

# REGIONAL DISASTER RISK REDUCTION: IS THERE A PACIFIC WAY?

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## Abstract

*The 2015 Sendai Framework for Disaster Risk Reduction has re-affirmed the global importance of DRR in the early years of the 21st century. Alongside a global recognition of its importance, regional approaches to DRR have now become commonplace. This article examines this phenomenon in a South Pacific context and critically analyses the limited regional framework that currently exists.*

*In common with regionalism generally, disaster co-operation in the South Pacific has been undertaken primarily through soft law frameworks sponsored by the Pacific Islands Forum (notably the Framework for Resilient Development in the Pacific). These include a significant role for donors (including the metropolitan members of the Forum) and NGOs. As well as its use of soft law instruments, the Pacific “model” is notable for its exclusive focus on the development of resilience within individual states rather than regional co-operation. In addition, those South Pacific regional models developed to enhance co-operation in the field (notably the FRENZ arrangement) are notable for the exclusion of Pacific Island states.*

*The article examines this “Pacific Way” of DRR in the context of other regional examples. It concludes by questioning whether regional DRR law in the South Pacific represents a truly Pacific Way in the field or is yet another instance of global norms being implemented through “transmission belt” regionalism.*

## I. International Law and Disaster Risk Reduction

Disaster risk and its reduction have become an increasing focus of international law and governance in the past decades. Both in the Pacific and globally this has seen the development of international frameworks, guidelines and institutions

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designed to reduce the risks that natural hazards pose. These moves at the international level reflect a perceived reality that disasters, which are beyond the capacity of individual states, have become a more frequent occurrence in the latter part of the 20th century. The empirical evidence for this remains mixed but what is clear is that the devastation caused by such events is no longer perceived as an unavoidable fact of life. In tandem with the development of societies, individual citizens increasingly no longer accept such disasters as personal tragedies caused by “acts of god”.<sup>1</sup> Instead it is seen as the responsibility of the state to protect citizens from such hazards occurring, provide immediate assistance when they occur and ensure longer term support to aid them in recovery. The evidence for this change of attitude is evident from a comparison of historical disaster events. For example, in the 1848 Marlborough earthquake, the New Zealand government provided little or no relief and was not criticised for its failure to do so.<sup>2</sup> In contrast, the New Zealand public sector spent over NZD 15 billion on response and recovery efforts in the wake of the 2010/2011 Canterbury earthquake sequence.<sup>3</sup>

The idea that it is a key role of state authorities to act to prevent and respond effectively to such eventualities is not particularly new, but what has changed is the expected scope of such intervention. Now levels of expectation are much higher and encompass all four accepted phases of the “Disaster Cycle”.<sup>4</sup> Although such a shift in expectation is often associated with developed states, a similar process has also occurred in relation to developing countries, driven particularly through increased internationalisation of such concepts. Like developed states, developing states now have physical infrastructure crucial to 21st-century life that is vulnerable to natural hazard. This in turn has led to international frameworks that accept the international nature of disasters (examined below). Although a general obligation for states to assist other states remains elusive in international law, there is an increasing expectation that when a natural hazard overwhelms the capacity of the state, regional and international actors must offer support.<sup>5</sup> The impact of both the perceived rise in the risk states face from disasters, the real increase in the expectations around the state’s role in reducing such risk and the increasing expectation that other states must provide assistance, has created an environment

1 See Ulrich Beck *Risk Society, Towards a New Modernity* (Sage, London, 1992).

2 Greg Belton-Brown “Revolution or Evolution? The Response of the Law to Earthquakes in New Zealand 1848–1948” (2012) 18 *Canterbury Law Review* 213 at 214.

3 The Treasury *Canterbury Earthquake Fiscal Update 2014* (26 May 2014). The actual figure is almost certainly higher.

4 The disaster management cycle comprises prevention, mitigation, response and recovery, although it is less than clear where exactly this paradigm emerged from.

5 Carlo Focarelli “Duty to Protect in Cases of Natural Disasters” *Max Planck Encyclopedia of Public International Law* <opil.ouplaw.com>. In the European Union, such a formal obligation now exists under art 222 of the Treaty on the Functioning of the European Union (2007).

that is amenable to the development of international and regional levels of Disaster Risk Reduction (DRR).

This move towards international co-operation in the field of International DRR has been given renewed impetus in recent years with the dramatic rise in climate change related weather events capable of causing disasters. These have been witnessed globally with severe, more widespread and more frequent extreme events being recorded.<sup>6</sup> In the South Pacific this has seen the strongest (Winston, 2016) and the most damaging (Pam, 2015) recorded cyclones both occurring in recent years. More generally, strong cyclones now regularly occur well outside the traditional season of November to July, a phenomenon that has also been recorded in the Atlantic.

The sea change in global attitudes towards the concept of disasters began with the United Nations International Decade for Natural Disaster Reduction (1990–1999). However, it was not until 2005 that the first global legal instrument establishing norms in the field of DRR was agreed. Agreed just a month after the Indian Ocean tsunami of 2004, the Hyogo Framework for Action (HFA) established a soft-law global framework for co-operation in the field of international DRR. The subsequent Sendai Framework for Disaster Risk Reduction (2015–2030) is now the key international instrument in the field.<sup>7</sup> Although viewed as a disappointment by many due to its lack of binding obligations, the Sendai Framework nevertheless contains at its core the idea that DRR is enhanced by regional co-operation when disasters occur that are beyond the capabilities of the nation-state and a commitment to strengthen “disaster risk governance at the national, regional and global levels” under priority 4.<sup>8</sup>

## II. Regional Disaster Risk Reduction

Although the current drive towards international disaster co-operation is a relatively recent phenomenon, regional approaches to DRR are not new and can be traced back to the 1970s. The earliest example was probably the establishment of the ASEAN Experts Group on Natural Disasters in 1971, however this and others like it were of minimal import and were primarily advisory in nature.<sup>9</sup> It was not until the

6 For example, both the strongest recorded hurricane and cyclone occurred in 2015 (Patricia and Haiyan).

7 United Nations Office for Disaster Risk Reduction *Sendai Framework for Disaster Risk Reduction 2015–2030*.

8 United Nations Office for Disaster Risk Reduction (UNDRR) *Sendai Framework for Disaster Risk Reduction 2015–2030* (2015) Priority 4.

9 Angela P di Floristella “Dealing with Natural Disasters, Risk Society and ASEAN: A New Approach to Disaster Management” (2016) 29(2) *The Pacific Review* 283.

2000s that such commitments to co-operate in the field of DRR led to the creation of regional legal instruments and institutional frameworks which actually attempted to deliver them. Starting with the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) in 2008, regional institutional cooperation slowly became a global phenomenon. The exact nature of these regional institutions and legal frameworks varied dramatically and such variation continues to be a feature of regional DRR.<sup>10</sup> To a significant extent, the different approaches of the various regional schemes reflect the various models of regionalism that they operate within or the culture of regionalism which exists amongst their members. At times these differences are so great that true comparisons can be difficult to draw. For example, the ASEAN model creates “hard-law” obligations that member states must implement domestically to ensure that their capacity to address disasters is optimised. This level of legal obligation is unusual for ASEAN and for DRR agreements in general and can be contrasted with the European Union’s equivalent system (the Civil Protection Mechanism) which has no such requirements.

AADMER also mandated the creation of a regional response framework which includes both regional operating procedures (SASOP)<sup>11</sup> and a regional agency to co-ordinate ASEAN assistance to the effected state (the AHA Centre)<sup>12</sup>. However, although the latter has begun to improve DRR co-ordination in the region, the state-centric nature of ASEAN has meant that the obligations of states to develop domestic capacity under AADMER has not always been delivered. The continued commitment of ASEAN to the so-called “ASEAN way” does not allow for meaningful validation and enforcement even when the obligations are legally binding, meaning that progress has often been slow.<sup>13</sup> By contrast, despite the fact that it places no obligations upon its members to develop domestic capacity, the European Union Civil Protection Mechanism has developed a strong supra-national response capacity and co-ordination system across the EU and its neighbouring states. Although, as yet, this is still based entirely upon voluntary commitments to provide resources (with the potential for European Union financial assistance).<sup>14</sup>

10 Simon Hollis *The Role of Regional Organizations in Disaster Risk Management* (Palgrave Macmillan, Basingstoke, 2015).

11 ASEAN Standard Operating Procedure for Regional Standby Arrangements and Coordination of Joint Disaster Relief and Emergency Response Operations (2009).

12 The ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management.

13 In fact NGOs such as the International Federation of Red Cross and Red Crescent Societies have played a significant role in providing soft-validation, often in co-operation with ASEAN itself. See, for example, *Implementing AADMER: A Regional Stocktake* (IFRC, Geneva, 2017).

14 WJ Hopkins “Soft Obligations and Hard Realities: Regional Disaster Risk Reduction in Europe And Asia” in Katja LH Samuel, Marie Aronsson-Storrier and Kirsten Nakjavani Bookmiller (eds) *The Cambridge Handbook of Disaster Risk Reduction and International Law* (Cambridge University Press, Cambridge, 2019) 219–238.

It is noticeable that the development of regional response mechanisms does not reflect the disaster risk of the geographic regions themselves. Although ASEAN is often regarded as the second most disaster prone region in the world, Europe although still the victim of such events, due to both its economic strength and geographic good fortune is not regarded as high risk. By contrast, the South Pacific, which ranks as the region with the highest risk, is also the one where such developments have been the least visible.

### III. DRR in the Pacific: The Regional Context

Before examining the specific nature of current regional DRR co-operation mechanisms in the Pacific, it is first important to understand them. As can be seen from the following discussion, their presence is not always immediately obvious. The informal nature of regional co-operation in the South Pacific has created a number of relevant and overlapping frameworks and institutions that do not in themselves create a single recognisable regional DRR entity in the way that can be identified in ASEAN and the EU. To understand regional approaches to DRR in the South Pacific, therefore, first requires an understanding of both the South Pacific itself and the nature of South Pacific regionalism.

Pacific Island states are particularly vulnerable to natural hazards. Primary amongst these are tropical cyclones and other oceanic weather events. To this can be added extreme seismic and volcanic hazards in those states which sit on or near plate boundaries, as well as a general regional risk of tsunami from such events.<sup>15</sup> However, disasters are social, not natural, phenomena and, in the case of the Pacific Island states, their ability to weather such risks is limited by their economic fragility. All the Pacific Island states and territories are categorised as Small Island Developed States (SIDS) or equivalent.<sup>16</sup>

Given this combination of economic weakness and natural risk, one might expect a strong impetus towards co-operation around disaster management in the Pacific. However, despite these functional drivers, regional co-operation in the field of DRR remains limited. This is partly a reflection of the difficulties of regionalism in the

15 The World Bank estimates that the average annual direct losses caused by natural disasters in the South Pacific region are USD 284 million. World Bank *Pacific Catastrophe Risk Assessment and Financing Initiative* Pacific Disaster Risk Financing and Insurance Program (2011).

16 “Small Island Developing States” Sustainable Development Goals Knowledge Platform <[sustainabledevelopment.un.org](http://sustainabledevelopment.un.org)>. The Cook Islands (a self-governing territory in free-association with New Zealand) was due to become the first developed state in the South Pacific basin in 2019 but the OECD has delayed this decision due to concerns about the impact of this change in status upon the financial viability of the Cook Islands.

South Pacific itself. Although the Pacific islands are often classified as a geographic “region”, this is a fragile concept.

The distances involved in the South Pacific are vast, something that is often overlooked by international actors in their eagerness to classify the island states within it as a single entity.<sup>17</sup> In addition to this “tyranny of distance”, the size of the Pacific “region” is equally immense with the Exclusive Economic Zones of the Pacific Islands Forum member countries occupying an area equivalent to the size of the African continent.<sup>18</sup>

The huge geographic and cultural distances, combined with the limited economic resources of most Pacific island states, means that communications between them are often poor. In addition to this, a number of deep-seated political issues add a further layer of complexity to an already complex regional mix. Firstly, the United States and France retain an extensive post-colonial presence in the region (as does the United Kingdom, to a much lesser extent). The consequence of these geographical, cultural and political fault lines is a “region” which does not have a strong identity amongst all its inhabitants.<sup>19</sup> In fact “sub-regional” organisations such as the Melanesian Spearhead Group and The Micronesian Chief Executives Summit could be seen as more reflective of regional identity than the pan-Pacific regional structures. The combination of these factors has made regional co-operation in the Pacific difficult, a situation that is as true in the field of DRR as it is everywhere else.

There is no single formal regional architecture in the South Pacific. Instead, there are a number of regional institutions which are generally informal in nature, with many lacking international legal status. The structure is perhaps best seen as a collection of regional entities (of varying memberships) loosely co-ordinated through the Council of Regional Organisations in the Pacific (CROP) under the overall banner of the Pacific Islands Forum (PIF). This limited inter-governmental regional framework is complemented by a variety of sub-regional and bi-lateral frameworks. The result is a patchwork of very different agreements and institutions with significant external stakeholders (and members). It is in this context that Pacific regional approaches around DRR have been developed. If this were not complex enough, international disaster response in the region is primarily provided by external actors. These include international NGOs, development partners (donor countries) and, particularly, the metropolitan member states of the PIF (Australia

17 The distance from French Polynesia’s eastern islands to Timor-Leste is just short of the distance from Singapore to London.

18 The area of the Pacific Island Forum EEZs is over three times the combined land area of the European continent.

19 Graham Hassall “Who is Leading the Pacific Islands, as a Region?” (2012) 18 *Canterbury Law Review* 5.

and New Zealand). These latter states, although part of the region (and full members of the PIF), have an ambiguous historical relationship with their Pacific neighbours through their former role as colonial powers (both retain territories in the region). In addition, their economic interests and the role they play in global and regional affairs is very different from that of other Pacific states.

Despite this complexity and informality, South Pacific regionalism has a relatively long history. This can be traced back to the South Pacific Commission, which was established in 1947 under the Canberra agreement.<sup>20</sup> However, the age of this entity is slightly misleading as the original signatories were all colonial powers in the region (including Australia and New Zealand). As a result, the Commission's role was limited to "promoting the economic and social welfare and advancement of the peoples of the non-self-governing territories in the South Pacific region".<sup>21</sup>

The Commission's successor, the South Pacific Community (SPC), remains the oldest and largest regional institution in the South Pacific, with 26 member states (22 Pacific Island States and Self-Governing Territories plus the United States, France, Australia and New Zealand).<sup>22</sup> It plays a key role in regional DRR through the provision of scientific and technical assistance, having absorbed the bulk of the South Pacific Applied Geoscience Commission (SOPAC) in 2011.

By the 1960s, the newly independent Pacific states regarded the Commission's technical limitation as an unhelpful colonial hangover as they were barred from using its meetings (and the biennial South Pacific Conference) to discuss political issues. This resulted in the establishment of the South Pacific Forum in 1971 by the five independent Pacific island states, who specifically excluded the non-Pacific colonial states.<sup>23</sup> This body became the Pacific Islands Forum (PIF), the region's pre-eminent political entity, which has in turn created a number of specialised agencies. Of particular relevance to DRR was the Committee for Coordination of Joint Prospecting of Mineral Resources in South Pacific Offshore Areas (1972), which eventually became the South Pacific Applied Geoscience Commission (SOPAC) in 1989.<sup>24</sup>

In 1998, the PIF brought the various Pacific regional organisations (including the SPC) together under the Council of Regional Organisations of the Pacific (CROP),

20 Agreement Establishing the South Pacific Commission (The Canberra Agreement), Australian Treaty Series 1948 15 (signed 6 February 1947, entered into force 29 July 1948).

21 The UK and the Netherlands withdrew from the SPC in 1995 and 1962 respectively.

22 It now brands itself as the "Pacific Community" although formally it is still known by its original name.

23 Fiji, Nauru, Tonga, Western Samoa and the Cook Islands. The latter was not independent in the formal sense but was (and is) self-governing with free association with New Zealand under the Cook Islands Constitution Act 1964 (NZ). The South Pacific Forum was rebranded as the Pacific Islands Forum (PIF) in 1999.

24 Including the Pacific Bureau for Economic Cooperation (1972) and the Forum Fisheries Agency (1979).

with the PIF Secretary-General as Chair, as part of a wider relaunch of the PIF. This saw the establishment of a Forum Secretariat and placed the PIF explicitly at the political pinnacle of the South Pacific regional “structure”. However, the appearance of coherence is deceptive. The PIF remains an informal organisation with a limited institutional presence. Except for a few specific exceptions, its decisions are primarily through soft-law declarations. This is particularly true in the field of DRR, where this informal “Pacific Way” remains the norm.

## IV. Regional Disaster Risk Reduction: Developing a Pacific Way?

The PIF was one of the earliest regional organisations to develop a regional DRR entity through the creation of its Regional Natural Disaster Relief Fund (RNDRF) in 1975. However, it was not until the 1997 Aitutaki Declaration on Regional Security Cooperation that the PIF formally expanded its remit to include DRR.<sup>25</sup> This Declaration built upon the Honiara Declaration of 1992 and further extended the remit of the PIF’s regional security committee to include natural disasters. However, the political context for this document further exposed the inherent tensions within the Pacific regional organisation. The Declaration was largely driven by the metropolitan states who, in the mid-1990s, were concerned that “failing” Pacific Island States risked becoming havens for instability in their backyard. As paymasters to much of the regional architecture (along with other external actors), their influence over the development of such architecture is significant. The 1997 Declaration represented such metropolitan policy priorities rather than the requirements of the Pacific island states.

Nevertheless, the 1997 Declaration did bring with it an agreement to develop co-operation agreements in the field of DRR as part of a general commitment to regional security co-operation. In recognising such non-traditional security threats, for the first time PIF states brought DRR explicitly within the remit of the Forum. This has thus created the potential for significant Pacific co-operation in the field of DRR. However, perhaps due to the less than whole-hearted support for the Aitutaki Declaration amongst the PIF members, pan-Pacific co-operation in DRR remained minimal, at least until recently.

The PIF has largely delegated its authority in the field to SOPAC, now the South Pacific Community (SPC) GeoScience Division (GSD), thus taking DRR out of the political realm and placing it at the level of experts and officials. It was not until 2005 that regional DRR returned to the PIF agenda itself, again driven by external

<sup>25</sup> Pacific Islands Forum *Aitutaki Declaration on Regional Security Cooperation* (1997).



actors. In this instance, the United Nations provided the catalyst through the 2005 Hyogo Framework for Action (HFA); in direct response to the HFA, the PIF developed the 2005 Pacific Framework for Action (2006–2015).<sup>26</sup> This remained the basis for Pacific regional DRR until 2016 when it was replaced by the 2017–2030 Framework for Resilient Development in the Pacific (FRDP). This document is now the key DRR instrument in the region.

The FRDP, a soft-law agreement developed with the assistance of SOPAC, provides voluntary guidelines for DRR amongst PIF member states and is the current basis for Pacific co-operation in the field.<sup>27</sup> Like many such Pacific island regional agreements, it reflects something of a conveyor belt of vague “global” norms as recognised by donor states. The evidence of Pacific island government or civic society input is limited.<sup>28</sup> The document is filled with worthy aims (for example, a greater emphasis on resilience and improved early warning systems), few of which have measurable outcomes. In fact, such mechanisms are explicitly limited, as although the document mandates the development of a monitoring framework, it makes it clear that this must utilise existing UN reporting requirements to avoid additional burdens on the states themselves. At the time of writing, no monitoring report has yet been produced.<sup>29</sup> If and when such monitoring does take place, it is not clear, given the vague and open-ended nature of the commitments, how effective or useful this will be.

Nevertheless, the FRDP remains important – not least for the role it plays in guiding the policies of other Pacific institutions. The SPC GSD, for example, provides technical support for DRR, alongside support for development projects and water/sanitation. The role of the SPC GSD is entirely focussed on improving resilience within the context of the FRDP.

Under the current Pacific DRR model, a group of weak regional “institutions” (the PIF and SPC GSD) undertake limited and very different roles in the field of DRR. In both cases, however, the focus is almost exclusively to support and encourage the development of domestic legal provisions. This focus has borne some limited fruit, particularly in recent years, with the several PIF member states requesting assistance to develop various forms of DRR legislation (for example, Vanuatu and

26 Pacific Islands Forum *Pacific Disaster Risk Reduction and Disaster Management Framework for Action 2006–2015* (2005).

27 Pacific Islands Forum *Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management 2017–2030* (2016).

28 Hollis, above n 10, at 78.

29 The agreement makes a commitment not to increase reporting requirements (a significant burden for SIDS) and instead commits to existing requirements under the Sendai Framework for Disaster Risk Reduction, the UNFCCC Paris Agreement and the Sustainable Development Goals.

Tuvalu).<sup>30</sup> However, regional co-operation between the Pacific island states in the field of DRR remains minimal and ad hoc.

In practice, despite the existence of the FRDP, the most active elements of DRR co-operation in the Pacific operate outside the Pacific island states themselves. For example, much regional response is provided for through the FRANZ Arrangement, which excludes PIF islands as full members. This informal agreement, signed in 1992 between New Zealand, Australia and France, provides for the co-ordination of disaster relief efforts across the South Pacific without the explicit involvement of the PIF island governments except as “partner” states.<sup>31</sup> The Arrangement has received criticism for its failure to recognise Pacific capacity and for the lack of concern for the impact of such intervention upon the states affected by the disaster. In addition, the role of France remains problematic, both for its continuing “colonial” presence and the complexities around an aid response which requires the decision-making by both the regional authorities based in New Caledonia and French Polynesia, and French national ministries based in Paris. Although the arrangement has provided a level of disaster response co-ordination in the region it remains outside the formal regional institutions and thus outside the influence of the Pacific Island states themselves.<sup>32</sup>

## V. Informal Regional DRR – The Role of the IRDL Guidelines

The limited nature of formal regional co-operation in the Pacific in field of DRR should not surprise us. For the reasons reprised above, the Pacific has always struggled to create regional institutions of the type seen as emerging in other parts of the world. It is therefore hardly a shock to discover that this lack of formal regionalism has been carried through into DRR co-operation at the regional level. In fact, as argued elsewhere, far from being a “decisive point” in the development of regionalism, regional co-operation in this field is not something that has generally driven co-operation amongst states.<sup>33</sup> Instead DRR co-operation tends to have followed in the wake of co-operation in other fields.<sup>34</sup> Recent events perhaps suggest that this may be changing in other parts of the world, with both the Caribbean and South East Asian regions exhibiting levels of quasi-supranationalism in the field

30 Tuvalu Climate Change Act 2017; and Vanuatu DRM Bill 2017 (not yet adopted).

31 “The FRANZ Arrangement” (20 October 2014) MFAT <[www.mfat.govt.nz](http://www.mfat.govt.nz)>.

32 Astrid Vachette “The FRANZ Agreement: France’s Complex Involvement in South Pacific Regional Cooperation on Emergency Management” (2013) 9(3) *International Journal of Emergency Management* 229.

33 Hopkins, above n 14.

34 Hopkins, above n 14.

of DRR, in advance of their embryonic regional structures.<sup>35</sup> There is also evidence of movement towards such regional DRR in the Pacific, as explored below, but this focus on the formal belies a degree of informal co-operation that is not immediately obvious to outside observers.

Although the PIF has, until recently, not been a major actor in the development of Pacific approaches to DRR, it would be wrong to suggest that the PIF states themselves have not made progress in this area. These developments have been patchy but are increasingly co-ordinated and indicate a level of pan-Pacific learning. This has been achieved not through the PIF directly, but through the existence of global soft-law frameworks, particularly the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL Guidelines). These were unanimously agreed by the state parties to the four Geneva Conventions in 2007<sup>36</sup> and later adopted by the UN General Assembly.<sup>37</sup>

The IDRL Guidelines provide the basis of a number of initiatives to develop a coherent approach to disaster response law in particular. Backed by the International Federation of Red Cross and Red Crescent Societies (IFRC), this has seen a number of individual states undertake reviews of their own frameworks in the context of the guidelines.<sup>38</sup> This state-based endorsement of the guidelines was given a regional dimension by the signing of a Memorandum of Understanding between the Secretariat of the PIF and the IFRC in 2014 and the IFRC's acceptance as an associate member of the Pacific Islands Law Officers Network in the same year. This informal support in the field also occurred through the Pacific Humanitarian Partnership (PHP, later the Pacific Humanitarian Team) whose project meeting, financially supported by SOPAC, the UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs) and the IFRC allowed heads of Pacific Island National Disaster Management Organisations to meet annually. Now subsumed into the Pacific Resilience Task Force (established under the FRDP), it falls within the authority of the "formal" Pacific regional structures in the shape of the PIF. Thus, the informal regional DRR networks now seem to have become part of the formal network.

These informal developments have often occurred in support of existing SOPAC initiatives and without a formal relationship with the IFRC or other NGOs, but the role of the IDRL Guidelines and the support of the IFRC in promoting them has

35 See Hollis, above n 10.

36 *Adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* Resolution 4, 30th International Conference of the Red Cross and Red Crescent Movement (Geneva, 2007). This Conference comprises the wider Red Cross/Red Crescent Movement plus the 196 state parties to the four Geneva Conventions.

37 GA Res 63/139 (2009); GA Res 63/141 (2008); and GA Res 63/137 (2008).

38 The Cook Islands was the first, in 2011, followed by Samoa, Tonga, Vanuatu and Fiji.

provided an important framework for Pacific states to use when creating regional disaster response arrangements. As Disaster Risk Reduction becomes ever more important in a Pacific facing the threat of climate change, the role of the IFRC (and other NGOs) in providing a loose mechanism for learning and co-operation should not be underestimated. Nevertheless, this informal regionalism has its limits, particularly in the field of DRR. Although the PIF has endorsed the IDRL Guidelines and the IFRC has played a strong role in assisting this “regional” approach to DRR, it has done so primarily as a reviewer of existing mechanisms. Implementation, while also increasingly assisted by the IFRC, remains patchy.<sup>39</sup>

## VI. The Future of Pacific Regional DRR

Although regional co-operation in the field of DRR remains weak in the South Pacific, there are signs that the changing nature of risk in the region is encouraging a shift in thinking. The focus remains on building domestic resilience and developing legislative and policy frameworks to facilitate aid, but there are indications that Pacific states are moving towards regional co-operation to both fulfil these aims and develop regional response and recovery structures. Partly this can be seen through PIF participation in IFRC-sponsored peer learning events with the Caribbean Disaster and Emergency Management Agency (CDEMA) and more recently the AHA. The latter model in particular seems to have struck a chord. As well as the similarity of hazard that exists in South East Asia and the Pacific, the AHA is a truly regional body (although primarily funded by external donors), managed by national disaster management organisations (NDMOs) rather than political leaders.

Until 2018, the Pacific Islands Forum and its permanent Secretariat provided limited leadership in the field of DRR primarily due to the narrow mandate provided by the Aitutaki Declaration and a lack of political will in the Forum to own this area of regional policy (instead delegating PIF responsibility to the SPC). Under this model, the FRDP was the only concrete regional framework, one which provided weak commitments and repeated much of the SFA requirements at a Pacific level.

However, there are signs that the PIF is beginning to take regional DRR more seriously as part of the wider process of regional institutional integration.<sup>40</sup> The

39 As recognised in the recent IFRC project ‘International Disaster Response Law in the Pacific’ currently available on the IFRC Asia-Pacific resilience portal <<https://www.rerc-resilience-southeastasia.org/disaster-law/international-disaster-response-law-in-the-pacific/>>.

40 Pacific Islands Forum *The Framework for Pacific Regionalism* (2014).

2017 commitment to the “Blue Pacific”<sup>41</sup> is part of a wider effort to re-energise the region in the face of significant environmental challenges, many of which have major impact upon DRR. This was made clear in the PIF’s 2018 Boe Declaration on Regional Security, which explicitly expanded the Forum’s mandate to emphasise “humanitarian assistance” as part of a broader focus on human security. In 2019 this political commitment was given practical form through the Boe Declaration Action Plan.<sup>42</sup> Included within the plan is a new commitment for all PIF states to expand and modernise their existing disaster management frameworks.<sup>43</sup> This commitment is particularly important as many PIF states operate under ageing and outdated legal frameworks. In addition, the commitment to develop “a regional coordination mechanism for disaster preparedness and response”<sup>44</sup> is nothing short of revolutionary in a Pacific context.<sup>45</sup> These developments appear to be already being translated into action with technical working groups being established under the FDRP in 2019 and the first meeting of the proposed Pacific response mechanism taking place in early 2020.

This new Pacific focus on regional DRR has been driven by a number of factors including a more indigenous approach to regionalism, as epitomised by the “Blue Pacific” programme. However, the continued role of external and NGO actors should not be underestimated.<sup>46</sup> In practice, much pan-regional co-operation operates through large NGOs, particularly the IFRC, whose disaster law programme has specifically targeted the South Pacific. This informal regionalism has performed a de-facto regional co-ordinating role in the region in the absence of regional institutionalism. Such co-ordination is clearly needed given the recurrent theme of poor aid response that has emerged in repeated post-disaster situations in the island states.<sup>47</sup> Yet, despite these shifts in Pacific regional approaches to DRR, the Pacific states most impacted by natural hazards in the region remain norm takers, rather than norm makers in the field of DRR. Although there are signs of PIF states moving to develop a uniquely Pacific approach to DRR, co-operation in the field still

41 The Blue Pacific identity, endorsed by the PIF in 2017 is “a long-term Forum foreign policy commitment to act as one ‘Blue Continent’” recognising a “shared stewardship of the Pacific Ocean and ... the connections of Pacific peoples with their natural resources, environment, culture and livelihoods.” Pacific Islands Forum *Forum Communiqué* (Samoa, 2017) PIFS (17) 10 [6].

42 Pacific Islands Forum *Action Plan to Implement the Boe Declaration on Regional Security* (2018).

43 Boe Declaration Action Plan, above n 43, Strategic Focus Area 2 (vi).

44 Boe Declaration Action Plan, above n 43, Strategic Focus Area 2 (viii)

45 Hopkins, above n 14.

46 The most important of these was the Pacific Disaster Risk Management Partnership Network which established the portal “Pacifidisaster.net”. The site no longer exists and there is no evidence of activity in the network.

47 Anecdotal stories of large amounts of useless post-disaster aid being delivered to Pacific Islands abound. For example, Anita Roberts “Vanuatu Disaster Officials Dump Tonnes Of Expired Relief Supplies” *Vanuatu Daily Post* (Port Vila, 8 March 2016), as reported in the Asia Pacific Report 2016 <asiapacificreport.nz>.

retains the feeling of something being done to the Pacific island states rather than something being done by them. One can only hope that the recent developments in the field marks the beginning of a true Pacific Way in the field of DRR.