



The Polynesian political awakening in response to climate change

Dr. Raimana Hervé Lallemand-Moe

University of French Polynesia, email: lallemand.herve@gmail.com

Summary Polynesian territories have always been little known and regarded as hardly present on the international political stage. Climate change has upset this observation and small Pacific island states and territories are trying to make their voices heard. Their survival depends on it. The Polynesian Leaders Group (PLG) attempts to improve the effectiveness of this trend through the adoption of declarations to protect the island territories and the ocean. Related to the Polynesian cultural background, creative ideas have been proposed by the PLG and had a certain impact on the latest international negotiations on climate change and the protection of the environment.

Key words Pacific, Polynesia, climate change, Polynesian Leaders Group, Taputapuatea

Introduction

Hawai'i, in the heart of the Pacific Ocean, provided a special context for the 2016 World Conservation Congress, infusing it with the Aloha spirit and the tradition of living in harmony with nature. Aloha 'Āina an inherent part of the traditions and customs of Native Hawaiians embodies the mutual respect for one another and a commitment of service to the natural world. (...) Embodying Aloha 'Āina globally will help address the tremendous environmental challenges we face.

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These words are taken from the Hawai'i commitments "navigating island Earth" approved at the end of the World Conservation Congress (International Union for Conservation of Nature), which took place in September 2016 in Honolulu, Hawaii. The influence of this Hawaiian philosophy on the work of thousands of non-governmental organizations and States participating in the World Conservation Congress embodies the revival and growth of Polynesian and Pacific Ocean nations on the international scene for the protection of biodiversity and the fight against climate change.

Biodiversity is a multifaceted concept and is above all the field of representations of nature we have. These representations can be diverse. They have a considerable influence on the perspective on plants and animals, and therefore the way we manage our relationship with nature. In this context, we can be confronted with various rationalities (Leveque 2008)ⁱ. Yet it is legally defined in the sixth paragraph of Article 2 of the Convention on Biological Diversity (CBD) adopted at the Rio de Janeiro Conference in June 1992, as the *"variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems"*. Pacific Islanders have an intrinsic bond uniting them to their environment and biodiversity (Harris and Fichez 1995)ⁱⁱ. For example, in 1994 the Polynesian atoll of Hikueru saw its entire fauna and flora within the lagoon die within a few days during a particularly intense dystrophic event. Besides the ecological catastrophe of this event, it also caused a food crisis for local people – both in terms of access to food for subsistence and economic activities. To date, this mass mortality event of lagoon species is the perfect illustration of the relationship between the vulnerability of island biodiversity and its populationsⁱⁱⁱ.

Biodiversity is highly threatened by global change (Segovia-Kueny 2009)^{iv}. The vulnerability of the island's ecosystems has increased in recent decades under the effect of climate change pressures. Many stress phenomena for these ecosystems follow one to another today, with a rise

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in frequency and intensity. This is exemplified by coral bleaching, which was rare before the 1980s but is frequent today. In French Polynesia, eight mass bleaching events have occurred under abnormally high temperatures during hot seasons between 1984 and 2016 (Combes 2007)^v. In addition, there are other ecosystem disruptive factors such as the emergence of pathogens or toxic algae, water pollution (Arzal and Quiniou 2014)^{vi}, or ocean acidification. These pressures on the ecosystem can lead to ecological changes that can undermine food and economic resources and consequently influence the vulnerability of local communities (Laubier 2003)^{vii}.

In most extreme cases, damage to island biodiversity - human or natural induced - can provoke migration within or outside the state, like in the Makatea Atoll in French Polynesia because of the phosphate exploitation (Decoudras 2005)^{viii}, or in Banaba Island, Kiribati (Tabucanon 2015)^{ix}. It is anticipated that such events are likely to continue, and at present time, there is no international legal status for environmentally displaced persons. This type of migration therefore remains to be consecrated by an amendment in the international Geneva Convention of 28 July 1951 or the creation of a distinct and autonomous status under international law (Cournil 2006)^x. In 2016, we must face the facts: the legal desert on climate refugee or environmental migrants will obviously endure (Kleitz 2013)^{xi}. Thus, despite the 2008 draft Convention relating to the international status of environmental displaced persons of the "*Centre de Recherches Interdisciplinaires en Droit de l'Environnement, de l'Aménagement et de l'Urbanisme*" (CRIDEAU) (Prieur 2008)^{xii}, or the Nansen initiative (Chevalier and Tuitjer 2015)^{xiii}, and the adoption of the 2015 Paris Agreement on climate change, all the projects on this issue have apparently failed, either for a single overall political consensus or for the establishment of a new legal regime under general international law.

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If the Paris Agreement is a remarkable step forward in the fight against climate change (Geoffron 2015)^{xiv}, it is nonetheless true that "*the natural fragmentation of international law is a chance for states because they can serve their national interests.*" (Maljean-Dubois 2015)^{xv}, which greatly slows down the evolution of general international law for the environment (Thieffry 2016)^{xvi}. However, this shortcoming facilitates those most impacted by climate change to take charge of the initiative, including people of the Pacific Ocean. This area - also known as Oceania – is a large and diverse part of the world, stretching from Australia to the west to Pitcairn Island in the east (Rallu 2010)^{xvii}. The Pacific Islands are divided into three sub-regions: Melanesia, Micronesia and Polynesia, excluding Australia and New Zealand, because of their level of development (Figure 1) (Taglioni 2004)^{xviii}. The Pacific region is currently revitalizing "*its distinctive identity. While building structured partnerships with emerging powers (eg China, Korea, India, Turkey), the Pacific Island countries find useful, even critical to get together*" (Lechervy 2015)^{xix}. This renewal is especially noticeable for Polynesia, which encompasses an area formed by Hawai'i in the north, New Zealand in the west and by Easter Island in the east (*Rapa Nui*), French Polynesia and its marae are located at the center (Meltz 2013)^{xx}. This Polynesian Triangle "*is one of the founding myths of Polynesian societies (...) It is not to form or claim a Polynesian state but to be acknowledged as a group of indigenous peoples and thus to form themselves into a political community (Gagné, 2011: 48).*" (Al Wardi 2015)^{xxi}. By a common history (Conte 2013)^{xxii}, cultural links between the various indigenous peoples and populations of the Polynesian triangle have always been present, but they have undoubtedly helped to build a new momentum in regional cooperation. It is mainly materialized by the increased activity of the Polynesian Leaders Group (PLG) on environmental issues.

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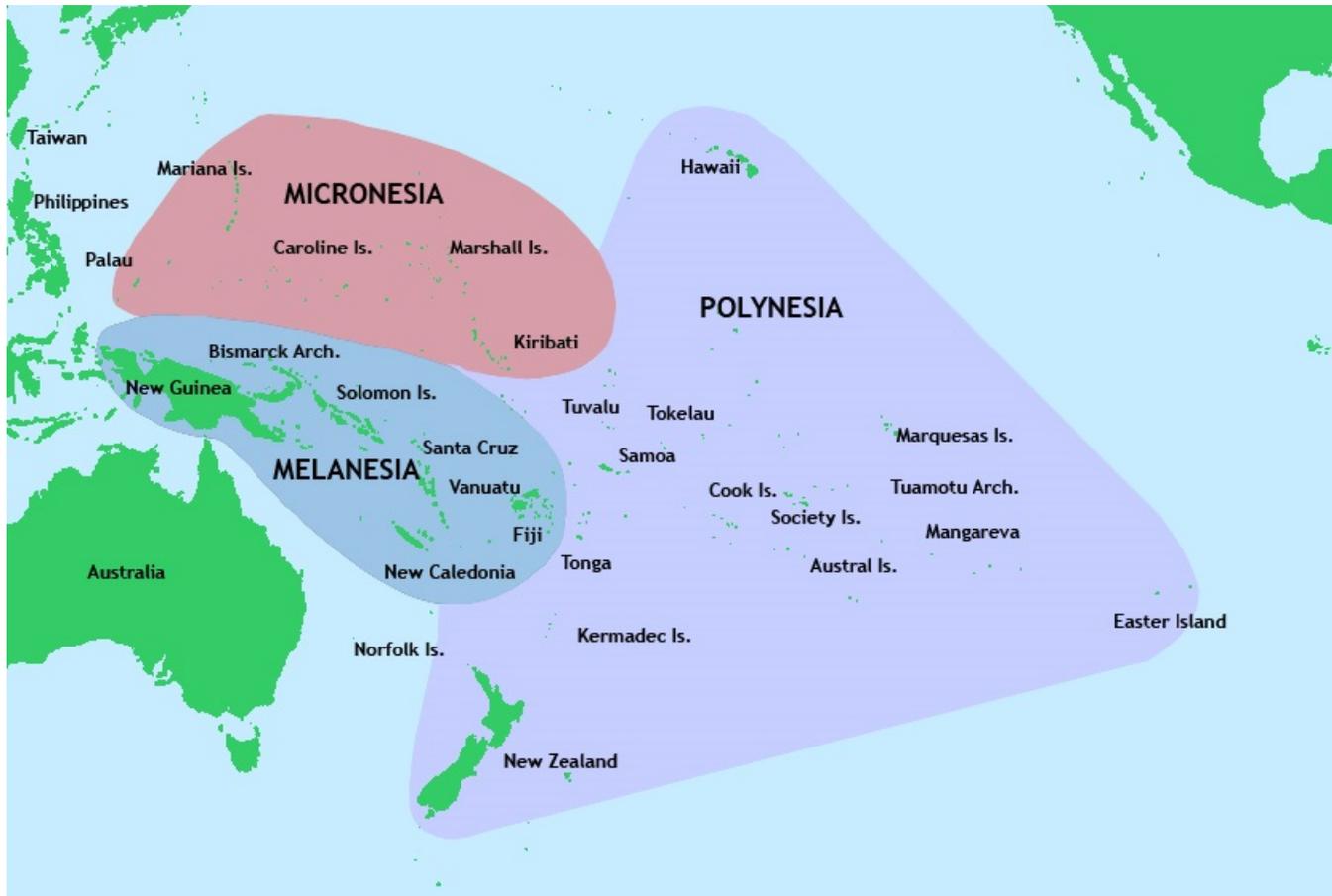


Figure 1. These strong cultural ties in the Polynesian triangle (I) have created a new dynamic for the international protection of biodiversity and the fight against climate change (II). (Cartographer Kahuroa, public domain)

I. Polynesian influence on international relations

The Polynesian Leaders Group (PLG) is a newly created group, based on the objective of protecting the interests of Polynesian territories, especially for the environment (A). It is also worth noting that its range of political influence is not limited to Oceania (B).

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A. The cultural origins of the polynesian leaders group

Established on November 19th, 2011 by a Memorandum of Understanding at Apia in Samoa, the PLG is an inter-governmental cooperation group located in the Polynesian region and consisting of eight states and autonomous countries (American Samoa, Cook Islands, French Polynesia, Niue, Samoa, Tokelau, Tonga, Tuvalu) and three observer members (Hawai'i, New Zealand, Easter island). With an initial quiet activity, PLG became known worldwide with the adoption of the declaration *Taputapuatea* on July 16th, 2015 and the declaration for the ocean adopted on the 28th of June 2016, both texts being primarily based on the cultural ties of the Polynesian triangle.

As stated by Sémir Al Wardi, "*Samoaan Prime Minister Tuilaepa Lupesoliai Sailele Malielegaoi, insisted in his call for Polynesian leaders in 2011 on the importance of heritage and common culture as the foundation of this regional group.*" (Al Wardi 2015)^{xxiii}. This shared cultural heritage is emphasized in the *Taputapuatea* declaration of the 16th of July 2015. The text, finalized on the island of Raiatea in French Polynesia, is also known under the designation of PACT (Polynesia Against Climate Threats). Compelling evidence for the cultural symbolism of the declaration, it was specifically adopted in the *Taputapuatea marae*, the cultural, historical and religious center of the entire Polynesian Triangle (Robineau 2009)^{xxiv}.

This text divided into six main items is preceded by a preamble stating the unitary nature of the Polynesian populations by highlighting that the "*people of the canoe*" is the "*largest ocean in the world*". The drafters of this statement do not hesitate to go further, claiming that the PLG is "*the voice of the Pacific Ocean*", confirming the will to revitalize regional cooperation and give a central place to the PLG in the pantheon of Oceania organizations. In fact, this area has

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traditionally been influenced by the Pacific Islands Forum (PIF), the Secretariat of the Pacific Community (SPC) (Huffer 1997)^{xxv}, even - to a lesser extent - by the Melanesian Spearhead Group (MSG) (Mrgudovic 2015)^{xxvi}. The PLG is not more important than the organizations aforementioned (and quite new), but it is the first time Polynesians are gathering into this kind of regional group. If cultural ties between Polynesians form the basis of the PLG and its actions, the preamble of the declaration rightly emphasizes the risks caused by climate change and the loss of biodiversity *“that threaten the foundation of our identity as Polynesian peoples”* and may cause *“the loss of a territory containing a unique natural and cultural heritage in the world”*. Biodiversity and culture are portrayed as being fusional in the Polynesian triangle. In its preamble and five subdivisions, the declaration on the ocean *“Te Moana O Hiva”* (the people of the ocean) adopted in Papeete (French Polynesia) on June 28th 2016 states the importance of culture in the actions of the PLG. This text also emphasizes the importance of the ocean on cultural identity and social cohesion of all the Polynesians and therefore the need to protect it.

B. The PLG influence on international negotiations about climate change

These aforementioned PLG declarations are not just a list of grievances and they also offer a set of political, economic and legal strategies for the preservation of the environment of the Polynesian territories. Like the significant doctrinal work done before (Savin 2015)^{xxvii}, PACT's proposals were originally drafted in preparation for the 21st Conference of Parties to the Framework UN Convention on Climate Change (COP21), held from November 30 to December 12 of 2015 (Michelot 2016)^{xxviii}.

Alongside the other proposals and based on the declaration of *Taputapuatea*, PLG has had a real influence on the final drafting of the Paris Agreement on Climate Change, notably regarding the purpose of containing global warming to 1.5 ° C and the inclusion of the ocean.

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Thus, contrary to what was originally planned, the fourteenth paragraph of the aforementioned Agreement ultimately mentions the importance of ensuring the integrity of all ecosystems, including oceans" and Article 2 (1/a) provides that it is necessary to continue "efforts to limit the rise in temperatures to 1.5 ° C above pre-industrial levels, provided that this would significantly reduce the risks and effects of climate change. This important contribution was explicitly mentioned by the President of the French Republic, François Hollande, present in Taputapuatea in February 2016:

It is also here that the COP21, the climate conference, finally played. We all said this is the Paris Conference; perhaps we should reassess this designation by saying that it is also the conference of the Marae of Taputapuatea since it is there that there has been that famous declaration (...). All Polynesian leaders gathered here around this vast area, to call the world to make commitments for the planet. Because it is also here that you have to suffer from warming, this is where you have to fear rising waters. It is from here that finally was launched, but that everything can be destroyed if we do nothing.

Following the Paris agreements on climate change, the adoption of the Declaration on the ocean "Te Moana O Hiva" is deeply influenced by the 2015 negotiations for COP21. Thus, the members of the PLG call on the international community to consider Polynesian issues, justifying their requests through the specific provisions adopted in the Paris agreement. The actions of the PLG were dedicated to the negotiations of the COP22 (7th - 18th November 2016, Marrakech - Morocco). The "Te Moana O Hiva" declaration on ocean also has been labeled as a COP22 event and therefore received the institutional support of the Steering Committee. The political, economic and legal content of the two statements adopted by the PLG was relayed more easily to the international community.

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The declarations of *Taputapuatea* and “*Te Mana O Hiva*” go beyond a call for help to developed countries and highlight indigenous proposals to fight against climate change and protect the ocean.

II. The legal proposals of the two PLG statements

Despite the gap of almost a year and different labels, the legal proposals of the *Taputapuatea* and “*Te Moana O Hiva*” declarations remain relatively similar. They cover the creation of an instrument for “loss and damage” and the implementation of specific assistance (A) and the “freezing” of baselines and the symbolic creation of a common maritime space for the countries of the Polynesian triangle (B).

A. The implementation of a specific assistance and responsibility

The term “loss and damage” is related to permanent damage and loss due to the impact of climate change. Mitigation policy and adaptation aims to minimize the risk of this impact, but it is impossible to exclude it completely. The Bali Action Plan of 2007 was the first document to refer to loss and damage. Small island states of the Pacific through the Alliance of Small Island States (AOSIS) contributed to this concept in 2008, through a document arguing for an international approach for this mechanism^{xxix}. Finally, at the COP19 of Warsaw in 2013, the International Mechanism on loss and damage was adopted. However, it is focused on the risk management component and especially enhancing knowledge about this type of management, strengthening coordination and the synergies between stakeholders and facilitating actions and support. This mechanism has been confirmed in the article 8 of the Paris Agreement, although it should be noted that the creation of a binding financial compensatory mechanism as advocated by the small island states and the PLG in the PACT is not yet scheduled. Members of the

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Polynesian triangle therefore logically call for the improvement of the Warsaw international mechanism in the “*Te Moana O Hiva*” declaration.

The proposal for the creation of emergency assistance and early warning mechanisms, as stated in the fourth paragraph of the declaration of *Taputapuatea*, aims to make the outside help more effective for environmental disasters (Prieur 2012)^{xxx} in Oceania. This type of request is classic and does not specify its implementation, although it should be mentioned that the “*Te Mana O Hiva*” declaration emphasizes on the technical aspect of this assistance, requesting a better capacity building of Pacific Island countries (Lamari and Lucas 2015)^{xxxi} corresponding to the statement of article 11 of the Paris agreement. However, it should be noted that to keep from falling into the shortcomings of existing aid mechanisms, it would be imperative to consider the establishment of an international legal principle of assistance (Lallemant-Moe 2015)^{xxxii}.

B. The recognition and protection of the Polynesian maritime areas

The Polynesian maritime space covers an area of more than 10 million km², if we take into account all the exclusive economic zones (EEZ) of the island countries of the region (Lucchini 1998)^{xxxiii}. This maritime area is determined from the “baselines”. The normal baseline under the United Nations Convention on the Law of the Sea (UNCLOS) is the simple monitoring of coasts. For some island states recognized the possibility of obtaining archipelagic baselines. Part IV (Articles 46 to 54) of the CMB defines the archipelagic baselines as “*joining the outermost points of the outermost islands and drying reefs of the archipelago*”. Such baselines significantly increase the maritime area of the Archipelagic State. However, rising sea levels may have important consequences for these baselines and on the maritime space of the Polynesian countries. If an island is defined by UNCLOS as “*a naturally formed area of land, surrounded by water, which is above water at high tide*”, the risk of storm surges linked to climate change is real and some atolls

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in the Pacific have already been flooded in serious weather events (Longepe 2015)^{xxxiv}. The loss of some atolls could lead to a sudden change of the baselines for the Polynesian States, which would result in a significant reduction in their maritime zones (Gerrard and Wannier 2013)^{xxxv}. In response, the PLG offers in the *Taputapuatea* declaration to amend CMB and “freeze” the Polynesian baselines (Rayfuse 2013)^{xxxvi} and “*permanently secure (...) regardless of the rising sea level*” (point 4 of PACT).

This solution is even more important because the Pacific Ocean is a source of greed for the exploitation of underwater mineral resources (Descleves 2013)^{xxxvii}. The increasing interest in deep-sea mining in the Pacific is likely to be an increasing issue, the impacts of which are unknown. For example, a recent estimate for nodules within the Cook Islands EEZ is that there are 10 billion tons of this kind of resources in this area and in November 2009, the Cook Islands Parliament passed the Seabed Minerals Act. Therefore, any reduction of Polynesian maritime spaces could serve the interests of developed States (Aloupi 2013)^{xxxviii}. While the integration of a new agreement within the UNCLOS appears to be the most appropriate legal option, changing the rules of the law of the sea has usually been the subject of tensions among the international community (Morgera 2007)^{xxxix}. It is therefore unlikely that the UNCLOS will be amended in the short term. PLG members also decided to call “*Te Moana O Hiva*” the continuous space of their EEZ, with a combined area of 10 million square kilometers. As we have already discussed, the name of this space is the title of the declaration of the 26th of June 2016. While at first glance this claim is manifestly deprived of legal effect, it aims to recognize the area as one of the largest carbon sinks in the world (Boulier and Simon 2010)^{xl}. Despite this emphasis on the ocean, this aspect was hardly integrated into the Paris Agreement, which pushed the PLG to dedicate their last declaration to the protection of the ocean ecosystem. The statement “*Te Moana O Hiva*” also specifies that the huge Polynesian maritime area is beneficial for the international fisheries

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through setting up managed marine areas and helps the prevention against overfishing. The Polynesian region is a leader in creating large marine protected areas^{xli} as recalled in the Hawai'i commitments by the IUCN in 2016:

The United States of America on August 31, 2016 expanded the Papahānaumokuākea Marine National Monument, making it the biggest protected area on the planet at 1,508,670 km². French Polynesia announced the creation of Taini Atea, a marine managed area covering their entire economic exclusive zone, a 5,000,000 km² area nearly half the size of Europe, building on the traditional management system of rāhui.

Several other examples can be quoted as the creation of the Cook Islands Marine Park in 2012 for 1.1 million square kilometers of the country's EEZ, or the 2015 Palau National Marine Sanctuary of 500,000 square kilometers. All of these illustrations proves a long tradition of ocean governance in the Pacific.

PLG therefore calls on the international community for the protection of Polynesian territories and maritime spaces, like the present effort on the establishment of a binding international instrument in the United Nations Convention on the Law of the Sea, for the preservation and sustainable use of marine biodiversity into non-sovereign areas and protection of the high seas. According to PLG members, these actions must logically be complemented by a financial support with the aim of maintaining the efforts already made. The "Te Moana O Hiva" declaration requests the creation of a "Blue Ocean Fund" that would fit into the Green Climate Fund (Teller 2015)^{xlii}. The goal is not to create an independent mechanism, but to allocate part of the funds for the protection of the ocean and in favor of territories participating in this effort. This claim is in line with the action to have an official recognition of the notion of "Blue Carbon" (the carbon stored in coastal and marine ecosystems), the promotion of which is carried out in

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particular by the International Blue Carbon Initiative (a coordinated, global program focused on mitigating climate change through the conservation and restoration of coastal and marine ecosystems).

Based on strong cultural ties, the countries of the Polynesian triangle and more generally all small Pacific Islands have entered a renewed regional cooperation phase. The revitalization of the PLG and the latest declarations adopted on the fight against climate change and the move for ocean protection are evidence of this new dynamic. However, the risk of biodiversity loss and environmental migration are far from being resolved and the new Pacific political unity should be a stepping-stone for more ambitious objectives, such as the creation of a regional agreement on these issues. This is an unprecedented opportunity for the Pacific territories and the Polynesian triangle to finally become actors and even precursors in climate change law.

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