

**Examples of specific challenges and issues that could be addressed during a reform process.**

1. Addressing the financial and other costs of not being fully prepared. Someone once said, if you think the cost of being prepared for a disaster is high, the cost on not being prepared is significantly higher. Maritime spills can have response and recovery costs running to amounts that begin to equate to the annual GDP of some PACPLAN members. The *Rena* incident in NZ is estimated to be around \$USD350mil. The *Solomon Trader* response has left both Australia and the Solomon Islands counting the unrecovered costs, in excess of USD\$10 mil between them. Cost of response should not be the overriding and determining factor about whether a response and cleanup is necessary or desirable.
2. Shipping into the Pacific Islands is little different that that into other countries. Oil tankers, containers hips, fishing vessels, cruise vessels. They may come less frequently, they may be smaller, their cargoes may not be as complex or risky, but they often call into ports with fewer services (chartered waters, tugs or port waste reception), and should they have an incident, sophisticated help is often days or weeks from arriving, even from within the member country. Impacts and costs quickly mount. If not on the responders, then on the community or environment. Ports may be closed (such as the *Tycoon* incident in Australia's Christmas Island), ecology may be affected (the passing *Wakashio* bulk carrier in Mauritius), trade affected, traditional sites damaged, tourism income and reputation damaged, etc.
3. Conventions, laws and systems. Many PACPLAN members have not ratified the international maritime conventions necessary, they are not members of the Noumea Convention or its Emergency Protocol, some have not finalized their internal national laws, some have out of date national Plans, others have yet to start, and some have chosen not to take advantage of the most recent offer, of the free OSRL spill preparedness and response capability, offered by NZ to provide technical capacity insurance. Having a more regional approach may address some of these shortcomings at national level.
4. Having a more strategic approach. PACPLAN has evolved, like many similar needs, structures, and documents, from being a template contingency plans for member nations to copy, to being a means to provide effective and efficient regional capability. Similar regional agreements and entities exist to deliver such programmes for members:
  - the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region ([NOWPAP](#))
  - the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea ([REMPEC](#))
  - The Caribbean Regional Marine Pollution Emergency, Information and Training Centre ([RAC/REMPEITC-Caribe](#))

- the Global Initiative for Southeast Asia ([GISEA](#))
  - the Global Initiative for West, Central and Southern Africa ([GIWACAF](#)), and
  - a [Regional Cooperation Agreement for Oil Spill Monitoring in the Western Indian Ocean Region](#).
5. There is a great deal to be learned from these, on how to take a strategic view, how to establish regional strategic and operational capacities to support member states, how to fund sustainably, how to cooperate with international agencies to garner support, etc. A review should incorporate the lessons and experience of not only these agencies, but their support and donor entities (such as IMO). Many of the countries involved in these entities are wealthier and more technologically advanced than PACPLAN members, but none rely on shipping as much, and arguably none have the oceans as deeply embedded in their culture and futures as the Pacific.
  6. Capability development through a new relationship with emerging Pacific Emergency Management Systems. The recent advent of a professional National Disaster Management Offices, and NDM Plans, to address natural, technological and health disasters, is a great step forward for the Pacific. The recently formed Pacific Islands Emergency Management Alliance ([PIEMA](#)) and the Pacific Incident Management System ([PACIMS](#)), provide a special platform for much improved national disaster and emergency management capability. All countries are moving towards an all-hazards approach to emergency management. It makes sense to utilise and share regional resources as well. However, PACPLAN does not explicitly recognise the necessary relationship between National Spill Plans and other Pacific emergency planning systems and tools.
  7. Legal capacity for addressing criminal liability for financial and other risks management. The international system for addressing oil spills, as a technological threat is historically well-developed, with international planning, response and recovery regimes in place. However, the international and domestic law that underpins incidents, emergencies, salvage, response, insurance and compensation is complex and crucial to outcomes. In a spill there is almost always a liable criminal party (the spiller) and insurance. But, not following exactly the legislated requirements (or not having them fully in place) can lead to delays in payments, or no payments at all. None of this character sits well with the developing systems for natural disasters, where liability is often irrelevant and international donors will turn up. Donors do not want to subsidise the response to a criminal act that could have been addressed in a suitable legal system. So, legal advice, legal systems, response systems, forensic compliance and prosecution, and cost-recovery need to be strong, well resourced (nationally or regionally). And an accommodation needs to be found to allow both natural disaster management and technological disaster management (shipping incidents) to work together and grow from the capabilities each possess.
  8. Forensic capability. To make the criminal case and so set up to get compensation or behaviour change, often requires evidence and successful prosecution (or at least the threat of one). At present there is only one fully qualified and experienced forensic analytical laboratory in the region, ChemCentre in Perth, on the Indian Ocean. There are no trained laboratory technicians to do fingerprinting or rapid oil typing, there are few, if any trained maritime spill investigators amongst the Pacific maritime agencies, there are no sampling or evidence kits to successfully collect, hold, manage, curate or

securely transport evidence to any lab for analysis. A current proposal to collaborate with USP's Institute of Applied Science is looking to partially address this, but the chain from evidence collection to successful prosecution involves many steps and actors, and so needs its own focus.

9. Risk, threats and spills other than oils and hazardous and noxious substances. Other significant types of spill risk to the Pacific include maritime casualties (near spills and physical damage from grounding or sinking), and losses of other pollutants (i.e. cargo and other fuels – ammonia may be coming). These have been well demonstrated in the recent incidents in Australia ([YM Efficiency](#) containers overboard) and Sri Lanka ([X-Press Pearl](#) cargo fire and major plastic pollution). International trends in fuel diversity (ammonia or electric) pose other potential risks, as do autonomous shipping and changes to cargo rules.
10. Unsalvaged vessels, whether cleared of normal pollutants or not, litter the Pacific. These create their own threats, whether from simple local unsightliness in otherwise pristine areas, to threats of ecological damage from rust (excess iron oxide can change a coral dominated area into an algal dominated ecosystem) or from the older wrecks of the Pacific wars, leaking oil and very toxic oils. There might need to be an entity with overall responsibility for advising or coordinating responses to these threats
11. Rigid tiered response as constraints on support. Within PACPLAN, three levels or Tiers of incident and response are defined, as has been the norm worldwide. The lowest is Tier 1, for a minor incident at a locally managed port or terminal under a local contingency plan. Tier 2 is more intensive and requires national contingency plan capability. Tier 3 is beyond national capability and requires international assistance. This concept is long out-of-date. It has no nuance in its rigid stepwise approach. Were a country to ask for external assistance, for any reason and at any size or intensity or Tier of incident, the incident and response automatically is deemed to be a Tier 3 or international response. This has consequences for PACPLAN policies and processes, as well as actions and responsibilities for all parties to the PACPLAN. Countries should be able to ask and receive assistance to address their spills and responses as they grow in capability and confidence, without creating issues for PACPLAN. This type of change will flow through to national planning, regional capability delivery and international support and assistance.
12. Alignment between PACPLAN and the Cleaner Pacific 2025 strategy. The key pollution management and control programme in the region, the [Cleaner Pacific 2025: Pacific Regional Waste And Pollution Management Strategy](#), which addresses many forms of waste and pollution, but does not specifically address spilled oils, chemicals and cargoes.
13. The governance of PACPLAN. All amendments and changes to PACPLAN currently require the approval of a full formal SPREP Intergovernmental and Parties to the Noumea Convention meeting. To ensure good governance, but to provide necessary technical and policy oversight, a new governance structure involving all members and SPREP is proposed, the PACPLAN Strategic Committee (PSC). This group should be able to adjust the new PACPLAN Strategy between large formal reviews, as context and needs require. Governance reform will be a key part of any review of PACPLAN,

as it sets the outcomes, objectives, responsibilities, accountabilities, principles, processes, etc of the deliveries.

14. Sustainable funding This will always be an issue. This project ceases in early 2025, having built a system that requires continual renewal, especially through training and capability building. There is a risk that without a successor, the value of the project will quickly diminish, as changes in maritime and Pacific context, risk, threat and expectations will certainly change over the same period. Should spills not occur, that is not a reason to remove or downplay the built capability – the emergency response insurance mechanism against long-term damage will always be required as long as shipping is able to spill fuel or cargo.
15. Rapid Response. Recent incidents have seen national agencies in both member and metropolitan countries take precious time to identify they have an incident occurring, and to prepare and ready themselves to actually respond. Timely advice and support, especially with legal advice, or technological intelligence, early in the response, can prevent damage, save time and effort, and produce a better result. There is a need for regional capabilities as not every country (member or metropolitan) can hold or offer all the needed resources. One option is to develop a regional trained team, of a few experts from member countries able to offer them for use or deployment. These people can be trained for use in their own countries and then given extra training to allow them to be deployed across the Pacific, in a timely fashion. It does not need the metros to assess, consider and agree to deploying their considerable capabilities. This is the concept of a rapid-deployment strike team, the Pacific Ready Response Taskforce.