



Seventeenth meeting of the Noumea Convention

Seventeenth ordinary meeting of the contracting parties to the convention for the protection of the natural resources and environment of the South Pacific Region and related protocols (Noumea Convention)

Apia, Samoa
31 August 2023

Agenda Item 4.3: Report on the Protocol concerning cooperation in combating pollution emergencies in the South Pacific region (1990)

Purpose of paper:

1. To provide an overview of the activities undertaken by the Secretariat in support of the Noumea Convention Protocol concerning cooperation in combating pollution emergencies in the South Pacific Region, 1990 (“Emergencies Protocol”) from July 2021 to June 2023.

Background:

2. In accordance with Rule 12(iii), the items mentioned in Article 10 of the Emergencies Protocol are to be considered by the Conference of the Contracting Parties. The following activities, measures and technical arrangements were undertaken by the Secretariat to support and assist Contracting Parties in the operation of the Emergencies Protocol as well as improving cooperation.

Incidents supported.

3. The Secretariat provided technical support to four incidents. Three were in the Pacific and one in the Indian Ocean. Each provides experience and lessons relevant to PACPLAN.
4. Nafanua II grounding, Samoa, August 2021. At Samoa’s request, the Secretariat provided support to the Government of Samoa’s National On-Scene Commander, as an adviser within the incident command team. The Oil Spill Response Limited (OSRL) was asked to provide oil spill trajectory modelling, to allow the fate of the oil to be assessed in various scenarios to inform response options. An awareness and training exercise was also conducted using the newly commissioned oil spill response equipment kindly provided by the Government of New Zealand.

5. FV Chuan, I Shin grounding and fire, Beveridge Reef, Niue, June 2022. Niue authorities requested the Secretariat's assistance after the vessel both grounded and mysteriously caught fire near the entrance to the Beveridge Reef, within the Marine Protected Area. The Secretariat worked with maritime legal experts in New Zealand, Maritime New Zealand (MNZ), and salvors to establish what had occurred and what options Niue had for wreck removal. The fire and the challenges of dealing with an initially recalcitrant owner meant that the best outcome was that the wreck was left in place. Fishing gear and other rubbish needed to be cleared, even after the fire.
6. FV Yu Feng 67 grounding on St Brandon Isles, Mauritius, December 2022. At the request of the United Nations Environment/Office for the Coordination of Humanitarian Affairs (OCHA) Joint Unit (UNEP/OCHA JEU), passed through the Australian Maritime Safety Authority (AMSA), the new PacPlan Officer for SPREP, who had experience in previous Mauritian responses, was asked to support a UN initiative. The response took place 400km north of Mauritius on a very remote, isolated and largely uninhabited reef, of exceptional value for fishing and tourism. The owners were reluctant to engage. Difficult local conditions, loose fishing gear, rotting bait and fuel meant the salvage response was never likely to be successful.
7. Western Star fuel barge, cargo fire and explosion, Vanuatu, August 2022. While delivering petrol to a local storage and dispensing station on Malkula, the barge caught fire due to a faulty pump, and around 50 tonnes of petrol, diesel and waste oil (17t) were spilled or burned. Initially, Vanuatu Maritime Safety Authority (VMSA) treated the incident as a spent fire and salvage. However, on reflection and at the urging of local environment, health, water and other agencies, eventually SPREP was asked to assist and coordinate an assessment of the spill and impact locations, and advise on both sampling and evidence collection. AMSA provided one of their new field evidence kits, and 10 agency staff, under VMSA and SPREP assessed the site – Southwest Bay, the Trisi Inlet and the villages of Wintua and Lembinwen, for oil and burn residues. Enough evidence of harmful chemical residues was found in various locations for warning to be posted through VMSA and the local village administration, for houses to be cleaned, roof water systems cleaned and refilled, and local bans on fishing, collecting and beach access posted for a minimum of three months.

Activities undertaken or underway

8. During the reporting period, the Secretariat was working with the Pacific Community (SPC) on completing a programme of work across all aspects of maritime, including the Convention for the Prevention of Marine Pollution from Ships (MARPOL), biofouling, protected areas, ballast water and marine dumping. However, of most relevance to this Protocol are two main programs:
 - (i) **The 2021/22 regional Seminar Series on Oil Spill and HNS Preparedness and Response** held virtually over three months. Conducted in collaboration with the IMOS's Global Initiative (GI) Major Project, the purpose of this was to promote the ratification and enhance the effective implementation of the Oil Pollution Preparedness Response and Cooperation (OPRC) Convention, and the OPRC-HNS Protocol. Countries were asked to look at strengthening their national capacity to respond to marine pollution incidents and enhancing

regional cooperation. Another focus was to strengthen links between pollution preparedness and compliance actions on discharges that are illegal with MARPOL.

Attendance and interest were high with seventy-three participants from thirteen Pacific island countries and three Metropolitan countries (Australia, New Zealand and the United States of America). Forty (40) high-level officials attended as did thirty-seven (37) professing a technical background, eight (8) with legal expertise.

A full report on the outcomes of the Workshop is available from SPREP.

(ii) **The PACPLAN Resilience Project 2022-2025** is funded by the Australian Department of Foreign Affairs and Trade. This Project was delayed for nearly nine (9) months due to Covid-19. It will now conclude in May 2025. The advent of a PACPLAN Project Officer in April 2022 allowed the project to begin in earnest. This project arose out of reviews and assessments of the Solomon Trader Incident in 2019, that that Pacific countries may not be as prepared as they may seem, especially to deal with challenges like cost recovery and compliance actions. It focuses on three outcomes:

- 1) For the six target countries¹, lowering the risk of inadequate financial recovery and impact restitution, through international conventions and ratification through domestic law.
- 2) Lowering the risk of inadequate response outcomes, through reviewing national risk, plans and preparedness, and building regional and international cooperation, doctrine development, and training and exercises.
- 3) Building capability across all PACPLAN countries and the region, through improved and shared systems, improved training and development, improved strategic planning and governance, and a new multinational Pacific Ready Response Taskforce.

9. To address Outcomes 1 and 2, each country will go through a stepwise, practical process, using their own expertise, supported by the Secretariat, International Maritime Organization (IMO), OSRL, and others. Readiness evaluation to a global standard is used, tempered by regional and national context. Each country will get a minimum of 18 weeks of in-country support over the three-year period, to cover the following elements:

- a. In-country awareness raising, planning and development of local personnel.
- b. In-country funding and resourcing to provide for national capability development, including new staff, planning for a revised National plan, and technical professional development.

¹ Nauru, Kiribati, Papua New Guinea, Solomon Islands, Tuvalu, and Vanuatu

- c. Readiness evaluation and assessment, with multiple sessions, with multiple agencies, to assess and reinforce the whole-of-government approach needed to deliver a suitable response system.
 - d. An initial training needs analysis and discussion about professional development for identified officers.
 - e. A specialist legal analysis to identify and review all aspects of the international and domestic legal, policy and procedure structure to identify gaps and risks.
10. Visibility of the project and PacPlan, will be improved with a full session focused on the Pacific at Spillcon in Brisbane in September 2023, and a regional workshop on Developing oil spill preparedness and response planning in Pacific Small Island and Other Developing States.
11. Technical and other support has been sought from the Asia-Pacific Heads of Maritime Safety Agencies network, IMO, Maritime NZ and others international agencies.
12. To address Outcome 3 of the project (capacity building) several workstreams have been initiated. Among these are:
 - a. Collaborating with SPC and University of the South Pacific (USP), through the Pacific Islands Emergency Management Alliance (PIEMA), to build a formal qualification structure for maritime emergency response.
 - b. Collaborating with the Institute of Applied Science at USP to build a Pacific regional oil spill forensics and fingerprinting service, to improve the likelihood of successful prosecutions for spills, and so cost recovery and impact compensation.
 - c. Collaboration with OSRL on providing members with collective access to professional advice from experienced responders, and response services, should they be needed. This was initiated in 2020 and funded by NZ MFAT for three years. The project is assessing the future of this arrangement beyond 2024.
 - d. Capacity building within countries to identify regional experts and specialists to form the nucleus of a new Pacific Ready Response Taskforce.
 - e. Development of a regional maritime emergency, incident and spill response legal team, either stand alone, or as part of the proposed taskforce, to provide very early access to legal advice at the most crucial times of an incident (the first few hours).
 - f. PacPlan Medium Term Reforms. This is the topic of a separate paper to the Meeting (Item 7.3), but sufficed to say, that despite PacPlan last being reviewed, revised and adopted in 2019, it is already showing signs that the evolution from a template regional contingency plan (in 2000) to a more strategic document for supporting the implementation of a sophisticated multi-country planning and response system, is not yet complete. Many issues need

to be addressed, from sustainable funding to governance, structure, staffing, programs, and relationships and collaboration globally with other Regional Activity Centres.

More detailed information about the PacPlan Project is available from SPREP.

Recommendations:

13. The Parties are invited to:

- 1) **Note** the activities and measures undertaken by the Secretariat in the biennium period of July 2021 to June 2023, to assist and support Contracting Parties in the operation of and facilitating cooperation under the Protocol.
- 2) **Note** that future iterations of PacPlan will need to involve PacPlan members and Noumea Convention Contracting Parties in a much closer relationship and dialogue about what PacPlan should be.

29 August, 2023