
Agenda Item 12.3.3:
Maritime Pollution Emerging Issues

Purpose

1. To encourage Members to accede to the International Maritime Organization (IMO) pollution and liability and compensation conventions. These include low carbon transportation under MARPOL Annex VI, marine plastic litter from ships, hull fouling guidelines, and maritime compensation and liability.

Background

2. The IMO is specialized agency of the United Nations. It is the global standard-setting authority for the safety, security and environmental performance of international shipping and its main role is to create a regulatory framework for the shipping industry that is fair and effective, and universally adopted and implemented.
3. Shipping is the most efficient and cost-effective method of international transportation for most goods and accounts for about 90 per cent of global trade. It facilitates commerce and helps to create prosperity among nations and peoples.
4. IMO measures cover all aspects of international shipping – including ship design, construction, equipment, human resources, operation and disposal – to ensure that this vital sector remains safe, environmentally sound, energy efficient and secure.

IMO Conventions

5. The majority of environmental conventions and instruments 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 deals with liability and compensation, especially in relation to damage caused by pollution.
6. SPREP encourages and supports members to consider acceding to the relevant environment conventions combating pollution:
 - **International Convention for the Prevention of Pollution from Ships 1973/78 (MARPOL):**
 - i. 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 there are currently six technical Annexes that include *Special Areas* with strict controls on operational discharges are included in Annexes.
 - ii. MARPOL Annex VI came into force in 2005 to facilitate a reduction a reduce GHG from maritime transport. As of the 1 January 2020 the Sulphur additives for maritime fuel oil will be reduced from 3.5% m/m to 0.50% m/m outside emission control areas (ECAs). In ECAs, the limit will remain at 0.10% m/m. The new limits will have great benefits for the environment and human health.
 - iii. ***ACTION for states***. It is important that states are aware of this new requirement which has financial implications such as the increase in cost of bunker fuel.

- **International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (Ballast Water Management);**
 - i. Invasive aquatic species present a major threat to marine ecosystems, and shipping has been identified as a major pathway for introducing species to new environments. The Ballast Water Management Convention, came into force in 2017 and aims to prevent the spread of harmful aquatic organisms from one region to another. It achieves this by establishing standards and procedures for the management and control of ships' ballast water and sediments.
 - ii. ***Action for states***. It is important that states accede to and implement the Convention for the protection of the marine environment from invasive aquatic species.

 - **International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001;**
 - i. This Convention prohibits the use of harmful organotins in anti-fouling paints used on ships and establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems. While these compounds inhibit marine life attaching to the ship's hull, they also persist in water and adversely harm marine animals and possibly bio-accumulate in species consumed by humans. Under the terms of the AFS Convention, Parties to the Convention are required to prohibit and/or restrict the use of harmful anti-fouling systems on ships flying their flag, ships which operate under their authority and all ships that enter a port, shipyard or offshore terminal of a Party.
 - ii. ***Action for states***. It is important that states accede to and implement the Convention to protect the marine environment from, and human exposure to, harmful organotins in anti-fouling paints.

 - **Guidelines for the Control and management of ships biofouling and minimise the transfer of invasive aquatic species (2011 Biofouling Guidelines);**
 - i. Hull biofouling provides the second pathway for invasive aquatic species transfer through shipping. The Pacific is more prone to threats from hull biofouling than they are from ballast water. The IMO have developed voluntary guidelines, with two states - New Zealand and California implementing policies in place that requires vessels to have clean hulls before entry into their waters. Australia will adopt this practice in 2020.
 - ii. ***Action by States***. It is important that states implement the guidelines to prevent becoming cleaning ports for vessels in transit to Australia, New Zealand and California and reducing the spread of invasive aquatic species.
7. SPREP also encourages and supports members to consider acceding to the following conventions that deal with liability and compensation:
- **International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969 and Protocol 1992;**
 - i. 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 carrying more than 2,000 tonnes of oil in bulk as cargo. The Convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged. The owners of the oil tankers are required to take out an insurance policy to cover a maritime oil spill incident.
 - ii. ***Action for states***. It is important that states accede to and implement the Convention so as to be able to benefit from this Compensation and Liability Convention to help fund mitigation damage and support clean-ups in the marine environment after oil spills.

- **International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention);**
 - i. This Convention was adopted to ensure that adequate, prompt, and effective compensation damage caused by spills of oil when it is carried as fuel in ship bunkers. The relevance of this Convention becomes apparent when considering that there have been several recent incidents in the region such as the MV Solomon Trader (Solomon Islands), MV Kea Trader (New Caledonia), MV Southern Phoenix (Fiji), and the Rena (New Zealand).
 - ii. ***Action for states.*** It is important that states accede to and implement the Convention so as to be able to benefit from this Bunkers Convention and protect the marine environment from oil spills caused by ships bunkers.

- **Nairobi International Convention on the Removal of Wrecks, 2007 (Nairobi WR Convention);**
 - i. This Convention provides a sound legal basis for coastal States to remove, or have removed, from their coastlines, wrecks which pose a hazard to navigation, to the marine and coastal environments, or both. Under this Convention ship owners are financially liable and are required 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.
 - ii. ***Action for states.*** It is important that states accede to and implement the Convention to enable of removal of wrecks, protecting the marine environment and preventing navigational hazards.

- **SPREP also encourages members to support the implementation of the IMO Action Plan to Address Marine Plastic Litter from Ships;**
 - i. In 2018 IMO adopted the Action Plan to Address Marine Plastic Litter from Ships. The Action plan applies to all ships outlining potential measures to reduce marine plastic litter generated from fishing vessels, reduce shipping's contribution to marine plastic litter and improve effectiveness of port reception facilities and treatment of marine plastic litter.
 - ii. ***Action for states.*** It is important for states to support the implementation of the IMO Marine Litter Action Plan, implementing MARPOL and improving port reception facilities

Recommendation

8. The Meeting is invited to:
 1. **seek** Member commitment to have their relevant departments work with SPREP and partners to ratifying and or meeting the requirements of these conventions, noting their importance in protecting the marine environment and humans from ship sourced pollution.