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**ACTIVITIES OF THE INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION IN THE SOUTH PACIFIC
RELATING TO MARINE POLLUTION PREVENTION
CONTROL AND RESPONSE**

by

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South Pacific Commission
Noumea, New Caledonia
May 1981

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I am pleased to be invited as the IMCO representative at this meeting to present this paper, and would like to express my appreciation to the United Nations Environment Programme, Regional Seas Office, the Economic and Social Commission for Asia and the Pacific, the South Pacific Commission and the South Pacific Bureau for Economic Co-operation for their efforts in planning and to the Prefet of New Caledonia for hosting this meeting.

The Inter-Governmental Maritime Consultative Organization (IMCO) considers that the development of regional arrangements to prevent and combat spillages of oil is a highly important subject and is ready to provide technical assistance and co-operation to achieve this objective. I feel it is useful at this time to say a few words about the activities of IMCO in the field of the protection of the marine environment. As you may be aware, IMCO is the Specialized Agency of the United Nations solely concerned with maritime matters. The principal function of IMCO is the promotion of maritime safety and the prevention and control of marine pollution, which are by nature closely inter-related and are directed towards the common aim of the protection of human life, property and the environment from hazards which may arise from maritime activities.

In general terms, IMCO has been promoting the ratification and implementation of the important conventions relating to maritime safety and pollution prevention; these being the International Conventions for the Safety of Life at Sea, 1974 (SOLAS '74) and for the Prevention of Pollution from Ships, 1973 (MARPOL '73) with their related 1978 Protocols (TSPP 1978). These Conventions are intended to prevent pollution by improving design and construction standards, particularly for oil tankers, and introducing improved operational standards to reduce the amount of oil and other harmful substances which are discharged into the marine environment from normal vessel operations.

Another area of concern, particularly for island nations in the Pacific which have a high degree of dependency on tourism and fishery industries, is that of compensation and liability for oil pollution damages.

As most of the participants are aware, such spillages as the "Amoco Cadiz" and the "IXTOC 1" have been extremely costly in terms of clean up costs and economic damage. Soon after the "Torrey Canyon" incident tanker owners and the petroleum industry instituted voluntary compensation schemes. The Tanker Owners Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP) covers the liability to tanker owners and the Contract Regarding an Interim Supplement to Tanker Liability for Oil Pollution (CRISTAL), the cargo owners, to prescribed limits. In parallel with the industry schemes, Governments adopted the International Convention on Civil Liability for Oil Pollution Damage (CLC 1969) and the Establishment of an International Compensation Fund for Oil Pollution Damage (IOPC FUND 1971). These two Conventions provide for compensation up to a maximum of approximately U.S. \$58 million. The technical and financial implications of these Conventions for the countries present at this meeting are minimal and IMCO has encouraged the ratification of these Conventions to ensure the availability of adequate funds for response and compensation.

Two other Conventions are also relevant to this subject, they are:

- The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution, 1969; and
- its Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973.

These permit signatories to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil or noxious substances, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended in 1978, establishes procedures to control the disposal of wastes by dumping and provides technical guidelines as to the classification of wastes. With the interest shown by many of the countries at this meeting in this subject, I am sure that many administrations are actively considering ratification of this Convention.

In order that countries may implement the foregoing and other conventions, it is necessary that national laws and regulations be enacted to give effect to the technical requirements and establish deterrent penalties in the event of noncompliance by vessel operators. To this end, IMCO has provided technical assistance in the field of maritime legislation to Papua New Guinea in 1979 and a mission is planned to Fiji during this year. The services of the Inter-Regional Adviser on Maritime Legislation are available to developing countries and we are currently developing a model maritime code for small island nations which will give effect to many of the current conventions.

In my capacity as the IMCO Inter-Regional Consultant on Marine Pollution, I have visited some of the countries represented here, namely Papua New Guinea, Fiji, Samoa, Tonga and the Cook Islands, with a mission to the Solomon Islands scheduled for later this year. During these missions, common problem areas have been identified with regard to legislation, petroleum installations, operating procedures and resources available to prevent and control operational discharges or accidental spillages from vessels. I will deal with these matters in more detail later in the paper. With the increased offshore petroleum exploration activity in the South Pacific, viz Fiji, Tonga and Papua New Guinea, there is again a need for regulations and contingency plans to deal with accidental pollution from such operations and my mission reports have dealt with these matters in some detail. However, at this meeting, I am sure that the Technical Secretariat of the Committee for Co-ordination of Joint Prospecting for Mineral Resources in South Pacific Offshore Areas (CCOP/SOPAC) will be addressing the potential problems from offshore exploration and production activities, together with possible solutions.

During my mission in the fall of 1980, I held discussions with the Australian and New Zealand Government authorities who have responsibility for pollution prevention and response regarding the establishment of regional arrangements for combating pollution and they were receptive to such a concept. Both countries have promulgated national contingency plans for dealing with oil pollution and there is an informal understanding between the Australian Department of Transport and the New Zealand Ministry of Transport on mutual co-operation in the control of marine oil pollution. This understanding provides for provision of

resources, manpower and equipment on specific request. Both Governments have indicated that they would assist governments in the South Pacific in response to a major oil pollution incident. Requests for assistance should be directed through the appropriate High Commission and would be on an eventual cost recovery basis from the insurer of the vessel or the IOPC FUND. The Australian Government has also offered, through financial assistance by the Australian Development Assistance Bureau, to provide training for technical personnel from Pacific countries in the techniques of oil spill response and clean up. This training would be provided by the Department of Transport's Emergency and Special Services Branch.

Each Government present is urged to prepare a simple national contingency plan which details a national focal point with 24 hour access, resources available, means of obtaining assistance and for streamlining customs and immigration procedures in the event of a major incident. I have assisted in the preparation of a number of national contingency plans and am prepared to either provide guidelines or participate with your national authorities in preparing such plans. I believe that it is essential that national plans are promulgated before governments can enter into formal regional arrangements. IMCO is already aware of the strong interest and support shown by the Australian Government for regional co-operation since 1976 and expect that they will support the initiatives of UNEP under the Regional Seas Programme for the South Pacific.

A further initiative by the two Governments was the 1980 mission by the Joint Australia/New Zealand Civil Coastal Surveillance Assessment Team. This mission examined national surveillance capabilities throughout the Pacific relating to sovereignty, fishery protection, search and rescue and pollution prevention. With many countries establishing 200 nautical mile Exclusive Economic Zones, the policing of these zones can only be effectively accomplished by aerial surveillance and this requires a considerable commitment in terms of resources. In view of the large sea areas involved and the limited financial resources of many countries, this would again appear to be an area where regional co-operation would be the best solution. The aircraft could be multi-tasked, and with regard

to prevention of pollution, IMCO could provide information and training in sighting and identification of sources of marine pollution and the collection of evidence. In the interim, governments could promulgate the Guidelines to Coastal and Port States for Reporting to Flag States on alleged Contravention of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962 and 1969 (attached as Annex) to civil aircraft in order that reports may be made of any violations.

The standards of petroleum installations generally require upgrading with consideration given to porosity of bunded areas, drainage of tank water bottoms and bunds, disposal of tank cleaning sludge, pipeline and flexible hose maintenance and inspection and operating procedures for cargo loading and discharge by tankers.

Finally, with regard to resources available to mount a response to an oil spillage, it is recommended that governments identify vessels and aircraft which could be used for such tasks as boom deployment, dispersant spraying, oil recovery and tracking of spilled oil. I am aware that some of the countries have procured specialized pollution combating equipment and established policies with respect to the use of dispersants, but the majority have not yet addressed this matter. In my opinion, the operators of the bulk petroleum product terminals, either on an individual or co-operative basis, should provide such equipment as booms, skimmers, dispersants and application equipment to deal with spillages at these terminals for up to a 500 barrel spill. I would encourage governments to meet with the petroleum industry regarding the provision of such specialized equipment at their bulk terminals in order that an adequate and timely response may be made to spillages. I am sure that after their recent experiences, the delegates from Tonga and Fiji are well aware of the difficulties which can arise when spillages occur and no equipment is readily available.

I trust that the foregoing has provided sufficient background material on IMCO's current activities in the South Pacific relating to marine pollution and we will, of course, continue to work with the UNEP Regional Seas Programme in the development of capability at the national and regional level.

ANNEX

GUIDELINES TO COASTAL AND PORT STATES FOR REPORTING TO FLAG STATES
ON ALLEGED CONTRAVENTION OF THE INTERNATIONAL CONVENTION FOR
THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954,
AS AMENDED IN 1962 AND 1969

1 The Procedures for the Control of Discharges under the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 (as amended in 1962 and 1969) adopted by the Assembly in Resolution A.391(X) provide procedures for furnishing to flag States information about contraventions of the Convention in accordance with Article X(1). As stated in paragraph 9 of the Procedures, the two main sources of such information will be:

- .1 sightings of discharges at sea by passing ships and aircraft, which, if possible, could be supplemented by the collection and analysis of the oil sample taken;
- .2 evidence collected in port from the inspection of ships and their documents.

2 Experience has shown that information furnished by the coastal or port State is often insufficient to enable the flag State to cause proceedings to be brought in respect of alleged contravention of Article III of the Convention. The present Guidelines are intended to identify information which is often needed by the flag State for the prosecution of such alleged contravention. These Guidelines are supplementary to the Procedures for the Control of Discharges in Resolution A.391(X).

3 It is recommended that in preparing a report to the flag State on alleged contravention, the authorities of the coastal or port State be guided by the contents of such a report as set out in the attachment. It should be borne in mind in this connexion that:

- .1 the attached report aims to provide the optimal collation of obtainable data; however, even if all the information could not be provided, as much information as possible should be submitted;

.2 it is important for all the information included in the report to be supported by facts which, when considered as a whole would lead the port or coastal State to believe a contravention had occurred.

4 The report should be forwarded to the flag State as soon as possible and preferably not later than sixty days after the observation of the alleged contravention. The report should indicate the authority responsible for making the report and should be signed by a duly authorized official whose name is clearly indicated therein.

5 As stated in paragraph 17 of the Guidelines for the Control of Discharges, nothing in the present Guidelines shall be construed as derogating from the powers of any Contracting Government to the 1954 Oil Pollution convention to take measures within its jurisdiction in respect of any matters to which the Convention relates or as extending the jurisdiction of any Contracting Government. Furthermore, the present Guidelines do not attempt to define the rights of port or coastal States over foreign flag ships.

6 It is stressed that the Guidelines do not relieve the flag State from its obligation under Article X of the Convention to investigate alleged violations and to take steps to complete the evidence as necessary. In collecting additional evidence a flag State may be guided by these Guidelines.

CONTENTS OF REPORT ON ALLEGED CONTRAVENTION
OF THE 1954 OIL POLLUTION CONVENTION

1 ACTION ON SIGHTING OIL POLLUTION

1.1 Identification of the observer(s)

- 1.1.1 Name of the observer
- 1.1.2 Operating organization
- 1.1.3 Observer's status within the organization
- 1.1.4 Observation made from aircraft/ship/shore/otherwise
- 1.1.5 Name or identity of same

1.2 Method of observation and documentation^{1/}

- 1.2.1 Visual
- 1.2.2 Conventional photographs^{2/}
- 1.2.3 Remote sensing records and/or remote sensing photographs
- 1.2.4 Samples taken from slick
- 1.2.5 Any other form of observation specified

1.3 Particulars of slick

- 1.3.1 Date and time (GMT) of observation
- 1.3.2 Position of oil slick in longitude and latitude
- 1.3.3 Approximate distance in nautical miles from the nearest landmark
- 1.3.4 Approximate overall dimension of oil slick (length, width and percentage thereof covered by oil)
- 1.3.5 Physical description of oil slick (direction and form, e.g. continuous, in patches or in windrows)

1/ All observations, photographs and documentation should be supported by a signed verification of their authenticity.

2/ A photo of the discharge should preferably be in colour. Photographs can provide the following information: that a material on the sea surface is oil, that the quantity of oil discharged does constitute a violation of the Convention, that the oil is being, or has been discharged from a particular ship, the identity of the ship.

Experience has shown that the aforementioned can be obtained with the following three photographs:

- .1 Detail of the slick taken almost vertically down from an altitude of less than 300 metres with the sun behind the photographer.
- .2 An overall view of the ship and "slick" showing oil emanating from a particular ship.
- .3 Detail of the ship for the purposes of identification.

- 1.3.6 Appearance of oil slick (indicate category)^{3/}
- 1.3.7 Sky conditions (bright sunshine, overcast, etc.), lightfall and visibility (Kms) at the time of observation
- 1.3.8 Sea state
- 1.3.9 Direction and speed of surface wind
- 1.3.10 Direction and speed of current

1.4 Particulars of ship or ships in suspect of contravention

- 1.4.1 Date and time (GMT) of observation or identification if different from 1.3.1
- 1.4.2 Name of ship
- 1.4.3 Position of ship, if different from 1.3.2
- 1.4.4 Flag and port of registry
- 1.4.5 Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure colour and funnel mark)
- 1.4.6 Draught condition (loaded or in ballast)
- 1.4.7 Approximate course and speed
- 1.4.8 Position of slick in relation to ship (e.g. astern, port, starboard)
- 1.4.9 Part of the ship from which discharge was seen emanating
- 1.4.10 Whether discharge ceased when ship was observed or contacted by radio

1.5 Other information if radio contact can be established

- 1.5.1 Master informed of pollution
- 1.5.2 Explanation of master
- 1.5.3 Ship's last port of call
- 1.5.4 Ship's next port of call
- 1.5.5 Name of ship's master and owner
- 1.5.6 Ship's call sign

2 ACTION BY THE PORT OR COASTAL STATE

- 2.1 If the information in 1.5 has not been obtained, it should be sought by the port or coastal State.

-
- ^{3/} A = Barely visible under most favourable light condition
 - B = Visible as silvery sheen on water surface
 - C = First trace of colour may be observed
 - D = Bright band of colour
 - E = Colours begin to turn dull
 - F = Colours are much darker

The above categories have been taken from the 1969 Manual on Disposal of Refinery Wastes - Volume on Liquid Waste - American Petroleum Institute (API).

2.2 Investigation on board^{4/}

2.2.1 Statement of persons concerned;^{1/} this should include information on:

- .1 the present voyage of the ship;
- .2 bunkering and ballasting, including the type of fuel oil used;
- .3 loading condition of all tanks;
- .4 oily-water separator - approved/none approved;
- .5 storage and disposal of oily wastes;
- .6 storage and disposal of oily bilge water.

On oil tankers this evidence should be augmented with information on the loaded/ballast voyage:

- .7 which tanks are loaded/ballasted, including the types of oil cargo ca
- .8 tank cleaning procedures;
- .9 ballast changing;
- .10 slops retention;
- .11 condition of segregated ballast tanks.

2.2.2 Inspection of ship's records

.1 oil record book

- .1.1 on board;
- .1.2 kept up to date;
- .1.3 check entries against statements with respect to bunkering, ballasting, storage and disposal of residues.

On oil tankers the following additional information may be obtained:

- .1.4 state of ballast tanks on departure;
 - .1.5 state of ballast tanks on arrival;
 - .1.6 method of and position during tank cleaning;
 - .1.7 contents of slop tanks.
- #### .2 log book (deck and engine)
- .2.1 check position of oil spill against log book entries;
 - .2.2 check oil record book entries against log book entries;
 - .2.3 check log book entries against statements taken:
 - .2.4 draught of ship on departure last port;
 - .2.5 draught of ship on arrival present port.

^{4/} By such investigation it should be clarified, as early as possible, what activities related to the handling of oil on board took place at the time of the discharge and who was responsible for these activities.

- .2.6 ullage sheets
- .2.7 sounding sheets: where these records are kept they provide evidence on fuel consumption, taking in ballast, state of bilges etc.
- .2.8 charts (with track courses and positions indicated).

2.2.3 Inspection of ship

- .1 samples taken (from tanks, bilges, etc.);
- .2 existence of traces of oil close to the overboard discharge;
- .3 condition of engine room and contents of bilges;
- .4 capacity of bilge and other discharge pumps;
- .5 condition of oily water separator;
- .7 contents of sludge tanks and/or bilge water holding tank; sources of considerable leakage;

On oil tankers the following additional information may be obtained:

- .8 condition of segregated ballast;
- .9 condition of pump room bilges;
- .10 capacity of bilge and other discharge pumps.

2.3 Method and results of oil sample analyses

Analysis made of samples taken from the slick and on board the suspect ship indicating methods and results of such analysis.^{5/}

2.4 Further information

Additional information on a ship may be obtained from oil terminal staff, tank cleaning contractors or shore reception facilities for oily waste. Any information is, if practicable, to be corroborated by documentation.^{1/}

2.5 Any other relevant information or observations

2.6 Nature of alleged contravention

Indicate the applicable provisions of the Convention which the ship is suspected of contravening (i.e. sub-paragraph of Article III of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended).

^{5/} Such analyses should be aimed at establishing that the sample from the slick is of the same oil as the sample taken from the ship. A copy of the results should be inserted in the report.