



AIDE MEMOIRE

REGIONAL WORKSHOP ON THE RATIFICATION AND EFFECTIVE IMPLEMENTATION OF CONVENTIONS RELATING TO OIL SPILL RESPONSE, LIABILITY, AND COMPENSATION FOR THE PACIFIC ISLAND REGION

held virtually on 19, 20, 26 & 27 October 2021; and
15, 16, 22 & 25 February 2022

INTRODUCTION

The International Maritime Organization (IMO), the Secretariat of the Pacific Regional Environment Programme (SPREP) and the Pacific Community (SPC) and are pleased to inform you that they are jointly organizing a Regional workshop on the Ratification and effective implementation of Conventions relating to oil spill response, liability, and compensation (OPRC) for the Pacific island Region.

BACKGROUND

In February 2019, the bulk carrier **MV Solomon Trader** ran aground in western Rennell island during bad weather released close to 100 tonnes of fuel oil into the sea. The site of the incident lies in a remote province of Solomon Islands close to one of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World heritage-listed marine sanctuary. The massive damage caused by the oil spill to the ecologically sensitive marine environment in the Pacific region stirred strong sentiments at the national and international levels as this highlighted the vulnerability of Small Island Developing States (SIDS) from threats of pollution from ships.

The **MV Solomon Trader** incident renewed the interest for deliberate action in dealing with oil spill preparedness, response, liability and compensation taking into account the existing international instruments that have been adopted on the said subjects. While there is general acceptance and adherence to international regulatory regimes with respect to ship safety as are comprehensively covered by IMO conventions such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), International Convention for the Prevention of Pollution from Ships, 1973, as amended, (MARPOL) and the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1975 as amended (STCW), there is discernible disregard on matters relating to response to ship-generated pollution such as oil and hazardous substances discharged from ships.

National and Regional Perspective

The vulnerability of SIDS during disasters was illustrated by the **MV Solomon Trader** incident in the absence of even the barest capacity of the country for preparedness and response in case of an oil spill. Moreover, the inadequacy in cooperative arrangements among countries in responding to oil spills was also made evident in the said case, notwithstanding the readiness of neighbouring countries and organizations to assist in containing the spread of the oil slick. Even more palpable is the difficulty of ascribing responsibility and liability to the parties involved in the incident; and consequently, in securing compensation for the damage caused.



To date, only five (5) of the fourteen (14) Pacific Island Countries to be invited to this capacity-building workshop, have ratified/acceded to the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC). This is in contrast to the various IMO liability and compensation conventions which most of the countries have ratified, although the implementation of these remains imperceptible.

IMO has persistently undertaken capacity-building initiatives to assist its Member States to ratify and implement the IMO instruments pertaining to preparedness, response, civil liability and compensation in cases of oil spill. These conventions include the following: Civil Liability Convention (CLC) Protocol 1992 and the FUND Protocol 1992, Hazardous and Noxious Substances Protocol (HNS) 2010 and the Convention on the Limitation of Liability for Maritime Claims (LLMC), Salvage Convention 1989, 2001 Bunkers Convention, and the 2007 Nairobi Wreck Removal Convention, OPRC 1990 and the OPRC-HNS Protocol 2000, among others.

In the Pacific region, a Workshop on IMO Civil Liability and Compensation Conventions was held in September 2017 in Suva, Fiji which covered the afore-mentioned IMO conventions. The said regional training/workshop delivered in-depth discussions on the principles and objectives of the conventions with the ultimate objective of providing the participants knowledge and information to better understand the benefits of ratifying and implementing the subject conventions. Additionally, the workshop highlighted the obligations attendant to ratification/accession thereby equip countries with basic inputs necessary for policy-making relative to the subject matter.

The 2017 regional workshop generated useful information such as challenges which hamper Pacific Island countries' efforts to ratify and implement the subject conventions. There is much optimism that the knowledge and information gained from said workshop could have engendered the desire to initiate national and regional steps towards ratification and implementation of the conventions.

OPRC REGIONAL WORKSHOP

Triggered by the **MV Solomon Trader** incident, the call for a more active approach in oil and HNS spill response and the need for attention to the associated dimensions of liability and compensation takes prominence in national and regional agenda in the Pacific region. Thus, a virtual regional workshop on the subjects of response, liability and compensation is organised, focusing on lessons learnt and identifying the legal, operational and technical challenges which hampered in carrying out response and mitigation measures during the **MV Solomon Trader** incident.

The OPRC Regional Workshop draws from the 2017 programme which provided country participants with the basic concepts, objectives and principles of the covered conventions. Member States are invited to update the Questionnaire (**Annex 3**) as this will serve as valuable reference in your preparation for the workshop.

WORKSHOP DATES, VIRTUAL PLATFORM AND AGENDA

In view of the above, IMO, in close collaboration with SPREP and SPC, will organize a two-Phase workshop, on **19, 20, 26 & 27 October 2021** (Phase 1); and **15, 16, 22 & 25 February 2022** (Phase 2) via virtual platform, ZOOM.

A provisional agenda is attached at **Annex 1**. The final agenda will be circulated to accepted participants prior to the workshop dates. Participants are kindly asked to note that they may be requested to provide a presentation or an information about particular actions or developments in their respective countries which relate to the subject matter of the workshop.

OBJECTIVE AND THE SCOPE OF THE WORKSHOP

Cognizant of the challenges confronting the Pacific Islands States in establishing a clear and coherent policy and legal regime in respect of response to oil and HNS spill incidents, and liability and compensation from damage arising therefrom, as well as establishing cooperative arrangement in cases of oil and HNS spill, the regional workshop will focus on the lessons learnt from the **MV Solomon Trader** incident and identify gaps with a view to further strengthening the draft model legislation of 2017 pertaining to the protection of the marine environment. Such initiative will form the basis for the follow-up activities to promote and encourage wider ratification and implementation of the aforementioned conventions through supporting the Pacific Islands States in their efforts on legislative drafting pertaining to ratification and transposing the provisions of those instruments into their national legal framework.

Specifically, the workshop aims to assist countries to accelerate ratification and implement international conventions pertaining to preparedness, response, liability and compensation through the development of the roadmap that will address the challenges and barriers which hinder such ratification and implementation. To this end, the following is within the scope of the workshop:

- .1 General and specific obligations of Member States as are provided by the covered conventions;
- .2 Case studies and practical requirements of the various conventions – highlighting challenges encountered in responding to the **MV Solomon Trader** incident and drawing lessons learnt therefrom;
- .3 Brief introduction and deliberation on the Marine Pollution Prevention Act 2017 (MPPA) template, to be renamed Marine Environment Protection Act and Pacific Island Maritime Laws (PIMLAWS);
- .4 Introduction to the Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN) highlighting the importance of regional cooperation; and
- .5 Development of Country Action Plans (CAPs):
 - (a) towards ratification/accession of covered conventions; and
 - (b) drafting of legislation.

Expected Output

- .1 A CAP which identifies the steps to be pursued at the national level to accelerate ratification and implementation of the covered conventions;
- .2 A CAP in transposing the IMO conventions into national law (drafting of legislation); and



.3 A blueprint for effective implementation of the PACPLAN.

Workshop Description

The workshop shall consist mainly of interactive discussions on ways by which to overcome challenges and barriers to ratification and implementation of the conventions taking into account the specific circumstance of each country. The workshop shall draw from the various resource speakers not only on what the conventions require but more importantly on the practical experience out of their participation in the **MV Solomon Trader** incident. For this reason, a *virtual roundtable discussion (Annex 4)* shall be adopted to allow a more interactive dialogue of the issues at hand at the same time provide participants the opportunity to engage the resource speakers during the roundtable exchanges.

The workshop shall be conducted in two phases:

- **Phase 1** (19, 20, 26 & 27 October 2021); and
- **Phase 2** (15, 16, 22 & 25 February 2022).

The break in the schedule of the workshop delivery will allow participants ample time to draw up the activities under the CAPs towards:

- (a) ratification/accession to the conventions, and
- (b) drafting of legislation.

It is expected too, that during the break, the participants shall endeavour to kick-start some of the identified activities in the CAPs. The home-based work/tasks shall be undertaken, mainly in drawing up the CAPs as above-mentioned. This proposed approach is intended to give participants hands-on experience for the assigned tasks, as well as gain country buy-in the development of the roadmaps towards ratification and implementation of the conventions.

Phase 2 of the workshop shall be dedicated to the presentation and discussions of the CAP for the implementation of the CLC and the Fund convention and other conventions related to liability and compensation. The culminating activity of Phase 2 in 2022 shall take the form of a Plenary Meeting the agenda of which will be the adoption by the participants of a proposed Regional Action Plan to implement the PACPLAN. The shift to this format is intended to elevate the participants' role from learners to active players in achieving the targets identified in the Regional Action Plan.

PARTICIPANTS' PROFILE, SUBMISSION OF NOMINATIONS AND LANGUAGE

Each participating country is encouraged to nominate suitable senior officials who are familiar with the maritime sector issues relating to oil spill response, liability and compensation, policy makers and legislative advisors and drafters responsible for the legal and legislative implementation of the instruments into their domestic legislation.

Participating countries are also encouraged to nominate female participants to enhance the region's efforts to progress gender equality in maritime and contribute to the achievement of Sustainable Development Goals 5: Achieve gender equality and empower all women and girls.

Participants' nominations should be completed in electronic format using this link <https://forms.office.com/r/YKfcUbK9zE> and should be submitted no later than close of



business on **Friday, 08 October 2021**. Successful applicants will be informed thereafter and will receive additional information regarding remote participation.

The list of invited countries and territories is provided in **Annex 2**. The territories are invited as Observers and will be given the opportunity to contribute to the discussions.

The workshop will be conducted in English.

Nominating authorities are requested to strictly ensure that the professional background and responsibilities of the nominated candidates are fully in accordance with the expected profile of the workshop's participants. Moreover, nominating authorities should also ensure that the participants are proficient in the English language.

ADMINISTRATIVE ARRANGEMENTS

No participation fee will be charged.

Details regarding the meeting, including meeting link and password will be provided to the accepted participants in advance. If nominated participants are concerned about internet accessibility please contact Ms. Davina Tiitii (davinat@sprep.org).

Please note that prior to the start of the Workshop, accepted participants will be contacted by SPREP to test connectivity and accessibility to Zoom.

IMO, SPREP, SPC, will not assume responsibility for any of the following costs which may be incurred by the participants while attending the Workshop:

- .1 compensation for salary or related allowances during the period of the workshop;
- .2 any costs with respect to insurance, medical bills, hospitalization;
- .3 compensation in the event of death, disability or illness; and
- .4 loss of or damage to personal property of participants while attending the workshop.

CONTACT PERSONS

If you require more information about the workshop, please contact:

Mr. Anthony Talouli
Acting Director for the Waste Management
and Pollution Programme
SPREP
Phone: +685 66243
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Ms. Davina Tiitii
Waste Management Pollution Control
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SPREP
Phone: +685 66336
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Please send the completed nomination forms in this link <https://forms.office.com/r/YKfcUbK9zE> no later than the close of business on **Friday, 08 October 2021**.

ANNEX 1

Regional Workshop on the Ratification and effective implementation of Conventions relating to oil spill response, liability, and compensation for the Pacific Island Region

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PROVISIONAL PROGRAMME

| Phase 1 – 19, 20, 26 & 27 October 2021 | | | |
|---|--|---|--|
| PART A: PREPAREDNESS AND RESPONSE | | | |
| Day 1: Tuesday, 19 October 2021 | | | |
| Session 1 – Official Opening | | | |
| Start | Finish | Activity | Speaker/ Responsible party |
| 08:00 | 09:00 | Registration Open | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 09:00 | 09:35 | Opening Prayer | |
| | | Opening remarks <ul style="list-style-type: none"> • Mr. Xiaojie Zhang, Director, Technical Cooperation Division, IMO • Mr. Kosi Latu, Director-General, SPREP • Mr. Paula Vivili, Deputy Director General – Science and Capability, SPC | IMO SPREP SPC |
| 09:35 | 09:55 | Introduction of Participants | Moderator |
| 09:55 | 10:00 | Workshop Overview & Introduction | Mr. Anthony Talouli Acting Director Pollution Adviser – Waste Management and Pollution Control Programme, SPREP |
| Session 2 – Oil Spill Response and the OPRC and the OPRC/HNS Convention | | | |
| 10:00 11:00 | Solomon Trader Incident - Narrative as to the <i>what</i> , <i>when</i> , <i>where</i> and <i>why</i> and the damage that followed | | Solomon Island |
| | Solomon Trader Incident - Mobilizing response capabilities to contain the oil spill and mitigate damage to the marine environment | | AMSA and MNZ (TBC) |

| | | <i>Discuss the initial steps and response measures taken</i> | |
|--|---------------|---|--|
| 11:00 | 11:45 | Applicable IMO Conventions pertaining to oil spill preparedness and response <i>Specific obligations of signatory States to the OPRC Convention and OPRC-HNS Protocol</i> <i>Status of ratification and implementation by Pacific Islands States</i> <i>Challenges to ratification</i> | Ms. Brenda Pimentel IMO Consultant |
| 11:45 | 12:00 | Q & A Session | Ms. Brenda Pimentel IMO Consultant |
| Day 2: Wednesday, 20 October 2021 | | | |
| Session 3 – Oil Spill Response and the OPRC and the OPRC/HNS Convention | | | |
| Start | Finish | Activity | Speaker |
| 08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 08:50 | 09:00 | Introduction to the day's proceedings and Recap of Day 1 | Ms. Brenda Pimentel IMO Consultant |
| 09:00 | 10:00 | Virtual Roundtable Discussions: "Solomon Trader Incident: Lessons Learnt; ways to address Areas of Concern" | Solomon Islands, SPREP, AMSA, MNZ (TBC) |
| 10:00 | 10:15 | As part of the Reaction to the roundtable discussions, ITOPF will make its comments through a Presentation of cases involving the application of the OPRC Convention and the OPRC-HNS Protocol | ITOPF (TBC) |
| 10:15 | 10:45 | Reactions and Q & A | Participants |
| 10:45 | 11:30 | Discussions on the development of the Country Action Plan towards ratification of the OPRC and the OPRC-HNS Protocol <i>A template of the Country Action Plan shall be provided and participants to consider applicability to their respective countries.</i> | Interactive session facilitated by IMO/SPREP |
| October 21, 22, 25 | | | |
| HOME-BASED WORK: Participants will draw up a Country Action Plan (CAP) which reflect the activities the country will need to undertake to accelerate the ratification and implementation of the OPRC and the OPRC-HNS Protocol. | | | |
| This will require identifying the factors which hinder ratification and implementation. Participants could learn from the discussions on the Solomon Trader incident as to the magnitude of the damage caused by an oil spill, and on the other end of the spectrum, the benefits of ratification and implementation of the subject conventions. | | | |

| Day 3: Tuesday, 26 October 2021 | | | |
|---|---------------|--|--|
| Session 4 – Drawing up Country Action Plan/Overcoming Challenges to ratification and Implimentaion | | | |
| Start | Finish | Activity | Speaker |
| 08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 08:50 | 09:00 | Introduction to the day's proceedings and Recap of Day 2 | Ms. Brenda Pimentel IMO Consultant |
| 09:00 | 11:10 | Presentation of Country Action Plan on the Ratification and Implementation Process | Fiji, FSM, Kiribati, Nauru, PNG, Solomon Islands, Cook Islands, Niue, Marshall Islands, Palau, Samoa, Tonga, Tuvalu, Vanuatu |
| 11:10 | 12:00 | Plenary discussions on country presentations | IMO/SPREP/SPC and Ms. Brenda Pimentel IMO Consultant & participants |
| PART B: LIABILITY AND COMPENSATION | | | |
| Day 4: Wednesday, 27 October 2021 | | | |
| Session 5 – Implementation of Conventions | | | |
| Start | Finish | Activity | Speaker |
| 08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 08:50 | 09:00 | Introduction to the day's proceedings and Recap of Day 3 | Ms. Brenda Pimentel IMO Consultant |
| 09:00 | 09:20 | General principles of the LLMC, CLC, FUND, Bunker convention and other related conventions <i>Focus is on Member State obligations and the benefits that go with implementing the conventions</i> | Ms. Brenda Pimentel IMO Consultant |
| 09:20 | 09:40 | Legal and institutional aspects of the liability and compensation regime | IOPC (TBC) |
| 09:40 | 10:00 | Role of P & I in liability and compensation | P & I (TBC) |
| 10:00 | 11:00 | Virtual Roundtable Discussions: "Importance of Policy, Legislation and Institutional Framework in implementing CLC and the FUND convention" | IOPC (TBC), Solomon Island, Fiji, AMSA, MNZ (TBC) and P & I Club (TBC) |

| | | | |
|--------------|--------------|--|---|
| 11:00 | 11:30 | Reaction and Q & A to the roundtable discussions will be solicited from resource persons on the application of the CLC and the FUND Convention | IOPC (TBC), Solomon Island, Fiji, AMSA, MNZ (TBC) and P & I Club (TBC) & Participants |
| 11:30 | 12:00 | Discussions on home-based work | IMO/SPREP to facilitate discussions |

HOME-BASED WORK: Participants to prepare National Action Plan to implement the CLC and Fund Convention –

Draw up the steps needed for the country to implement the subject conventions, e.g., policy and legislation, awareness programme, inter-agency cooperation, regional arrangement, capacity-building, etc.

Phase 2 – 15, 16, 22 & 25 February 2022

***Continued* – PART B: LIABILITY AND COMPENSATION**

Day 5: Tuesday, 15 February 2022

Session 6 – Presentation of National Action Plan on Implementation of Liability and Fund Conventions

| Start | Finish | Activity | Speaker/ Responsible party |
|--------------|---------------|--|--|
| 08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 08:50 | 09:30 | Introduction to the day's proceedings and recap of Phase 1 | Ms. Brenda Pimentel IMO Consultant |
| 09:30 | 11:50 | Presentation of National Action Plan on Implementation <i>The country presentation shall follow the specific format of presentation as has been discussed during Phase 1 Session 5 on Wednesday 27 October 2021</i> | Fiji, FSM, Kiribati, Nauru, PNG, Solomon Islands, Cook Islands, Niue, Marshall Islands, Palau, Samoa, Tonga, Tuvalu, Vanuatu |
| 11:50 | 12:20 | Plenary discussions on country presentations | Participants |

Day 6: Wednesday, 16 February 2022

Session 7 – PacPLAN

| Start | Finish | Activity | Speaker |
|---------------|---------------|------------------------------------|--|
| s08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |

| | | | |
|-------|-------|---|---|
| 08:50 | 09:00 | Introduction to the day's proceedings and Recap of Day 5 | Ms. Brenda Pimentel IMO Consultant |
| 09:00 | 09:15 | Regional cooperation in the context of the IMO conventions on preparedness and response | Ms. Brenda Pimentel IMO Consultant |
| 09:15 | 09:50 | Introduction of the PACPLAN and the Noumea Convention and the Emergency Protocol | Mr. Anthony Talouli Acting Director for the Waste Management and Pollution Programme, SPREP |
| 09:50 | 10:00 | Support to the region in relation to oil spill preparedness and response | AMSA |
| 10:00 | 10:10 | Support to the region in relation to oil spill preparedness and response | MNZ (TBC) |
| 10:10 | 10:20 | Support to the region in relation to oil spill preparedness and response | US Coast Guard (TBC) |
| 10:20 | 10:30 | Support to the region in relation to oil spill preparedness and response | France (TBC) |
| 10:30 | 11:00 | OSRL Pacific Islands -Benefits of membership | Darren Waterman, OSRL (TBC) |
| 11:00 | 10:30 | Q & A | Participants |
| 11:30 | 12:00 | Discussions on home-based work | Interactive session facilitated by IMO/SPREP |

February 17, 18, 21

HOME-BASED WORK: Participants to prepare Regional Action Plan (RAP) in implementing PACPLAN.

Participants will be divided into 2 groups to identify the challenges and gaps in the implementation of the PACPLAN and the strategy in addressing the challenges and in closing the identified gaps.

Participants will also prepare: Next Steps/Way Forward.

Day 7: Tuesday, 22 February 2022

Session 8 – Development of Regional Action Plan to Implement PACPLAN

| Start | Finish | Activity | Speaker |
|-------|--------|--|---|
| 08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 08:50 | 09:00 | Introduction to the day's proceedings and Recap of Day 6 | Ms. Brenda Pimentel IMO Consultant |
| 09:00 | 09:30 | Presentation of Group 1 | Group 1 |
| 09:30 | 10:00 | Discussions on Group 1 presentation | Participants |
| 10:00 | 10:30 | Presentation of Group 2 | Group 2 |
| 10:30 | 11:00 | Discussions on Group 2 presentation | Participants |
| 11:00 | 12:00 | Consolidation of the Action Plan | |

Day 8: Friday, 25 February 2022

Session 9 – Plenary Meeting: Consideration of the Consolidated Action Plan and Recommendations

A Meeting format will be adopted with SPREP and SPC as Co-Chairpersons to discuss the Action Plans prepared in the course of the workshop and to finalize the Work Programme on the Way Forward

| Start | Finish | Activity | Speaker |
|-------|--------|---|--|
| 08:30 | 08:50 | Admission to the Zoom Meeting Room | Secretariat by the Secretariat of the Pacific Regional Environment Programme (SPREP) |
| 08:50 | 09:00 | Introduction to the day's proceedings and Recap of Day 7 | Ms. Brenda Pimentel IMO Consultant |
| 09:00 | 11:00 | Workshop output & recommendation 1. CAP on the Ratification and Implementation of conventions. 2. Implementation of conventions with focus on legislation. 3. Regional Action Plan on the Implementation of the PacPLAN. 4. Next steps. | Co-chaired by IMO, SPC and SPREP |
| 11:00 | 11:30 | Wrap up, conclusions, recommendations | |

Session 10 – Closing Ceremony

| | | | |
|-------|-------|-----------------|--|
| 11:30 | 12:00 | Closing Remarks | Mr. Bekir Sitki Ustaoglu Head Asia and Pacific Section Technical Cooperation Division, IMO |
|-------|-------|-----------------|--|

ANNEX 2

Regional Workshop on the Ratification and effective implementation of Conventions relating to oil spill response, liability, and compensation for the Pacific island Region

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LIST OF INVITED COUNTRIES AND TERRITORIES

| | |
|-----|--|
| 1. | American Samoa |
| 2. | Australia |
| 3. | Commonwealth of Northern Mariana Islands |
| 4. | Cook Islands |
| 5. | Federated States of Micronesia |
| 6. | French Polynesia |
| 7. | Fiji |
| 8. | France |
| 9. | Guam |
| 10. | Kiribati |
| 11. | Marshall Islands (the Republic of) |
| 12. | New Zealand |
| 13. | Nauru |
| 14. | New Caledonia |
| 15. | Niue |
| 16. | Palau |
| 17. | Papua New Guinea |
| 18. | Samoa |
| 19. | Solomon Islands |
| 20. | Tokelau Islands |
| 21. | Tonga |
| 22. | Tuvalu |
| 23. | United Kingdom |
| 24. | United States of America |
| 25. | Vanuatu |
| 26. | Wallis and Futuna |



ANNEX 3

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QUESTIONNAIRE

| | |
|-----------------------|--|
| Full Name | |
| Country | |
| Your current position | |

| Conventions | Status of ratification | Legislation implementing the convention into national law | Status of implementation | Comments |
|-------------------------|------------------------|---|--------------------------|----------|
| CLC 69 | | | | |
| CLC 92 | | | | |
| Fund 92 | | | | |
| Supp. Fund | | | | |
| Bunker 2001 | | | | |
| LLMC 76 | | | | |
| LLMC 96 | | | | |
| Nairobi WRC 2007 | | | | |
| HNS Protocol 2010 | | | | |
| Salvage Convention 1989 | | | | |
| OPRC 1990 | | | | |
| OPRC-HNS Protocol 2000 | | | | |

| | | | |
|---|--|-----------------------------|--|
| Maritime policy and regulatory framework | Is there a national maritime policy or strategy? What is the lead agency responsible for it? Which is the national authority responsible for maritime civil law matters and for issuing insurance certificates? | | |
| Ratification of civil liability conventions | What are the main challenges/bottlenecks on the way towards ratification? | Lack of coordination | |
| | | Lack of priority | |
| | | Lack of legal expertise | |
| | | Lack of technical expertise | |
| | | Lack of financial resources | |
| Implementation of IMO conventions | What is the procedure of implementation of IMO safety, marine pollution and liability and compensation conventions into domestic law? | | |
| | If your country is not Party to any/some of the IMO civil liability conventions, does the existing legislation provide a prevention or liability and compensation regime for oil pollution and bunker pollution? | | |
| | Is there any existing legislation on wrecks and salvage? | | |
| | And for limitation of liability or for passenger liability? | | |
| Implementation of IMO convention • 1992 IOPC Fund Convention • Supplementary Fund Protocol | Does the implementing legislation identify the national authority in charge of the submission of oil reports? | | |
| | Does the implementing legislation create an obligation and a mechanism under national law for the entities receiving contributing oil to submit oil reports and pay contribution? | | |
| | Is there a mechanism under the implementing legislation to allow for increased limits of liability to be enacted under national law? | | |
| | Does the implementing legislation allow for the IOPC Fund to intervene in legal proceedings as per article 7(4)? | | |

| | | |
|---|---|--|
| | What are the time-bar provisions for the CLC/Fund conventions in the implementing legislation? | |
| Implementation of IMO convention • OPRC 1990 • OPRC-HNS 2000 | Does the implementing legislation identify the national authority in charge of preparedness and response to oil spill incidents? Does the law provide for the establishment of cooperation among the agencies involved in responding to oil spill incidents? | |
| | Does the implementing legislation require the country's flagged ships to have shipboard oil spill emergency plans/pollution incident emergency plans? Are operators of sea-ports and oil-/HNS- handling facilities required to put up oil spill emergency plans? | |
| | Does the implementing law require the establishment of a national system for responding to oil spill/HNS pollution incidents? | |
| | Does the implementing legislation establish a mechanism to coordinate the response to oil/HNS pollution incident? | |
| | Is there a procedure established for purposes of reporting oil/HNS spill incidents? | |
| | Does the implementing law designate the agency in-charge of submitting information to IMO? Which agency is this? | |
| | Does the law provide for the establishment of cooperative arrangements, bilateral or multi-lateral, in respect of preparedness and response to oil/HNS pollution incidents? | |
| Enforcement of IMO conventions | Is there an law enforcement agency created for purposes of overseeing the implementation of the convention provisions? | |

ANNEX 4

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ROUNDTABLE DISCUSSION

**REGIONAL WORKSHOP ON THE
RATIFICATION AND EFFECTIVE IMPLEMENTATION OF
CONVENTIONS RELATING TO OIL SPILL RESPONSE, LIABILITY, AND
COMPENSATION FOR THE PACIFIC ISLAND REGION**

**VIRTUAL ROUNDTABLE DISCUSSIONS
19 October 2021**

TOPIC:

**Solomon Trader Incident: Mobilizing response capabilities to contain oil spill
and mitigate damage to the marine environment**

The grounding of MV Solomon Trader in western Rennell island in 2019 resulted in the release of close to 100 tonnes of fuel oil into the sea. The massive damage caused by the oil spill to the ecologically sensitive marine environment in the Pacific region stirred strong sentiments at the national and international levels as this highlighted the vulnerability of small island States from threats of pollution from ships. The initial response in an incident as what happened to the MV Solomon Trader merits deliberation not to ascribe fault to anyone, rather, for the purpose defining areas to be learned and where improvement could be had. The introduction at the opening of Session 2 provided by the Solomon Islands serves as background to the virtual roundtable discussions.

Resource speakers/Discussants will discuss the steps taken upon being notified of the oil spill and during the on-scene response activities. Presentation may include brief information about the legal basis and/or administrative procedures upon which response to the oil spill was taken

Objectives:

This session should be treated as an academic exercise from which participants are able to appreciate the initiatives of the various responders at the onset and during

the oil spill caused by the ship. More importantly, participants will realize the importance of preparedness and cooperation in responding to an oil spill and the direction and guidance laid down by international instruments.

Side by side with the discussions of what they consider as successes will be the challenges encountered, if any. What helped or hampered rapid response is a pivotal issue in this session

Panel Discussion:

After the presentation by all the resource speakers, they shall be given a 15-minute slot to speak on lessons learnt and recommendations/proposals dealing with policy, legislation, resource mobilization and any other areas for improvement.

While it is most favorable to have the resource speakers deal with the above areas of concerns, they may see best to give focus on a specific topic, e.g. on legislation only or on resource mobilization, etc. Therefore, resource speakers are encouraged to communicate among themselves on which topic each would like to discuss.

| Time | Speakers |
|----------------------|-----------------------------------|
| 09:00 - 09:15 | Solomon Islands |
| 09:15 - 09:30 | SPREP |
| 09:30 - 09:45 | AMSA |
| 09:45 - 10:00 | Maritime New Zealand (TBC) |

**REGIONAL WORKSHOP ON THE
RATIFICATION AND EFFECTIVE IMPLEMENTATION OF
CONVENTIONS RELATING TO OIL SPILL RESPONSE, LIABILITY, AND
COMPENSATION FOR THE PACIFIC ISLAND REGION**

**VIRTUAL ROUNDTABLE DISCUSSIONS
27 October 2021**

TOPIC:

“Importance of Policy, Legislation and Institutional Framework in implementing CLC, FUND, Bunkers conventions ”

The provision of adequate compensation to those who suffer damage consequent to maritime casualties involving ships is the premise upon which several international conventions and agreements are founded. Understanding the features and processes of the various conventions on liability and compensation for damage arising from pollution of the marine environment is crucial to getting the most out of the benefits such agreements may offer. Equally important though is the ability of member States to perform their treaty responsibilities and obligations.

Just as timely response in cases of oil spill incidents impacts on the level of outcome in containing the spread of oil and consequently reducing damage to the marine environment and the resources found in it, so does the formulation and adoption of a clear policy, legislative and institutional framework that implements liability and compensation conventions optimizes the benefits to be gained therefrom.

Objectives:

The roundtable discussions bring together experts who will share their practical knowledge and experience in giving full effect to international conventions dealing with liability and compensation in cases of oil spill damage. Participants will therefore receive advice on the basic aspects when translating into domestic implementation subject conventions. The session aims to convey the advantage of becoming signatory to the limitation and liability conventions as the resource speakers cites guidance and specific cases.

Resource speakers/Panelists shall provide an overview of their respective organization’s work in the subject of liability and compensation as are pertinent to the various international conventions. At the domestic setting, AMSA, MNZ, Solomon Islands and Fiji will share the state of affairs from the legal perspective on the options which countries may adopt when implementing the liability and compensation conventions.

Panel Discussion:

After the presentation by all the resource speakers, they shall be given a 10-minute slot to speak on lessons learnt and recommendations/proposals dealing with policy, legislation to include litigation and adjudication processes, information and evidence gathering (relevance and admissible evidence) and any other areas for improvement.

AMSA, MNZ, Solomon Islands and Fiji, on the other hand shall give an account on the challenges encountered in the application of the law and proceedings related to enforcement of limits of liability as well as in cases pertaining to claims for damage from oil spill.

Resource speakers shall offer recommendations on how to resolve/overcome the difficulties they have identified.

While it is most favorable to have the resource speakers deal with the above areas of concerns, they may see best to give focus on a specific topic, e.g. on legislation to include litigation and adjudication, etc. Therefore, resource speakers are encouraged to communicate among themselves on which topic each would like to discuss.

| Time | Speakers |
|----------------------|-----------------------------------|
| 10:00 - 10:10 | AMSA |
| 10:10 - 10:20 | Maritime New Zealand (TBC) |
| 10:20 - 10:30 | Fiji |
| 10:30 - 10:40 | Solomon Islands |
| 10:40 - 10:50 | IOPC (TBC) |
| 10:50 - 11:00 | P & I (TBC) |