THE PACIFIC COMMUNITY

FOURTH PACIFIC REGIONAL ENERGY AND TRANSPORT MINISTERS’ MEETING
Apia, Samoa, 18-20 September 2019

AGENDA ITEM 9 – MARINE POLLUTION PREVENTION AND CONTROL

Purpose

1. The purpose of this paper is to seek Transport Ministers’ endorsement of the revised Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN) and Pacific Regional Marine Litter Action Plan 2018-2025 (PMLAP 2025). The paper proposes the Transport Ministers to agree to implement these plans at the national level with the support of the Pacific Ocean Pollution Prevention Programme and development partners assistance programmes.

Background

2. Marine pollution is an, significant issue for Pacific Islands Countries and Territories (PICTs) which rely on shipping for their economies and to help sustain livelihoods. However, shipping also bring some risk for the countries’ assets and environment. Indeed, pollution from oil spills from ships continues to impact on PICTs which have generally limited capacity and resources to plan, prepare, prevent and respond to such incidents such as recent examples with the M/V Solomon Trader (Solomon Islands), M/V Kea Trader (New Caledonia) and M/V Southern Phoenix (Fiji). Emerging issues such as garbage disposal, particularly pollution by plastic and micro-plastics is also an issue that is global, regional and national.

3. The 2018 Forum Leaders Meeting in Nauru ‘recognised that waste is a critical issue for the Blue Pacific. The Leaders reaffirmed their commitment to eliminate marine litter and the urgency of implementing the Pacific Marine Litter Action Plan recently endorsed by the Pacific Region Waste Roundtable.’

4. The international community through the International Maritime Organization (IMO) adopted several instruments\(^1\) that provides the legal framework to prevent and address marine pollution and seel compensation.


Current status

The Pacific Ocean Pollution Prevention Programme 2021-2030: PACPOL 2030 - Clean Seas

6. The Pacific Ocean Pollution Prevention Programme 2015-2020 (PACPOL 2020) is an integrated holistic approach to addressing ship-sourced pollution in the Pacific. For the review in 2020-2021 of the PACPOL 2020 and the development of the PACPOL 2030, the Secretariat of the Pacific Regional Environment Programme (SPREP) will ensure this holistic approach continue to address ship-sourced pollution in the Pacific islands region, taking into account global and emerging issues such as marine litter and climate change, and integrating regional initiatives related to clean shipping and clean ports. PACPOL 2030 will also be designed to contribute to achieve the Sustainable Development Goals such as SDG13 Climate Action, SDG 14 Life below Water, SDG 15 Life on Land, and SDG 17 Partnerships for the Goals.

Implementation of IMO conventions

7. The ratification and effective implementation of IMO conventions relating to prevention of marine pollution or covering liability and compensation are paramount and is a key priority under PACPOL. Most of the Pacific islands countries have not consistently considered the ratification

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\(^1\) See [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/Default.aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/Default.aspx)
of those conventions and do not give full effect in their national maritime laws. However, several workshops, trainings and in-country visits have been carried out under PACPOL 2020 that have raised awareness and brought knowledge on the conventions’ requirements and expected benefits. Under PACPOL 2020 and IMO technical cooperation, several conventions have been considered for ratification.

Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN 2019).

8. The PACPLAN provides the framework under PACPOL 2020 for cooperative response to major marine spills in the Pacific islands region between governments and includes responsibilities of relevant organisations, and mechanisms for accessing regional and international assistance.

9. From 2010 to 2015 there were 22 PACPLAN trainings conducted with regards to coastal sensitivity mapping, MARPOL, pollution response courses (OPRC level 1, OPRC level 2/3 and HNS), with a total of 589 personnel trained with funding support from the IMO, Republic of China-Taiwan (ROCT) and kind support from Australia and New Zealand. The Maritime New Zealand have assisted to the Cook Islands, Niue, Samoa and Tonga through the Pacific Maritime Safety Programme (PMSP), which included provision for equipment. The Australia Maritime Safety Authority (AMSA) Marine Pollution Officer secondment for 2 years (2013-2015) who assisted in the implementation of PACPOL that included PACPLAN activities.


10. The PMLAP 2025 (see Annex 1) was developed in 2018 with funding support from the United Nations Environment Programme under the Regional Seas Programme’ Clean Seas Campaign. The PMLAP 2025 has been developed as a product under the framework of the Cleaner Pacific 2025. The PMLAP 2025 covers 11 pillars. The PMLAP 2025 is supported by the Pacific Regional Reception Facilities Plan 2016 (Pacific RRFP 2016) that includes five (5) regional ports and the WCPFC Conservation Management Measure (CMM 2017-04) Marine Pollution that came into effect in 2019.

Issues

11. With the PACPOL integrating the implementation of the PACPLAN, RRFP, PMLAP and providing technical assistance to implement international instruments, there is a strong and consistent framework to address marine pollution issues in the Pacific.

12. However, many countries have not ratified all those conventions as primary tools for pollution prevention and control. Some countries have ratified some conventions but do give full effect to their provisions. This inconsistent approach to IMO instruments and the lack of implementation capacity create the conditions for ships using the Pacific islands region as the dumping station of invasive aquatic species, and the place to use non-compliant fuel oils and harmful substances in anti-fouling systems. Not ratifying and implementing liability and compensation conventions prevent governments to take action against ship operators and adequate, prompt and effective compensation is available to persons who suffer damage caused by spills of oil or other source of pollution.

13. Several issues need to be addressed to consistently ratify and implement IMO instruments: i) Improve the understanding of the benefits and relevance to each country; ii) develop the capacity
to translate in domestic laws; iii) Develop and effectively implement procedures to exercise rights; and iv) Procure, maintain and use the adapted infrastructure and equipment.

14. PACPLAN has been activated and effective in several occasions. However, there have been delays in the provision of this support due to the lack of understanding of PACPLAN implementation. A review of the PACPLAN was carried out with funding support through Australia and New Zealand that included consultation workshops in 2016, 2018 and April and July 2019 at the occasion of Pacific Community (SPC) maritime officials meeting. The draft revised PACPLAN 2019 (see in Annex 2) specific changes includes: i) A strategic framework that provides guidance for countries to implement PACPLAN and improve their national arrangements over time. The focus has shifted from operational details to an overview of response arrangements; ii) An emphasis on PICTs to establish and maintain an independent response capability by way of national marine spill contingency plans (NATPLANs). The NATPLAN also provides the mechanism to activate PACPLAN; iii) Greater clarity of the purpose of PACPLAN as a mechanism for the provision of bilateral support between governments for Tier 3 marine spill incidents, rather than an operational response plan that covers off on-ground actions; iv) provision for a separate complimentary document and/or guidelines for incident response such as steps to formally request assistance, inventory of equipment, contact details and trained personnel; v) 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; and vi) 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 vii) supports all parties to actively monitor and report on response capabilities.

15. The discussion for an internationally binding instrument related to marine litter and micro-plastics was carried out during two Ad-hoc Open-ended Expert Group Meetings in 2018 to examine the barriers to and options for combating marine plastic litter and micro-plastics from all sources, especially land-based sources, and to provide options for continued work to the United Nations Environment Assembly at its fourth session. The Pacific made a position for a comprehensive international treaty with clear obligations and responsibilities around the prevention, control and removal of marine plastic pollution from the world’s oceans. There is great opportunity to continue the lead at the regional level and implement the PMLAP in all sectors, especially in the shipping and fisheries industries.

Recommendations

16. Transport Ministers are invited to:

i. **Note** SPREP intention to develop the Pacific Ocean Pollution Prevention Programme 2021-2030: PACPOL 2030 - Clean Seas as the holistic approach to address ship-sourced pollution in the Pacific islands region, taking into account the need to implement IMO marine pollution instruments, and clean shipping and clean ports initiatives.

ii. **Recognise** the benefit from ratifying and giving full effect to IMO conventions relating to prevention of marine pollution or covering liability and compensation to prevent and respond to maritime accidents and incidents in the Pacific;

iii. **Endorse** the revised Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN) 2019 and agree to implement their respective roles and responsibilities, as outlined in the revised PACPLAN, to ensure effective response to marine spill incidents.

iv. **Endorse** the Pacific Regional Marine Litter Action Plan 2018-2025 (PMLAP 2025) and request lead agencies and potential partners to implement priority actions; and

v. **Request** development partners to develop, coordinate and implement assistance programme addressing marine litter and prevention of pollution by plastics.

[16 August 2019]
Annex 2: Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN)