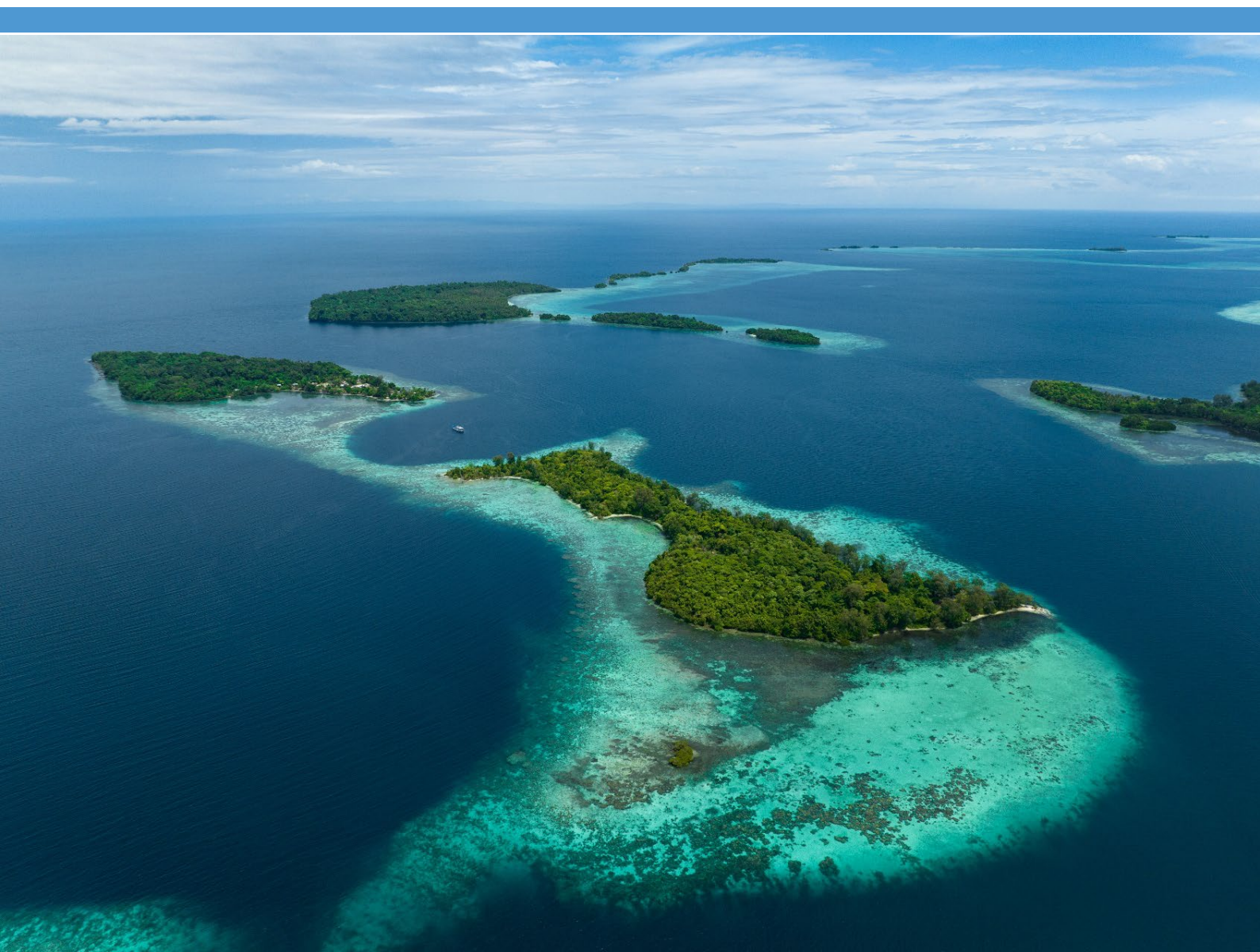
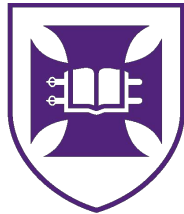


# Strengthening the Legal Foundations for Atrocity Prevention in the Pacific

July 2026





# THE UNIVERSITY OF QUEENSLAND

A U S T R A L I A

## Authors

Romulo Nayacalevu, Sarah Teitt, and Beth Rowan.

Dr Romulo Nayacalevu, Pacific Director, Asia Pacific Centre for the Responsibility to Protect  
School of Political Science and International Studies, The University of Queensland.

Dr. Sarah Teitt, Director, Asia Pacific Centre for the Responsibility to Protect  
School of Political Science and International Studies, The University of Queensland.

Dr. Beth Rowan, Research Fellow, Asia Pacific Centre for the Responsibility to Protect  
School of Political Science and International Studies, The University of Queensland.

## Communications:

Asia Pacific Centre for the Responsibility to Protect  
School of Political Science and International Studies  
The University of Queensland St Lucia Brisbane QLD 4072 Australia  
Email: [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)  
Web <https://r2pasiapacific.org/>

DOI <https://doi.org/10.14264/10415eb>

This paper is a publication of the Asia Pacific Centre for the Responsibility to Protect. Strengthening the Legal Foundations for Atrocity Prevention in the Pacific ©By Romulo Nayacalevu, Sarah Teitt, and Beth Rowan (licensed under Creative Commons Attribution-Non-commercial 4.0 International) (CC BY-NC 4.0)



## Introduction

Pacific Islands Forum States (PIFS) have generally positioned themselves as strong supporters of multilateral international law and the international rules-based order.<sup>1</sup> Across the region, many states have demonstrated growing engagement with international atrocity prevention and accountability frameworks through participation in international humanitarian law (IHL), international human rights law, and international criminal law regimes.<sup>2</sup> The Pacific region also stands out for its comparatively high ratification of the Rome Statute of the International Criminal Court (ICC) and for the leadership of Pacific states, particularly Vanuatu, in advocating for ecocide to be recognised as a new core international crime alongside the four crimes within the ICC's jurisdiction: genocide, war crimes, crimes against humanity, and the crime of aggression.<sup>3</sup> These efforts reflect the region's support for international accountability for mass atrocities and Pacific normative leadership in addressing the severe human and security impacts of climate change.

This international engagement is, however, only one part of the picture. It has not been matched by comparably strong domestic legal foundations across the region. Significant gaps remain in treaty participation and domestic incorporation across the region. Even where atrocity crimes have been incorporated into domestic law, these frameworks remain largely untested in Pacific courts.<sup>4</sup> There are also broader indications that the concept of atrocity prevention is not widely understood beyond a relatively small group of diplomats, legal practitioners, and civil society actors, some of whom engage with these issues through advocacy on state violence and self-determination, particularly in relation to West Papua.<sup>5</sup>

This gap between Pacific international legal leadership and uneven domestic legal incorporation matters for the region's credibility and effectiveness in shaping future developments in international criminal law. A bid to expand the Rome Statute, as the ecocide proposal seeks to do, is most credible when it is advanced from a position of demonstrated commitment to the atrocity crimes regime that already exists. Yet that regime remains unevenly incorporated into Pacific domestic law and has never been enforced through a Pacific court. The report therefore argues that strengthening the domestic and regional legal foundations for atrocity prevention is valuable in its own right and is also what would give the region's international legal leadership, including on ecocide, its strongest footing.

The report is divided into three sections. **Part 1** examines the links between atrocity prevention and four key security challenges in the Pacific: political instability, climate insecurity, gender-based

---

<sup>1</sup> Pacific Islands Forum Secretariat, "2050 Strategy for the Blue Pacific Continent," Pacific Islands Forum, 2022, p. 27, <https://forumsec.org/sites/default/files/2023-11/PIFS-2050-Strategy-Blue-Pacific-Continent-WEB-5Aug2022-1.pdf>.

<sup>2</sup> International Committee of the Red Cross, "IHL treaties: Treaties and States Parties," International Committee of the Red Cross, accessed 23 May 2026, <https://ihl-databases.icrc.org/en/ihl-treaties/treaties-and-states-parties>, International Criminal Court, "The States Parties to the Rome Statute," Assembly of State Parties to the Rome Statute, accessed 23 May 2026, <https://asp.icc-cpi.int/states-parties>.

<sup>3</sup> Regenvanu, R. (2024, December 3). *Vanuatu's statement: Twenty-third session of the Assembly of States Parties to the Rome Statute, general debate*. Assembly of States Parties to the Rome Statute. [https://asp.icc-cpi.int/sessions/general-debate/GeneralDebate\\_23rd\\_session](https://asp.icc-cpi.int/sessions/general-debate/GeneralDebate_23rd_session)

<sup>4</sup> While Australia and New Zealand are part of the PIFS, this analysis pertains to the broader Pacific Island region rather than these states.

<sup>5</sup> ABC News (Australia), "Indonesia's secret war for West Papua, and Fiji's bizarre corruption arrest | The Pacific | ABC News," 11 October 2024, Youtube video, <https://www.youtube.com/watch?v=Zl23flfOrWQ>, Fiji Women's Crisis Centre, "The Pacific must stand together, we must condemn the atrocities committed by the Indonesian security forces on the West Papuan people and call for sanctions against Indonesia, says Human Rights activist Shamima Ali. She made the statement in the wake of revelations this week....", Facebook, 5 April 2022, <https://www.facebook.com/FijiWomen/posts/the-pacific-must-stand-together-we-must-condemn-the-atrocities-committed-by-the-/3186825908230217/>.

violence, and transnational crime. **Part 2** analyses the gaps in the legal foundations for atrocity prevention across the region, showing a consistent pattern of relatively strong treaty ratification, weaker domestic incorporation, and absent enforcement. **Part 3** outlines practical pathways for closing those gaps, with particular emphasis on reinforcing legal and regulatory frameworks in line with regional priorities and commitments, and the development of a more explicit Pacific regional approach to atrocity prevention through existing regional institutions and frameworks.

The report draws on a review of regional frameworks, including the *Biketawa* and *Boe Declarations*, and the *2050 Strategy for the Blue Pacific Continent*. These instruments do not expressly adopt the language of the Responsibility to Protect (R2P)<sup>6</sup> or atrocity prevention, but they contain principles closely aligned with both. For example, the *Biketawa Declaration* provides a basis for collective regional action in circumstances where a Pacific Islands Forum member state is unable to respond effectively to a deterioration in its security environment. In this respect, existing Pacific regional frameworks already contain prevention-oriented principles that could support the development of a more explicit regional approach to atrocity prevention.

The report also draws on an original survey of national legislation across fifteen Pacific states which, so far as the authors are aware, offers the first consolidated regional picture of how atrocity crimes are incorporated into Pacific domestic law. Finally, the analysis is informed by the first author's ongoing engagement, in his capacity as Director of the Pacific program at the Asia Pacific Centre for the Responsibility to Protect (APR2P), with national governments and sub-regional partners such as the Melanesian Spearhead Group (MSG) Secretariat.

## **Part 1: Contextualising Atrocity Prevention in the Pacific Region**

While PIFS are generally considered low risk for atrocity crimes, several risk factors identified in the UN Framework of Analysis for Atrocity Crimes are present in parts of the region. These include tribal and intercommunal violence in Papua New Guinea (PNG), ethnopolitical and governance tensions in Fiji, unresolved social and political tensions in the Solomon Islands, and periodic political instability in a number of Pacific States.<sup>7</sup> Other significant risk factors include discrimination and exclusion, weak state institutions, restrictions on media freedom, challenges to the rule of law, land and resource disputes, state actions that threaten cultural and community life, corruption, and the absence of human rights institutions in parts of the region.<sup>8</sup>

This report does not suggest that atrocity crimes are imminent in the Pacific. Rather, it adopts a preventive lens, identifying conditions that may increase vulnerability to future mass violence or protection crises if left unaddressed.

---

<sup>6</sup> R2P is a political commitment to protect populations from atrocity crimes (genocide, war crimes, crimes against humanity, and ethnic cleansing) that was endorsed by State leaders at the United Nations World Summit in 2005. This commitment is generally distilled into three key pillars of responsibility: (I) Every state has a responsibility to protect its population from atrocity crimes, (II) Regional and international actors have a responsibility to encourage and assist states to prevent these crimes, and (III) If a state is manifestly failing to protect its population from atrocities, the international community must be prepared to take appropriate collective action, in accordance with the UN Charter.

<sup>7</sup> United Nations Office on Genocide Prevention and the Responsibility to Protect, "Framework of analysis for atrocity crimes: A tool for prevention," United Nations, 2014, <https://digitallibrary.un.org/record/4015233>.

<sup>8</sup> See Asia-Pacific Centre for the Responsibility to Protect & Global Centre for the Responsibility to Protect, "A framework for action for the responsibility to protect: A resource for states," 2023, Asia-Pacific Centre for the Responsibility to Protect and Global Centre for the Responsibility to Protect. [https://r2pasiapacific.org/files/10183/R2P\\_Framework2023\\_FinalDigital.pdf](https://r2pasiapacific.org/files/10183/R2P_Framework2023_FinalDigital.pdf).

The four challenges examined below also explain why the legal foundations analysed in this report matter in concrete terms. Political instability, climate change, gender-based violence, and transnational crime are not atrocity crimes in themselves, but each can generate or intensify risk factors. A regional approach to atrocity prevention must therefore be capable of recognising how these challenges interact with governance, social cohesion, human rights protection, and state capacity. The following section examines each in turn, drawing out where it intersects with atrocity risk and why it underscores the value of regional prevention and protection strategies.

## Political Instability

Political instability is one of the clearest ways in which atrocity risk factors arise in the Pacific context. Pacific States, particularly within the Melanesian sub-region, have struggled with political instability that has, at times, caused conflicts, displacement, and loss of life.<sup>9</sup> These situations have generally not reached the threshold of atrocity crimes. They nevertheless illustrate why prevention-oriented regional engagement matters, particularly where political instability intersects with identity-based tensions, weak governance, land disputes, and unresolved grievances.<sup>10</sup>

For example, PNG's *National* newspaper reported in November 2024 that the tribal violence in the Enga, Hela, and Southern Highlands provinces "has escalated into a humanitarian crisis".<sup>11</sup> The same report observed that "the ongoing conflict is not merely a reflection of traditional disputes but is deeply intertwined with political machinations, economic interests and the pervasive influence of firearms." In the Solomon Islands, the "fractures that prompted ethnic conflict between Guadalcanal and Malaita communities remain deep in politics, society and governance"<sup>12</sup> while "the underlying causes of the conflict, land disputes, regional inequality and political marginalisation, remain unaddressed".<sup>13</sup> The potential for conflict remains, largely due to "traditional undercurrents of political instability and economic anxiety".<sup>14</sup>

Fiji has experienced four coups since independence, three led by the military and one by civilians. These coups caused widespread destruction and loss of life and have their roots in Fiji's fragile race relations. Vanuatu, while politically volatile,<sup>15</sup> has avoided the political violence seen in the other three

---

<sup>9</sup> Clifton Aumae, "22 years after RAMSI, Solomon Islands social, political fractures persist," The Strategist, 10 June 2025, <https://www.aspistrategist.org.au/22-years-after-ramsi-solomon-islands-social-political-fractures-persist/>. . Kerry Baker, "Bleak economic growth and political instability plagued Solomon Islands in 2025," East Asia Forum, 22 January 2026, <https://eastasiaforum.org/2026/01/22/bleak-economic-growth-and-political-instability-plagued-solomon-islands-in-2025/>.

<sup>10</sup> Risk Factor 1 'Situations of armed conflict or other forms of instability', which, inter alia, includes armed conflict, humanitarian crisis, political instability caused by irregular regime change or transfer of power, and social instability caused by exclusion or tensions based on identity issues. See United Nations Office on Genocide Prevention and the Responsibility to Protect, "Framework of analysis for atrocity crimes: A tool for prevention," United Nations, 2014, <https://digitallibrary.un.org/record/4015233>.

<sup>11</sup> The National, "Tribal fighting is a political, social crisis," The National, 7 November 2024, <https://www.thenational.com.pg/tribal-fighting-is-a-political-social-crisis/>.

<sup>12</sup> Clifton Aumae, "22 years after RAMSI, Solomon Islands social, political fractures persist," The Strategist, 10 June 2025, <https://www.aspistrategist.org.au/22-years-after-ramsi-solomon-islands-social-political-fractures-persist/>.

<sup>13</sup> Ibid.

<sup>14</sup> Kerry Baker, "Bleak economic growth and political instability plagued Solomon Islands in 2025," East Asia Forum, 22 January 2026, <https://eastasiaforum.org/2026/01/22/bleak-economic-growth-and-political-instability-plagued-solomon-islands-in-2025/>.

<sup>15</sup> See discussions by Guy A. Lavender Forsyth and Quentin D. Atkinson, "A brief history of political instability in Vanuatu," *Anthropological Forum* 34(3) (2024): 253–278, [tandfonline.com/doi/full/10.1080/00664677.2024.2346190](https://doi.org/10.1080/00664677.2024.2346190)?\_\_cf\_chl\_f\_tk=GxCVLYXNEbBrGctVFS9ScBzaQwOk95NEjsHt8aOIrA-1783299707-1.0.1.1-uGwwm58uqi8o\_xlOJ3uxa6LHeIE08kJFypPOh3DkhA.

Melanesian states and in New Caledonia.<sup>16</sup> Protracted tensions over political status and self-determination in West Papua, New Caledonia, and Bougainville also represent areas of sensitivity and potential vulnerability to atrocity risk, particularly in the broader context of decolonisation and tensions between state authorities and civilian populations.

Political volatility has also emerged periodically in Polynesian states, including Samoa and Tonga, though these situations are not as fragile as those in the Melanesian states.<sup>17</sup> While political violence is less pronounced in these states, there have been episodes of violence such as the riot in Nukualofa in 2006<sup>18</sup> and the parliamentary riot in Nauru in 2015.<sup>19</sup>

The regional response to such instability is set out in the *Biketawa Declaration*, adopted in 2000.<sup>20</sup> Under this framework, leaders commit to assisting member states in times of crisis, including by addressing “the underlying causes of tension and conflict, such as ethnic divisions, socio-economic disparities, weak governance, land disputes, and the erosion of cultural values.”<sup>21</sup> Assistance under the *Biketawa Declaration* is generally provided at the request of the affected state. However, as the 2006 Fijian coup demonstrated, the Pacific Islands Forum may also take action to press for adherence to principles of good governance and the rule of law. Similarly, the MSG through its draft Security Strategy is also seeking to realise an “MSG region free of violence and instability.”<sup>22</sup>

These dynamics underscore the need for strengthened regional coordination and preventive engagement among Pacific states, including through regional and sub-regional organisations such as the PIF and the MSG. They also highlight the value of regional and sub-regional mechanisms capable of supporting early prevention and protection-oriented responses in contexts of political instability and communal tensions. Where such situations escalate into serious violence, stronger domestic legal frameworks and cooperation procedures would also be necessary to ensure that states can investigate, prosecute, or assist accountability efforts for atrocity crimes if required.

## Climate Change

Climate change is a threat to peace and stability in the Pacific, intensifying pressures on land, food and water security, livelihoods, cultural practices, and patterns of human mobility. Rising sea levels continue to damage and impact traditional and customary land, contaminate food and water sources, threaten cultures and livelihoods and drive forced relocation in a number of Pacific States. Tensions among Pacific communities over forced relocation,<sup>23</sup> scarce resources and uncertainty about

---

<sup>16</sup> Nic Maclellan, “Violent, often disproportionate repression” in New Caledonia,” Inside Story, 6 February 2026, <https://insidestory.org.au/violent-often-disproportionate-repression-in-new-caledonia/>.

<sup>17</sup> Stewart Firth, “Instability in the Pacific Islands: A status report,” Lowy Institute, 4 June 2018, <https://www.lowyinstitute.org/publications/instability-pacific-islands-status-report>.

<sup>18</sup> The Guardian, “State of emergency after Tongan riots,” The Guardian, 17 November 2006, <https://www.theguardian.com/world/2006/nov/17/1>.

<sup>19</sup> Hayden Cooper and Alex McDonald, “Nauru opposition MP arrested amid protests against government corruption,” ABC News, 16 June 2015, <https://www.abc.net.au/news/2015-06-16/nauru-opposition-mp-arrested-amid-protests/6549722>.

<sup>20</sup> Pacific Islands Forum, “Biketawa Declaration,” Pacific Islands Forum Secretariat, 28 October 2000, [https://forumsec.org/sites/default/files/2024-03/2000\\_BIKETAWA%20Declaration.pdf](https://forumsec.org/sites/default/files/2024-03/2000_BIKETAWA%20Declaration.pdf).

<sup>21</sup> Ibid.

<sup>22</sup> Praneeta Prakash, “MSG Chair calls for united action against rising security threats,” FBC News, 25 October 2024, <https://www.fbcnews.com.fj/news/msg-chair-calls-for-united-action-against-rising-security-threats/>.

<sup>23</sup> In 2025, the Secretariat of the Pacific Regional Environment Programme noted that Fiji may need to relocate 676 communities due to rising sea levels. See: Inoke Rabonu, “676 communities face possible relocation in Fiji as climate impacts escalate,” Secretariat of the Pacific Regional Environment Program, 13 August 2025, <https://www.sprep.org/news/676-communities-face-possible-relocation-in-fiji-as-climate-impacts->

government responses may heighten risks of instability and protection crises of the kind relevant to atrocity prevention.<sup>24</sup>

In 2022, Pacific Leaders declared a “climate emergency” in the Region and described climate change as “the greatest existential threat”<sup>25</sup> facing Pacific peoples. Earlier, in 2018, the *Boe Declaration* broadened the definition of regional security to include both traditional and non-traditional security threats, including human security and environment and resource security.<sup>26</sup> This places climate change within the region’s own security framework, and it is on that basis that it is treated here as a structural risk factor, because the instability, displacement, and resource pressure it generates are recognised drivers of atrocity risk.

The region’s response to climate change has also made it a notable actor in the development of international law. While the impacts of climate change are not currently recognised as constituting atrocity crimes under international law, Pacific States have played an important role in advancing debates about whether severe environmental destruction should attract forms of international accountability comparable to other serious international crimes. The clearest example is the proposal, led by Vanuatu, to recognise ecocide as a new crime under the Rome Statute.<sup>27</sup> The substance of that proposal, and the question of how it relates to the established atrocity crimes, is examined in Part 2.

The region has also contributed to the development of international legal norms concerning protection and state responsibility in the context of climate change. In 2021, Pacific Leaders endorsed the *Declaration of Preserving Maritime Zones in the Face of Climate Change-related Sea-Level Rise*,<sup>28</sup> affirming that the baseline and maritime zones of Pacific States once deposited with the UN Secretary-General shall remain despite the effects of climate change. In 2023, Leaders also endorsed the *Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise*, affirming that there is a presumption of continuity of statehood under international law, and does not contemplate its demise in the context of climate change-related sea-level rise.<sup>29</sup> Pacific States were also key drivers behind the 2025 International Court of Justice’s (ICJ) advisory opinion on climate change, which “confirmed that states are obligated under international

---

[escalate?\\_cf\\_chl\\_f\\_tk=xvOXhrnW2TqcxB13Y68hhzEioT2Rpfr5S3exp0rbw6A-1783300734-1.0.1.1-DPrQ5Uc2ZjGcZ\\_dU9Fj0Dk2kcMQyT4hxL7C41hWPqF8.](https://www.vault.ushmm.org/adaptivemedia/rendition/id_2467ef65fe04ebbbf407d9c22b595f2183a0c6c6)

<sup>24</sup> See Tallan Donine, Madeleine MacLean, and Daniel Solomon, “Climate change, response, and mass atrocities: Sudikoff Interdisciplinary Seminar on Genocide Prevention background paper,” January 2024, Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum, [https://vault.ushmm.org/adaptivemedia/rendition/id\\_2467ef65fe04ebbbf407d9c22b595f2183a0c6c6](https://vault.ushmm.org/adaptivemedia/rendition/id_2467ef65fe04ebbbf407d9c22b595f2183a0c6c6) and Benn Parr, “Climate change and mass atrocities: Towards a blueprint for future research,” Asia Pacific Centre for the Responsibility to Protect, February 2025, <https://r2pasiapacific.org/files/12424/Climate%20change%20and%20mass%20attocities.pdf>.

<sup>25</sup> Pacific Islands Forum, ‘Fifty-first Pacific Islands Forum – Forum Communiqué,’ Pacific Islands Forum Secretariat, 14 July 2022, <https://forumsec.org/sites/default/files/2024-03/2022-Forum-Communique-Suva-Fiji-11-12%20July.pdf>.

<sup>26</sup> Pacific Islands Forum, “Boe Declaration on Regional Security,” Pacific Islands Forum 5 September 2018, <https://forumsec.org/publications/boe-declaration-regional-security>.

<sup>27</sup> Rebecca Root, “Climate crisis: Push for ecocide to be added to Rome Statute,” International Bar Association, 14 October 2024, <https://www.ibanet.org/ecocide-rome-statute>.

<sup>28</sup> Pacific Islands Forum, ‘Declaration on preserving maritime zones in the face of climate change-related sea-level rise,’ Pacific Islands Forum, 6 August 2021, <https://forumsec.org/sites/default/files/2024-05/2021%20Declaration-on-Preserving-Maritime-Zones.pdf>.

<sup>29</sup> Pacific Islands Forum, “2023 Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise,” Pacific Islands Forum, 20 November 2023, <https://forumsec.org/publications/2023-declaration-continuity-statehood-and-protection-persons-face-climate-change>.

and customary law to undertake necessary preventive and precautionary measures to address the impacts of climate change”.<sup>30</sup>

Together, these initiatives demonstrate Pacific Leadership in advancing international legal and policy responses to climate insecurity. They also show how Pacific states are shaping debates about the relationship between environmental harm, existential security, prevention, and international accountability. Vanuatu has drawn this connection explicitly through its advocacy for ecocide support for the ICC, noting that “strong institutions are essential in our collective endeavour to ensure justice for the worst crimes affecting the peace and security of humankind”.<sup>31</sup>

A shared regional approach to atrocity prevention could complement ongoing Pacific efforts to advance accountability and protective frameworks for climate change. Several states have begun to legislate domestically, including through Fiji’s Climate Change Act 2021 and PNG’s Climate Change (Management) Act 2015. Stronger regional coordination could help align these domestic commitments with broader regional approaches to protection, prevention, and legal accountability.

### **Sexual and Gender-based Violence (SGBV)**

Gender-based violence is pervasive in the region, and statistics show high rates of domestic violence across the Pacific.<sup>32</sup> Pacific Leaders have acknowledged that inequality and discrimination are among the root causes of SGBV, and many Pacific States are struggling to adequately address it. Several of these root causes, including discrimination and entrenched inequality, are also recognised risk factors for atrocity crimes.<sup>33</sup> Regional efforts to address SGBV and regional efforts on atrocity prevention therefore engage overlapping conditions. The challenge is that the linkages between high levels of SGBV and the risk of conflict, instability, and atrocity crimes are not fully reflected in regional frameworks.

The *2023 Revitalised Pacific Leaders Gender Equality Declaration* (RPGED) commits Pacific States to addressing GBV and advancing gender equality and social inclusion. While data limitations make the progress of the RPGED difficult to measure,<sup>34</sup> its prioritisation on the regional agenda reflects both the scale of the challenge and a clear regional commitment to addressing it.

In certain contexts, sexual and gender-based violence can constitute, or form part of, atrocity crimes, including genocide, war crimes, and crimes against humanity. This is reflected in domestic law in the region. Fiji’s Crimes Act 2009 treats a number of gender-based crimes as crimes against humanity, including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, sexual violence, and persecution, where they are committed as part of a widespread or systematic attack directed against a civilian population. Fiji’s approach shows one way in which the gendered dimensions of atrocity crimes can be incorporated into national criminal law, and it offers a useful example that other Pacific states could draw on.

---

<sup>30</sup> Pacific Islands Forum Secretariat, “Pacific security outlook report 2026,” Pacific Islands Forum, 27 March 2026, <https://forumsec.org/publications/report-pacific-security-outlook-report-2026>.

<sup>31</sup> Ralph Regenvanu, “Vanuatu’s statement: Twenty-third session of the Assembly of States Parties to the Rome Statute, general debate,” Assembly of States Parties to the Rome Statute, 3 December 2024, [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ASP23-GD-VUT-3-12-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ASP23-GD-VUT-3-12-ENG.pdf).

<sup>32</sup> UN Women Asia and the Pacific, “Ending violence against women and girls,” UN Women, accessed 23 May 2026, <https://asiapacific.unwomen.org/en/countries/fiji/ending-violence-against-women>.

<sup>33</sup> Sarah Teitt, “Centralising gender in mass atrocity prevention: A tool for action in the Asia Pacific region,” Asia Pacific Centre for the Responsibility to Protect, December 2019, <https://appap.group.uq.edu.au/files/1129/APR2P%20Gender%20Report%202019%20FINAL.pdf>.

<sup>34</sup> Pacific Islands Forum Secretariat, “Gender equality in the Blue Pacific,” Pacific Islands Forum & the Pacific Community, 2025, <https://forumsec.org/sites/default/files/2026-02/Gender%20Equality%20in%20the%20Blue%20Pacific.pdf>.

Recognising that “genocide, war crimes, crimes against humanity and ethnic cleansing all have a gendered impact”,<sup>35</sup> the region can strengthen its response to SGBV through legislative frameworks that address the gendered dimensions of atrocity crimes, as Fiji has done.

The UN Secretary-General has identified the implementation of the Women, Peace and Security (WPS) agenda, and the promotion of women’s leadership in peace and security, as measures that build resilience to atrocity crimes.<sup>36</sup> This aligns with regional efforts to advance WPS, reflected in regional commitments, including the RPGED<sup>37</sup> and the 2025 *Guidance Note on Women, Peace & Security (WPS) in the Blue Pacific Continent*, which recognises the critical role women play in Pacific mediation processes, contributing significantly to “regional well-being and security”.<sup>38</sup> Gaps nonetheless remain, both in addressing gender-based violence and in supporting women’s leadership in governance responses to environmental insecurity, particularly given the differentiated impacts of climate change on women and girls.

### **Transnational Crime and broader security protection and prevention**

Transnational crime is relevant to atrocity prevention because of its structural effects. It can erode the capacity and integrity of state institutions, fuel corruption, increase illicit flows of drugs and firearms, and place pressure on already limited policing, border control, and justice systems. The United Nations Office on Drugs and Crime (UNODC) has identified the Pacific as an increasingly important transit route for methamphetamine and cocaine trafficking, with organised crime groups targeting the region because of its location between major source and destination markets.<sup>39</sup> The growth in trafficking has also contributed to spillover into domestic markets, with authorities in some Pacific countries observing increased availability and use of drugs, particularly methamphetamine. These dynamics have serious social and protection implications, including reported links to domestic violence risks, sexual violence, child neglect, health harms, and poor educational and employment outcomes.<sup>40</sup>

As the Australian and New Zealand governments increase their security engagements and spending in the region, atrocity prevention and its relationship to regional security should be advanced alongside the other security discussions currently under way. In Fiji, the continued discovery of large volumes of cocaine points to broader implications for crime that may, over time, place pressure on social cohesion and community structures. The Fijian government could draw on R2P, with its emphasis on state responsibility for prevention and protection and the responsibility of regional and international actors

---

<sup>35</sup> Australian Government, Department of Foreign Affairs and Trade, “Message of the Group of Friends of R2P on Women, Peace and Security,” Department of Foreign Affairs and Trade, accessed 20 April 2026, <https://www.dfat.gov.au/international-relations/international-organisations/united-nations/message-group-friends-r2p-women-peace-and-security>.

<sup>36</sup> United Nations Secretary-General, “Prioritizing prevention and strengthening response: Women and the responsibility to protect: Report of the Secretary-General (A/74/964–S/2020/501),” United Nations General Assembly Security Council, 23 July 2020, <https://docs.un.org/en/A/74/964>.

<sup>37</sup> Pacific Islands Forum, “Gender equality and social inclusion,” Pacific Islands Forum, accessed 22 April 2026, <https://forumsec.org/gender-equality-and-social-inclusion>.

<sup>38</sup> Nicole George and Firmina Iyabora, “Guidance note on women, peace and security (WPS) in the Blue Pacific Continent,” Pacific Islands Forum Secretariat, July 2025, <https://espace.library.uq.edu.au/view/UQ:33871c7..>

<sup>39</sup> United Nations Office on Drugs and Crime, “Transnational organized crime in the Pacific: Expansion, challenges and impact,” United Nations Office on Drugs and Crime, October 2024, [https://www.unodc.org/roseap/uploads/documents/2024/TOCTA\\_Pacific\\_2024.pdf](https://www.unodc.org/roseap/uploads/documents/2024/TOCTA_Pacific_2024.pdf).

<sup>40</sup> Ibid.

to assist states under stress, and integrate that lens into its national security planning.<sup>41</sup> The same applies to other Pacific States especially as they develop their national security strategies.

This points to a broader conclusion for Part 1 as a whole. Atrocity prevention aligns with core values of the 2050 Strategy, which include embracing “good governance, the full observance of democratic principles and values, the rule of law, the defence and promotion of all human rights, gender equality, and commitment to just societies.” The four challenges examined in this Part, (political instability, climate insecurity, gender-based violence, and transnational crime), are not separate from these regional commitments, but are the conditions that test them. Pacific states should consider how these principles can be translated into practical regional prevention approaches through existing frameworks and institutions. Stronger coordination through existing regional security arrangements could help identify conflict and atrocity risks and support national prevention strategies,<sup>42</sup> as well as advancing R2P in the region.<sup>43</sup> The remainder of the report turns to the legal foundations that such prevention requires, and to the gaps that currently limit it.

## **Part 2: Gaps in the legal and regulatory framework for atrocity crimes prevention**

This section examines the legal foundations for atrocity prevention in the Pacific. It focuses on three related dimensions: treaty participation, domestic incorporation, and practical implementation. The analysis shows an uneven regional pattern, in that Pacific states have generally participated strongly in some areas of the atrocity prevention and accountability regime, particularly the Geneva Conventions and the Rome Statute, but participation in the Genocide Convention remains comparatively limited. At the domestic level, genocide is relatively visible in national criminal law, while crimes against humanity and broader Rome Statute war crimes are much less consistently incorporated. Even where domestic atrocity crimes legislation exists, enforcement and cooperation capacity remain limited.

This unevenness matters for both prevention and international legal advocacy. Treaty ratification, domestic criminalisation, and operational capacity perform different functions: they support national prosecution, facilitate cooperation with international courts, and enable participation in interstate accountability mechanisms. Strengthening all three is necessary to improve national capacity to prevent, investigate, prosecute, and cooperate in relation to atrocity crimes, and doing so would also place the region’s international legal advocacy, including on ecocide, on a firmer foundation. This section examines each dimension in turn.

---

<sup>41</sup> Mark Kersten, “A nexus for justice: Investigating the intersection of international crimes and transnational organized crimes,” *Justice in Conflict*, 22 September 2022, <https://justiceinconflict.org/2020/09/22/a-nexus-for-justice-investigating-the-intersection-of-international-crimes-and-transnational-organized-crimes/>.

<sup>42</sup> Celine Monnier Lauren McGowan, “National prevention strategies as building blocks of regional peace,” IPI Global Observatory, 15 January 2026, <https://theglobalobservatory.org/2026/01/national-prevention-strategies-as-building-blocks-of-regional-peace/>.

<sup>43</sup> As helpful guidance, *The Framework for Action for the Responsibility to Protect* identifies specific measures on how best to implement R2P in the region in light of the ongoing work that agencies and governments are doing to broadly address security imperatives. By linking these initiatives and work to R2P, Pacific States will not only strengthen their frameworks but act consistently with their international commitment on R2P. See APR2P & GCR2P, 2023. See Asia-Pacific Centre for the Responsibility to Protect & Global Centre for the Responsibility to Protect, “A framework for action for the responsibility to protect: A resource for states,” 2023, Asia-Pacific Centre for the Responsibility to Protect and Global Centre for the Responsibility to Protect, [https://r2pasiapacific.org/files/12591/R2P\\_Framework2023\\_FinalDigital%283%29.pdf](https://r2pasiapacific.org/files/12591/R2P_Framework2023_FinalDigital%283%29.pdf).

## Gaps in the International Atrocity Crimes Treaty Ratification

The contemporary international legal framework relevant to atrocity prevention is grounded in three core treaty regimes: the Genocide Convention,<sup>44</sup> the Geneva Conventions<sup>45</sup> and their Additional Protocols,<sup>46</sup> and the Rome Statute of the International Criminal Court.<sup>47</sup> These instruments do not operate in identical ways. Some establish direct obligations on states to prevent, punish, and suppress particular crimes, while others establish individual criminal responsibility, cooperation obligations, or institutional mechanisms for international accountability.

**Table 1**

### *Core International Treaties Relevant to Atrocity Crimes*

|                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1948 Convention on the Prevention and Punishment of the Crime of Genocide</b> | <ul style="list-style-type: none"> <li>• Legally obligates states to prevent and punish <u>genocide</u></li> <li>• The obligations under the Convention have an <i>erga omnes partes</i> character: they are owed to all states parties, and each state party has a legal interest in their observance. This allows any state party to invoke another's responsibility before the International Court of Justice.</li> <li>• The International Court of Justice (ICJ) has interpreted this obligation to prevent genocide as being linked to a state's "capacity to influence", and ruled that states have a responsibility to "employ all means reasonably available to them, so as to prevent genocide so far as possible"<sup>48</sup></li> </ul>                                                                                                                                                                                                                                        |
| <b>1949 Geneva Conventions and 1977 Additional Protocols</b>                     | <ul style="list-style-type: none"> <li>• Form the core treaty framework of IHL, alongside customary IHL. They establish protections for civilians, wounded and sick combatants, prisoners of war, and other protected persons in armed conflict, and regulate the conduct of hostilities, including certain means and methods of warfare.</li> <li>• The Geneva Conventions require states to search for, prosecute, or extradite persons suspected of grave breaches.</li> <li>• The 1977 Additional Protocols strengthen protections in international armed conflict under Protocol I and non-international armed conflict under Protocol II. Many of these protections also reflect customary international law</li> <li>• States parties commit both to comply with IHL themselves, and to "ensure respect" for IHL under Common Article 1, including through doing "all in their power to ensure that international humanitarian law is respected universally"<sup>49</sup></li> </ul> |

<sup>44</sup> Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, [78 U.N.T.S. 277](#).

<sup>45</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949, [75 U.N.T.S. 31](#)., Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949, [75 U.N.T.S. 85](#)., Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, [75 U.N.T.S. 135](#)., Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, [75 U.N.T.S. 287](#).

<sup>46</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, [1125 U.N.T.S. 3](#)., Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, [1125 U.N.T.S. 609](#).

<sup>47</sup> Rome Statute of the International Criminal Court, 17 July 1998, [2187 U.N.T.S. 3](#).

<sup>48</sup> International Court of Justice, "Case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro): Judgment," International Court of Justice, 2007, para. 430, p.43, <https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>, Jinan Bastaki, "The "capacity to influence", state responsibility, and the obligation to prevent genocide," *Opinio Juris*, 30 March 2024, <https://opiniojuris.org/2024/03/30/the-capacity-to-influence-state-responsibility-and-the-obligation-to-prevent-genocide/>.

<sup>49</sup> Knut Dormann and Jose Serralvo, "Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations," *International Committee of the Red Cross*, 19 March 2015,

|                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Rome Statute of the International Criminal Court</b> | <ul style="list-style-type: none"> <li>• Establishes individual criminal responsibility for <u>genocide, war crimes, crimes against humanity</u> and the crime of aggression within the jurisdiction of the ICC.</li> <li>• Provides an international accountability mechanism based on complementarity, where national jurisdictions are unwilling or unable genuinely to investigate or prosecute.</li> <li>• Creates cooperation obligations for states parties, including in relation to arrest, surrender, evidence, and assistance to the Court.</li> </ul> |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

These treaties establish internationally recognised standards for protecting populations, regulating conduct during armed conflict, preventing atrocity crimes, and supporting accountability for serious violations of international law. Ratification creates legal obligations for states, signals a state's commitment to preventing atrocity crimes, and can facilitate international cooperation in relation to justice and accountability for mass atrocities.

Table 2 below illustrates the uneven pattern of treaty participation across the Pacific. Most Pacific Island states have ratified the 1949 Geneva Conventions, indicating broad regional acceptance of the core treaty framework of international humanitarian law. Ratification of the 1977 Additional Protocols, however, is more uneven, leaving gaps in the treaty protections applicable to both international and non-international armed conflict. Rome Statute ratification is comparatively high, a point examined later in this Part. Participation in the 1948 Genocide Convention is the lowest of the three regimes: fewer than half of the states in Table 2 are parties.

This last point is more striking than it first appears. A reasonable assumption would be that low treaty ratification corresponds to a thin domestic legal framework. In the case of genocide, the Pacific does not bear this out. As the next subsection and Table 3 show, genocide has been incorporated into the domestic criminal law of a substantial number of Pacific states, through stand-alone legislation or provisions in national criminal codes, including several states that are not parties to the Genocide Convention. The regional pattern therefore runs counter to the conventional sequence in which treaty ratification precedes and prompts domestic incorporation. For legal protections against genocide in the Pacific, domestic criminalisation is comparatively widespread, while participation in the Convention that underpins it internationally is not.

This distinction matters because domestic criminalisation and treaty ratification perform different functions. Domestic criminalisation enables national prosecution of genocide. Ratification of the Genocide Convention does something a domestic offence cannot: it embeds a state within a treaty framework of prevention, punishment, and interstate accountability. Rome Statute ratification does not fill this gap, because the ICC framework is directed primarily toward individual criminal accountability, whereas the Genocide Convention establishes direct obligations on states to prevent and punish genocide and allows States Parties to invoke those obligations before the ICJ.

This interstate dimension has acquired new practical significance. In recent years, States Parties have begun to use the Genocide Convention to bring cases before the ICJ even where the applicant state was not itself affected by the alleged atrocities. The cases of *The Gambia v. Myanmar*<sup>50</sup> and *South Africa v. Israel*<sup>51</sup> are the leading examples. They demonstrate the practical significance of the

---

<https://reliefweb.int/report/world/common-article-1-geneva-conventions-and-obligation-prevent-international-humanitarian>. , International Committee of the Red Cross, "Rule 144 Ensuring respect for international humanitarian law Erga Omnes," International Humanitarian Law Databases, accessed 23 May 2026, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule144>.

<sup>50</sup> International Court of Justice, 'Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar): Preliminary objections, judgment,' [I.C.J. Reports, 22 July 2022, p. 477](#).

<sup>51</sup> International Court of Justice, 'Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel),' ICJ [26 January 2024](#).

Conventions *erga omnes partes* character, because the obligations to prevent and punish genocide are owed to all states parties, therefore any state party may invoke responsibility for their alleged breach. For Pacific states, this means that ratification is the legal gateway to participation in this form of interstate accountability. A state outside the Convention may criminalise genocide domestically, but it cannot invoke the Convention's shared obligations before the ICJ.

This uneven relationship between domestic criminalisation and treaty participation has practical consequences for the region. Pacific states have increasingly positioned themselves as norm entrepreneurs in international law, particularly through climate diplomacy and the proposal to recognise ecocide as a new international crime. Yet the region's advocacy for the future development of international criminal law is weakened where Pacific states remain outside core treaty regimes that already exist, including the Genocide Convention. Closing that gap would strengthen domestic atrocity prevention, and it would also allow the region to advocate for the development of international criminal law from a firmer legal foundation than currently stands.

**Table 2**

*Pacific Ratification of Core Treaties on Atrocity Crimes*

| Country                        | 1948 Genocide Convention | 1949 Geneva Conventions I-IV | 1977 Protocol I to Geneva Conventions | 1977 Protocol II to Geneva Conventions | Rome Statute ICC |
|--------------------------------|--------------------------|------------------------------|---------------------------------------|----------------------------------------|------------------|
| Australia                      | 8 Jul 1949               | 14 Oct 1958                  | 21 Jun 1991                           | 21 Jun 1991                            | 1 Jul 2002       |
| Cook Islands                   | Not Ratified             | 7 May 2002                   | 7 May 2002                            | 7 May 2002                             | 18 Jul 2008      |
| Federated States of Micronesia | Not Ratified             | 19 Sep 1995                  | 19 Sep 1995                           | 19 Sep 1995                            | Not Ratified     |
| Fiji                           | 11 Jan 1973              | 9 Aug 1971                   | 30 Jul 2008                           | 30 Jul 2008                            | 29 Nov 1999      |
| Kiribati                       | Not Ratified             | 5 Jan 1989                   | Not Ratified                          | Not Ratified                           | 26 Nov 2019      |
| Nauru                          | Not Ratified             | 27 Jun 2006                  | 27 Jun 2006                           | 27 Jun 2006                            | 12 Nov 2001      |
| NZ                             | 28 Dec 1978              | 2 May 1959                   | 8 Feb 1988                            | 8 Feb 1988                             | 7 Sep 2000       |
| Palau                          | Not Ratified             | 25 June 1996                 | 25 June 1996                          | 25 June 1996                           | Not Ratified     |
| PNG                            | 27 Jan 1982              | 26 May 1976                  | Not Ratified                          | Not Ratified                           | Not Ratified     |
| Republic of Marshall Islands   | Not Ratified             | 1 June 2004                  | Not Ratified                          | Not Ratified                           | 7 Dec 2000       |
| Samoa                          | Not Ratified             | 23 Aug 1984                  | 23 Aug 1984                           | 23 Aug 1984                            | 16 Sep 2002      |
| Solomon Islands                | Not Ratified             | 6 Jul 1981                   | 19 Sep 1988                           | 19 Sep 1988                            | Not Ratified     |
| Tonga                          | 16 Feb 1972              | 13 April 1978                | 20 Jan 2003                           | 20 Jan 2003                            | Not Ratified     |
| Tuvalu                         | Not Ratified             | 19 Feb 1981                  | Not Ratified                          | Not Ratified                           | Not Ratified     |
| Vanuatu                        | Not Ratified             | 27 Oct 1982                  | 28 Feb 1985                           | 28 Feb 1985                            | 2 Feb 2011       |

## Gaps in Domestic Legal Frameworks for Atrocity Prevention and Accountability

For states that are parties to international legal instruments on atrocity crimes, incorporating war crimes, crimes against humanity, and genocide into domestic criminal law is a necessary step toward implementing treaty obligations. More generally, clear criminalisation of atrocity crimes builds national capacity for atrocity prevention, investigation, prosecution, and cooperation. Domestic legislation enables national courts and institutions to investigate and prosecute atrocity crimes, including where offences are committed abroad by nationals or where foreign suspects are present within a state's jurisdiction. Beyond its practical legal function, incorporation also carries normative weight by signalling that serious violations will not be met with impunity.

The domestic picture shows a more specific pattern. Genocide is the most widely criminalised of the Rome Statute atrocity crimes, appearing either in stand-alone legislation, such as Tonga's 1969 Genocide Act, or in national criminal codes, including those of Tuvalu, Solomon Islands, Kiribati, PNG, Nauru, Samoa, Australia, New Zealand, and Fiji. Crimes against humanity, by contrast, are incorporated in only a small number of jurisdictions. War crimes present a more complex picture. Many Pacific states have enacted Geneva Conventions legislation criminalising grave breaches, but this is not equivalent to comprehensive domestic criminalisation of war crimes under the Rome Statute.

This distinction is important. Grave breaches are a narrower category of serious violations under the Geneva Conventions and are principally associated with international armed conflict and protected persons or property.<sup>52</sup> Rome Statute war crimes are broader. They include grave breaches but also extend to other serious violations of the laws and customs of war, violations of Common Article 3, and serious violations applicable in non-international armed conflict.<sup>53</sup> As a result, a state with only Geneva Conventions grave breaches legislation may lack a clear domestic legal basis to prosecute many war crimes committed in internal or civil conflict settings.

Vanuatu illustrates this unevenness. Although it has been highly active in the ICC Assembly of States Parties in advocating for the Rome Statute to include ecocide as a fifth core international crime, its domestic legislation<sup>54</sup> criminalises grave breaches through the Geneva Conventions Act 1982<sup>55</sup> but does not specifically criminalise genocide, crimes against humanity, or broader Rome Statute war crimes. It has also not enacted legislation to fully incorporate Rome Statute crimes and cooperation procedures into domestic law.

Fiji's Crimes Act<sup>56</sup> is one of the more developed criminal laws in the region. It establishes a category of *Crimes against the International Order* and criminalises genocide<sup>57</sup> and crimes against humanity. Some of the underlying acts criminalised as crimes against humanity may also constitute war crimes

---

<sup>52</sup> Geneva Convention For The Amelioration Of The Condition Of The Wounded And Sick In Armed Forces In The Field ([Geneva Convention I](#)), 12 August 1949, art. 50, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Geneva Convention II), 12 August 1949, art. 51, Geneva Convention Relative to the Treatment of Prisoners of War ([Geneva Convention III](#)), 12 August 1949, art. 130, Geneva Convention relative to the Protection of Civilian Persons in Time of War ([Geneva Convention IV](#)), 12 August 1949, art. 147.

<sup>53</sup> Rome Statute of the International Criminal Court, 17 July 1998, [2187 U.N.T.S. 3](#), art. 8(2)(a)–(e)

<sup>54</sup> *Penal Code* (Vanuatu, Chapter 135, Consolidated Edition 2006; [Act 17 of 1981](#)).

<sup>55</sup> *Geneva Conventions Act 1982* (Vanuatu, Chapter 150, [Act No. 22 of 1982](#)).

<sup>56</sup> *Crimes Decree 2009* (Fiji, [Act No. 44 of 2009](#)).

<sup>57</sup> Acts that constitute genocide include, genocide by causing serious bodily and mental harm (Sec.78); genocide by deliberately inflicting conditions of life calculated to bring about physical destruction (Sec.79); genocide by imposing measures intended to prevent births (Sec 80) and genocide by forcibly transferring children (sec.81) – see *Crimes Decree 2009* (Fiji, [Act No. 44 of 2009](#)).

when committed in the context of an armed conflict.<sup>58</sup> However, war crimes are not separately codified as such.

Samoa, on the other hand, has one of the most comprehensive domestic frameworks in the region through the International Criminal Court Act 2007,<sup>59</sup> which criminalises genocide, crimes against humanity, war crimes, and the crime of aggression. Nauru's 2016 Crimes Act provides for a "Rome Statutes Offences" (Division 14.3) which includes genocide (Sec. 266), crimes against humanity (Sec. 267) and war crimes (Sec. 268), though not the crime of aggression.<sup>60</sup>

**Table 3**

*Pacific Domestic Legislation on Atrocity Crimes*

| Country                        | Domestic Legislation on Atrocity Crimes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Gaps                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Australia                      | <ul style="list-style-type: none"> <li>Criminal Code Act 1995 (Cth), Division 268, inserted by the International Criminal Court (Consequential Amendments) Act 2002 (Cth) – <i>genocide, crimes against humanity, war crimes, and offences against the administration of ICC justice.</i></li> <li>Geneva Conventions Act 1957 (Cth) -<i>implements the Geneva Conventions and criminalises grave breaches.</i></li> <li>International Criminal Court Act 2002 (Cth)</li> </ul>                                          | <ul style="list-style-type: none"> <li>Australia has not ratified the Kampala Amendments and does not criminalise the crime of aggression domestically.</li> <li>Division 268 prosecutions (genocide, crimes against humanity, war crimes, and offences against the administration of ICC justice) require Attorney-General consent under s 268.121</li> </ul> |
| Cook Islands                   | <ul style="list-style-type: none"> <li>Geneva Conventions and Additional Protocols Act 2002 (Act No. 1 of 2002) – <i>incorporates the Geneva Conventions and Additional Protocols into domestic law and criminalises grave breaches of the Geneva Conventions and Additional Protocol I</i></li> </ul>                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>No domestic provision for genocide, crimes against humanity, or the crime of aggression.</li> <li>No provision for war crimes beyond grave breaches.</li> </ul>                                                                                                                                                         |
| Federated States of Micronesia | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Is not a State Party to the Rome Statute. No domestic legislation criminalising any of the four atrocity crimes.</li> </ul>                                                                                                                                                                                             |
| Fiji                           | <ul style="list-style-type: none"> <li>Crimes Act 2009, Part 12 (Offences Against the International Order): Division 2 – Genocide (ss. 77–81); Division 3 – Crimes Against Humanity (ss. 82–96)</li> <li>Geneva Conventions Promulgation 2007 – <i>implements the Geneva Conventions and criminalises grave breaches.</i></li> </ul>                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Crime of aggression not incorporated</li> <li>No provision for war crimes beyond grave breaches.</li> </ul>                                                                                                                                                                                                             |
| Kiribati                       | <ul style="list-style-type: none"> <li>Criminal Code of the Republic of Kiribati, Part VIII (Offences Against the Law of Nations), Article 62 – <i>Genocide.</i></li> <li>Geneva Conventions Act 1993 (No. 2 of 1993), as amended by the Geneva Conventions (Amendment) Act 2010 - implements the four Geneva Conventions and Additional Protocols I, II and III. <i>Criminalises grave breaches of the Conventions and of Protocol I (s. 3) and other breaches of the Conventions and Protocols (s. 3A).</i></li> </ul> | <ul style="list-style-type: none"> <li>No provision for crimes against humanity or the crime of aggression.</li> <li>No comprehensive domestic provision for Rome Statute war crimes. Geneva Conventions legislation criminalises grave breaches and some other treaty breaches, but does not fully incorporate Article 8 war crimes.</li> </ul>               |
| Nauru                          | <ul style="list-style-type: none"> <li>Geneva Conventions Act 2012 (Act No. 19 of 2012) – <i>implements the Geneva Conventions and</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Crime of aggression not incorporated.</li> </ul>                                                                                                                                                                                                                                                                        |

<sup>58</sup> Crimes against humanity includes enslavement (Sec.84), sexual slavery (Sec. 89); forced pregnancy (Sec.91), enforced sterilisation (Sec.92); sexual violence (sec. 93); apartheid (sec 96) – See *Crimes Decree 2009* (Fiji, [Act No. 44 of 2009](#)).

<sup>59</sup> *International Criminal Court Act 2007* (Samoa, [Consolidated Acts of Samoa 2018](#)).

<sup>60</sup> *Crimes Act 2016* (Nauru, Act [No. 18 of 2016](#)).

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | <p><i>Additional Protocols I–III in domestic law and criminalises breaches and grave breaches of the Conventions and Protocols.</i></p> <ul style="list-style-type: none"> <li>Crimes Act 2016, Division 14.3 - Rome Statute Offences: genocide, crimes against humanity, and war crimes. Section 262 provides broad geographical jurisdiction. Section 263 permits Nauruan courts to have regard to the Rome Statute Elements of Crimes. Section 264 incorporates relevant Rome Statute principles of criminal responsibility.</li> </ul> | <ul style="list-style-type: none"> <li>Prosecutions for Rome Statute offences require ministerial consent</li> </ul>                                                                                                                                                                                                                                                                        |
| NZ                           | <ul style="list-style-type: none"> <li>International Crimes and International Criminal Court Act 2000 (Act No. 26 of 2000) – <i>implements the Rome Statute and criminalises genocide, crimes against humanity, and war crimes.</i></li> <li>Geneva Conventions Act 1958 – <i>implements the Geneva Conventions and criminalises grave breaches.</i></li> </ul>                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Crime of aggression not incorporated.</li> </ul>                                                                                                                                                                                                                                                                                                     |
| Palau                        | <ul style="list-style-type: none"> <li>No specific provision for any of the four atrocity crimes. Chemical Weapons Prohibition Act 2005 is the only related instrument.</li> </ul>                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Not a State Party to the Rome Statute. No domestic provision for genocide, crimes against humanity, war crimes, or the crime of aggression.</li> </ul>                                                                                                                                                                                               |
| PNG                          | <ul style="list-style-type: none"> <li>Criminal Code Act 1974 (Chapter 262), Section 313A – <i>criminalises genocide.</i></li> <li>Geneva Conventions Act 1975 (Chapter 84) – <i>implements the Geneva Conventions and criminalises grave breaches.</i></li> </ul>                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Not a State Party to the Rome Statute.</li> <li>No provision for crimes against humanity or the crime of aggression.</li> <li>No provision for war crimes beyond grave breaches.</li> </ul>                                                                                                                                                          |
| Republic of Marshall Islands | <ul style="list-style-type: none"> <li>None. No domestic legislation criminalising any of the four atrocity crimes.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>No clear domestic legislation criminalising genocide, crimes against humanity, war crimes, or the crime of aggression.</li> <li>Constitution, Art. V, s. 1(4) provides that treaties do not have force of law unless implemented by legislation; no implementing legislation for the Rome Statute or Geneva Conventions has been enacted.</li> </ul> |
| Samoa                        | <ul style="list-style-type: none"> <li>International Criminal Court Act 2007, as amended by the International Criminal Court Amendment Act 2014, ss. 5–7A – criminalise genocide, crimes against humanity, war crimes, and the crime of aggression. <i>Incorporates Rome Statute crimes into Samoan law, including the Kampala Amendments on the crime of aggression.</i></li> </ul>                                                                                                                                                       | <ul style="list-style-type: none"> <li>The most comprehensive ICC implementing legislation in the Pacific island states. Covers all four core atrocity crimes including aggression.</li> </ul>                                                                                                                                                                                              |
| Solomon Islands              | <ul style="list-style-type: none"> <li>Penal Code (Chapter 26), Article 52, Part VII ('Offences Against Public Order') – <i>Genocide.</i></li> <li>Geneva Conventions Act (Colonial Territories) Order in Council 1959 (UK SI 1959/1301) – <i>extended application of the Geneva Conventions grave breaches regime to the then British Solomon Islands Protectorate.</i></li> </ul>                                                                                                                                                        | <ul style="list-style-type: none"> <li>Signatory to the Rome Statute (1998) though never ratified.</li> <li>No provision for crimes against humanity or the crime of aggression.</li> <li>No provision for war crimes beyond grave breaches.</li> </ul>                                                                                                                                     |
| Tonga                        | <ul style="list-style-type: none"> <li>Genocide Act of Tonga (Act 8 of 1969)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Not a State Party to the Rome Statute. No provision for war crimes, crimes against humanity, or the crime of aggression.</li> </ul>                                                                                                                                                                                                                  |
| Tuvalu                       | <ul style="list-style-type: none"> <li>Penal Code of Tuvalu (Cap. 10.20), Article 62 – <i>Genocide.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Not a State Party to the Rome Statute.</li> </ul>                                                                                                                                                                                                                                                                                                    |

|         |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                 |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | <ul style="list-style-type: none"> <li>Tuvalu Red Cross Society and Geneva Conventions Act 2013 - <i>gives effect to the four 1949 Conventions and Additional Protocols I, II and III. Criminalises grave breaches of the Conventions and Protocol I (s. 8) and other breaches of the Conventions and Protocols (s. 9)</i></li> </ul> | <ul style="list-style-type: none"> <li>No provision for crimes against humanity or the crime of aggression.</li> <li>No comprehensive domestic provision for Rome Statute war crimes. Geneva Conventions legislation criminalises grave breaches and some other treaty breaches but does not fully incorporate Article 8 war crimes.</li> </ul> |
| Vanuatu | <ul style="list-style-type: none"> <li>Geneva Conventions Act 1982 (Act No. 22 of 1982, Cap. 150) – <i>implements the 1949 Geneva Conventions in domestic law and criminalises grave breaches.</i></li> </ul>                                                                                                                         | <ul style="list-style-type: none"> <li>No domestic provision for genocide, crimes against humanity, or the crime of aggression.</li> <li>No provision for war crimes beyond grave breaches.</li> </ul>                                                                                                                                          |

Domestic criminalisation also does not, by itself, ensure operational capacity. Investigating and prosecuting atrocity crimes requires specialised police, prosecutorial, judicial, forensic, and evidentiary expertise, as well as sustained resources. These capacity gaps would also affect any attempt to exercise universal jurisdiction over a suspect present within a state's territory. Strengthening domestic legislation must therefore be accompanied by practical measures to build investigative, prosecutorial, judicial, and cooperation capacity.

### Rome Statute Participation and Pacific Ecocide Advocacy

As noted above, nine of the fifteen states in Table 2 have ratified the Rome Statute, making the Pacific a region with a comparatively high rate of ratification. This is the area of the atrocity crimes legal framework where Pacific engagement is strongest, and it is also the basis for the region's most prominent contribution to the development of international criminal law. In September 2024, Vanuatu, Fiji, and Samoa<sup>61</sup> formally submitted a proposal to add the crime of ecocide to the Rome Statute. In support of the proposal, Vanuatu argued that

The inclusion of such a crime under the Rome Statute would see enforceable environmental protection in domestic, regional and international courts according to the principle of complementarity, ensuring both cooperative action on threats to climate, and enforceable parameters to prevent impunity for the most serious actions against nature, on earth and in outer space.<sup>62</sup>

The ecocide proposal is significant for this report in a specific way. It shows that Pacific states can act as norm entrepreneurs, advancing an ambitious addition to international criminal law. That same capacity, if directed toward the existing atrocity crimes, is what the domestic gaps identified above call for. A further point reinforces this. No Pacific state has yet criminalised ecocide within its own legal framework, even as the region advocates for its recognition internationally. This mirrors the broader pattern the report identifies: international engagement running ahead of domestic incorporation.

Domestic criminalisation of ecocide is not without precedent elsewhere. A growing number of states have taken steps, in varying forms, towards recognising and criminalising severe environmental harm. Vietnam was the first state to criminalise ecocide, treating it as a crime against humanity in its Penal

<sup>61</sup> See also, Stop Ecocide International, "How #EcocideLaw would uphold the human rights to health and a clean, sustainable environment," Youtube Shorts Video, 18 September 2025, <https://www.youtube.com/shorts/axzxUqw5haU>.

<sup>62</sup> Permanent Mission of the Republic of Vanuatu to the United Nations, "Proposal: Independent crime of ecocide," Permanent Mission of the Republic of Vanuatu to the United Nations, accessed 23 May 2026, <https://ecojurisprudence.org/wp-content/uploads/2024/11/Vanuatu-Proposal-Rome-Statute.pdf>.

Code (originally the 1990 Code, Article 278). Uzbekistan's Criminal Code likewise addresses serious environmental offences, with Articles 196 and 198 identified as the closest parallel to the crime of ecocide.<sup>63</sup> More recently, France's 2021 Climate and Resilience Act<sup>64</sup> established offences relating to serious damage to human health, biodiversity, and the quality of air, soil, and water. These examples show that domestic ecocide-type offences are legislatively feasible, although they take markedly different forms and none yet mirrors the definition proposed for the Rome Statute.

While the region advances the case for ecocide in the Rome Statute, Pacific States can demonstrate further leadership by giving domestic legal effect to their international commitments, both by fully domesticating the existing Rome Statute crimes and, for those states that wish to lead on environmental accountability, by criminalising ecocide at the national level. They could also encourage and support participation in the ongoing international process toward a dedicated crimes against humanity convention, within which the recognition of severe environmental harm as a crime against humanity is being debated.<sup>65</sup>

### Regionalising Atrocity Crimes

A further gap lies at the regional level. The atrocity crimes regime is international, through the Rome Statute, the Genocide Convention, and the Geneva Conventions, and national, through the domestic legislation surveyed above. In the Pacific, however, atrocity prevention is not yet clearly reflected in the region's own architecture. No Pacific instrument incorporates genocide, crimes against humanity, or war crimes into a regional accountability framework, and atrocity prevention does not fall clearly within the mandate of any existing regional body.

This is a more significant gap than it may appear. The Pacific conducts much of its security and protection work regionally, through the Pacific Islands Forum, the Melanesian Spearhead Group, and instruments such as the *Biketawa* and *Boe* Declarations. These bodies and instruments give the region a developed regional architecture for security and protection, but atrocity prevention sits outside that regional architecture. The frameworks that come closest, the *2050 Strategy for the Blue Pacific Continent*<sup>66</sup> and the *2025 Ocean of Peace Declaration*<sup>67</sup> express strong normative commitments to good governance, the rule of law, human rights, and the peaceful settlement of disputes, but they are not criminal-law instruments and they do not address the atrocity crimes as such.

These frameworks nonetheless provide a foundation the region can build on. The Pacific has the regional institutions and instruments through which atrocity prevention could be advanced, but they do not yet take it up. How that might be done is considered in Part 3.

---

<sup>63</sup> See discussions by Ecocide Law, "Existing & proposed ecocide laws," Ecocide Law, accessed 23 May 2026 in, <https://ecodelaw.com/existing-ecocide-laws/>.

<sup>64</sup> France. (2021). *Law No. 2021-1104 of 22 August 2021 on combating climate change and strengthening resilience to its effects*. <https://www.vie-publique.fr/loi/278460-loi-22-aout-2021-climat-et-resilience-convention-citoyenne-climat>

<sup>65</sup> Leila Nadya Sadat, "Attacks on nature, atrocities against people: The case for environmental harm as a 12th crime against humanity," Just Security, 10 October 2025, <https://www.justsecurity.org/122271/environmental-harm-crimes-against-humanity/>; See also Leila N. Sadat, "Forging a convention for crimes against humanity," EJIL:Talk!, 15 January 2026, <https://www.ejiltalk.org/forging-a-convention-for-crimes-against-humanity/>.

<sup>66</sup> Pacific Islands Forum Secretariat, "2050 Strategy for the Blue Pacific Continent," Pacific Islands Forum, 2022, p. 27, <https://forumsec.org/sites/default/files/2023-11/PIFS-2050-Strategy-Blue-Pacific-Continent-WEB-5Aug2022-1.pdf>.

<sup>67</sup> Pacific Islands Forum. (2025, September 10). *Blue Pacific Ocean of Peace Declaration*. Pacific Islands Forum Secretariat. [https://forumsec.org/sites/default/files/2025-09/54th Pacific Islands Forum Leaders Communique final.pdf](https://forumsec.org/sites/default/files/2025-09/54th%20Pacific%20Islands%20Forum%20Leaders%20Communique%20final.pdf)

## Pacific ratification and implementation of other relevant international treaties

In addition to the Rome Statute, Genocide Convention, and Geneva Conventions and Additional Protocols, the UN Secretary-General has identified a range of other international legal instruments relevant to upholding a State's responsibility to protect its population from atrocity crimes.<sup>68</sup> These include the nine core human rights treaties<sup>69</sup> along with the 1951 Convention relating to the Status of Refugees,<sup>70</sup> its 1967 Protocol,<sup>71</sup> and the 2013 Arms Trade Treaty.<sup>72</sup>

Pacific States have taken strides to ratify many of the core human rights treaties (see Table 4 below); however, challenges remain in ratifying important treaties such as those on enforced disappearances<sup>73</sup> and the Arms Trade Treaty.<sup>74</sup> Moreover, more efforts should be made in strengthening the domestication and implementation of these commitments which translates international obligations into effective national protection frameworks and mechanisms, including through establishing National Human Rights Institutions that align with the Paris Principles.<sup>75</sup>

---

<sup>68</sup> See APR2P & GCR2P, 2023, Action 1.10 – See See Asia-Pacific Centre for the Responsibility to Protect & Global Centre for the Responsibility to Protect, “A framework for action for the responsibility to protect: A resource for states,” 2023, Asia-Pacific Centre for the Responsibility to Protect and Global Centre for the Responsibility to Protect, [https://r2pasiapacific.org/files/12591/R2P\\_Framework2023\\_FinalDigital%283%29.pdf](https://r2pasiapacific.org/files/12591/R2P_Framework2023_FinalDigital%283%29.pdf).

<sup>69</sup> International Covenant on Civil and Political Rights, 16 December 1966, [999 U.N.T.S. 171](#). (ICCPR) and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 15 December 1989, [1642 U.N.T.S. 414](#)., International Covenant on Economic, Social and Cultural Rights (ICESCR) 16 December 1966, [993 U.N.T.S. 3](#), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 7 March 1966, [660 U.N.T.S. 1](#), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 8 December 1979, [1249 U.N.T.S. 1](#), Convention on the Rights of the Child (CRC), 20 November 1989, [1577 U.N.T.S. 3](#), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984, [1465 U.N.T.S. 85](#), Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006, [2515 U.N.T.S. 3](#), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW), 18 December 1990, [2220 U.N.T.S. 3](#) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), 20 December 2006, [2716 U.N.T.S. 3](#).

<sup>70</sup> Convention Relating to the Status of Refugees, 28 July 1951, [189 U.N.T.S. 137](#).

<sup>71</sup> Protocol Relating to the Status of Refugees, 31 January 1967, [606 U.N.T.S. 267](#).

<sup>72</sup> Arms Trade Treaty, 2 April 2013, [3013 U.N.T.S. 269](#).

<sup>73</sup> International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, [2716 U.N.T.S. 3](#).

<sup>74</sup> Arms Trade Treaty, April 2, 2013, [3013 U.N.T.S. 269](#).

<sup>75</sup> General Assembly Resolution 48/134, ‘Principles relating to the status of national institutions (Paris Principles),’ United Nations, 19 December 1993, <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>

**Table 4***Status of Ratification of core Human Rights Treaties by PIF Member States (updated April 2026)*

| Country                        | ICCPR<br>International<br>Covenant on<br>Civil and<br>Political<br>Rights | ICESCR<br>Second<br>Optional<br>Protocol<br>thereto,<br>International<br>Covenant on<br>Social,<br>Economic and<br>Cultural<br>Rights | ICERD<br>International<br>Convention<br>on the<br>Elimination of<br>All Forms of<br>Racial<br>Discrimination | CEDAW<br>Convention<br>on the<br>Elimination of<br>All Forms of<br>Discrimination<br>against<br>Women | CRC<br>Convention<br>on the Rights<br>of the Child | CAT<br>Convention<br>against<br>Torture and<br>Other Cruel,<br>Inhuman or<br>Degrading<br>Treatment or<br>Punishment | CRPD<br>Convention<br>on the Rights<br>of Persons<br>with<br>Disabilities | CRMW<br>Convention<br>on the Rights<br>of Migrant<br>Worker | ICCPED<br>International<br>Convention<br>for the<br>Protection of<br>All Persons<br>from Enforced<br>Disappearance |
|--------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Australia                      | 13 Aug 1980                                                               | 10 Dec 1975                                                                                                                           | 30 Sep 1975                                                                                                  | 28 Jul 1983                                                                                           | 17 Dec 1990                                        | 8 Aug 1989                                                                                                           | 17 Jul 2008                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| Cook Islands                   | Not Ratified                                                              | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 11 Aug 2006                                                                                           | 6 Aug 1997                                         | Not Ratified                                                                                                         | 8 May 2009                                                                | Not Ratified                                                | Not Ratified                                                                                                       |
| Federated States of Micronesia | Not Ratified                                                              | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 1 Sep 2004                                                                                            | 05 May 1993                                        | 15 Sep 2025                                                                                                          | 7 Dec 2016                                                                | Not Ratified                                                | Not Ratified                                                                                                       |
| Fiji                           | 16 Aug 2018                                                               | 16 Aug 2018                                                                                                                           | 11 Jan 1973                                                                                                  | 28 Aug 1995                                                                                           | 13 Aug 1993                                        | 14 Mar 2016                                                                                                          | 7 Jun 2017                                                                | 19 Aug 2019                                                 | 19 Aug 2019                                                                                                        |
| Kiribati                       | Not Ratified                                                              | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 14 Mar 2004                                                                                           | 11 Dec 1995                                        | 22 Jul 2019                                                                                                          | 27 Sep 2013                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| RMI                            | 12 Mar 2018                                                               | 12 Mar 2018                                                                                                                           | 11 Apr 2019                                                                                                  | 2 Mar 2006                                                                                            | 3 Oct 1993                                         | 12 Mar 2018                                                                                                          | 17 Mar 2015                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| Nauru                          | Not Ratified                                                              | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 23 Jun 2011                                                                                           | 27 Jul 1994                                        | 16 Sep 2012                                                                                                          | 27 Jun 2012                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| NZ                             | 28 Dec 1978                                                               | 28 Dec 1978                                                                                                                           | 22 Nov 1972                                                                                                  | 10 Jan 1985                                                                                           | 6 Apr 1993                                         | 10 Dec 1989                                                                                                          | 18 Sep 2008                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| Palau                          | Not Ratified                                                              | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | Not Ratified                                                                                          | 4 Aug 1995                                         | Not Ratified                                                                                                         | 11 Jun 2013                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| PNG                            | 21 Jul 2008                                                               | 21 Jul 2008                                                                                                                           | 27 Jan 1982                                                                                                  | 12 Jan 1995                                                                                           | 2 Mar 1993                                         | Not Ratified                                                                                                         | 26 Sep 2018                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| Samoa                          | 15 Feb 2008                                                               | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 25 Sep 1992                                                                                           | 29 Sep 1994                                        | 28 Mar 2019                                                                                                          | 2 Dec 2016                                                                | Not Ratified                                                | Not Ratified                                                                                                       |
| Solomon Islands                | Not Ratified                                                              | 17 Mar 1982                                                                                                                           | 17 Mar 1982                                                                                                  | 6 May 2002                                                                                            | 10 May 1995                                        | Not Ratified                                                                                                         | 22 June 2023                                                              | Not Ratified                                                | Not Ratified                                                                                                       |
| Tonga                          | Not Ratified                                                              | Not Ratified                                                                                                                          | 16 Feb 1972                                                                                                  | Not Ratified                                                                                          | 6 Nov 1995                                         | Not Ratified                                                                                                         | Not Ratified                                                              | Not Ratified                                                | Not Ratified                                                                                                       |
| Tuvalu                         | Not Ratified                                                              | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 6 Oct 1999                                                                                            | 22 Sep 1995                                        | Not Ratified                                                                                                         | 18 Dec 2013                                                               | Not Ratified                                                | Not Ratified                                                                                                       |
| Vanuatu                        | 21 Nov 2008                                                               | Not Ratified                                                                                                                          | Not Ratified                                                                                                 | 8 Sep 1995                                                                                            | 7 July 1993                                        | 12 July 2011                                                                                                         | 23 Oct 2008                                                               | Not Ratified                                                | Not Ratified                                                                                                       |

Source: Nayacalevu, R. (2026) *Strengthening regional arrangements for the protection and promotion of human rights in the Pacific*. PhD thesis, Australian National University, Canberra.

While several Pacific Island States are parties to the Refugee Convention<sup>76</sup> framework, the uptake is uneven. Participation in the Arms Trade Treaty is also limited, with only five Pacific Island states (plus Australia and New Zealand) having ratified the treaty.

The Arms Trade Treaty creates common standards for the import, export and transfer of conventional weapons, with the aim of preventing such weapons from being used in the commission of serious human rights violations, terrorism, or transnational crimes. It is directly relevant to atrocity prevention: the Treaty prohibits states from authorising arms transfers where they have knowledge that the weapons would be used to commit genocide, crimes against humanity, or war crimes, and it requires exporting states to assess the risk that arms could be used to commit serious violations of international humanitarian and human rights law. Limited engagement with the treaty may therefore reduce regional capacity to prevent weapons flows that could exacerbate instability, political violence, or civilian harm.<sup>77</sup>

**Table 5:**

*Ratification of Refugee Convention and ATT by PIFS*

| Country                        | 1951 Refugee Convention | 1967 Protocol to Refugee Convention | Arms Trade Treaty |
|--------------------------------|-------------------------|-------------------------------------|-------------------|
| Australia                      | 1954                    | 1973                                | 2014              |
| Cook Islands                   | Not Ratified            | Not Ratified                        | Not Ratified      |
| Federated States of Micronesia | Not Ratified            | Not Ratified                        | Not Ratified      |
| Fiji                           | 1972                    | 1972                                | Not Ratified      |
| Kiribati                       | Not Ratified            | Not Ratified                        | Not Ratified      |
| RMI                            | Not Ratified            | Not Ratified                        | Not Ratified      |
| Nauru                          | 2011                    | 2011                                | Not Ratified      |
| NZ                             | 1960                    | 1973                                | 2014              |
| Palau                          | Not Ratified            | Not Ratified                        | 2019              |
| PNG                            | 1986                    | 1986                                | Not Ratified      |
| Samoa                          | 1988                    | 1994                                | 2014              |
| Solomon Islands                | 1995                    | 1995                                | Not Ratified      |
| Tonga                          | Not Ratified            | Not Ratified                        | 2021              |
| Tuvalu                         | 1986                    | 1986                                | 2015              |
| Vanuatu                        | Not Ratified            | Not Ratified                        | 2025              |

<sup>76</sup> Convention Relating to the Status of Refugees, 28 July 1951, [189 U.N.T.S. 137](#).

<sup>77</sup> Tim Swanston, “How the funnelling of high-powered weapons into Papua New Guinea is making tribal violence deadlier,” ABC News, 20 February 2024, <https://www.abc.net.au/news/2024-02-20/high-powered-weapons-in-png-fuel-tribal-violence/103483186>.

Part 2 has shown that the Pacific’s legal foundations for atrocity prevention are uneven rather than absent. Rome Statute participation is comparatively strong, and genocide is relatively visible in domestic criminal law, but participation in the Genocide Convention remains limited, crimes against humanity and broader Rome Statute war crimes are inconsistently incorporated, and cooperation and enforcement capacity remain underdeveloped. These gaps weaken domestic capacities to prevent, investigate, and respond to atrocity crimes, and limit regional cooperation and participation in international prevention and accountability mechanisms. Part 3 turns to measures that can strengthen atrocity prevention in the region, and to the international support and assistance that can advance this goal.

## **PART 3: Strategies to strengthen legal foundations for atrocity prevention in the Pacific**

While Pacific Island States have not explicitly framed their regional instruments as mechanisms to address atrocity crimes or to advance R2P, the frameworks discussed earlier nonetheless reinforce R2P principles in practice. They emphasise the protection and promotion of the rights and dignity of Pacific peoples and to the collective regional commitment to prevent and respond to threats to peace and stability, and the *2050 Strategy for the Blue Pacific Continent*, which affirms “human rights, gender equality, and a commitment to just societies.”<sup>78</sup>

The key challenge for the region lies in translating these largely aspirational commitments into practical legal, policy, and institutional measures that strengthen prevention, protection, and accountability. As Part 2 has shown, the region’s engagement with the atrocity crimes regime is strongest at the level of international advocacy, including on ecocide, but remains uneven in treaty participation, domestic incorporation and enforcement capacity. Part 3 sets out practical priorities for how that gap might be closed.

These measures provide a firm foundation for elevating the Pacific’s distinctive voice in global debates on international accountability, including its advocacy on ecocide. As Vanuatu’s then Prime Minister to the UN General Assembly in 2024, “it is of crucial importance to prevent the severest harms to our planet’s vital and climate-regulating ecosystems before they occur. It is for this reason we have taken the formal step of proposing an independent crime of ecocide to the International Criminal Court.”<sup>79</sup> That international leadership is most credible when matched by commitment at home.

This Part therefore identifies practical strategies for strengthening atrocity prevention at the national, sub-regional, and regional levels. It first considers how existing Pacific regional frameworks and institutions can be used more explicitly to support atrocity prevention. It then examines the role of the ICJ climate advisory opinion in strengthening Pacific arguments on protection, prevention, and state responsibility. The section then turns to strategic partnerships, capacity and resourcing needs, and concludes with a Pacific roadmap for strengthening treaty participation, domestic legal incorporation, institutional capacity, and regional coordination.

---

<sup>78</sup> Islands Forum Secretariat, “2050 Strategy for the Blue Pacific Continent,” Pacific Islands Forum, 2022, p. 27, <https://forumsec.org/sites/default/files/2023-11/PIFS-2050-Strategy-Blue-Pacific-Continent-WEB-5Aug2022-1.pdf>.

<sup>79</sup> Pacific Islands Forum, “Remarks: Vanuatu PM Tabimasma delivers statement at UNGA79,” Pacific Islands Forum, 28 September 2024, <https://forumsec.org/publications/remarks-vanuatu-pm-tabimasma-delivers-statement-unga79>.

## Regional Frameworks

Regional frameworks such as the *Boe Declaration* on Regional Security, the *2050 Strategy*, and the *2025 Ocean of Peace Declaration*, express the values, drawn from the Pacific Way, that have long guided inter-State relationships and supported peaceful cohabitation in the region. These frameworks are a genuine strength, and the resilience embedded in Pacific cultural and normative systems is an important resource for conflict prevention and social cohesion. Their limitation, for the purposes of atrocity prevention, is that they remain largely declaratory: they affirm shared commitments without establishing the legal or institutional mechanisms through which those commitments are implemented and enforced.

As Part 2 noted, atrocity prevention is not yet reflected in the Pacific's regional architecture, although the region has a developed set of institutions and instruments through which it could be. This would not displace national legislation, which remains the foundation of atrocity prevention, but it could support and reinforce it. Several practical steps are available:

- Atrocity prevention could be expressly recognised within existing regional security frameworks. The *Boe Declaration's* broad concept of security, and the *2050 Strategy's* commitments to good governance and the rule of law, provide a natural basis on which Pacific Leaders could acknowledge atrocity prevention as a regional concern.
- Existing regional bodies, such as the Pacific Islands Forum and Melanesian Spearhead Group Secretariats, could incorporate atrocity prevention into their current workstreams, providing a standing point of coordination without the need for a new institution.
- Existing channels for legislative cooperation could be used to develop shared model provisions on the atrocity crimes, which individual states could adapt and enact, lowering the drafting burden that uneven domestic incorporation reflects.
- Existing Pacific reporting and peer-review processes could be extended to cover atrocity prevention, allowing states to review progress and share practice without creating a separate mechanism.

The Responsibility to Protect supports embedding atrocity prevention in this way. Its second pillar expressly envisages a role for regional and sub-regional organisations in encouraging and assisting states to meet their protection obligations.<sup>80</sup> In the Pacific, this supports using existing regional bodies and frameworks to help states strengthen domestic legal incorporation, cooperation procedures, training, and prevention capacity.

There is also precedent for regional bodies giving practical effect to shared legal commitments. The European Union's 2024 Environmental Crime Directive<sup>81</sup> requires member states to criminalise the most serious environmental harm, demonstrating that a regional body can drive the harmonisation of criminal law across its members. The Pacific's regional architecture differs from the European Union's, and has no equivalent law-making power, so the comparison is one of feasibility rather than of model: it shows that regional action on criminal-law questions is possible, while the Pacific's own route would run through the existing bodies and instruments described above.

---

<sup>80</sup> United Nations Secretary-General, 'The role of regional and subregional arrangements in implementing the responsibility to protect: Report of the Secretary-General,' (A/65/877-S/2011/393), United Nations Digital Library, 28 June 2011, <https://digitallibrary.un.org/record/706568?ln=en&v=pdf>.

<sup>81</sup> European Parliament and Council of the European Union, 'Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC,' European Union, 11 April 2024, <https://eur-lex.europa.eu/eli/dir/2024/1203/oj/eng>.

## Advancing the ICJ Opinion on the Obligations of States in respect of Climate Change

The 2025 ICJ Advisory Opinion<sup>82</sup> demonstrates the capacity of Pacific states and civil society to shape international legal debates through coordinated advocacy. The proceedings originated in a campaign begun by Pacific students and taken forward by Vanuatu, which led the UN General Assembly to request the Opinion. Pacific Leaders have acknowledged the significance of the ICJ Advisory Opinion (AO),<sup>83</sup> including through a follow-up resolution in the UN General Assembly.

The Opinion has a direct bearing on the protection concerns at the centre of this report. The Court found that states have obligations under international law, including customary international law, to protect the climate system, and that a failure to take appropriate measures may constitute an internationally wrongful act giving rise to legal responsibility.<sup>84</sup> It also recognised that the degradation of the climate system impairs the effective enjoyment of human rights, including the rights to life, health, and an adequate standard of living, and the rights of women, children, and Indigenous peoples. For Pacific states, the Opinion strengthens the legal basis for protection-oriented advocacy in international forums.<sup>85</sup> It also reinforces a broader lesson for atrocity prevention, in that international legal leadership is most effective when connected to domestic implementation and regional coordination. The same strategic use of international law that advanced the climate advisory opinion can support Pacific efforts to strengthen atrocity prevention through existing regional frameworks, national legal reform, and cooperation mechanisms.

### Strategic Partnership in the region

Strategic partnerships and collaboration should be the backbone for advancing atrocity prevention and capacity-building in the region. Partnerships with organisations such as the Melanesian Spearhead Group Secretariat, the Pacific Islands Forum Secretariat and the United Nations agencies in the Pacific, as well as with national governments, civil society, and faith communities, can help to mobilise and build communities of practice. They can also enable pooled resourcing for training and capacity support and strengthen the relationships on which sustained engagement depends. Building safety nets and developing community-based strategies are crucial to advancing Pacific-led and Pacific-centred practices for atrocity prevention in the region.

Partnerships with regional and sub-regional organisations also offer a pathway to higher-level political participation in atrocity prevention work. For example, the strategic partnership between the Asia Pacific Centre for the Responsibility to Protect and the MSG Secretariat has enabled active engagement with Melanesian states, raising awareness of atrocity prevention and the R2P framework among senior government officials. These engagements have highlighted the disconnect between the

---

<sup>82</sup> International Court of Justice, ‘Obligations of States in respect of climate change: Advisory opinion,’ International Court of Justice, 23 July 2025, <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>.

<sup>83</sup> The 2025 Pacific Leaders Communique stated that, “Leaders commended the ICJ AO on climate change as a powerful affirmation of what the region can achieve when it works together as one Blue Pacific and acknowledged with appreciation the leadership by the Government of Vanuatu on this matter.” Pacific Islands Forum, ‘Leaders Communique: 54th Pacific Islands Forum Leaders Communiqué,’ Pacific Islands Forum, 13 September 2025, <https://forumsec.org/publications/leaders-communique-54th-pacific-islands-forum-leaders-communique>.

<sup>84</sup> International Court of Justice, ‘Obligations of States in respect of climate change: Advisory opinion,’ International Court of Justice, 23 July 2025, (para 185), <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>.

<sup>85</sup> The following discussions connecting indigenous connection to land with ‘atrocity structure’, has resonance with climate displacement mobility in the Pacific. Lucas de Belmont, “Mass atrocities against Indigenous Peoples: Atrocity structure and the Brazilian Amazon under Bolsonaro,” *Global Responsibility to Protect* 16(3) (2024): 239–268, [https://brill.com/view/journals/gr2p/16/3/article-p239\\_003.pdf](https://brill.com/view/journals/gr2p/16/3/article-p239_003.pdf).

R2P commitments made in New York and the understanding of the concept at the national level, and underscore why the discourse needs to be carried back to the community, national, and regional levels.

## **Capacity and Resources**

Capacity and resource constraints remain major impediments to advancing atrocity prevention and R2P in the Pacific. Investigating and prosecuting atrocity crimes requires specialised expertise and substantial resources are required to build the capacity of relevant expertise among police investigators, judicial officers, forensic specialists, and prosecutors. It also requires sustained support for national prevention strategies and for regional cooperation across the Pacific.

The 2025 UN Secretary General's report on R2P emphasises the importance of developing and advancing early warning and prevention mechanisms within UN Member States, including through "monitoring, fact-finding, investigation, capacity-building, technical cooperation and mediation".<sup>86</sup> For Pacific states, the practical challenge is to move from crisis-specific regional responses to more institutionalised and sustained systems capable of identifying and addressing atrocity-relevant risks before they escalate.

Embedding sustainable national ownership of this agenda will require the strategic allocation of dedicated resources over the medium term, coupled with continued partnerships between Pacific governments and their regional and international partners. This is essential to ensuring that atrocity prevention-related priorities are integrated into national planning and budgetary processes. At the same time, it must be acknowledged that fiscal constraints will remain a persistent challenge for Pacific governments. For that reason, pooled regional expertise and sustained regional and international support will be necessary to ensure that atrocity-prevention priorities can be implemented rather than remaining aspirational commitments.

## **The Way Forward: a Pacific road map**

Mapping a clear way forward is essential to sustaining the atrocity prevention agenda over the long term in the region. Reliance on ad hoc funding arrangements and fragmented programming risks undermining efforts to embed R2P and atrocity prevention in a meaningful and durable manner, and works against the objective of building sustained prevention capacity.

This challenge is compounded by the region's expanding policy priorities, particularly the urgent and resource-intensive demands of climate change, which frequently take precedence where national capacity is constrained. In the absence of sustained external support and predictable resourcing, specialised initiatives and institutions face significant limitations in maintaining continuity and impact. Against this backdrop, and informed by the analysis presented in this report, several practical priorities emerge at the national, sub-regional, and regional levels:

---

<sup>86</sup> United Nations Secretary-General, "Responsibility to protect: 20 years of commitment to principled and collective action: Report of the Secretary-General," United Nations General Assembly Security Council (A/79/875-S/2025/248), 22 April 2025, [https://docs.un.org/en/A/79/875?\\_gl=1\\*18fc3fw\\*\\_ga\\*MjAxNTUwODg3Ni4xNzY5NDI0NTA0\\*\\_ga\\_TK9BQL5X7Z\\*\\_czE3NzQ5MTczNzckbzMkZzEkdDE3NzQ5MTczOTAkajQ3JGwwJGgw](https://docs.un.org/en/A/79/875?_gl=1*18fc3fw*_ga*MjAxNTUwODg3Ni4xNzY5NDI0NTA0*_ga_TK9BQL5X7Z*_czE3NzQ5MTczNzckbzMkZzEkdDE3NzQ5MTczOTAkajQ3JGwwJGgw).

**Table 6:***Recommended (National, sub-regional, and regional) Atrocity Prevention Priorities*

| National Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Regional/Sub Regional Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>i. Ratify the core atrocity prevention treaties not yet joined, including the Rome Statute, the Genocide Convention, the 1977 Additional Protocols to the Geneva Conventions, and the Arms Trade Treaty. For states that have already criminalised genocide domestically, ratification of the Genocide Convention remains an outstanding step that adds interstate prevention obligations and access to the ICJ.</li> <li>ii. Enact or amend criminal legislation to comprehensively criminalise genocide, crimes against humanity, and war crimes, including war crimes committed in non-international armed conflict. Fiji's Crimes Act 2009 offers a useful regional example, including for the gendered dimensions of atrocity crimes.</li> <li>iii. Enact legislation giving effect to Rome Statute cooperation obligations and build the capacity to exercise universal jurisdiction over suspects present in the state.</li> <li>iv. Appoint national focal points for atrocity prevention and R2P.</li> <li>v. Establish or strengthen National Human Rights Institutions consistent with the Paris Principles.</li> <li>vi. Deliver national training for police, prosecutors, and judicial officers to build investigative and prosecutorial capacity for atrocity crimes.</li> <li>vii. Work with civil society organisations to build capacity and strengthen safety nets and other early warning systems.</li> <li>viii. Use the <i>Framework for Action for the Responsibility to Protect</i> to guide States in strengthening national approaches for R2P</li> </ul> | <ul style="list-style-type: none"> <li>i. With the support of donors and international partners, encourage and assist states to develop evidence-based national prevention strategies</li> <li>ii. Use the 2050 Strategy pathway and existing PIF and MSG mechanisms to develop a more explicit regional approach to atrocity prevention, including coordination, peer learning, implementation support, and cooperation on legal and institutional capacity.</li> <li>iii. Work with regional civil society organisations, including through PIANGO, to support cross-learning and strengthen community-based early warning and protection networks.</li> <li>iv. Support sub region and regional training and cross learning opportunities on atrocity prevention.</li> <li>v. Strengthen collaboration and partnership with region and sub-regional bodies such as PIF and MSG through their existing mechanisms to develop prevention frameworks and systems within their organisations and with their member states.</li> <li>vi. Use the Framework for Action to guide regional and sub-regional activities that support atrocity prevention, protection, and implementation capacity.</li> </ul> |

A broader engagement strategy for the region should focus on integrating R2P into the core programming priorities of regional and sub-regional organisations, as well as national governments using the *Framework for Action* as a guide.<sup>87</sup> This approach would ensure that R2P is treated as a cross-cutting issue embedded in existing policy and regulatory frameworks, rather than as a peripheral or stand-alone agenda.

<sup>87</sup> APR2P & GCR2P 2023. See Asia-Pacific Centre for the Responsibility to Protect & Global Centre for the Responsibility to Protect, "A framework for action for the responsibility to protect: A resource for states," 2023, Asia-Pacific Centre for the Responsibility to Protect and Global Centre for the Responsibility to Protect, [https://r2pasiapacific.org/files/12591/R2P\\_Framework2023\\_FinalDigital%283%29.pdf](https://r2pasiapacific.org/files/12591/R2P_Framework2023_FinalDigital%283%29.pdf).

## Conclusion

As Pacific states navigate constrained resources and multiple competing priorities, the relevance of atrocity crime discourse is sometimes questioned in a region widely characterised as peaceful. Regional frameworks such as the *Ocean of Peace Declaration* and the *2050 Strategy* reaffirm Pacific leaders' enduring vision of a stable and peaceful region. That vision should not, however, obscure existing and emerging vulnerabilities, including the overlapping security pressures the region now faces. As Part 1 shows, political instability, climate insecurity, gender-based violence, and transnational crime are not atrocity crimes in themselves, but each can generate or intensify conditions associated with mass violence, protection crises, and atrocity risk. The region is not on the verge of mass atrocities, but these conditions warrant deliberate preventive attention rather than the assumption that peace will hold of its own accord.

The report has shown that Pacific engagement with the atrocity crimes regime is uneven: outward-facing legal advocacy has advanced further than domestic incorporation and practical implementation. Part 2 also identified a more specific legal pattern. Genocide is the most widely criminalised of the atrocity crimes in Pacific domestic law, including in several states that have not ratified the Genocide Convention. Crimes against humanity and broader Rome Statute war crimes are less consistently incorporated, and many states rely on Geneva Conventions grave breaches legislation that does not fully cover war crimes committed in non-international armed conflict.

Taken together, these findings point to a practical conclusion: the region's international legal leadership, including on ecocide, would be placed on firmer footing if matched by fuller participation in, and implementation of, the atrocity crimes regime that already exists. The practical task is therefore to embed atrocity prevention more explicitly within existing Pacific legal, policy, and institutional frameworks. This means ratifying core treaties not yet joined, comprehensively criminalising atrocity crimes in national law, enacting cooperation procedures, building investigative and prosecutorial capacity, and using existing regional and sub-regional institutions to support coordination, peer learning, early warning, and implementation.

Regional engagement on atrocity prevention remains at an early stage compared with other thematic agendas that have received sustained political attention and donor support, such as human rights, humanitarian action, and gender equality. Atrocity prevention should not be treated as a separate or competing priority. It intersects with broader regional priorities and security concerns, including human rights, climate change, gender-based violence, transnational crime, political instability, and collective security. Approached in this way, atrocity prevention reinforces the Pacific's own commitments to good governance, the rule of law, human dignity, and peaceful regional cooperation. The strongest path forward is therefore a practical one: deepen domestic legal foundations, build implementation capacity, and make atrocity prevention an explicit part of the regional architecture that Pacific states already use to protect their peoples and sustain peace.