

THE PACIFIC COMMUNITY

FIFTH PACIFIC REGIONAL ENERGY AND TRANSPORT MINISTERS' MEETING

Port Vila, Vanuatu, 8 – 12 May 2023

TI 03: Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN) and the Pacific Regional Marine Litter Action Plan (PMLAP)

[Submitted by the Secretariat for the Pacific Regional Environment Programme (SPREP)]

Purpose

1. This paper provides information on progress on both SPREP's PacPlan and PMLAP programmes, that contribute to Pillars 5 (Green and Resilient Pacific Ports), 8 (Regional Collaboration and Technical Cooperation), and 9 (Marine Pollution Prevention and Control).

Background

2. Both programmes nest within the Pacific Ocean Prevention Programme 2015-2020 under the framework of the *Cleaner Pacific 2025 – Pacific Regional Waste and Pollution Management Strategy 2016–2025* (Cleaner Pacific 2025). The Cleaner Pacific 2025 has the vision of “a cleaner Pacific environment” and the mission to “implement practical and sustainable solutions to the prevention and management of waste and pollution in the Pacific”.
3. Australia Department of Foreign Affairs and Trade (DFAT) has funded the PACPLAN Resilience Project (2022-25), to assist its six member countries¹ to further develop spill response capability, focusing on recovery resilience, response systems and planning, and capacity building. This project is supported by International Maritime Organization (IMO) and a wide range of other Pacific and regional agencies.
4. In recognition of the emerging intergenerational issue of plastic pollution and following the commitment by Pacific Leaders to address single-use plastic pollution, the PMLAP was adopted by Pacific leaders and the SPREP Executive Board Meeting in 2018. The PMLAP outlines policy and key actions to minimize marine litter across the Pacific and is intentionally focused on Pacific needs and capacity to drive change, through the concept that marine litter and “waste is everyone's problem and everyone's responsibility”. The PMLAP also outlines an Action Plan to address the range of solutions required.
5. For terrestrial waste, the approach is that of promoting policy, infrastructure, culture and actions towards implementing a circular economy. The first priority is to avoid or prevent waste. Next is to extract the maximum value of a product or resource through an extended life, including repair and upgrades. Finally, waste should be returned to the country of origin for their recycling.
6. Ocean waste or marine pollution comes from a wide range of sources, including legal and illegal shipping, fishing, and maritime dumping, as well as land-sourced general litter, packaging, disasters and transboundary sources. Plastics are most difficult to address, as they are pervasive, persistent, and pernicious.

Current status

7. The PacPlan Resilience project has begun engaging with target countries, relevant to their status and needs from late 2022 to early 2023. Each in-country programme has assessed local needs on legislative, policy, planning, and training, and agreed project support, staffing and funding support arrangements. For each target state, the expected 2025 outcomes are a full and complete legislative and regulatory suite, a National Contingency Plan, a trained workforce, access to regional and international expert services and support, and confidence they can successfully execute spill response. These will ensure that they have improved means to mitigate risks of a

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

spill and recover the costs and compensation due. Beyond 2025, further planning and regional funding and support will be required for the growth and gains of the project to become sustainable.

8. Across the region, 2023 and 2024 will see the implementation of a regional oil spill forensics capability, a new PacPlan governance structure, improved SPREP focus on its PacPlan responsibilities, and more secure connections to regional expert and technical services. The latter include the Oil Spill Response Ltd response services commercial contract, funded by NZ Ministry of Foreign Affairs, and the advent of a new Pacific Ready Response Taskforce, taking advantage of the increasingly capable member states, and working with the US Oceania Ready Response Taskforce. The Asia-Pacific Heads of Maritime Safety Agencies has agreed to a technical working group of its member agencies many of whom have the response capabilities to assist. Maritime New Zealand and IMO have also agreed to support this project.
9. The *Pacific Regional Declaration on Prevention of Marine Litter and Plastic Pollution and its Impacts* was adopted by Environment Ministers at the 30th SPREP Meeting (2021). The Pacific Marine Litter Action Plan midterm term review is underway to develop an updated framework beyond considering the Intergovernmental Negotiating Committee (INC) plastic pollution process. This aligned with the fifth session of the United Nations Environment Assembly (UNEA5.2) resolution “End Plastic Pollution: Towards an International Legally Binding Instrument” and the INC . The first INC meeting occurred late in 2022 in Uruguay, with PICs attending with funding support from Australia DFAT, and after a Pacific Preparatory Meeting in August in Suva. The Pacific presence was influential in the eventual outcome. SPREP is providing support to prepare for the Pacific participation for INC-2 in Paris, France to be held at the end of May 2023.
10. Across the region, a number of programmes and projects address specific waste issues and problems, offering diverse and effective solutions.
 - i. *The Pacific Ocean Litter Project, and PacWastePlus*, have variously targeted single-use plastics, undertaken waste audits, and completed legislative reviews and detailed country profiles.
 - ii. *SPREP is supporting the Collective Action group of the Australian Packaging Covenant Organisation*, which through cooperative actions of governments and industry, is focusing on addressing plastic pollution and implementing a framework of action in Australia, New Zealand and the Pacific.
 - iii. *The Plastic Waste Free Islands* which concluded in 2022 is a cooperative programme to demonstrate how to reduce plastic waste generation and leakage in the unique contexts of small island developing states, in the Pacific and Caribbean.
 - iv. *The Moana Taka Partnership*, with Swire Shipping, provides free shipping for non-commercial low value waste (used oil, plastic, cardboard, metal, and glass) from any of the 15 Pacific Island countries and territories (PICTs) to ports within the Swire Asia Pacific network. To date around 100 shipments have occurred. The project is being upscaled through the GEF7 ISLANDS project to the Caribbean, Indian Ocean and the Atlantic.
 - v. *The Circular Economy for the Recovery of Waste (CERO Waste) Programme* for Samoa and Tokelau is aimed at creating sustainable and inclusive livelihood opportunities to accelerate the transition towards a circular economy in Samoa whilst equally supporting Tokelau’s waste management capacity through collaborative bilateral approach.
 - vi. *Major events* are a source of plastic waste but also an opportunity to raise the awareness of communities. Building on past successes such as the Pacific Games 2019, SPREP is now providing support and working with Solomon Islands Government to green the Solomon Islands Pacific Games in 2023.
 - vii. *Pacific countries* have been instrumental in the adoption of key instruments to address ship sourced marine pollution. RMI led the Western Central Pacific Fisheries Commission (WCPFC) Conservation Management Measure (2017-04) for Marine Pollution to

implement MARPOL. Vanuatu led the International Maritime Organization Marine Litter Action Plan. IMO is now implementing that as the GloLitter Project.

Issues

11. PacPlan 2019 is evolving from a regional contingency plan to a regional strategic document. The following six issues will be addressed and resolved by a 2024 revision.
 - i. *Relationship with emerging Pacific Emergency Management Systems*, run by National Disaster Management Offices. Spill incidents often result from criminal behaviors, and have very specialist needs for incident control, and have insurers for cost (and other) recovery, that are very different from disasters. The relationship between PacPlan and National Spill Plans, and other Pacific emergency planning systems and tools, such as the recently developed Pacific Islands Emergency Management Alliance and the Pacific Incident Management System, needs to be resolved to ensure they both are effective and complement each other .
 - ii. *Spills other than oils and hazardous and noxious substances* are also a risk and threat, including from cargo. International trends in fuel diversity (ammonia or electric) pose other potential risks, as do autonomous shipping and changes to cargo rules. PacPlan needs to explicitly recognise and address these evolving risks and threats.
 - iii. *Tiered response* is a useful model of how best to deploy resources but should not be regulated with hard and fast rules. Parties requests and delivery of technical (or other) support from Tier 2 (government) or Tier 3 (international) to any lower tier response, should be at the discretion of the requesting (and supplying) party. More nuance is required to allow for international expertise to be applied earlier and at lower tiers, to mitigate incident and response mitigation. This has consequences for other actions and responsibilities for all parties to the PacPlan, and this needs to be considered for national planning, regional capability delivery and international support and assistance.
 - iv. *Alignment between PacPlan and the Cleaner Pacific 2025* (and beyond) strategy, as the key pollution management and control programme in the region, by including pollution arising from spilled oils, chemicals and cargoes.
 - v. *The governance of PacPlan* requires more explicit and positive engagement by all parties. SPREP's support needs to be matched (and guided) by members. At present all policy and operational decisions about amendment and updates need to go to the full SPREP Intergovernmental and Parties to the Noumea Convention Meeting. A proposed new governance structure involving most of the members and SPREP will be able to adjust the PacPlan Strategy between (say) 5-year formal reviews, as context and needs permit. This will be consulted on during 2023/24, to be completed for adoption at the 2024 SPREP meeting.
 - vi. *Sustainable funding* is a perennial issue. PacPlan funding is sporadic. There is a risk at the end of this current project that without a sustainable successor, the value of the project will quickly diminish, as has occurred in the past, as the maritime and Pacific context, risk, threat and expectations also continue to evolve. Maintaining capability and momentum requires a new funding model, to be explored in 2023/24.
12. Plastic pollution is now recognised as one of the critical environmental challenges of our time. The global effects through the INC negotiations towards a legally binding global agreement to address plastic pollution including marine sources, the efforts by the maritime sector through the IMO *Marine Litter Action Plan*, and regionally through the *Pacific Regional Marine Litter Action Plan*, are all in recognition that this is an issue for everyone. The regions transport sector must also recognise the importance of this issue and do its part in addressing marine sourced plastic pollution by-
 - i. providing support to country-lead agencies in the INC process to negotiate a legally binding agreement to address plastic pollution; and

- ii. providing support to implement the Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measures (CMMs) 2017-04 on marine pollution for fishing vessels through the following-
 - a. ratification of the Cape Town Agreement to provide better oversight of fishing vessels with regards to compliance with MARPOL Annex V,
 - b. reporting on compliance and enforcement of MARPOL Annex V particularly from distance water fishing nations flagged vessels operating in Pacific countries' Exclusive Economic Zone (EEZ). Implement Port State Control measures and interagency MoUs such as with Ministry of Fisheries, could be an effective measure to addressing fishing vessel MARPOL violations, and
 - c. invest in expanded capacity of port waste reception facilities. The lack of port waste reception facilities may motivate ships to dump waste at sea rather than store their wastes, if there are no facilities for them to responsibly dispose of these later.

Recommendations

13. Transport Ministers are invited to:

- a. **endorse** SPREP's continuing efforts to wastes and pollution as priority activity areas;
- b. **agree** to a SPREP-led review of the PacPlan 2019 structure, content, governance and funding models to make it more relevant and sustainable for national and regional application and implementation, with the resulting proposals to be presented to the 2024 SPREP meeting for endorsement;
- c. **support** the Pacific Regional Action Plan on Marine Litter 2018-2025 (Pacific RAP) mid-term review;
- d. **call** on PICTs to provide their objectives and expectations of relevant targets whilst keeping a watching brief on the INC plastic pollution process; and
- e. **call** on governments to support the minimization of plastic wastes in the region through, as necessary, adopting, ratifying, implementing, enforcing and investing in the-
 - i. the Intergovernmental Negotiating Committee on Plastics pollution process,
 - ii. the Cape Town Agreement on better oversight of fishing vessels over MARPOL Annex V, including improved implementation of Port State Control measures,
 - iii. the WCPFC CMMs 2017-04 on marine pollution, and
 - iv. the expansion of capacity of port waste reception facilities.

Date: 17 April 2023