International Regulatory Framework for Oil Pollution Preparedness, Response, and Cooperation

Regional workshop on the ratification and effective implementation of conventions relating to oil spill response, liability, and compensation for the Pacific Island Region 2021 / 2022

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Marine Environment Division
International Maritime Organization (IMO)
Overview

I. IMO

II. International Legal Framework
   i. Prevention
   ii. Preparedness and response
   iii. Liability and compensation

III. The Pacific Islands Region & OPRC Convention
Need for international regulation
International Maritime Organization

• Specialized Agency of the United Nations with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships

• Established in 1948, headquarters in London (UK)

• 174 Member States & 3 Associate Members

• Actively contributing to achieving UN SDG’s
IMO functions and key instruments

- **Provide a forum** and mechanism for Governments to coordinate and decide on regulations applicable to shipping.
- **Adopt legislation** and guidelines at the intergovernmental level to maintain the safety and security of international shipping and to prevent marine pollution from ships.
- **Encourage ratification** and implementation of international standards and provides assistance.

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<th>Instrument</th>
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<td>Conventions</td>
<td>Legally binding agreements between Parties to them</td>
</tr>
<tr>
<td>Protocols</td>
<td>Legally binding agreement which add to or amend existing ones</td>
</tr>
<tr>
<td>Codes, Guidelines</td>
<td>Best practice guidance which can be legally binding</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Best practice recommendations which are not legally binding but closely linked to conventions / codes</td>
</tr>
<tr>
<td>Resolutions</td>
<td>Finalized documents adopted by IMO bodies for amendments to conventions, guidelines and recommendations</td>
</tr>
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</table>
Assembly
174 Member States
Meeting biannually

Council
40 Member States
Meeting half-yearly

TCC
Technical Cooperation Committee

FAL
Facilitation Committee

MEPC
Marine Environment Protection Committee

MSC
Maritime Safety Committee

LEG
Legal Committee

Subcommittees
- Human Element, Training and Watchkeeping (HTW)
- Implementation of IMO Instruments (III)
- Navigation, Communications and Search and Rescue (NCSR)
- Pollution Prevention and Response (PPR)
- Ship Design and Construction (SDC)
- Ship Systems and Equipment (SSE)
- Carriage of Cargoes and Containers (CCC)

Secretariat
International legal framework – prevention, preparedness, response to oil / HNS pollution
Timeline of key events

- 1912 TITANIC
- 1914 /1929 / 1948 SOLAS
- 1948 IMCO
- 1954 OILPOL
- 1959 IMCO

- 1967 TORRY CANYON
- 1969 CLC
- 1973 / 78 MARPOL
- 1974 SOLAS
- 1982 IMO

- 1989 EXXON VALDEZ
- 1990 OPRC
- 1992 FUND
- 1996 HNS Convention
- 1997 MARPOL

- 2000 OPRC HNS
- 2010 HNS Protocol

- 2010 OPRC HNS
- 2010 HNS Protocol
Global tanker spill statistics

Figure Source: ITOPF, 2020
Recent Incidents

**SOLOMON TRADER** (bulk carrier, Solomon Islands, 2019)
- Applicable liability convention: BUNKER (signatory: 2021)
- Applicable preparedness and response convention: OPRC, OPRC HNS (signatory: n/a)

**WAKASHIO** (bulk carrier, Mauritius, 2020)
- Applicable liability convention: BUNKER (signatory: 2013), LLMC 76 / LLMC Protocol 96 (signatory: LLMC 76)
- Applicable preparedness and response convention: OPRC, OPRC HNS (signatory: 1999, 2013 respectively)

**X-PRESS PEARL** (container ship, Sri Lanka, 2021)
- Applicable liability convention: BUNKER (signatory: n/a), (HNS Convention)
- Applicable preparedness and response convention: OPRC, OPRC HNS (signatory: n/a)
International Regulatory Framework – Oil/HNS Pollution

Prevention
- MARPOL 73/78, SOLAS 74, STCW, etc.

Preparedness & Response
- OPRC 90, OPRC-HNS Protocol 2000, INTERVENTION 69, Nairobi WRC 2007, SALVAGE 89

Liability & Compensation
- LLMC, CLC 92, Fund Conventions, Bunker Convention, HNS Convention & HNS Protocol
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MARPOL 73 / 78

The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.
International Regulatory Framework – Oil/HNS Pollution

Prevention
- MARPOL 73/78, SOLAS 74, STCW, etc.

Preparedness & Response
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Liability & Compensation
- LLMC, CLC 92, Fund Conventions, Bunker Convention, HNS Convention & HNS Protocol
Liability and compensation conventions

The applicable convention depends on: type of vessel, cargo spilled (and carried on board), location of incident.

- CLC 92
- Fund Convention
- Bunkers Convention
- (HNS Convention)
International Regulatory Framework – Oil/HNS Pollution

Prevention
- MARPOL 73/78, SOLAS 74, STCW, etc.

Preparedness & Response
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OPRC 1990

- International Convention on oil pollution preparedness, response and co-operation, 1990
- Ratified by 113 States
- Representing 77% of world tonnage
OPRC HNS Protocol

• Protocol on preparedness, response and co-operation to pollution incidents by hazardous and noxious substances, 2000
• Ratified by 41 states
• Representing 53% of world tonnage
OPRC 1990 Key Articles (I)

**Article 3**  Oil pollution emergency plans

**Article 4**  Oil pollution reporting procedures

**Article 5**  Actions on receiving an oil pollution report

**Article 6**  National and regional systems for preparedness and response

**Article 7**  International co-operation in pollution response
OPRC 90 – Article 3: Pollution Emergency Plans

Prepare oil pollution emergency plans in coordination with the national system for:

- offshore units
- sea ports
- oil handling facilities
- flag ships of a Contracting Party (also MARPOL requirement)
Establish pollution reporting procedures for:

- flag ships, offshore units, sea ports and oil handling facilities

Regarding:

- discharges from their own activities
- any observed event at sea involving the discharge of pollution (including from maritime inspection vessels or aircraft and civil aircraft)

**POLREP system**

<table>
<thead>
<tr>
<th>PART I (POLWARN)</th>
<th>Address</th>
<th>Date and time</th>
<th>1</th>
<th>2</th>
<th>Position</th>
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<tr>
<td>PART II (POLINF)</td>
<td>Characteristics of pollution</td>
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<td>Source and cause of pollution</td>
<td></td>
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<tr>
<td>PART III (POLFAC)</td>
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<td></td>
<td>Sea state and visibility</td>
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<td>Sea state and visibility</td>
<td></td>
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<td>Sea state and visibility</td>
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<tr>
<td></td>
<td>Identity of observer and ships on scene</td>
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<td>Action taken</td>
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<td>Names of other States informed</td>
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<td>Sea state and visibility</td>
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<td></td>
<td>Spare</td>
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<td>Sea state and visibility</td>
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<td></td>
<td>Acknowledge</td>
<td>122</td>
<td>123</td>
<td>Sea state and visibility</td>
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</tbody>
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OPRC 90 – Article 5: Action on receiving an oil pollution report

• Assess the nature, extent and possible consequences of the oil pollution incident.

• Inform all States whose interests are affected or likely to be affected by the oil pollution incident, together with:
  • details of assessments undertaken and any action undertaken, or planned, to deal with the incident; and
  • further relevant information, as appropriate.
National system for responding promptly and effectively to oil pollution incidents by:

1. Developing a national contingency plan
2. Designating
   • A competent national authority with responsible for preparedness & response
   • national Operational contact point(s)
   • An authority entitled to request and render assistance
3. Establish individually or through bilateral or multilateral co-operation

- minimum level of pre-positioned **equipment** commensurate with risk
- programme of exercises & training
- plans & communications capabilities
- mechanism for co-ordinating response
Provide assistance if requested by another Party subject to capabilities and availability of relevant resources. Facilitate the arrival, deployment and departure of resources and equipment needed for the response operation.

Source: P. Taylor - Malé, Maldives - 22 to 25 August 2016 - IMO-Norad SACEP project
OPRC 1990 Key Articles (II)

Article 8        Research and Development
Article 9        Technical Cooperation
Article 10       Promotion of bilateral and multilateral co-operation in preparedness and response
Article 12       Institutional Arrangements
OPRC 90 – Article 8: Research and Development

• Promote and exchange results on R&D enhancing spill preparedness and response
• Promote the holding of symposia
• Develop standards for compatible oil spill response techniques and equipment
Support Parties which request technical assistance:

- in training personnel
- in ensuring availability of relevant technology, equipment and facilities
- in facilitating other measures and arrangements to prepare for and respond to oil pollution incidents
- in initiating joint research and development programmes
OPRC 90 – Article 10: Promotion of bilateral and multilateral co-operation in preparedness and response
OPRC 90 – Art. 12: Institutional arrangements

→ Role of IMO

**Information Services**
Receive, collate and disseminate information
Assist in identifying sources of financing

**Education & Training**
Promote education and training
Contribute to international symposia

**Technical services**
Facilitate cooperation in R&D
Provide advice to States in establishing response capability
Provide technical advice, as required

**Technical assistance**
Facilitate provision of assistance in developing emergency PPR systems
Facilitate provision of technical assistance, when requested, to States facing major pollution incident
IMO Integrated Technical Cooperation Programme

Vision and Strategy

• Ownership of the programme development and implementation process rests with the recipient countries
• IMO builds partnerships with Governments, industry and international development aid agencies to ensure appropriate funding for the ITCP
• IMO seeks to mobilize regional expertise and resources for its technical assistance activities
• ITCP promotes regional collaboration and technical cooperation among developing countries

Example Workshops

➢ National Contingency Planning Workshops
➢ Remote Legal Assistance on the effective implementation of IMO conventions relating to oil pollution and liability and compensation
➢ Online training on liability and compensation in case of an oil spill
➢ Sub-regional ‘Train-the-Trainer’ Workshop on IMO OPRC Model Training Courses
➢ Regional workshop on cooperation in preparedness and response to marine spills
UNEP’s Regional Seas Programme

- UNEP’s most important regional mechanism for conservation of the marine and coastal environment, launched in 1974
- > 143 countries have joined 18 Regional Seas Conventions and Action Plans
- IMO closely collaborates with UNEP through the Regional Seas Programme on reducing the environmental impacts of international shipping via 7 key partner programmes
Wider Caribbean Regional Seas Programme
Regional Activity Centres (RAC)
RAC/SWAP: Specially Protected Areas and Wildlife
RAC/CIMAB: Centre of Engineering and Environmental Management of Coasts and Bays for Pollution from Land-based Sources and Activities
RAC/REMPITEC: The Regional Marine Pollution Emergency Information and Training Centre for Combating Oil Spills
AMEP sub-Programme
Assessment and Management of Environmental Pollution

The Mediterranean Action Plan
Regional Activity Centres (RAC)
Blue Plan: Environmental studies and forward thinking
RAC/PAP: Priority Action Programme
RAC/SPA: Specially Protected Areas
REMP: Regional Marine Pollution Response Centre
RAC/CP: Centre for Cleaner Production
RAC/INFO: Information and communications

MEDPOL
Programme for the Assessment and Control of Pollution in the Mediterranean

NB: Although coordinated by UNEP, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) has the overall responsibility for Antarctic Living Resources.
The OPRC Convention in the Pacific Island Region
Main challenges encountered in ratifying / implementing conventions (based on 2017 workshop)

- Lack of financial resources
- Limited awareness of the benefits of becoming a signatory to the conventions
- Limited in-country legal and technical expertise on conventions
- Unclear coordination and ownership among environmental protection agencies with regard to preparedness and response to marine spills
- Other economic and social topics take precedence
• Access to an international platform for cooperation and mutual assistance in preparing for and responding to major pollution incidents and a mechanism for establishing co-operative arrangements with other State Parties.

• A means for urgently accessing relevant technical assistance and response resources in the event of an incident.

• A framework for the development of national and regional capacity to prepare for and respond to incidents.

• Participation in a network for the exchange of research and development information, best practices and practical experiences in incident response.

• Access to training and support for developing the essential preparedness and response structures and legislation at national and regional levels through IMO’s Integrated Technical Co-operation Programme.

Thank you

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