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**AGENDA ITEM 12.3.2:**

**Review of PACPLAN**

**Purpose of Paper**

1. To seek endorsement of the revised *Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN 2019)*.

**Background**

2. The 2000 SPREP Meeting in Guam approved the *Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN)*. PACPLAN provides a framework for cooperative response to major marine spills in the Pacific islands region SPREP, SPREP island and metropolitan members, and mechanisms for accessing regional and international assistance. The second iteration, *PACPLAN 2013* was approved by the 2013 SPREP Meeting in Apia Samoa.
3. The PACPLAN co-ordination and management functions are part of the Secretariat's functions as outlined in Article 21 of the Noumea Convention and Article 9 of the Pollution Emergencies Protocol.
4. The current review of the PACPLAN has been carried out with funding support from Australia and New Zealand who supported three consultation workshops in September 2016, June 2018, and April 2019. As a result of the MV Solomon Trader incident in the Solomon Islands, in February 2019, a final consultation was carried out in Vanuatu in July 2019. This occurred on the margins of an SPC organized meeting to capture the lessons and learning from the MV Solomon Trader incident.

**Contents of the PACPLAN**

5. PACPLAN in itself is not a response plan, rather it provides a framework for SPREP island members to seek assistance in the case of a Tier 3 marine spill incident.
6. PACPLAN provides a framework on how to seek regional co-operation between governments (a bilateral arrangement by the impacted PICTs and the metropolitan response nation) for a response to Tier 3 marine spills. Tier 3 marine spills are spills that are beyond the response capability of one country or have the potential to impact on more than one country.
7. Once activated through a country's own domestic mechanisms (NATPLAN), PACPLAN can facilitate external assistance and expertise to manage a significant marine spill incident.
8. PACPLAN outlines the mechanism for activating assistance from another country or SPREP as well as:
  - outlining roles and responsibilities for SPREP, island members and metropolitan members;
  - allocating each metropolitan country (Australia, France, New Zealand and the United States of America) primary and secondary response responsibilities for every Pacific island member (see Table 1 below);
  - identifying potential financial mechanisms by which regional responses are to be financed;
  - identifying key international conventions to which SPREP island members should be party to ensure access to compensation once polluter liability has been exhausted; and
  - proscribing a mechanism for its adoption, control and revision.

Assistance Source	Primary source of assistance for:	Secondary source of assistance for:
Australia	Nauru	Federated States of Micronesia
	Papua New Guinea	Fiji
	Solomon Islands	Guam
	Tuvalu	New Caledonia
	Vanuatu	Northern Mariana Islands
	Kiribati	Palau
		Tonga
		Marshall Islands
France	French Polynesia	Cook Islands
	New Caledonia	Niue
	Wallis & Futuna	Vanuatu
New Zealand	Cook Islands	American Samoa
	Fiji	Nauru
	Niue	Papua New Guinea
	Samoa	Solomon Islands
	Tokelau	Wallis & Futuna
	Tonga	
The United States	American Samoa	French Polynesia
	FSM	Kiribati
	Guam	Tokelau
	Marshall Islands	Tuvalu
	Northern Mariana Islands	Samoa

Table 1: Primary and Secondary source of assistance to PICTs

### Developments since 2010

9. PACPLAN was activated on a number of recent incidents: early 2019 for the MV Solomon Trader (Solomon Islands); 2018 for the MV Kea Trader (New Caledonia); and 2017 for the MV Southern Phoenix (Fiji). The implementation of PACPLAN and the associated provision of support provided to SPREP island members by the metropolitan countries has been very effective. However, there have been delays in the provision of this support in some instances due to shortcomings in national plans, domestic legislation and uncertainty with how PACPLAN is activated. The responses to these incidents had many lessons and learnings that were considered in the review of PACPLAN and can be used to improve its implementation in future incidents.
10. To assist in the delivery of PACPLAN there have been 22 training workshops conducted between 2010 and 2015. These have covered such topics as coastal sensitivity mapping, MARPOL Convention, pollution response courses (OPRC level 1/2/3 and Hazardous and Noxious Substance), resulting in a total of 589 personnel trained. Funding support for these workshops was provided from the IMO, Republic of China-Taiwan (ROCT) and in-kind support from Australia and New Zealand.
11. Further assistance has been provided by New Zealand and Australia. Maritime New Zealand provided assistance to the Cook Islands, Niue, Samoa and Tonga through the *Pacific Maritime Safety Programme* (PMSP). This assistance included the provision of equipment. The Australia Maritime Safety Authority (AMSA) provided a Marine Pollution Officer secondment for 2 years (2013-2015). The secondee assisted in the implementation of the *Pacific Oceans Pollution Prevention Programme 2010-2015 (PACPOL)* that included PACPLAN activities such as assistance to development of national contingency plans, conducting OPRC Level 1 and 2 training courses and review of IMO Convention Handbook.

## Revised PACPLAN

12. Many of the lessons learned in recent incidents were also reflected in the 2000 version of PACPLAN. For example, many countries are not party to the international conventions necessary to access vessel insurance and compensation funds, as highlighted by the Solomon Trader incident. Therefore, the 2019 draft PACPLAN aims to better articulate member's roles and responsibilities and why these are important for the effective implementation of PACPLAN.
13. The draft revised PACPLAN 2019 is provided in Attachment 1. The specific changes include:
- a. A shift in focus from operational detailing to a strategic framework providing guidance for countries to implement PACPLAN and improve their national arrangements over time. There is an emphasis on national plans as the operational mechanism of PACPLAN;
  - b. Roles and responsibilities that include ensuring countries are parties to relevant international conventions, to enable them to access insurance and compensation funds, and having corresponding domestic legislation in place, to give this access the force of law;
  - c. An emphasis on PICTs to establish and maintain an independent response capability by way of national marine spill contingency plans (NATPLANS). NATPLANS establish the mechanism to activate PACPLAN;
  - d. Greater clarity of the purpose of PACPLAN as a mechanism for the provision of bilateral support between governments for Tier 3 marine spill incidents (refer diagram below), rather than an operational response plan that covers off on on-ground actions;
  - e. Provision for a separate, complementary document and/or guidelines for incident response such as steps to formally request assistance, inventory of equipment, contact details for trained personnel; and
  - f. Recognition of the need for a PACPLAN insurance scheme that will provide Tier 3 oil spill response capability to PICTs from an industry oil spill response provider such as Oil Spill Response Limited; and
  - g. Support for all parties to actively monitor and report on response capabilities to identify gaps and weaknesses across all organisations (Secretariat, PICs and Metropolitan participants).

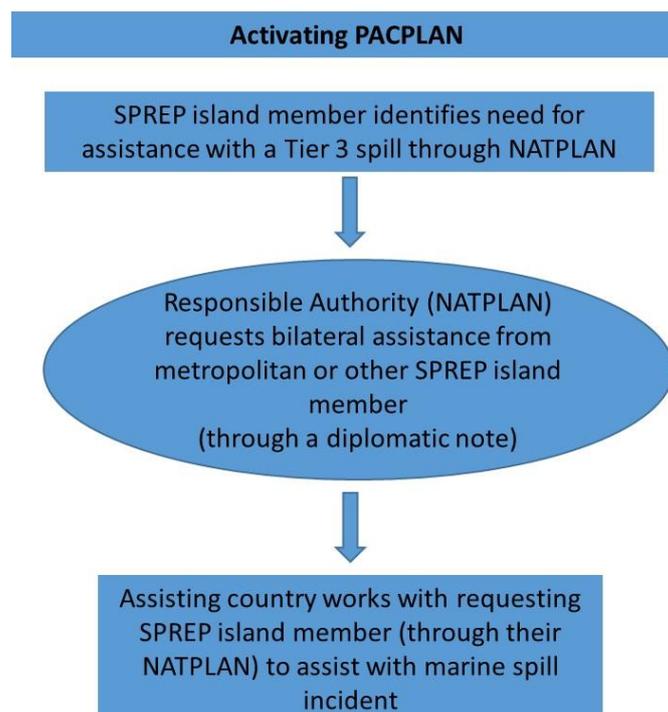


Diagram 1: Response procedures under PACPLAN

## Recommendation

14. The Meeting is invited to:

1. **endorse** PACPLAN 2019 as the framework agreement for addressing regional oil and hazardous and noxious substances spill response; and
2. **note** that SPREP, SPREP island and metropolitan members will have to implement their respective roles and responsibilities, as outlined in the revised PACPLAN, to ensure effective responses to marine spill incidents.

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2 August, 2019