

What Makes a Good Response?

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ABSTRACT 300202:

What defines a successful response to an incident? Is it dependent upon satisfying potential critics; does it depend on money saved or received in compensation; is it defined by avoiding or mitigating pollution damage; or is it all of the above?

Once an incident has occurred the success or otherwise of the response can be predicted based on relatively few key variables. In this paper. For example:

1. Preparedness & Training – i.e. the extent to which a country is prepared for an incident and whether the roles and responsibilities of individuals expected to be involved in the response are clearly defined.
2. Location of the incident – i.e. the country, the culture and reaction to the incident; whether it has occurred off-shore or near-shore etc.
3. Port of Refuge – i.e. whether or not a clear process for dealing with a casualty is pre-established.
4. Trust & Respect – i.e. the extent to which trust exists between the various parties involved in an incident and the level of knowledge and expertise needed to engender respect.
5. Co-operation – i.e. the extent to which parties are willing to co-operate and work together; the degree of realism about what can be achieved, and the level of confidence exhibited by those with ultimate responsibility.
6. Communication – i.e. the effectiveness of the command structure and the lines of communication between parties; willingness to communicate.
7. Cost-control/accountability – i.e. attitude towards cost control and effective use of resources.
8. Compensation – i.e. whether adequate systems are in place to compensate victims of oil pollution damage promptly and fairly; compensation versus punitive fines.
9. 3 Ps (Politicians, Press, Public) – i.e. the degree to which these are allowed to drive the response.
10. Willingness to Learn – i.e. the extent to which past incidents are used to inform potential future incidents; realism during exercises and debriefs.

This paper will draw upon incidents that ITOPF has attended in its 45 year history to identify patterns of behaviour and the degree to which these variables can influence the outcome of a response. Recognition of the relative importance of these variables ought to form the basis of learning in order to improve the chances of a positive outcome in future incidents.

INTRODUCTION:

We all know that prevention is better than cure but when an accident does happen, a successful response can prevent or minimise damage to the environment and the economy. What then defines a successful response? Is it dependent upon satisfying potential critics? Does it depend on money saved or spent? Is it defined by avoiding or mitigating pollution damage? Or is it all of these things? To some degree the answer to these questions is subjective. However more often than not, the judges will not be those actually involved in the response but the public. Given that the information upon which the public bases its judgement is often provided by the press and politicians, whose motives are seldom based on real knowledge or experience of oil spills, this automatically introduces bias into the judgement. Of greater concern is the potential for misinformation and bias to influence the response, especially if this causes those in charge of the response to make decisions that are geared more towards appeasing public opinion than relying on good technical judgement. In this paper we have focussed on 10 variables listed in order of priority (namely, preparedness, place of refuge, location, trust and respect, co-operation, communication, cost control/accountability, compensation, politicians/press/public, and willingness to learn), which we have found to have had a significant influence on the outcome of the response based on some 45 years of experience attending shipping incidents worldwide.

DISCUSSION:

1. Preparedness

Without doubt the most important factor influencing the success of a response is the level of preparedness that exists in the country affected by the incident. The international regime for spill preparedness and response is principally based on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990 and the OPRC – HNS (Hazardous and Noxious Substances) 2000 Protocol. To date, there are 106 contracting parties to OPRC 1990 and 32 contracting parties to the OPRC-HNS protocol,¹ representing approximately 70% and 40% of world tonnage respectively.² In reality, not all countries have met their obligations and the level of preparedness in countries ranges from those having well-prepared contingency plans that are tested and reviewed regularly, to those who have contingency plans permanently in draft form or non-existent.

One of the primary objectives of the OPRC Convention is the establishment of a national system of notification, preparedness and response which encourages co-operation between government and industry. Well prepared contingency plans provide the ‘road map’ for decision-making at both the management and operational level and provide clear descriptions of the roles and responsibilities for those organisations and individuals involved in the response. They serve to steer those leading the response through the chaotic influx of information and the rapid development of situations. Often, the importance of a contingency plan is not fully appreciated

¹ IMO Summary of Status of Conventions, 18/11/2013,

<http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>

² Charlebois, P. IMO Initiatives on Preparedness and Response to an HNS Incident, ITOPF Seminar: HNS and Shipping: R&D and Preparedness to Incidents, Amsterdam 2012. <http://www.itopf.com/information-services/publications/papers/documents/charlebois.pdf>

until an incident happens in the country and many plans are either prepared for the first time or updated based on the experience gained from the incident.

Due to the number of parties who are involved in an incident, well prepared local contingency plans are vital for facilitating co-operation and communication between the various players. To orchestrate such a complex operation successfully, contingency plans should be tested regularly and maintained by incorporating appropriate training. This approach will help to expose any unrealistic elements. For example, if booming plans consist only of marking the location on a map without consideration of water flow, access and logistics, then it should come as no surprise if these booms fail to hold oil on the day that they are needed. Similarly, expecting responders to encircle a leaking vessel to enclose the oil is frequently unrealistic and may actually hinder salvage or wreck removal operations.

A good example of preparedness is provided by an incident that occurred at an oil terminal in December 2003. The laden oil tanker, MT JEONG YANG and the un-laden tanker, MT SUNG HAE collided outside the oil terminal at Yeosu in South Korea resulting in the spillage of approximately 700 tonnes of intermediate fuel oil.³ The bulk of the oil was successfully contained alongside the terminal because of the prompt action of the terminal staff who were able to deploy containment booms rapidly. They succeeded in capturing the oil both on the ebb and flood tides where it solidified due to the low ambient temperature. Every three months, the staff at the terminal received training and actually deployed the boom in a drill scenario and were, therefore, in a permanent state of readiness. As a result, the impact of the spill on fisheries and mariculture was limited, and the seawater intakes of the power plants and the steel plant in the vicinity were not affected.

Although it is difficult to actually test the adequacy of preparedness before a real incident happens, the systematic review and rehearsal of contingency measures enable those in charge to demonstrate confidence and capability, qualities that invariably serve to reassure the public.

2. Place of Refuge

Even as this paper is being written, a laden chemical tanker, MT MARITIME MAISIE, which caught fire following a collision off the coast of Japan on 29th December 2013, has still not been granted a place of refuge and is reportedly at risk of breaking up. Clearly, consideration of a place of refuge and preparedness to respond to incidents are inextricably linked and, as such, points 1 and 2 have equal importance. Ships in distress may not be the most welcome callers to coastal waters. While States are free to decide on any action affecting their waters, they are also obliged to render assistance to vessels and persons in distress, as established in Article 98 of UNCLOS (The United Nations Convention on the Law of the Sea) and Regulation 7 of SOLAS (Safety of Life at Sea). Nonetheless, these provisions do not give right of entry to a place of refuge nor do they preclude the coastal state's obligation to establish places of refuge.⁴ Regrettably, it has been demonstrated that a refusal could aggravate the situation and result in escalated damages to the ship and the environment. High profile cases of this kind include MT CASTOR, MT PRESTIGE, MT STOLT VALOR and more recently, MV MSC FLAMINIA and

³ Incidents Involving the 1992 FUND, 26th Session of Executive Committee in 2004

<http://documentservices.iopcfunds.org/meeting-documents>

⁴ <http://www.imo.org/OurWork/Safety/Navigation/Pages/PlacesOfRefuge.aspx>

MT MARITIME MAISIE.

To address this issue, the International Maritime Organization (IMO) has adopted two Resolutions, A.949 (23) 'Guidelines on places of refuge for ships in need of assistance' and A.950 (23) 'Maritime Assistance Services'. These Resolutions provide guidelines for action required of master/salvors of ships in need of assistance, as well as the actions expected from coastal states. However, the Guidelines aim to provide a framework for assessing the situation, rather than provide for mandatory requirements. These issues have been considered further by regional legislations, such as the Directive 2009/17/EC within European Union (Jacobsson, 2013).

Prompt decisions made in the light of good technical information can reduce the chance of a catastrophic incident significantly. It is essential that the coastal States have a system established to identify suitable places of refuge. Potentially, a State could be held liable for contributory negligence if a ship in distress was directed to a place of refuge that was clearly unsuitable, or if pollution damage resulted in another State due to an unreasonable refusal to provide a place of refuge (Jacobsson, 2013). In response to the IMO Resolutions, some countries have identified and published a list of places of refuge, such as Denmark, Norway, Estonia, and Lithuania. Other countries believe that the decision will need to be made on a case-by-case basis due to technical, political, and other factors. Instead of pre-identifying the places of refuge, their contingency arrangement in this regard usually identifies the responsibilities and procedures to assist the decision-making process. Countries taking this approach include Spain, Australia, and Canada. Nevertheless, there are also some countries that have specified conditions to be met before a ship can use a port of refuge and, while conditions relating to the safety of nearby residents are understandable, conditions demanding that financial security of punitive nature be paid before allowing entry are likely to be counter-productive.

3. Location of the Incident

The location of an incident can have a significant effect on the outcome of a response. The outcome can depend on differences in the general attitude adopted by those resident in the country affected by the incident, or on more local factors, such as weather, resources at risk, and whether the incident has occurred near-shore or far off-shore. Geographically, the location of the incident influences the type of response that can be provided as well as dictates the logistical support required. By way of example, even a relatively small quantity of oil released near populated coastal areas will attract significant attention whereas an incident occurring far off-shore and in rough sea conditions is likely to attract much less attention, particularly if no sensitive resources are involved.

In addition to the geographic influences, the general attitudes and expectations of the local population vary significantly across the world, which in turn can influence both the response measures undertaken and the perceived success of the response. In some cases, this attitude may depend on the extent to which the population is reliant upon the shipping or oil industry, with those recognising their own dependency on these industries appearing to be more understanding. However, in some countries the population may have unrealistically high expectations of what can be achieved from a response. In such countries the success of a response is more likely to be judged according to the amount of equipment and manpower used or money paid by those

deemed to be responsible. Whilst neither attitude should be viewed as right or wrong undoubtedly, the criteria applied in a country of high expectations will make it more difficult for a response to be judged a success.

The following two examples illustrate the influence of the location of an incident upon the response activities: The container ship, MV MOL COMFORT broke amidships about 200NM off the coast of Yemen in rough weather in June 2013. Despite the efforts of the salvage team, the stern section sank within 10 days reportedly containing 1,500 tons of fuel oil; the bow section sank 16 days later to a depth of 3,000m carrying 1,600 tons of fuel oil. The remote location of this incident meant that most of the media coverage of this incident focussed on the cause of the incident rather than on the response measures or consequences. By contrast, the grounding of the bulk carrier, AMORGOS, in January 2001, occurred close to the shore adjacent to the Kenting National Park (International Union for Conservation of Nature (IUCN) Category II) located on the southern tip of Taiwan, at the start of the Chinese New Year celebrations. The resulting oil pollution was very visible to the public from the cliff top. As a result, the incident received a great deal of attention from the media and the local population which, in turn, placed the local and national authorities under significant pressure.

4. Trust and Respect

The existence of trust and respect between the parties involved in a response might appear to be obvious criteria for a successful response. Nevertheless, these qualities are amongst the first to be eroded during an actual incident. Accident investigations and potential litigation may cause parties to become guarded and less trusting of those viewed as being ‘on the other side’. It is not unusual to find parties on all sides co-operating during the very early stages of an incident as all are working towards the same objective of minimising pollution damage and doing their utmost to deal with the issues to hand. However, as soon as focus turns away from the immediate issues and towards the ‘blame game’ and what is to be gained and lost from the incident, sides begin to be taken, decisions and interactions become more guarded, and distance between the parties is introduced. Similarly, if the motivation behind the actions of one or other party is in question, this can lead to a lack of trust. For example, if one party is viewed as trying to save money and another is viewed as trying to make money, actions will be viewed with suspicion and may result in stances being adopted that exacerbate the situation.

One way to minimise the likelihood of these qualities being eroded during an actual incident is to invest time in building relationships during ‘peace-time’. As an example, shipowners, oil companies, national and local authorities, and other stakeholders who have developed an understanding of the expectations of each in the event of an incident are more likely to have a greater degree of trust and respect for each other during an actual incident.

While it might be considered naïve to imagine that trust and respect between parties on so-called ‘opposing sides’ can be maintained throughout an incident, the inevitable consequence of the erosion of these qualities is that incidents increasingly become antagonistic. This will only result in increased litigation and delays in restoration and compensation – the very objectives that both parties should be keen to resolve quickly and amicably so as to limit the consequences of the incident.

5. Co-operation

Closely linked to the previous point, parties are much more likely to work co-operatively if trust and respect exists and also if goals and objectives are aligned. But what does co-operation mean in practice? Defined in the Oxford English Dictionary, co-operation is ‘the action or process of working together to the same end’. Depending on the scale and location of the incident, the co-operation required could be at the local, national or international level and may involve collaboration among many different interested parties and departments.

Given that oil, once spilt, respects no boundaries it is prudent for adjoining coastal States that share the same regional sea area to establish a co-operation mechanism to ensure a rapid and effective response. A well-established international co-operation mechanism can also optimise the building and maintenance of the response resources, e.g. fleet, specialised equipment, consumable stockpile (O’Brien et al. 2004). Adopting mutual-aid agreements at the multilateral level can help to establish the protocol for such co-operation. The Barcelona Convention (among the Mediterranean countries) and the Helsinki Convention (among the Baltic coastal states) are good examples. The success of these models has been extended to regional seas across the world, such as the Abidjan Convention in West Africa, the Oil Spills Protocol in the Wider Caribbean Region and, more recently, the Agreement between the eight Arctic nations, which was concluded in May 2011 under the auspices of the Arctic Council.⁵

In addition to promoting international collaboration, the ‘spirit’ of co-operation is essential. Clearly, true co-operation can only exist when parties are working towards the same goals, transparently, and in a manner in which each is prepared to give and take without ulterior motive. Duties should neither be abdicated nor abused. Nevertheless, experience of some incidents suggests that co-operation is interpreted as ensuring that one or other party agrees to undertake all that is demanded of it. By way of example, advocates of co-operative Natural Resource Damage Assessment (NRDA) in the USA maintain that this process is helpful and paves the way to a quicker, more amicable settlement of damages. However, critics argue that the process amounts merely to a ‘pay to play’ situation with no genuine intent to co-operate in the truest sense. Whilst, it might be considered unrealistic to expect true co-operation, like trust and respect, as it deteriorates so does the likelihood of a successful response.

A good level of co-operation was demonstrated during the response to the grounding of MV GULSER ANA on the south coast of Madagascar in 2009, which resulted in a considerable loss of fuel oil and rock phosphate cargo. Despite the limitations related to the remote location, an effective response was made possible due to the co-operative approach adopted by all those involved in the response, both national and international. (Laruelle, 2012).

6. Communication

The importance of communication has been highlighted in almost every study addressing human interaction but its importance can hardly be overstated during an emergency response. Discounting the potential misunderstandings arising from language and cultural differences, even communication in the same language can be fraught with difficulties, especially at times of heightened tension. This is where the time spent defining the roles and responsibilities of

⁵ <http://www.arctic-council.org/index.php/en/environment-and-people/oceans/search-and-rescue/157-sar-agreement>

departments and individuals in the contingency planning stage, and the investment in rigorous and regular testing of these plans during drills and exercises, pays off.

Different management systems have been adopted in different parts of the world, most of which have evolved according to local preferences and previous incident experience.⁶ Irrespective of whether or not a country follows the Incident Command System as in the USA, having a clearly defined command and control structure in place will significantly reduce the opportunity for misinformation and confusion. The incident involving the containership MV GODAFOSS serves as an example of the benefit of good communication. The ship ran aground in February 2011 near Asmaløy Island of Norway, 15 km away from the Swedish border resulting in the breach of a number of bunker tanks and the loss of heavy fuel oil into icy seas. The emergency response to recover the bulk oil was led by the Norwegian Coast Guard (NCA), but performed jointly by the NCA and the Swedish Coastguard. Good communication between the two countries ensured resource sharing and constructive team-effort. In contrast, poor planning and disrupted lines of communication can cause significant delay to the spill response, even within the same country. There are several examples where poor communication between different government departments has led to spill response equipment languishing for days in customs and compromising the response effort.

But it is not just good communication within the command structure that is important. With the technology development, real-time and two-way communication has become possible, and is now generally expected by the public. Particularly, social media is playing an increasingly important role in informing and engaging the public during incident response, as demonstrated in many recent incidents, including MV RENA and MSC FLAMINIA. However, internet based communication can be a two-edged sword. Without constant monitoring and vetting, wild speculations and exaggerated figures could easily spread, as has been the case for many spills, including the Deepwater Horizon. Misinformed public are more likely to resort to extreme reactions, which in turn, can affect the decision-making in response. As mentioned earlier in this paper, there will always be those seeking to manipulate information to gain advantage in one form or another from an incident. However, the opportunity to achieve this is limited if regular, factual information is forthcoming from those charged with this responsibility within the command and control structure. To provide prompt and accurate information to the public and stakeholders, the information distribution routes and the dissemination structure should be clearly defined beforehand, often through specific Communication Plans. These plans can benefit from consultation with external organisations that have expertise in public affairs and emergency communication. Furthermore, if the plans incorporate trusted sources of information and reflect the valuable relationships built up during preparedness activities, communication is far more likely to be effective in an actual incident.

7. Cost control/accountability

Although it may not be the first thing on the priority list for emergency response, attention inevitably turns to the cost of the response when the urgency associated with the early stages of an incident has abated. The factors that determine the cost of spill response has been analysed previously (White and Molloy, 2003). In addition to the circumstances of the incident, e.g. oil

⁶ ITOPF Technical Information Papers (2012): Leadership, Command & Management of Oil Spills, <http://www.itopf.co.uk/information-services/publications/technical-reports/>

type, amount spilt, incident location, etc., the decisions made about resource deployment, response techniques, and clean-up end points, will significantly influence the overall cost.

An excess of resources are sometimes called for during the initial stage of the response when information on the severity of the incident is incomplete. However, the resources should be adjusted to suit the circumstances once the scale of the response is determined, usually after one or two days. Ideally, personnel charged with recording the decisions made by the command centre and allocating expenditure to the different activities will have been engaged at the outset of the incident. This enables cost control to be maintained throughout the response operation so that timely reimbursement can be made through the compensation mechanism. Without cost control, a claim is likely to be delayed or declined, at least in part, which can cause financial strain. Potentially, it could also lead to a gap between the compensation available and the costs incurred by government bodies, which may then be passed on to the tax payer in that country.

The attitude towards cost control and accountability can vary depending upon whether the response is government led or ship-owner led. In most cases, cost recovery is determined on a 'pay to be paid' basis which suggests that those incurring the cost should ensure that they have sufficient justification to go ahead knowing that reimbursement of these costs will depend upon their justification. This thought process should lead naturally to better cost-control as resources will be allocated according to need, and equipment lying idle or left on standby for long periods should be identified quickly. However, where those in charge of the response are not necessarily the same as those paying for the response there is opportunity for less attention to cost control. The difficulty in this case is that focus for the response can shift from seeking an efficient response to one that seeks to demonstrate the wealth of resources available, irrespective of whether or not these resources are actually achieving anything useful.

Cost consciousness is important, yet it should not be detrimental to the response. Employing the resources necessary for an effective response and, at the same time, applying a level of cost control and accountability should not be viewed as an 'either/or' option. After all, publically and privately-owned entities would normally have to justify their expenditure and having to do the same when responding to an incident should, therefore, be expected.

Rarely is a response limited by resources, more often it is the management of these resources that dictates whether or not the response will be effective. Previous experience has shown that it is misleading and potentially disingenuous to link the effectiveness of a response to the cost of the response and to imply that the more the response costs, the better the response will be. In some parts of the world, perhaps due to the remoteness of the incident or the availability of dedicated response equipment, clean-up has been carried out very effectively using improvised equipment and means.

8. Compensation

International and national systems of compensation are in place for ship-source oil spills in most countries of the world. The level of compensation available as the result of an incident depends on the circumstances and location of the incident and whether or not the country has ratified certain conventions. It is also worth noting that 'compensation' in this context allows the

claimants to be restored to the position they were in prior to the incident. It does not normally provide for 'betterment' or punitive costs, the latter of which is often addressed through fines.

The international system of compensation that applies to spills of persistent oil from tankers depends upon fairness.⁷ On the one hand the polluter accepts strict liability and pays the compensation provided; on the other hand, certain criteria governing the admissibility of claims are upheld. If one or other party seeks to distort this arrangement, trust may be lost and ultimately the process of ensuring that claimants get paid quickly and without the need to resort to the court system is frustrated and delayed. The benefit of this strict liability has been demonstrated in many cases, including one of the largest tanker spills of recent years, the MT HEBEI SPIRIT, which occurred in December 2007 off the coast of Korea where the fully laden VLCC (Very Large Crude Carriers) was struck while at anchor by a crane barge, resulting in a spill of some 11,000 tonnes of crude oil cargo.⁸

Over the last four decades, a number of government and industry regulations and initiatives have led to a 90% decrease in the number of oil tanker spills worldwide (spills of > 7 tonnes only).⁹ Yet the potential economic loss and compensation associated with incidents remain disconcerting. A few years ago an article produced by TradeWinds (Mulrenan, 2007) listed the incidents that were likely to be the most expensive according to estimates of the claims arising. The majority of the ones appearing at the top of the list were those where very large claims for environmental damage were made. More recently, escalating costs have also been attributed to salvage and wreck removal. Clearly, where oil pollution damage has occurred and the level of economic loss can be demonstrated, claimants should expect to receive compensation. However, difficulties arise when the compensation systems are used as a mechanism for political or fiscal gain. Following the grounding of the MT TASMAN SPIRIT in Pakistan in 2003, claims amounting to about \$10billion were filed, some including costs projected for clean-up some 15 years into the future.¹⁰ The lack of evidence to support claims of this magnitude led to an antagonistic and protracted process to arrive at a settlement.

Where recognised systems of compensation are not in place, or where parties either make or receive payments for damages that are not proven, difficult precedents may be set. For example, if the oil spill comes from a source that is owned by a well-known oil or shipping company, excessive measures may be taken either to protect the image of the company or because the company is being viewed as having 'deep pockets' and should be punished. Inevitably, if another incident occurs in the same location expectations will be based on the precedents set in the earlier incident. If the source is unknown or is not from a well-known oil or shipping company, these earlier precedents can result in unrealistic expectations, leading to frustration once it becomes known that payments may be much lower or even non-existent.

⁷ International Oil Pollution Compensation Fund 1992 Claims Manual (2013 Edition)

http://www.iopcfunds.org/uploads/tx_iopcpublishations/Claims_Manual.pdf

⁸ The Environmental Impact of the HEBEI SPIRIT Oil Spill, ITOPF, 2008, available at:

<http://www.itopf.com/news-and-events/documents/HEBEISPIRIT-Environmentalimpact.pdf>

⁹ ITOPF Oil Tanker Spill Statistics 2013

<http://www.itopf.co.uk/information-services/data-and-statistics/statistics/>

¹⁰ <http://www.lloydslist.com/ll/sector/regulation/article148721.ece>

9. 3 Ps (Politicians, Press, Public)

Referring to the question asked at the outset of this paper namely, ‘who decides what is or is not a good response?’, the 3 Ps (Politicians, Press and Public) are having a larger and larger influence on response actions, primarily because opinions expressed on social media sites have the potential to go ‘viral’ and be shared across the world very quickly. Regrettably, human nature is such that good news rarely sells papers or attracts viewers and instead reports of cover ups, inadequacies and indiscretions are much more appealing. This means that no matter how good the response or how co-operatively parties are working together, the press will be looking to find and expose any cracks. Members of the public are not normally in a position to establish the facts for themselves and, as such, they could easily become influenced by what has been published by the press and start to express their own views. Furthermore, the press is often a convenient vehicle for politicians to antagonise or support their political views, which explains why incidents that occur in an election year are often particularly fraught with difficulty. A case in point is that of the MV RENA, which ran aground on Astrolobe Reef in New Zealand in October 2011, just seven weeks before the general election. The incident caused a 4% drop in the National Party’s polling position and generated considerable additional pressure for the response personnel as the different parties sought to gain an advantage.¹¹

Undoubtedly, those countries that have established a clear and well-practiced national response plan are in a stronger position to demonstrate competency and instil confidence in the response. That is not to say that external reaction will not be strong but it is more likely that the opportunity for the press and politicians to exploit weaknesses is reduced. However, it is also true to say that differences in culture around the world will have an effect on the strength of reaction from the 3Ps and the extent to which they will be able to influence the response. In the UK the government has established the post of SOSREP (Secretary of State’s Representative for Maritime Salvage and Intervention) in order to provide ultimate command and control of a salvage situation in which there is a significant risk of pollution. It is specifically stated that this person must be able to act without delay and without recourse to higher powers. Australia has adopted a similar approach with MERCOM (Maritime Emergency Response Commander). With their technical knowledge and statutory powers, such personnel can streamline the decision-making and curtail political and press interference. The value of such a decision-making processes has been demonstrated in a number of incidents in the UK, including the high profile incident, MSC NAPOLI.¹²

In reality it is highly unlikely that the response to an incident can be conducted without significant influence from the press, politicians and the public but it will be important for those in charge to remain focussed on the technical aspects of the incident and not to be coerced into taking action that could deviate from the purpose. Nevertheless, knowing how to positively engage the 3Ps could help to keep the situation under control and pave the way for a successful response. Providing timely, concise and accurate information on the development and response to the spill can transform the press into a vehicle to engage the public, as illustrated in point 6 by the actions of the NCA during the GODAFOSS incident. Other approaches include emphasis on the appropriate level of public engagement after a spill happens, such as the recently published guideline as part of the Atlantic Regions’ Coastal Pollution Response (ARCOPOL) Plus

¹¹ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10758891

¹² http://www.dft.gov.uk/mca/197-299_napoli_report_final-redux.pdf

project.¹³ A realistic and well-structured volunteer management programme can also provide a way to enable the public to make a positive contribution to the spill response (Tucker and O'Brien, 2011) and so diminish destructive speculation, which could otherwise undermine the response.

10. Willingness to Learn

Real incidents provide no better opportunity to reflect on the actions taken and learn from them. Debriefings can be held at different levels amongst those involved in the response, and the key is to hold them as soon as possible after the incident and to be honest and objective. Too many incident debriefings are clouded by a fear of recrimination if failings are exposed and, in which case, they become little more than a 'back slapping' exercise, where the real issues and lessons that could be learnt, are buried. Following an independent review of the response to the MV RENA in New Zealand various recommendations were made concerning the National Contingency Plan.¹⁴ As a result Maritime New Zealand issued a revised Plan in December 2013. The Norwegian authorities also reviewed their preparedness following the FULL CITY incident in 2009 and subsequently invested some 300 million NOK (~\$50million) to enhance spill preparedness and spill response (Bergaplass and Eriksen, 2012). The drive to learn and improve preparedness may also come from the response industry. Following the HEBEI SPIRIT incident, the Korea Marine Environment Management Corporation (KOEM), the nationwide organisation for marine environment management, including spill response, has strengthened its stockpiles. KOEM has also established a dedicated spill simulation wave pool for research and training in spill response.

A willingness to learn from past incidents feeds directly back into the first point made in this paper, namely, 'Preparedness'. Deciding the objectives of exercises and developing a realistic scenario to test these will be important; too easy a scenario may lead to a false sense of security, whereas too difficult a scenario may lead to a sense of chaos and disengagement on the part of those involved. Sometimes exercises are used more as an opportunity to 'show off' the equipment that is held rather than to really test its deployment. The consequence of this is that responders may be somewhat embarrassed on the day that the equipment is needed in earnest and found not to perform as expected. If benefit is to be gained from training to improve preparedness, taking note of the lessons learnt from past incidents will be important.

CONCLUSIONS:

It could be argued that the points identified in this paper are obvious and highlight nothing new. However, if that is the case, then why do the same issues crop up time and time again? Given that human behaviour and psychology underlie many of the points discussed in this paper perhaps one answer is that we have learnt to accept certain behaviour as the norm and not to challenge it. For example, it might be tempting to 'pigeon hole' polluters as always trying to avoid their responsibilities, claimants as always trying to exaggerate their losses, and

¹³ Community Engagement Guidance for Oil and HNS Incidents 2013 – ARCO POL Plus
http://www.arcopol.eu/arcopol/archivos/V2_DOCUMENTACION/16/Community%20Engagement%20Guidance%20for%20Oil%20and%20HNS%20Incidents.pdf

¹⁴ <http://www.maritimenz.govt.nz/Environmental/Responding-to-spills-and-pollution/Past-spill-responses/Rena-documents/Independent-Review-MNZ-response-to-Rena.pdf>

governments or politicians as always trying to appease the public,. Using business planning terminology, the ten points identified in this paper might be referred to as Critical Success Factors (CSFs) meaning, factors that one really needs to get right to achieve success. In the same way that a Strategic Plan is critical to the success of a business so a Contingency Plan is critical to the success of a response. Therefore, it should come as no surprise that top of the priority list in this paper is Preparedness. To prepare a Strategic Plan, a business needs to focus on where it would like to be (or how it would wish to be regarded) in the future and consider the actions necessary to achieve this. Businesses know that for a Strategic Plan to be successful they need to communicate its goals effectively to their staff and stakeholders and part of this process will involve addressing attitudes and perceptions. While the timelines may be different, consideration of attitudes and perceptions that could affect the success of a response at the contingency planning phase would not go amiss. Even if those leading the response were able to take a moment to reflect on this question at the outset of a response, it could help to identify key areas that might benefit from attention.

Ultimately, in answer to the question, ‘What Makes a Good Response?’ it is having a good attitude – a good attitude to each and every one of the ten points listed in this paper. Considering this simple conclusion, perhaps it is no bad thing to go back to basics and to reflect on whether negative attitudes or prejudice has crept into spill response and, instead, start with a clean sheet and an open mind. To quote Theodore Roosevelt. “With self-discipline most anything is possible”.

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