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The Pacific environment, sustaining our livelihoods and natural heritage in harmony with our cultures.

Thirteenth meeting of the Noumea Convention

Thirteenth 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
18 September 2015

Agenda Item 7.4: International Maritime Organisations (IMO) Conventions

Purpose

1. To encourage PICTs to accede to IMO's pollution, liability and compensation conventions as well as the Torremolinos Convention.

Background

2. IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.

3. International shipping transports about 90 per cent of global trade to peoples and communities all over the world. Shipping is the most efficient and cost-effective method of international transportation for most goods; it provides a dependable, low-cost means of transporting goods globally, facilitating commerce and helping to create prosperity among nations and peoples.

4. IMO measures cover all aspects of international shipping – including ship design, construction, equipment, manning, operation and disposal – to ensure that this vital sector for remains safe, environmentally sound, energy efficient and secure.

IMO Conventions

5. The majority of conventions adopted under the auspices of IMO fall into three main categories. The first group is concerned with maritime safety that deals with ship design and training of ship crew; the second deals with the prevention of marine pollution, response and mitigation; and the third with liability and compensation, especially in relation to damage caused by pollution.

6. SPREP encourages and supports members to consider acceding to conventions combating pollution via MARPOL, Ballast Water Management and Anti-Fouling Systems;

- I. International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL);
 - a. The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The Convention includes regulations aimed at preventing and minimizing pollution from ships - both accidental pollution and that from routine operations - and currently includes six technical Annexes. Special Areas with strict controls on operational discharges are included in Annexes.
 - II. International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (Ballast Water Management);
 - a. Invasive aquatic species present a major threat to the marine ecosystems, and shipping has been identified as a major pathway for introducing species to new environments. The problem increased as trade and traffic volume expanded over the last few decades, and in particular with the introduction of steel hulls, allowing vessels to use water instead of solid materials as ballast. The effects of the introduction of new species have in many areas of the world been devastating. The Ballast Water Management Convention, adopted in 2004, aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments.
 - III. International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001.
7. SPREP also encourages and supports members to consider acceding to the following conventions that deal with liability and compensation:
- I. International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969 and Protocol 1992;
 - a. The Civil Liability Convention was adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships i.e. for incidents involving Oil tankers only. The Convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged. The Convention applies to all seagoing vessels actually carrying oil in bulk as cargo, but only ships carrying more than 2,000 tons of oil are required to maintain insurance in respect of oil pollution damage.
 - II. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention);
 - a. The Convention was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties. There have been several major incidents in the region in the last few years.

The Pacific Adventurer spill of the coast of Queensland (2009; 240T of bunker fuel); Shen Neng in the Great Barrier Reef (2010; 4T of bunker fuel); Forum Samoa II in Apia Samoa (2009; negligible bunker spill); and the RENA on Astrolabe Reef New Zealand (2011; 400T of bunker fuel).

III. Nairobi International Convention on the Removal of Wrecks, 2007 (Nairobi WR Convention);

- a. The Convention provides a sound legal basis for coastal States to remove, or have removed, from their coastlines, wrecks which pose a hazard to the safety of navigation or to the marine and coastal environments, or both. It will make ship owners financially liable and require them to take out insurance or provide other financial security to cover the costs of wreck removal. It will also provide States with a right of direct action against insurers.

8. SPREP also encourages and supports members to consider acceding to the Torremolinos International Convention for the Safety of Fishing Vessels;

- i. The 1977 Convention contained safety requirements for the construction and equipment of new, decked, seagoing fishing vessels of 24 metres in length and over, including those vessels also processing their catch. Existing vessels were covered only in respect of radio requirements. The general trend in modern designed fishing vessels, if they are to be economically profitable, must include improvements in machinery and fishing gear, improvements in safety features as a whole and better working conditions for fishermen. The safety provisions addressed by the Protocol, incorporating and amending the 1977 Convention, are included in an Annex consisting of ten Chapters. The provisions include automatically controlled machinery spaces, improved life-saving appliances, immersion suits and thermal protective aids, satellite communication systems and other components of the global maritime distress and safety system.

Status of SPREP Pacific island countries

9. Table 1 and 2 below, are a summary of the current status of the above discussed conventions as of the 30 January 2015.

MARPOL 73/78	Annex I/II	Annex III	Annex IV	Annex V	Annex VI
Cook Islands	x				x
Fiji					
Kiribati	x	x	x	x	x
Marshall Islands	x	x	x	x	x
FSM					
Nauru					
Niue	x	x	x	x	x
Palau	x	x	x	x	x
Papua New Guinea	x	x	x	x	
Samoa	x	x	x	x	x
Solomon Islands	x	x	x	x	
Tonga	x	x	x	x	
Tuvalu	x	x	x	x	x
Vanuatu	x	x	x	x	x
Australia	x	x	x	x	x
France	x	x	x	x	x
New Zealand	x	x		x	
United Kingdom	x	x	x	x	x
United States of America	x	x		x	x

Table 1: MARPOL status¹

	Cape Town Agreement 2012	CLC Convention 69	CLC Protocol 76	CLC Protocol 92	Bunkers Convention	Nairobi WRC 2007	Ballast Water Management	Anti-Fouling Systems
Cook Islands				x	x	x	x	x
Fiji	d			x				
Kiribati				x	x		x	x
RMI	d	x	x	x	x	x	x	x
FSM								
Nauru								
Niue				x	x	x	x	x
Palau				x	x	x	x	x
PNG	d			x				
Samoa				x	x			
Solomon Islands				x				
Tonga	d			x	x	x	x	x
Tuvalu	d	x	x	x	x	x	x	x
Vanuatu	d	x	x	x				
Australia		d	x	x	x			x
France		d	x	x	x		x	x
New Zealand		d		x	x			
United Kingdom		d	d	x	x	x		x
United States of America								x
x = accession								
d = denunciation								

Table 2: Summary of IMO convention status¹

Recommendation

10. The Meeting is invited to:

- work with the Secretariat to **encourage** the relevant member country departments to ratify the IMO’s pollution, liability and compensation conventions as well as the Torremolinos Convention.

30 June 2015

¹ <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>