup>101</sup>.

The biggest islands in the region of the South Pacific Ocean belong to New Zealand. The status of Maori land, originally called *Aotearoa*<sup>102</sup>, was change from a colony to British dominion in 1907. This international position gave some more sovereignty from the British Empire. Nevertheless, after 40 years, New Zealand was able to establish its own Ministry of Foreign Affairs which could carry distinct external policy. It is worth mentioning, the national anthem is the British anthem until now<sup>103</sup>. What appears important, a term dominion (Latin: *dominatio* – lordship, *dominus* – lord) referred to British dependencies, which were granted a right to have their own parliament and government, but were still belonging to the Great Britain. Currently, the following definition has changed due to the reform of the political system; from a true political dependence to ceremonial- and formal- influences. The dominion status is possessed nowadays by sovereign states, which are part of the Commonwealth of Nations. Canada, Australia and New Zealand have at their disposal the total degree of independence in internal and external policy, however regarding the British monarch as the head of their states. Furthermore, New Zealand is a constitutional monarchy belonging to the Commonwealth

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<sup>101</sup> See *Key Historical Events Related to Tahiti's Status under France* in: Y. Beus, *Colonialism, Democracy, and the Politics of Representation in Alain Corneau's Le prince du Pacifique* (2000), in: *New Zealand, France and the Pacific, Studies in New Zealand Culture* No. 14, ed. by I. Conrich, D. Alessio, Kakapo Books, Nottingham 2011, p. 95-100; O. Temaru, Maohinui (French Polynesia); the need for independence, in: *French Polynesia: A Book of Selected Readings*, ed. N. J. Pollock, R. Crocombe, Institute of Pacific Studies of the University of the South Pacific, Suva 1988, p. 275-283.

<sup>102</sup> *Aotearoa* in Maori language means land of the long white cloud.

<sup>103</sup> The government of New Zealand recognised the song *God defend New Zealand* as the second official anthem in 1976.

Realm, the organizations of former British colonies and dependencies, sharing the common line of succession with the monarch of the Great Britain<sup>104</sup>.

On the Pacific Ocean, there is also a third example of states possessing other status according to international law. Those are the associated states. Such formal association is the free relationship between a country possessing some degree of statehood with the other, sovereign one. Therefore, from the legal point of view, they are not sovereign entities of international law. However, there is no status of protectorate or other form of subordination. The self-governing states in free association with New Zealand, are the Cook Islands and Niue. The Marshall Islands, the Federated States of Micronesia and Palau are in turn the associated states of the US. The General Assembly of the UN approved resolution 1541, where one can find a clause: “A non-self-governing territory can be said to have reached a full measure of self-government by: a) emergence as a sovereign independent state; b) free association with an independent state; or c) integration with an independent state”<sup>105</sup>. Further, there is a legal definition, according to which, free association is a result of a free and voluntarily choice through democratic and informed processes. Next circumstance to establish this form of cooperation is the respect for individuality and culture of the concerned territory and its people. Additionally, the associated state should have the right to freely change its status through constitutional means and by the will of the nation<sup>106</sup>. The free relation can be also regulated by the bilateral treaties, signed between the associated state and its assisting sovereign state. As far as the Marshall Islands, the Federated States of Micronesia and the Republic of Palau are concerned, the US established the Compact of Free Association<sup>107</sup>, in which contracts to provide economic assistance and defence. New Zealand did not sign an equivalent for

<sup>104</sup> More about the history of achieving independence of new Zealand, read: S. Bożyk, *System konstytucyjny Nowej Zelandii* [The Constitutional System of New Zealand], Wydawnictwo Sejmowe, Warsaw 2009, p.5-11; A. Dańda, *Dominium jako forma ustrojowa państw anglosaskich* [Dominion as the System of Government in the Anglo-saxon States], Wyższa Szkoła Europejska im. ks. Józefa Tischnera, Cracow 2009, p. 6,7,50; S. R. Fischer, *op. cit.*, p. 123-130, J. Siekiera, *Nawiązywanie i utrzymywanie stosunków dyplomatycznych między państwami na przykładzie Rzeczypospolitej Polskiej i Nowej Zelandii* [Establishing and Maintaining of the Diplomatic Relations between the States, on the example of the Republic of Poland and New Zealand], University of Wrocław, 2011.

<sup>105</sup> Principle VI of Resolution 1541 (XV) Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter, adopted on the reports of the Fourth Committee from 15 December 1960, available at the UN Documentation: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/1514\(XV\)&Lang=E&Area=RESOLUTION](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/1514(XV)&Lang=E&Area=RESOLUTION), 11.03.2013.

<sup>106</sup> Principle VII of the above mentioned resolution.

<sup>107</sup> On the basis of The Compact of Free Association between the Federated States of Micronesia and the United States, (included in U.S. Pub. Law 99-239, Compact of Free Assoc. Act of 1985, 48 USC 1681 note. 59 Stat. 1031 and amended Dec. 17, 2003 by House Jt. Res. 63; U.S. Pub. Law 108-188), available at Legal Information System of the Federated States of Micronesia, <http://www.fsmlaw.org/compact/index.htm>, 11.03.2013.

this international agreement, however, in the constitutional status of both those states<sup>108</sup> are clauses of being recognized as sovereign states, and not- dependencies of New Zealand<sup>109</sup>. Niueans as well as the Cook Islanders have New Zealand citizenship. Also, it is Wellington government which can act on their behalf in foreign affairs and defence issues<sup>110</sup>.

## 2. History of Cooperation among Pacific Nations

After the end of the Cold War, multilateral relations among the Pacific states were motivated by the two main factors: stabilising of the peace and security, as well as development through the economic integration. Obviously, those endeavours were alternated with each other, however, that of bigger chance of achievement has been chosen. Up from the Kuwait War (1990-1991), there have been an increase of the anti-American attitude with its famous ideology of *the New World Order*. Contrary to this slogan, there was invented the other ideology, created by countries connected with ASEAN; *the New Regional Order*, which became a path for the developing states of the West Pacific. The Pacific states started to open their market on China, USSR and next Russian Federation, aiming at decreasing the economic domination of USA, Japan and the European Economic Community (EEC)<sup>111</sup>.

The intensification of international relations in the region of the Pacific Ocean was the consequence of the process of decolonisation. The new entities on the global arena were slowly but consequently establishing the political and economic cooperation with the recent empires and states in their neighbourhood. The second, but not least, factor of the strengthening of multilateral aid in this region was the Japanese *politics of extensive peace* throughout the Pacific area. An alliance, signed between governments in Tokyo and Washington, has indeed stressed the American factor in the region. It was also the approval of the US defence strategy on Pacific. However, the other power, the Soviet Union, was not willing to let that alliance to economically penetrate the zone<sup>112</sup>. One has to remember the defence and military cooperation is one of the main areas of

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<sup>108</sup> On the example of the Cook Islands: Constitutional Status and International Personality from 4 August 1965, available on the ministry of Foreign Affairs and Immigration of the Cook Islands: [http://www.mfai.gov.ck/attachments/068\\_WELLINGTON-1129712-v1-CookIslands%20%20Constitutional%20Status%20and%20International%20Personality%20%20informationpaper.pdf](http://www.mfai.gov.ck/attachments/068_WELLINGTON-1129712-v1-CookIslands%20%20Constitutional%20Status%20and%20International%20Personality%20%20informationpaper.pdf), 11.03.2013.

<sup>109</sup> The Cook Islands and Niue are classified as “non-member state” by the United Nations.

<sup>110</sup> R. G. Crocombe, Land Policies in the Dependencies, *New Zealand's Record in the Pacific Islands in the Twentieth Century*, ed. A. Ross, Longman Paul Limited, New York 1969, p. 12-23.

<sup>111</sup> J. Kukułka, *Historia współczesnych stosunków międzynarodowych; 1945-2000 z kalendarium 2001-2006* [The History of the Contemporary International Relationships; 1945-2000 with the calendar of 2001-2006], Wydawnictwo Naukowe SCHOLAR, Warsaw 2007, p. 591-XX.

<sup>112</sup> *Ibidem*, p. 309-310; United States Note to Japan November 26, 1941, Dept. of State Bulletin, Vol. V, No. 129, Dec. 13, 1941.

collaboration among Pacific states so far. This material scope of South Pacific regional cooperation will be deeper analysed in the further part of the paper.

Some post colonial countries understood trade to be a very meaningful connection to their post metropolis, which could constitute a pillar of their relations. Also, trade policies were considered as to gain an insight into bilateral relations. Such diplomatic measures, which are trade patterns can indeed grow warm or cool down relationships. Those political means could be used as well for imperial preferences, constant connections to the mother country. These issues were naturally linked to the sense of national identity. So-called *imperial economy* had influenced the New Zealand trade policies addressed at the government in London. All the diplomatic measures from Wellington were gently aimed at the sale of agriculture exports. The strength of regional forces in the area of economy in conjunction with the dominions' divergence from the imperial economy posed an obstacle in last attempts of influences over post colonies<sup>113</sup>.

The Australia-New Zealand Agreement, also called the Canberra Pact reflected fears of growing imperial ambitions of the US in the Pacific region. Document was signed in 1944 by the closest American allies in the time of war. Before the Canberra meeting, none of the countries in the South Pacific region were consulted. In the post war period, New Zealand had experienced the Washington threat to its Pacific dependencies. However, Prime Minister of New Zealand, Peter Fraser, intensely abandoned any claims from the USA regarding the reverse lend-lease to Samoa. This territory was partly under the American supervision back then. Thus, this case gave Washington no basis to raise any claims of land or military bases built on the islands. Furthermore, government in Wellington decided to purchase the US military equipment from those bases. On this example, one can see the attempt of safeguarding a state's interest and wider strategic from the larger *imperial* states' encroachment in the South Pacific<sup>114</sup>.

After the possession of overseas territories, which were indeed the trumps-cards in international relations, the new global actors started to seek their power in economic dominance. In 1967, on the Japanese initiative, the Pacific Economic Community (PEC) was established. The forum is comprised of the most developed states in the region, that is of Japan, USA, Canada, Australia and New Zealand. China with other developing countries joined the group a year after<sup>115</sup>. The second form of cooperation, to which the

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<sup>113</sup> F. McKenzie, *The Rhetoric of Trade and the Pragmatism of Policy: Canadian and New Zealand Commercial Relations with Britain, 1920-1950*, in: *Small Nations...*, p. 45-52.

<sup>114</sup> J. A. Bennett, *The American Imperial Threat to New Zealand's Pacific Dependencies in World War Two*, in: *New Zealand, France...*, p. 45-53; more about the Canberra Pact read in: *Speeches and documents on New Zealand history*, ed. by W. D. McIntyre and W. J. Gardner, Clarendon Press, Oxford 1971.

<sup>115</sup> J. Kukułka, *op. cit.*, p. 310-311; S. Terry, *Where the wave of the future will crest?* in: *The Christian Science Monitor*, September 28, 1982.

prototype was EEC, was on the Pacific Economic Cooperation Council<sup>116</sup>. The still functioning organization has opened their membership on the representatives of ASEAN, China, Taiwan, South Korea, Russia, South-West American states and other island countries from the Pacific Ocean<sup>117</sup>. One cannot forget the first attempts of formalization the Pacific zone were made by Japan, which was trying to create the common market. Nevertheless, the newly sovereign states were unwilling to go into the close, formal community, like EEC were. Japan itself pursued to use a term more neutral, related to *the balance of power*; that is *cooperation*.

However, such cooperation, was constituting, next to export, a possibility of economic expansion into Pacific states. More than 70 % of the development assistance carried by Japan turned to the South Pacific states along with the export and investments. Therefore, the small island countries started to become dependent on political decisions in Tokyo. Also, the Soviet Union and the United States wanted to get involved in the leadership of the Pacific cooperation. The Pacific countries were afraid of the new hegemony of Japan, which in turn might evolve into military hegemony. USSR proposed the multilateral work for the research of seabed, fishery, commercial agreements *etc.* Such idea, which was also aimed against American influences, was accepted by the governments of Kiribati, while Fiji and other islands were considering joining the project.

In the course of time, there were strong antinuclear tendencies in the Pacific region. Australia was the first state in this area, which was openly against French nuclear testing on the Pacific Ocean. Canberra proposed creating the denuclearized zone. New Zealand was Even more strict in this matter. *New Zealand's Nuclear Free Legislation* was introduced by the Prime Minister, David Lange. There was a general prohibition on flowing nuclear-armed ships into New Zealand waters or its ports<sup>118</sup>. Nevertheless, such statement was understood as the breach of alliance under the name of ANZUS (The Australia, New Zealand, United States Security Treaty). Additionally, two other members decided to adjourn *sine die* next meeting in 1985. This international defence organisation was established in 1951. Due to the membership of the two largest states in the South Pacific region, ANZUS will be described in the following part of the paper.

Treaty of Rarotonga, signed in the capital of the Cook Islands in 6 August 1985, finally formalized a nuclear weapon free zone in the South Pacific. The parties of the South Pacific Nuclear Free Zone Treaty declared the general ban on using, testing and possession of any kind of nuclear weapons within the territories of the signatories. The

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<sup>116</sup> Formerly under the name of the Pacific Economic Cooperation Conference, due to informal form of cooperation.

<sup>117</sup> Additionally, France is an associate member due to its Pacific territories.

<sup>118</sup> M. Green, *The Changing Face of New Zealand Diplomacy*, New Zealand International Review 2008, Volume 33 No 6; J. Kukulka, *op. cit.*, p. 311.

draft of this regional document was directed against French nuclear testing as well as the storing of the dangerous materials at the seabed. The main global actors to whom the drafts were sent were not unanimous. The US and France issued the negative response, while Russia and China agreed with the demands. Unfortunately, the forgotten issue remains until today. The weak and barely audible voice of small Pacific countries was not able to stop the defence interests of the bigger powers at the international arena. The habitants of islands are still having a severe health problems, which are very often hereditary<sup>119</sup>.

The change of regional order in the South Pacific was the final stage in the Wellington-Paris diplomatic conflict. Here is important mentioning the consequences of the sinking of a ship, purchased by Greenpeace, international environmental NGO. The ship, previously belonging to the United Kingdom (UK), was called the Rainbow Warrior. The bombing of the vehicle in port of Auckland in 1985 was made by the French intelligence services. The attack was the attempt of preventing the Greenpeace actions against French nuclear testing in Moruroa, atoll in French Polynesia. The secretary general of the UN, Javier Pérez de Cuéllar, was a mediator in 3-years-lasting conflict. The states of the Melanesian bloc, that is Papua New Guinea, Solomon Islands and Vanuatu, decided as well on exerting pressure on France through the UN<sup>120</sup>.

As it was already presented, the regional relations among the South Pacific states were made on the example of the EEC. The promotion of regional cooperation would be patterned after the free trade zone in Europe. However, such Pan-Pacific organization, being broader in scope than ASEAN, would have its own, unique style of consensus decision-making, how described the point dr. Somsakdi Xuto, on the fifth Pacific Rim conference in Los Angeles<sup>121</sup>. Also, the human rights integration or rather creating the legal platform common for all the Pacific islands became the second step, after the positively implemented economic assimilation. The issue of the regional economy was indeed more difficult due to some features within the South Pacific area. Firstly, the level of national economies were varied, some countries were still much linked to former metropolis or other bigger sovereign states, and finally, some of them wanted to depend more on the big international actors, like Japan, the Soviet Union or Australia rather than on new incipient regional cooperation. On the conference of the ministers of the foreign affairs in Canberra in 1989, there was established the first institutionalised form of consultation and initiatives of the common economic cooperation, under the name of APEC (Asia-Pacific Economic Cooperation). Four years later, in 1993 there was taken

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<sup>119</sup> More about this clue problem: D. Zdziech, *Poland na Pacyfiku* [Poland- a village on the Pacific Ocean], a lecture on the conference *Polacy na Pacyfiku* [The Poles on the Pacific Ocean], 7.12.2012, Cracow.

<sup>120</sup> J. Kukułka, *op. cit.*, p. 403-404.

<sup>121</sup> Dr. Somsakdi Xuto was the dean of Thailand's National Institute for Development and Administration.



another step in the economic integration. AFTA (ASEAN Free Trade Area) was at its aim, encourage the foreign investors to deposit funds in the region as well as to increase bartering.

Here is worth mentioning the American influence into the Pacific area. President Bill Clinton's administration was using diplomatic measures on other parties during the meeting of the Pacific states summit in 1993 in Seattle. The participants finally agreed on the transformation of ACEP into the free trade zone, just like already were NAFTA and EEC. Nevertheless, there was a dispute on the bounds of economic cooperation. One group of countries, represented by the US and Australia, voted on the total departure from tariff walls. *A contrario*, Asian states, including China and Japan, were afraid of the different level of national economies, which in turn could harm the common market. Eventually, it was determined in 2020 there will be the largest free economic zone in the whole world, comprised of 2,2 billion of inhabitants and 45% of the world's business transactions<sup>122</sup>.

### 3. Geopolitical Scope of Pacific Cooperation

The South Pacific region is generally regarded as backwater isolated from the international relations. Due to the western, dominions interest, the area of twenty island-territories required further attention. After the two bursts of decolonization, 1962-1970 and 1974-1980, political situation of the Pacific states has changed. By this moment, there are nine sovereign island countries (excluding the biggest states, Australia and New Zealand), plus five associated states. At last, they are in a position to form their own foreign policy. However, one must remember development of the *South Pacific Regionalism* on one hand is initiated by those several new independent states, on the other- is strongly supported by western powers from the Pacific rim. This created an unique, international and regional system of relations between states, involving various interests. Therefore, the three dimensions of South Pacific regional relations can be distinguished. Those are relations among island states themselves, between Pacific states and metropolitan powers, and finally between, so-called the *new North Pacific* (The United States, Japan, and Canada)<sup>123</sup> interests and island states<sup>124</sup>.

The European Economic Community signed with the African, Caribbean and Pacific Group of States (ACP) the Lomé I Convention in 1975, in the capital of Togo. Under

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<sup>122</sup> *Ibidem*, p. 591-596; R. W. Baker, Pacific Summit in Seattle: Testing Clinton's Asia-Pacific Policy, Asia Pacific Issues, Analysis from the East-West Center No. 9, November 1993.

<sup>123</sup> More about the new North Pacific read: M. Fry, J. Kirton, M. Kurosawa (ed.), *The North Pacific Triangle: The United States, Japan, and Canada at Century's End*, University of Toronto Press, Toronto 1998.

<sup>124</sup> G.E. Fry, *Regionalism and International Politics of the South Pacific*, in: Pacific Affairs, Vol. 54, No. 3 (Autumn, 1981), p. 455.

this cooperative agreement in the field of trade, 10 million EUA<sup>125</sup> was approved for Tonga, Fiji, Papua New Guinea and Western Samoa. All the seven Pacific signatories and institutions, like the University of the South Pacific in Suva, were able to develop their regional projects. The huge success of the European development programme was recurred three times more, through the Lomé II, III and IV. The Cotonou Agreement is the successor to those conventions. It was signed in Cotonou, the seat of government of Benin, in 2000<sup>126</sup>. Former European Trade Commissioner, Peter Mandelson, said that global economic change might be a force for development in the Pacific region. Such force can provide new markets for exports, innovative possibilities for investment and trade. The EU needs to built a new partnership with the states from the Pacific Ocean, what in turn will lead to strengthening the region economically and as well will equip those countries for a fast changing world economy<sup>127</sup>.

The Cotonou Agreement is an example of the European Union Partnership Agreement (EPA). It was signed by the EU and the seven ACP regions, including the Pacific group. It has to be noted all members of the Pacific Islands Forum (PIF), an inter-governmental organization, negotiate own vision of the EPA with the EU. The main objectives of those regional trade agreements are indeed to promote the economic growth, as well as gradual integration of the states from one particular geopolitical area. Such fostering of regional integration is being made through creation of special, very often unique for a region, conditions for attracting essential interests. But the EU-Pacific EPA is not just about trade in goods or services. Other dimensions include sustainable development, stable business environment, competitiveness, better market access and better deal for households within the Pacific island states' economies<sup>128</sup>.

The Association of Southeast Asian Nations is not compounded by any of the countries from the Pacific Ocean. However, from the beginnings of its functioning, it has shown concern into this particular region. Labels such as *Pacific Asia*, *Asian Pacific* have been used by the scholars and experts, who seem to noticed the huge potential of, until recently, neglected area. The rapid growth of South East Asian economies attracted deal of attention. Forming the dynamic core of new subdivision of the world economy, a Pacific Asian core region requires strong integration and cooperation itself. It appears

<sup>125</sup> The European Unit of Account (EUA) was the European Communities currency for years 1975-1979.

<sup>126</sup> U. F. Neemia, *Cooperation and Conflict: Costs, Benefits and National Interests in Pacific Regional Cooperation*, South Pacific Books Ltd, Suva 1986, p. 80-104; M. N. Ogbonna, *An Analysis of ACP-EEC Trade after Lome I Convention*, in: *Acta Oeconomica*, Vol. 29, No. 3/4 (1982), p. 341.

<sup>127</sup> Statement from EU Trade Commissioner P. Mandelson, April 2007.

<sup>128</sup> M. Busse and S. Lühje, *Should the Caribbean Countries Sign an Economic Partnership Agreement with the EU?: Challenges and Strategic Options*, *Journal of Economic Integration* Vol. 22, No. 3 (September 2007), p. 599; *Trading for Development: An European Union-Pacific economic Partnership Agreement*, Office for Official Publications of the European Communities, Luxembourg 2007, p. 3-15.

obvious, increase of some region's financial power implicates intensifying of competition among others. Therefore, some international scholars cast doubt upon the existence of the *Pacific Asian Region*. The interests of well developed ASEAN member states are unlikely similar to those of recently independent, developing Pacific island states<sup>129</sup>. What is more important, the centre of the gravity of the global relations and economy itself has been shifting from the Atlantic Ocean, that is international affairs between the US and the EU, to the Pacific Ocean. There are also some voices naming the 21st century the *Pacific century*<sup>130</sup>.

Through many problems concerning ASEAN, the economic cooperation with the Pacific states was the good solution. The advantage from the close relations between these two groups of countries developed in 1990s. The increasing net of economic linkages among the members of ASEAN resulted from their progressively oriented industrialization strategy to the Pacific region. A noteworthy tendency in the cooperation between this international organization and the Pacific states is utilization of foreign direct investments (FDI). Those prompt investments are aimed into production or business in a particular country by a certain company in another state. Such economic activities are understood as the vital stimulus to comprehensive investments<sup>131</sup>. Here is worth mentioning some precise data concerning the Pacific states' economy. Intraregional trade share statistics, presented by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP, or rarely used UNESCAP), refers to trade focusing on economic exchange between countries of the region and/or economic zone. The annual rate in 2012 of change in intraregional trade share, increased from 12,4% in 1989 to 19,7% in 2011<sup>132</sup>.

From the inspiration of ASEAN, there has been shaping the idea of currency cooperation among Pacific states. In 1997, there was a first meeting of the highest representatives responsible for monetary policy. The group compounded of Australia, the United States, Japan, China, Hong Kong and Singapore called themselves G-6. The annual rapport of the Asian Development Bank (ADB), the international financial organization with the aim of supporting the economic development and improving the live conditions in the developing countries of the Asian and Pacific states, presented the optimistic data.

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<sup>129</sup> Ch. Dixon and D. Drakakis-Smith, *The Pacific Asian Region: Myth or Reality?*, in: *Geografiska Annaler. Series B, Human Geography*, Vol. 77, No. 2, p. 75.

<sup>130</sup> Interview with D. Zdziech, president of the Polish Association ANZORA (Australia, New Zealand and Oceania Research Association), Cracow 15.03.2013.

<sup>131</sup> T. K. Yam, T. M. Heng and L. Low, *ASEAN and Pacific Economic Co-operation*, and F.A. Albuero, C.C. Bautista and M.S.H. Gochoco, *Pacific Direct Investment Flows into ASEAN*, in: *ASEAN Economic Bulletin*, Vol. 8, No. 3, ASEAN and The Pacific (March 1992), p. 284, 309.

<sup>132</sup> Data exported from Statistical Yearbook for Asia and the Pacific 2012, UNESCAP website: <http://www.unescap.org/stat/data/syb2012>, 21.03.2013.

The level of Asia and Pacific share in the world's income would increase from 40% up to 57% in 2020. However, the good forecast did not come true due to the financial crisis at the half of the year 1997<sup>133</sup>. Nevertheless, after the introduction of the Euro currency in the EU, Pacific Islands along with New Zealand and Australia were even more interested into the currency union. The core currency in the region is still the Australian dollar. The degree of convergence among economies of those states shows a tendency toward divergence. From this reason, the common currency seems to be a premature trend in the South Pacific region<sup>134</sup>.

The ASEAN Regional Forum (ARF) was established in 1993 "to foster constructive dialogue [...] on political and security issues [...] and to make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific"<sup>135</sup>. Australia, New Zealand and Papua New Guinea are the only Pacific state members. Others, like East Timor<sup>136</sup>, are situated in the Asia-Pacific economic zone, therefore are more likely to cooperate with the South Pacific islands. The relevance of ARF for regional security in the Pacific basin is fairly disputable. It stems from the fact, ASEAN itself insists on its primacy in promoting security. Therefore, Regional Forum may act just in the field of preventive diplomacy. The diplomatic measures are being used by the scholars and the policymakers of the Pacific governments, mostly to deal with the slight security problems. Other role of ARF is problem-solving and negotiations for the economic development and stability within the region of Pacific<sup>137</sup>.

The idea of cooperation within the *Pacific Rim* was born in 1989 during the Canberra meeting, through the APEC regional organization, what was already signalled earlier in this paper. This unique cooperation among the independent Pacific islands states, ASEAN and Japan, as well as dependent territories is being achieved through various intergovernmental organizations and NGOs. The creation of the Pacific Rim regionalism is being form *inter alia* by the East-West Center. This education and research

<sup>133</sup> J. Kukułka, *op. cit.*, p. 596.

<sup>134</sup> More about the perspectives of the Pacific currency read: K. Bunyaratavej and T. K. Jayaraman, *Are the Pacific Island Countries Ready for a Single Currency?*, in: *The Journal of Developing Areas*, Vol. 40, No. 2 (Spring, 2007), p. 141.

<sup>135</sup> The First ARF Chairman's Statement, Robert Tomei in 1994.

<sup>136</sup> Officially the Democratic Republic of Timor-Leste. About the international personality of Timor and its war of independence, read: Ł. Bonczół, *Timor Wschodni: Od reliktu kolonializmu do problemu międzynarodowego* [From the relict of Colonialism to the International Problem], Wydawnictwo Uniwersytetu Wrocławskiego, Wrocław 2008.

<sup>137</sup> M. Antolik, *The ASEAN Regional Forum: The Spirit of Constructive Engagement*, in: *Contemporary Southeast Asia*, Vol. 16, No. 2 (September 1994), p. 117; D. Heller, *The Relevance of the ASEAN Regional Forum (ARF) for Regional Security in the Asia-Pacific*, in: *Contemporary Southeast Asia*, Vol. 27, No. 1 (April 2005), p. 123; R. Lim, *The ASEAN Regional Forum: Building on Sand*, in: *Contemporary Southeast Asia*, Vol. 20, No. 2 (August 1998), p. 115; T. Yuzawa, *The Evolution of Preventive Diplomacy in the ASEAN Regional Forum: Problems and Prospects*, in: *Asian Survey*, Vol. 46, No. 5 (September/October 2006), p. 785.

organization, found in Honolulu, Hawaii aimed at promotion of better relations and understanding among nations of the United States, Pacific and Asia<sup>138</sup>. Sustainable Pacific Rim Cities is another forum of discussion, in the field of sustainability and innovation by using the method of ecological applied research, between and within the Pacific cities and villages<sup>139</sup>. Another research institute founded on the University of British Columbia, Canada is the Institute of Asian Research. In addition, the Rim of the Pacific Exercise (RIMPAC) was set up in 1971 by the United States Pacific Command, armed forces responsible for the Pacific Ocean area. It involved naval forces from Australia, Canada, New Zealand, UK, and US to coordinate naval exercises on the Pacific basin. RIMPAC 2012 is the 23rd exercise in this series, associated 22 different nations<sup>140</sup>. From those example, the huge variety of branches of cooperation is noticeable in the Pacific Rim. The precise forms and scope of such coordination in the South Pacific area will be presented in the last chapter of the following paper.

The question of leadership is still open. Accordingly, international secretariats, hegemonic powers or even a single government of small state is able to manage the regional cooperation<sup>141</sup>. As commonly known in international law, it all depends on the states' consent. As for the Pacific region, Australia is been mentioned as the leader in its South Pacific area<sup>142</sup>. Historically, there has always been a strong linkage between Canberra and the governments on other South Pacific countries. Due to the positive image of Australia in its region, the state was regarded as a supportive and relatively developed country, regional partner which was able to provide aid in the best interests of Pacific entities. The well known example of humanitarian aid was sent to Papua New Guinea amounting to \$436 million. That was indeed the largest Australian humanitarian program directed to any of the Pacific island. Total aid to the South Pacific region doubled from \$175.8 million in years 2003-2004 to \$383.1 million in 2004-2005.

*Good governance – Pacific style* is the new programme introduced by the Australian government in the field of cooperation among South Pacific states. Such relationships have been built by the Australian sector of NGO with the Pacific civil society

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<sup>138</sup> The rapport to the US Congress of. Comptroller General, E. B. Staats, *East–West Center: progress and problems. Report to Congress*, 1978, p.9; *The East-West Center and the Pacific*, East-West Center, Los Angeles 1985, p. 3-27.

<sup>139</sup> The website of the Sustainable Pacific Rim Cities: <http://www.sustainablepacific.org>, 24.03.2013.

<sup>140</sup> P. J. Katzenstein, T. Shiraiishi, *Network Power: Japan in Asia*, Cornell University Press, New York 1997, p. 26-28; Ch. A. Meconis, M. D. Wallace, *East Asian Naval Weapons Acquisitions in the 1990s: Causes, Consequences, and Responses*, Greenwood Publishing Group, London 2000, p. 194-196.

<sup>141</sup> U. F. Neemia, *op. cit.*, p. 16, 44; J. Ravenhill, *APEC and the Construction of Pacific Rim Regionalism*, Cambridge University Press, Cambridge 2002, p. 6-19.

<sup>142</sup> Lecture *Australia – emergence of a modern nation built on diversity and 'fair go'* of dr. Sev Ozdowski from University of Western Sydney, Australian Human Rights Commissioner, on the conference *Polacy na Pacyfiku* [The Poles on the Pacific Ocean], 7.12.2012, Cracow.

partners, through programs of legal, economic, and public sector reform. They incorporate some activities which strengthen civil society and human rights as well. Some dimensions of Australian good governance for Pacific are effective consultations, appropriate aid delivery mechanisms, land tenure as an integral part of Pacific island cultures<sup>143</sup>.

## Part III. Arrangements of Cooperation in the South Pacific Region

### 1. Cooperation through International Organizations

The achieving consensus concerning cooperation in the South Pacific is very hard due to variety of this region. Contrary to the European continent, the Pacific states neither shared the same religion for which to go to war nor created the common security system after the Second World War and the Cold War. Nevertheless, both those geographical regions are compounded of many different cultures having the diverse history, in addition, which have been cooperating initially on the economic level. Even though the economic changes in the South Pacific area are indeed immense, the politicians there try to follow the methods of the western liberal leaders<sup>144</sup>.

There are many intergovernmental organizations in the region of South Pacific. Some are well-known globally due to their huge contribution to development and promotion of this area. Others, however, are not that much proven by non-Australasian scientists or politicians because of their specific field of interest, such as fishery, geosciences, higher education, *etc.* Using the subjective method, the Pacific organizations can be divided into two groups; one, dealing with the political and economic matters, aims at widely understood development of the region as well as the cooperation through closer integration. The examples are PIF, the Secretariat of the Pacific Community (SPC) and The Melanesian Spearhead Group (MSG). In the second group of regional intergovernmental organizations are those having one particular object of their interests, like the South Pacific Tourism Organisation and the Pacific Aviation Safety Office.

SPC is now the largest regional organization in the Pacific<sup>145</sup>. It was founded in 1947, by six governments administering territories in the Ocean: Australia, France, New Zealand, the Netherlands, UK and USA. Formerly called *The South Pacific Commission*,

<sup>143</sup> N. Wendt, *Australia's Role in the Region - Preventing Failed States*, from the Conference Human Rights: A Pacific Agenda - Partnership and Perspectives; Inaugural Amnesty International Australia Human Rights, 4-5 September 2004 Brisbane.

<sup>144</sup> G. Hawthorn, *Azja i rejon Pacyfiku* [Asia and the Pacific Region], Prószyński i S-ka, Warszawa 2000, p. 20.

<sup>145</sup> According to the United Nations. See: *Report of the Secretary-General on Regional and sub-regional inputs*. E/CN.18/2011/3 from year 2011.

this international institution was to restore stability to the region which had experienced the effects of the Second World War<sup>146</sup>. Since then, the process of regionalism has continued to grow in this area<sup>147</sup>. Nowadays, SPC is composed of 22 Pacific Island countries and territories (PICT). They all aim at the sustainable development in many disciplines, from public health, agriculture and forestry, water resources, disaster management to education, energy, and youth. All those areas are indeed vital to the 8 million inhabitants of the Pacific region. Due to their remote locations, scarced natural resources, decreasing food security and growing population, the need of the effective existence of SPC is being crucial. In 2012 the organization celebrated 65 years of “service”, as the organization proudly emphasizes, to PICT. Noteworthy is the Pacific Plan, the exceptional programme of Secretariat of the Pacific Community. It assumes the strategy for strengthening regional cooperation as well as integration in the Pacific Ocean. It also provides a high-level framework for cooperation of national governments, local agencies and development partners<sup>148</sup>.

The first meeting of the South Pacific Forum, as the organization was renamed on the Pacific Islands Forum in 2000, was held in Wellington in 1971. The discussion was concentrated, in particular, on political issues; nuclear testing and decolonization. Nevertheless, the initial practical impact came in the area of economics. From this reason, the question how to develop connections within the region, especially economically, was the major one. In spite of national benefits overriding regional interest, lack of capacity and the ability of single country to exercise a veto, the Forum has still strong difficulties to achieve “Pacific Way” consensus. There have to be, however, mentioned some international actions taken by this organization. Thanks to its effort, the Forum Fisheries Agency (FFA) was founded in 1979 with the aim of providing information sharing also in tough negotiations on the large and tuna-rich Exclusive Economic Zones. Secondly, the South Pacific Nuclear Free Zone Treaty was signed in 1985 because of the statements calling for action within the region. The most famous and well-known achievement was to make global leaders aware of sea level rise, being the most serious environmental threat to the Pacific region<sup>149</sup>. 19 self-governing island states are the members. Along with other dependencies, they meet annually to work on collective response on regional issues. This makes PIF the region’s main political and economic organization<sup>150</sup>.

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<sup>146</sup> *Secretariat of the Pacific Community, First Regional Conference of Heads of Agriculture & Forestry Services*, by Secretariat of the Pacific Community. Heads of Agriculture and Forestry Services. Regional Conference, Secretariat of the Pacific Community, Suva 2005.

<sup>147</sup> U. F. Neemia, *op. cit.*, p. IX.

<sup>148</sup> More about the activities of SPC find on the website: <http://www.spc.int/en/about-spc.html>, 16.05.2013.

<sup>149</sup> E. Shibuya, *The Problems and Potential of The Pacific Islands Forum*, in: *The Asia-Pacific: A Region in Transition*, ed. by J. Rolfe, Asia-Pacific Center for Security Studies, Honolulu 2004, p. 102-115.

<sup>150</sup> See the PIF website: <http://www.forumsec.org.fj/pages.cfm/about-us>, 16.05.2013.

The Pacific Islands Development Program (PIDP) provides data base and statistics of the Pacific island states as well as publications appropriate to the needs of those nations. The activity of huge importance is locating and matching scholars from this region having various interests, who deal with common areas. Such a broad range of activities is to enhance the quality of life in the region of the South Pacific. PIDP, established in 1980, began as a forum through which island leaders had an unique chance to discuss issues of development. The mission of the East-West Center (American organization, the founder of the programme) was the assistance to heads of Pacific states in their collective efforts to achieve as well as sustain equitable both social and economic development coherent with the goals of the islanders. The organizational structure, adopted in 1990, is made up of the 20 heads of government from the Pacific area. The Pacific Islands Conference of Leaders is compounded not only by presidents and prime ministers of the sovereign states but also by governors of the dependent territories, like Guam, the Northern Mariana Islands, Hawaii and American Samoa<sup>151</sup>.

The Melanesian Spearhead Group is one of the smallest regional organization on the South Pacific Ocean. Founded as a political gathering in 1983, is composed of Papua New Guinea, Fiji, Solomon Islands and Vanuatu. The controversial member is the FLNKS of New Caledonia. The Kanak and Socialist National Liberation Front (French: *Front de Libération Nationale Kanak et Socialiste*) aims at independence of this special collectivity from France. Member states have formalized their group under international law in 2008 in Vanuatu. The MSG Secretariat comprises of four divisions, dealing with corporate services, economic and social development, trade and investment, and political affairs. There is however currently gradual shift to economical issues from its initial political focus. Due to the similarities in both geography and economics, as well as because of historical and cultural ties, MSG is seen as an emerging power in the South Pacific region<sup>152</sup>.

Nowadays, it is not anymore the security, in its classical sense, but the international economy, which does matter for the national interests<sup>153</sup>. The South Pacific governments have been becoming more open to economic cooperation up from approximately twenty years. Different levels of national income of states in the Pacific region are reflected in

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<sup>151</sup> The full list of member states, find on the website of the East West Center: <http://www.eastwestcenter.org/pacific-islands-development-program/regional-secretariat/pacific-islands-conference-of-leaders>, 16.05.2013; E. K. Bailey, *Oceania: A Pacific Odyssey in Management Research*, in: *International Studies of Management & Organization*, Vol. 24, No. ½, 1994, p. 66.

<sup>152</sup> M. L. Ahmadu, R.A. Hughes, *Commercial Law and Practice in the South Pacific*, Routledge, London 2006, p. 394-399; *Vanuatu Economic & Development Strategy Handbook* by USA International Business Publications, Washington 2007, p. 31, 160; official website of MSG: <http://www.msgsec.info/index.php/about-us>, 17.05.2013.

<sup>153</sup> G. Hawthorn, *op. cit.*, p. 55.



the structure of gross domestic product (GDP). Generally in poorest, less developed island countries, agriculture plays the most important role. The examples of such national economies are Tonga, Samoa, the Salmon Islands and the Cook Islands. On the other side, there are New Zealand, Australia and French Polynesia. Those territories are characterised by the largest service sector in GDP<sup>154</sup>. There has to be noted the South Pacific region is no longer an isolated area of the global economy. Through the instruments of the World Trade Organization (WTO), improvements in transport and communication were possible. The development imperatives created for island states in this region were indeed proactive steps in making efficient system of trade management. The legal attempts to put the South Pacific into international market have begun with the Pacific Agreement on Closer Economic Cooperation (PACER)<sup>155</sup>. Along with the Pacific Island Countries Trade Agreement (PICTA), signed in 2001, the agreement tends towards phase in free trade amongst the small islands and secondly, within the region (that means the biggest neighbours, Australia and New Zealand). The main reason is to follow the global market, while not being removed<sup>156</sup>.

The contemporary development of the Pacific trade cooperation was at first elaborated by two regional trade agreements (RTAs): the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA), established in 1981, and by Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA), signed in 1983. The main goal was to develop the trade exchange among member states through the abolition of custom duties<sup>157</sup>. As the article 2, letter c and f of SPARTECA implies: the objectives of RTA are: “to promote and facilitate this expansion and diversification through the elimination of trade barriers” as well as “to promote and facilitate economic cooperation, including commercial, industrial, agricultural and technical cooperation”<sup>158</sup>. On this example, one can see the huge and enlarging importance of RTAs all over the world, starting from the small regions, like the South Pacific is. The provision of regional public goods, so-called RPG, in a variety of areas, needs formal frameworks for such regional cooperation, through formal regional cooperation agreements (RCAs).

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<sup>154</sup> W. Malik, *Ogólny zarys Australii i Oceanii; Poziom rozwoju i struktura gospodarki* [The general outline of Australia and Oceania: The Level of Development and the Structure of Economy], in: *ABC Świat; Australia, Oceania, Antarktyda* [ABC World; Australia, Oceania, Antarctica], KDC Klub dla Ciebie, Poznań 2003, p. 29.

<sup>155</sup> M. L. Ahmadu, R.A. Hughes, *op. cit.*, p. 400-402.

<sup>156</sup> E. Shibuya, *op. cit.*, p. 116.

<sup>157</sup> J. Groch, *Regionalne grupowania gospodarcze* [Regional economic groups], in: *Popularna Encyklopedia Powszechna: Kontynenty i państwa: Australazja, Antarktyka* [The Universal Encyclopedia: Continents and Countries: Australasia, Antarctica] ed. by R. Mydel, J. Groch, Fogra, Kraków 2000, 215-216.

<sup>158</sup> South Pacific Regional Trade And Economic Cooperation Agreement, signed in 1980, entered into force a year after. The full text of the document available on the website of the United Nations Economic and Social Commission for Asia and the Pacific: <http://www.unescap.org/tid/aptiad/viewagreement.aspx?id=SPARTECA>, 17.05.2013.

Naturally, the good adoption of the technology of RTA and RCA among nations is a consequence of *new regionalism*, illustrated at the beginning of this paper<sup>159</sup>.

The island states of the Pacific Ocean are members of many economic organizations, among which, there has to be brought a notice on two of them. The Pacific Basin Economic Council (PBEC), founded in 1967 by the American economist Weldon B. Gibson, is the oldest independent business association in the region. Its independence character comes from the apolitical vision of cooperation among states. The mission of PBEC is to position the private sector as a necessary partner in development and economic integration of the region of Asia Pacific. Thanks to the meetings, forums, symposiums organized many times per year, the close cooperation among the governments of the Pacific states and external stakeholders is efficient<sup>160</sup>. Secondly, PBEC is also the institutional member of the Pacific Economic Cooperation Council (PECC). This tripartite partnership, established in 1980, gathers the specialists from business and public sector, along with academic, intellectual circles. The program aims for better cooperation, policy coordination in areas of trade, investment, and finance, as well as for promotion of economic development in the Asia Pacific region through mutual aid, joint ventures and other forms of linkage. Regional community of members of PECC initiated the official process of APEC in 1989<sup>161</sup>.

The Economic and Social Commission for Asia and the Pacific (ESCAP) is the United Nations regional agency. The geographical scope stretches from Turkey to Kiribati, and from Russia to New Zealand. The 62 member states are inhabited by 4.1 billion people, or in other words, by two thirds of the world's population. Those indexes make ESCAP the most comprehensive regional commission among five UN agencies, as well as the biggest United Nations body serving this region. Together with regional partners, ESCAP promotes and provides a forum for its members of regional cooperation and collective actions. It also assists countries in creating and sustaining social equity and shared economic growth. In addition, the Commission gives stronger participation to the least developed, smaller island states and landlocked countries in the region of Asia. The

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<sup>159</sup> R. Devlin, A. Estevadeordal, *Trade and Cooperation: A Regional Public Good Approach*, publication of the Pacific Economic Cooperation Council from the summit in 11-12 November 2002 Vancouver.

<sup>160</sup> For more information about PBEC, please read: *Pacific Basin Economic Council*, ed. by J. Russell, R. Cohn, Tbilisi State University, Tbilisi 2012; see also the website of PBEC: [http://www.pbec.org/index.php?option=com\\_content&task=view&id=2&Itemid=4](http://www.pbec.org/index.php?option=com_content&task=view&id=2&Itemid=4), 18.05.2013.

<sup>161</sup> A. Elek and H. Soesastro, APEC: origins, evolution, achievements and potential, in: *International Institutions and Economic Development in Asia*, ed. by S. Armstrong and T.T. Vo, Taylor & Francis, New York 2010, p. 182; the full list of participants available at the website of PECC: <http://www.pecc.org/about-us/about-us>, 18.05.2013.

various lessons learned from the experienced states include the huge importance of sharing such experience with the internationally forgotten states<sup>162</sup>.

One of the most important sectors in national economies of the South Pacific states is fishery. The process of transformation from colonies and/or dependencies into self-governed international entities, having free market, is a long way for all these island states. As it was previously pointed, the economy of the developing islands is based on agriculture. Obviously, the natural and geographical circumstances enable to get more from fishery than from agriculture in European sense. All of the Pacific island states benefit from use of tuna, which is worth over \$3 billion every year. This occupation is also very important for the islanders' livelihood. There are three most influenceable fishery organisation in the Pacific region: the Pacific Islands Forum Fisheries Agency (FFA) established in 1979, the Western and Central Pacific Fisheries Commission (WCPFC) from year 2004 and the South Pacific Regional Fisheries Management Organisation (SPRFMO) established in 2010. The member states of those regional organizations committed themselves to the long-term conservation and also sustainable use of the resources of the South Pacific Ocean as well as to safeguard the marine ecosystems in which the fishery resources occur. The main focus is put on sustainable fishing, especially of tuna, but the most practical aspect of the functioning of FFA is to control and register fishing vessel. Last but not least, the forum makes lot of efforts to strengthen regional solidarity so 17 members could be able to manage and develop the fisheries now and in the future<sup>163</sup>.

Among regional organizations dealing with cooperation of states in the South Pacific, there are many of economic-social character. The island leaders are familiar with the urgent necessity of assurance of living conditions to their citizens. The fake paradise view of states such as Kiribati, Vanuatu, East Timor or Papua New Guinea makes global politicians and businessmen difficult to see the true and indeed tragic situation of the Pacific inhabitants. Many islands are like villages with no access to the medical care or secondary education<sup>164</sup>. Asian Development Bank (1966) gathers all PICT countries in aim of enable the poorest residents the access to essential goods, services and

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<sup>162</sup> *ESCAP Towards 2020: Issued on the Occasion of the Commemorative Sixtieth Session of the Commission* by United Nations Publications, New York 2004, 7-8; *Facilitating the Accession of ESCAP Developing Countries to WTO Through Regional Cooperation: Papers Presented at the Regional Seminar on Facilitating the Accession of ESCAP Developing Countries to WTO : Bangkok, 18-21 February 2002* by United Nations Publications, New York 2002, p. 13-14 ; *Report of the Secretary-General...*

<sup>163</sup> More detailed information about the organization of these three institutions, find in: the websites of accordingly FFA, WCPFC and SPRFMO: <http://www.ffa.int>, <http://www.wcpfc.int>, <http://www.south-pacificrfmo.org>, 18.05.2013.

<sup>164</sup> The interview with Dariusz Zdziech, Warsaw 18.04.2013.

opportunities<sup>165</sup>. The South Pacific Board for Educational Assessment (SPBEA) is the regional organization established in 1980 to create assessment procedures for national and regional certificates. As Anaseini Kubuabola Raivoce, director of SPBEA, wrote in the strategic plan for years 2010-2012 “Each Pacific Island country is rising to the challenges of educational reform within the globalised society and are at various stages of reviewing their primary and secondary curricula”<sup>166</sup>.

Here is worth mentioning two extraordinary institutions. Even though they are not international organizations, one has to admit their immense influence on the Pacific regionalism. The University of South Pacific and Fiji School of Medicine (FSM) are both located in Suva, the capital of Fiji. These higher education schools provide the well-educated professionals in the region of the South Pacific. Previously, the only existing colleges were situated in New Zealand or Australia. FSM is the first medical institute in this area, set up in 19<sup>th</sup> century. The school provides education in a number of disciplines. In 2010, it merged into the Fiji National University<sup>167</sup>. The University of South Pacific in turn, is the only university in the world owned by the Cook Islands, Fiji, Kiribati, the Marshall Islands, Nauru, Niue, the Solomon Islands, Samoa, Tokelau<sup>168</sup>, Tonga, Tuvalu and Vanuatu. The school has fifteen campuses in different PICT which enable students to get the higher education on the international level<sup>169</sup>.

As the national security can be understood in two senses, military and energy one, in the region of the South Pacific there are two appropriate organizations: ANZUS and Pacific Power Association (PPA). The mission of the defence organisation is to cooperate in military matters in the Pacific Ocean. As described in the second chapter of this paper, there was a dispute between United States and New Zealand. It ended in 2010 by signing the Wellington Declaration. The bilateral document focuses on two main issues: practical cooperation in the Pacific region and enhancing political dialogue<sup>170</sup>. PPA in turn deals with direct cooperation among the Pacific island power utilities, private sector as well as regional aid donors. This intergovernmental agency, set up in 1992 is compounded not

<sup>165</sup> B. Leonard, *Asian Development Bank: Questions and Answers*, DIANE Publishing, Darby 1992; the official website of Asian Development Bank: <http://www.adb.org/about/main>, 18.05.2013.

<sup>166</sup> Strategic Plan 2010-2012 “Looking after learners of today and tomorrow” of South Pacific Board for Educational Assessment; the website of the organization: <http://www.spbea.org.fj>, 18.05.2013.

<sup>167</sup> *The Pacific Islands: an encyclopedia* ed. by B. V. Lal, K. Fortune, University of Hawaii Press, Honolulu 2000, p. 426; the official website of the Fiji National University: <http://www.fsm.ac.fj>, 18.05.2013.

<sup>168</sup> Tokelau is a territory of New Zealand. According to the UN the atolls are non-self-governing territory.

<sup>169</sup> H. E. Williams, *Library Education in the South Pacific*, Journal of Education for Library and Information Science, Vol. 31, No. 4 (Spring, 1991), pp. 371-373; the website of the University of the South Pacific: [http://www.usp.ac.fj/index.php?id=usp\\_introduction](http://www.usp.ac.fj/index.php?id=usp_introduction), 18.05.2013.

<sup>170</sup> The history and objectives of ANZUS in: M. Pugh, *The ANZUS Crisis, Nuclear Visiting and Deterrence*, Cambridge University Press, Cambridge 1989; *The Wellington Declaration*, The New Zealand Tribune, Nov 4, 2010.

only by PICT states but also those countries worldwide, which are interested in development of the whole power industry in the Pacific region<sup>171</sup>.

There are also many specialised regional organizations, which gather all of the Pacific islands and territories. It is worth mentioning such international intergovernmental entities as: the Secretariat of the Pacific Regional Environmental Programme, South-Pacific.travel (formerly the South Pacific Tourism Organization), the Pacific Islands Applied Geoscience Commission, the Pacific Aviation Safety Office and the Oceania Customs Organization. On the examples of those briefly described regional organizations, one can observe their way to become leading subjects of international law, established as a gathering or a small, private institution. However, unwilling to confer their competences, states of the South Pacific region had decided to constitute some new forms of political cooperation. The last part of this paper will focus on *ad hoc* institutions, which might become the regional intergovernmental organizations. The condition *sine qua non* is, however, the expression of will of the Pacific states.

## 2. Cooperation by means of *ad hoc* Institutions

The idea of *the Pacific Community* was invented by USA. It was aimed at integration of the societies within the region, regardless of the fact that they were different in many senses; from the civilization level to material development<sup>172</sup>. Therefore, from the geopolitical reason, connecting the regions of East Asia with Pacific has no practical sense. Such dichotomy was already presented in this paper regarding to that part of the globe. But how did this differentiation begin to be recognized in the world of international relations? It was due to US interference in Japan's regional affairs. Washington has managed to convince Tokyo to perceive their neighbourhood as "Asia and Pacific" instead of "East Asia". Thanks to this diplomatic move, United States could broaden its influences over the countries of South East Asia, while Japan was still able to call itself the region leader<sup>173</sup>. In the Wellington Declaration from 2010, there is a statement saying United States is a Pacific nations.

The Pacific Community is the Pan-Pacific conception. It had a long struggle, supported by private persons, associations and foundations, to be finally officially accepted and admitted by the states of this region. During the interwar period, the crucial role in the process of cooperation among this region was taken by the Institute of Pacific Relations. Up from 1919, from the initiative of Young Men's Christian Association from

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<sup>171</sup> The objectives of PPA find on the website of the association: <http://www.ppa.org.fj/what-is-ppa>, 18.05.2013.

<sup>172</sup> E. Haliżak, *Wspólnota Pacyfiku a Wspólnota Wschodnioazjatycka* [The Pacific Community and the East Asian Community], Wydawnictwo Naukowe „Scholar”, Warszawa 2006, p. 8.

<sup>173</sup> G. Hawthorn, *op. cit.*, p.16.

Hawaii, the meetings of the representatives of the island states have been organized. The wide spectrum of the raised topics (the effects of industrialization, migrations, education; the problem with China; the economic, the political and cultural cooperation in the region) along with the apolitical character of the Institute served as the Pacific forum of international cooperation up to the establishment of APEC<sup>174</sup>.

At the end of the Cold War, it appeared that the anticommunism strategies or military alliances are no longer enough to create the regional community under the leadership of Washington. From this reason, US started to influence the Pacific cooperation via new elements. Those were the support in democratic transformations and economic ties, mainly through the financial aid. Many interrogation concerning the possibility of the economic development of this region were taken place by the US congress, represented by senator John Glenn<sup>175</sup>. APEC, the regional forum for economic cooperation among Asian and Pacific states, was the ideal solution in searching for the multilateral cooperation in the field of economy. However, it was Australia, not Japan or US, who initiated this forum. Since the establishment of the organization, 21 states from the Pacific rim became a member. That was a clear signal for the whole international community that the cooperation with small island states possesses the equal matter as the contacts with the Asian economic leaders<sup>176</sup>. Nonetheless, APEC is not an international organizations, acting on the base of the ratified agreement. Its members are also not treated as the heads of states, but as *economic leaders*. On the website of the forum, the full list of the participants is therefore called *Member Economies*, from the fact that: “the APEC cooperative process is predominantly concerned with trade and economic issues, with members engaging with one another as economic entities”<sup>177</sup>.

The activities of APEC can be judged in two terms. The first conclusion says about the huge international success of the forum. After many positive opinions, the member states of ASEAN pushed on the internal changes in their organization too. They recreated their informal meetings into regional forum for the security matters in 1993. Therefore, they have invited other states as the “dialogue partners”, like USA, New Zealand, Australia, Japan, China, Russia, Papua New Guinea along with the European Union<sup>178</sup>. On the other hand, the severe effects of the financial crisis 1997-1998 cannot be left unsaid. The poor combating with the consequences of the crisis was understood as the

<sup>174</sup> E. Haliżak, *op. cit.*, p. 38-39,45; P. F. Hooper, The Institute of Pacific Relations and the Origins of Asian and Pacific Studies, in: *Pacific Affairs* 61, No. 1 (Spring, 1988 ), p. 98-121.

<sup>175</sup> J. Glenn was the chairman of the US Senate Foreign Relations Committee’s Subcommittee on Asia and the Pacific in 1978.

<sup>176</sup> E. Haliżak, *op. cit.*, p. 52-55; G. Hawthorn, *op. cit.*, p. 17.

<sup>177</sup> The official website of APEC: <http://www.apec.org/About-Us/About-APEC/Member-Economies.aspx>, 20.05.2013.

<sup>178</sup> G. Hawthorn, *op. cit.*, p. 18.

weakness of the Pacific Community idea. As the single states had to struggle with the financial effects in 1998, they also decided to follow the recommendation of the International Monetary Fund (IMF), so not APEC- their closer, regional partner. The leaders of the Asia-Pacific Economic Cooperation themselves recognized IMF as more competent institution for dealing with the problem of the financial crisis. There also should not be forgotten the need of cooperation on the regional level, with the neighbours<sup>179</sup>. Very often, the solutions taken by the global entities are far from the true needs and interests of the local societies.

There are three main practical reasons for establishing economic cooperation among the South Pacific states. Too small territories of the countries, natural resources and the population potential make the very limited possibility of individual development of a certain PICT<sup>180</sup>. The proposal of the Organization for Pacific Trade and Development was also introduced by the US congressman John Glenn<sup>181</sup>. According to Edward Halizak, Polish scientist interested in the region of Asia and Pacific; “The Pacific Community is not the only idea of cooperation and integration in this area, which does not have an alternative. That might be though a wish of USA”<sup>182</sup>. As the confirmation of those words, there is the functioning of CROP, the Council of Regional Organisations in the Pacific. It was established in 1988 by PIF leaders to improve cooperation among the intergovernmental regional organisations aiming at sustainable development in the region. Previously, CROP was functioning under the name of the South Pacific Organisations Coordinating Committee, SPOCC. The Council, at the spearhead of the Secretary General, acts as the coordination mechanism between the chairmen of the regional organisations in the Pacific, as well as the advisory body, to supply high-level advice at national, regional or international level. CROP provides a forum for contributions on the Pacific Plan of SPC.

CROP is a family of agencies. The members are the following Pacific region organizations: the Pacific Islands Forum Fisheries Agency, the Pacific Islands Development Programme, the Secretariat for the Pacific Community, the Secretariat of the Pacific Regional Environment Programme, south-pacific.travel, the Pacific Power Association, the Pacific Aviation Safety Office, the University of the South Pacific and the Fiji National University. Additionally, both the South Pacific Board for Educational Assessment and the South Pacific Applied Geoscience Commission were members too, until they were incorporated to SPC. The Pacific Islands Forum is one of the members, but the

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<sup>179</sup> E. Halizak. *op. cit.*, p. 85-89, 111.

<sup>180</sup> J. Groch, *op. cit.*

<sup>181</sup> P. Drysdale, *The Proposal for an Organization for Pacific Trade and Development Revisited*, Asian Survey, Vol. 23, No. 12 1983, p. 1293-1304.

<sup>182</sup> E. Halizak. *op. cit.*, p. 142.

secretariat of CROP is also the base of PIF. All agencies are occupied by progressing and facilitating human development of the Pacific islands. CROP puts efforts to ensure this through coordinated and cooperative actions, in the interests of the people of the region. According to the Council mission, achieving its aim using mutual support and cooperation would be more effectively by working together<sup>183</sup>.

In the region of the South Pacific, there are many independent organizations, created by private persons and/or within a private sector operating independently from any form of public government. Despite of their financial profit-oriented business, they also act on behalf of their nations, very often in the name of the state, to tie certain countries, mainly within their region. From 1974, Japan International Cooperation Agency (JICA) occupies the assistance of economic and social growth in developing countries in the Asia Pacific region mainly, along with the promotion of cooperation among states. JICA's cooperation for the Pacific region is focused on shifting gradually from conventional power supply to renewable energy. The projects such as the Hydroelectric Power Development in Vanuatu, Upgrading of Electric Power Supply in Palau or Introduction of Clean Energy by Solar Electricity in Tonga and others, in total 11 PICT, are at the vital importance for the inhabitants<sup>184</sup>.

For the purpose of this paper, the presentation of every non-organization institution with its brief description would not be desired or even possible. As it was already mentioned, the process of regionalism in the South Pacific region is upgrading and touches almost every discipline of public and private life. Some international entities engaging in cooperation merge, some rename to become an IGO and finally some give way to more developed, modern and influenceable institutions. Nonetheless, there are some noteworthy Pacific undertakings. In the branch of private international law, there have been organized four Asia Pacific Regional Conferences, under the auspice of the World Organization for Cross-border Cooperation in Civil and Commercial Matters<sup>185</sup>. The most significant effect of the *Hague Conferences* so far, is the regional proposition of establishing an Asia Pacific Regional Office on private international law<sup>186</sup>. In the field

<sup>183</sup> See the details on the websites of FFA: [http://www.ffa.int/regional\\_organisations](http://www.ffa.int/regional_organisations); PIF: <http://www.forumsec.org/pages.cfm/about-us/crop>; SPC: <http://www.sopac.org/index.php/crop>, 20.05.2013.

<sup>184</sup> The presentation of S. Hiroshi, director of Energy and Mining Development in JICA, *JICA's Cooperation for Pacific Region*.

<sup>185</sup> Conclusions and recommendations of the 4th Asia Pacific Regional Conference of the Hague Conference on Private International Law: *The Work of The Hague Conference on Private International Law*, Manila, Philippines, 26-28 October 2011.

<sup>186</sup> See: *Proposition En Vue D'établir Un Bureau Régional Asie Pacifique Pour La Conférence De La Haye De Droit International Privé Dans La Région Administrative Spéciale De Hong Kong De La République Populaire De Chine* (Proposal to Establish an Asia Pacific Regional Office for The Hague Conference on Private International Law in The Hong Kong Special Administrative Region of The People's Republic of China), Information Document No 2 of April 2012.



of science there has been established a biregional forum between the European Union and the Pacific region. *PACE-Net Pacific Network for Science and Technology* is an unique dialogue platform for public entities, such as universities, ministries and academic institutions to begin an organised and long-lasting framework of bilateral support through increasing the opportunities for technical cooperation by sharing new actors as well as new partnerships from the Pacific region<sup>187</sup>. Afterward, the Asia Pacific Regional Space Agency Forum is the biggest space-related conference in Pacific. It shares information about the contemporary and future activities of each country and region itself in areas of earth observation, satellite applications, space education and awareness, and space environment utilization<sup>188</sup>.

International cooperation in the South Pacific region is also reached by non-institutionalised gathering and meeting of head of states, politicians and diplomats. Here one has to underline the importance of cultural diplomacy. Very often the regional forums, seminars, conferences or simply the joint lunches of politicians, aimed at maintaining already existing relations. Such kind of diplomacy might be understood as the means of reinforcement of international relations, including improvement in awareness of other nations and their traditions. Other advantage of this form of foreign policy is indeed reducing the distance between states, international organizations or social groups, where diplomacy *sensu stricto* might not be efficient. Being a some kind of platform of exchanging the ideas, information and other cultural aspects among nations and their citizens, cultural diplomacy aims at development of mutual understanding<sup>189</sup>. From this point, the reciprocal understanding of values and interests of certain states is the first step to find the common goals in mutual cooperation.

The celebration of ANZAC Day has two dimensions. First, historic one is giving an honour to Australian and New Zealand Army Corps, which served and died in all conflicts. Secondly, this unique event creates an opportunity to tie closely two nations of Australasia. The politics of Wellington can be the example illustrating the huge possibilities of using the wide range of methods of cultural diplomacy. The exchanges to and from New Zealand is one among many ways of presenting New Zealand abroad. The most famous programme is called *Working Holiday Scheme* (WHS), which is a bilateral agreement signed between government in Wellington and 37 other states so far. This programme allows young people to work and travel in the partner state up to one year. It

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<sup>187</sup> PACE-Net – Pacific Network for Science and Technology, *PACE-NET: A new tool for more cooperation with the Pacific Region*, European Union, 2011.

<sup>188</sup> The 19th Session of the Asia-Pacific Regional Space Agency Forum (APRSAF-19), Kuala Lumpur: 11-14 December 2012.

<sup>189</sup> J. Siekiera, *Dyplomacja kulturalna w relacjach polsko-nowozelandzkich* [Cultural diplomacy in the relations between the Republic of Poland and New Zealand], in: *Folia Iuridica Wratislaviensis*, Vol. 1, No. 2, Wrocław 2012.

is a great opportunity to experience the other nation's culture, as the financial reason of attending WHS is minor<sup>190</sup>. New Zealand House in London, officially called the High Commission of New Zealand, is the next example of a diplomatic move to present the state's position and attitude to others. "It sought to convey to Londoners a sense of New Zealand as a modern state, rather than as a very large farm in the South Pacific"<sup>191</sup>. The Cultural Diplomacy International Programme (CDIP) was approved by the Cabinet of Helen Clark on 31 May 2004. It aims to establish and maintain a cultural presence of New Zealand in overseas regions to improve the state's profile and interest in the fields of economy, trade, tourism, diplomacy and culture. The programme is focused on the management of cultural diplomacy undertakings in the Asia Pacific region<sup>192</sup>.

Following the idea of *Building Cultural Identity* by Helen Clark, a former Prime Minister of New Zealand, cooperation among states has to be multidimensional. Otherwise, it appears fairly difficult to maintain good economic or security relations within a region when other elements of cooperation do not work efficiently. A close neighbour of New Zealand- Australia, found other way to introduce its perception of a regional cooperation. As it was already pointed, Canberra looks for its position in the region, being the biggest and the most developed state in the South Pacific area. *Australian Aid* is an official programme under the auspices of Australian Agency for International Development. Together with the governments of developing countries and their citizens, Australian Aid works to bring the most needed and effective support. Being internationally recognised for the leading role in its region, the agency helps mainly the countries from the Pacific Ocean. The most famous and widely-known action was directed to Papua New Guinea against serious diseases by vaccination over 1.5 million children. Other activities taken in the region by Australian Aid are; improvements in courts in the Cook Islands, advancement in basic education of Kiribati or restoration of peace and security after a period of civil conflicts in the Solomon Islands<sup>193</sup>.

## Conclusion

In this article, forms and reasons of international cooperation among sovereign states in the South Pacific region have been investigated. The paper shows that neglecting areas of Micronesian, Polynesian and Melanesian states do possess many examples

<sup>190</sup> To observe the Polish- New Zealand example of WHS see: J. Siekiera, *Nawiązywanie i utrzymywanie...*

<sup>191</sup> The doctoral dissertation of S. Mark, *A Comparative Study of the Cultural Diplomacy of Canada, New Zealand and India*, The University of Auckland, 2008.

<sup>192</sup> More about the programme on the website of New Zealand Ministry of Culture and Heritage: <http://www.mch.govt.nz/what-we-do/cultural-diplomacy-international-programme>, 20.05.2013.

<sup>193</sup> N. Wendt, *Australia's Role...*; the governmental website of Australian Aid: <http://www.ausaid.gov.au/makediff/Pages/default.aspx>, 20.05.2013.

of joint actions in the name of better and faster development of the poor and newly-independent international entities. What is more, in some branches of cooperation, island states decide on local mutual help, knowing, understanding and respecting each other values and interests rather than on global “interference” into their regional affairs.

The analysis of the international cooperation along with its legal or extrajudicial basis, allowed to differentiate global and regional cooperation. The statement of an alleged differentiation between *international* and *regional* collaboration is consequently false. Region exists between the state and the global level. Furthermore, the process of regionalization is one of the main features of international law. As it was presented, there is an emergence of a new international phenomenon, *regionalism*, where political and economic values, ideas and objectives contribute to a creation of a particular region. Also, it is of the huge importance to be aware of the definition of *cooperation*, which might be described as the essential element of international relations, all the actions for the common benefits, in the name of common interest through forming organizations and coalitions able to make enforceable decisions on joint affairs under shared norms.

Both legal and extrajudicial basis for establishing and providing regional cooperation are effective and supplementary measures to achieve the same goal. Basic difference and uniqueness of every regional community in the world are the reason why states prefer to act locally and not globally. Sharing the same, or at least very similar, history and level of development enable governments to find potential solutions in their neighbourhood.

The characteristic of entities engaged in regional cooperation in the South Pacific Ocean allowed to observed the idea of *Pan-Pacific*. It is aimed at combating the political, economic, social and cultural marginalization of the states, whose nations work to advance cooperation in the major branches. Second factor is to demonstrate the ownership of their resources, as well as to contest external patronizing of former colonial dominions. After the period of decolonization, in 1970s the newly sovereign states have seen the only solution in establishing cooperation with the former dominions or the world’s empires, such as Japan, Soviet Union, United Kingdom or United States, rather than between themselves. However, there were enumerated by the author some factors bringing closer the Pacific states instead of the close collaboration with the world’s leaders. Island countries finally started to consider the huge advantages coming from the regional cooperation.

The whole multitude of international organizations, both governmental and non-governmental are indeed the proof of strong institutionalisation of the idea of the *Pacific Rim*. This philosophy is some kind of response to the American proposal of the *Pacific Community*. Island countries on the South Pacific have decided on many, official and less

formal, forms of creating closer ties in almost every area; from politics, economics and social fields, to relations focused mainly on one particular issue, like tuna fisheries, human help in the least developed states or a platform of scientific discussions. Keeping together in one region and showing their joint voice, tiny in size, previously unheard nations can finally become an equal partner on the international arena. The South Pacific region is not anymore an isolated area. With 16 states, including 5 associated states and over 35 million inhabitants<sup>194</sup>, the Pacific region possesses a huge potential to cooperate and integrate within its region. But in the same time, this geopolitical area might become a significant and respected global actor in the near future.

## Summary

### International Cooperation among States in the South Pacific Region

The article aims to illustrate international cooperation among the South Pacific states. The region is getting primacy in geopolitical domination, therefore the 21st century is indeed called the Century of the Pacific. Micronesian, Polynesian and Melanesian island states prefer local mutual help, understanding common values and interests rather than global “interference” into their regional affairs. The least developed and newly-independent international entities benefit from a wide scope of legal and extrajudicial basis in both global and regional cooperation. Furthermore, the process of regionalization in the South Pacific area has its specific features. Uniqueness of this insufficiently explored regional community is the reason why the states decide to act locally and to find potential solutions in their vicinity. Sharing the same history and level of development let the governments combine the common interests into regional organizations or other ad hoc institutions.

The South Pacific, with its 16 states, including 5 associated states and over 35 million inhabitants, possesses a huge potential to cooperate and integrate within its region. The whole multitude of international organizations, both governmental and non-governmental, are indeed the proof of strong institutionalisation of the idea of the Pacific Rim. Keeping together in one region and speaking in one voice, the small-sized, unheard nations can finally become an equal partner on the international arena. The South Pacific region is no longer an isolated area. This knowledge might help establish and maintain close relations globally.

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<sup>194</sup> Exactly 8,821,286 inhabitants, together with the largely inhabited Australia and New Zealand: 35,448,900. The amount was summed up by the author on the basis of data presented by the Central Intelligence Agency for July 2013: [https://www.cia.gov/library/publications/the-world-factbook/wfbExt/region\\_australia.html](https://www.cia.gov/library/publications/the-world-factbook/wfbExt/region_australia.html), 2.06.2013.