



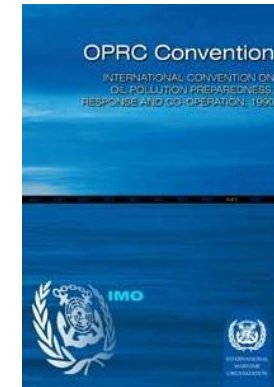
International Regulatory Framework for Oil Pollution Preparedness, Response, and Cooperation

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

Julke Brandt
Technical Officer
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.

Conventions

Legally binding agreements between Parties to them

Protocols

Legally binding agreement which add to or amend existing ones

Codes, Guidelines

Best practice guidance which can be legally binding

Recommendation

Best practice recommendations which are not legally binding but closely linked to conventions / codes

Resolutions

Finalized documents adopted by IMO bodies for amendments to conventions, guidelines and recommendations



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

Secretariat

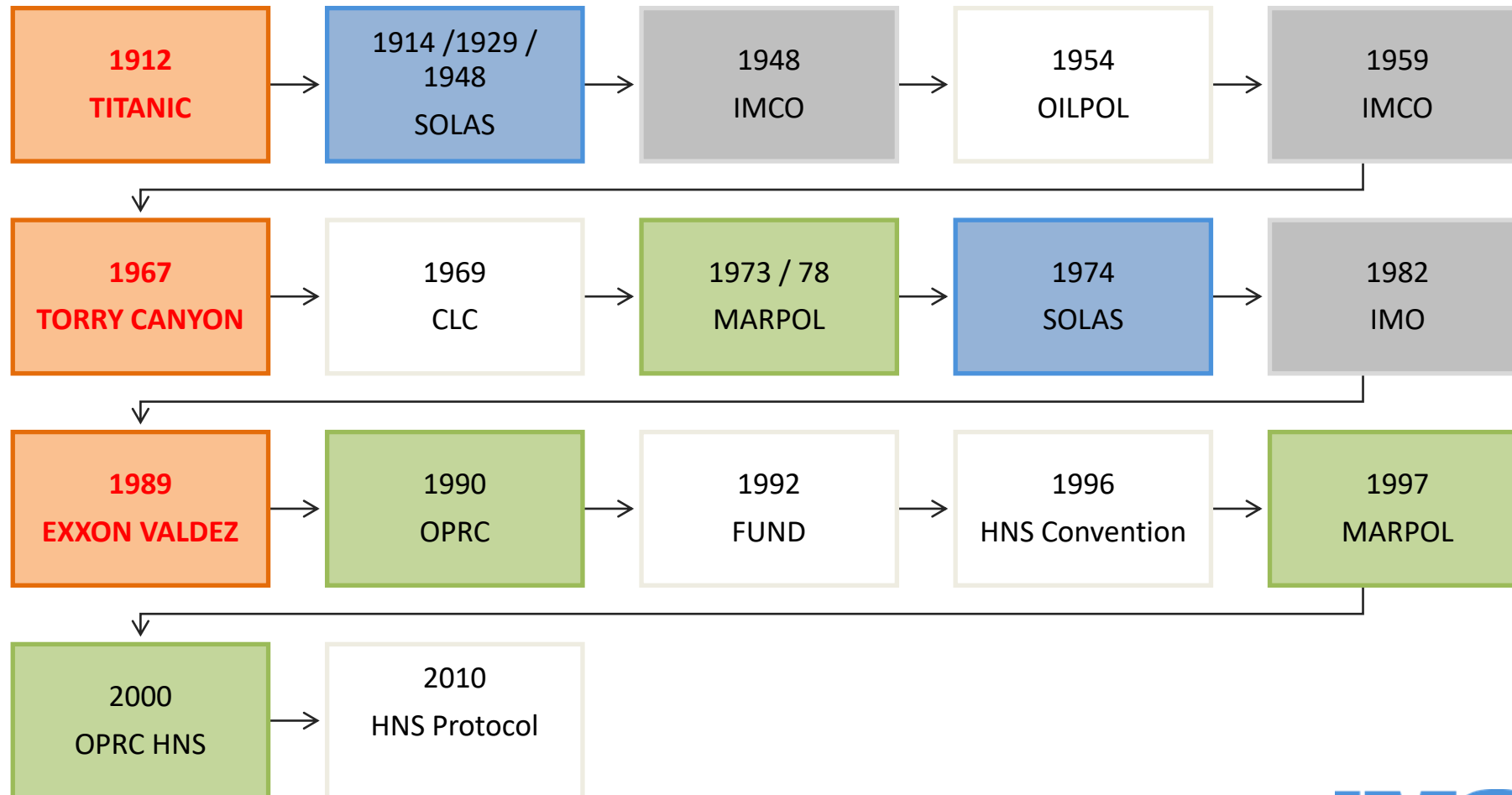
Subcommittees

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)



International legal framework – prevention, preparedness, response to oil / HNS pollution

Timeline of key events



Global tanker spill statistics

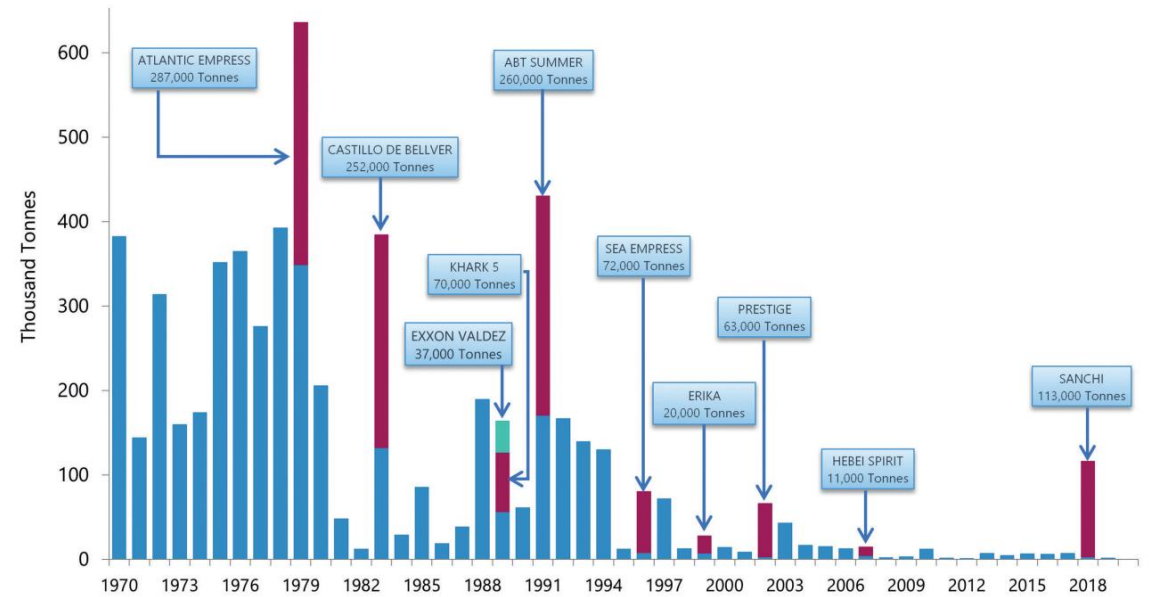
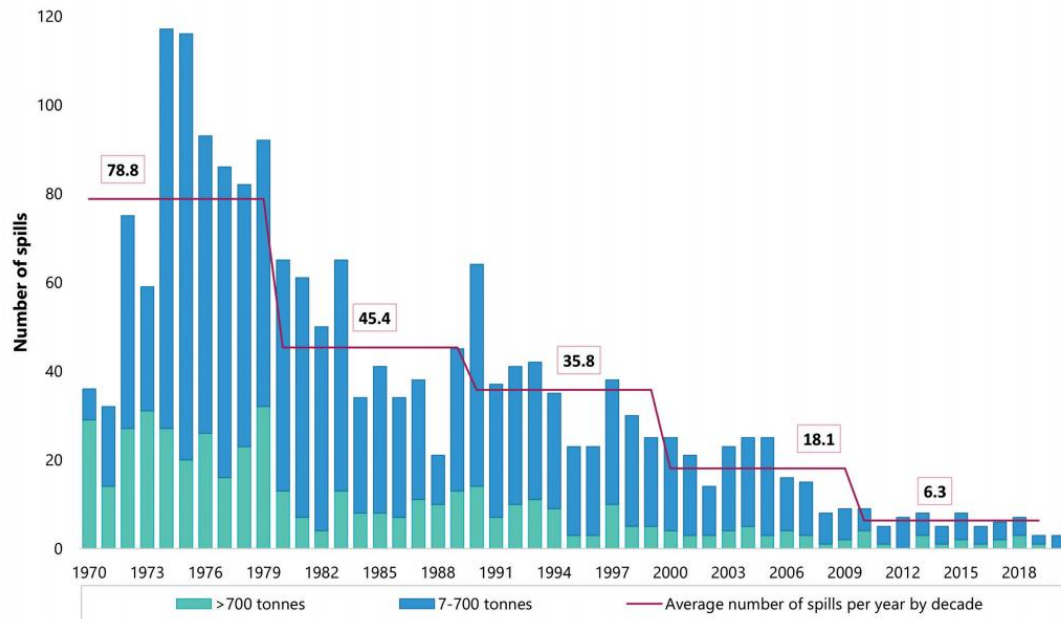


Figure Source: ITOPF, 2020



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

International Regulatory Framework – Oil/HNS Pollution



Prevention

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

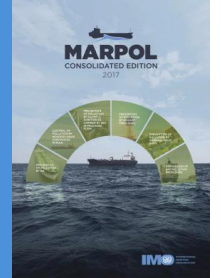
Preparedness & Response

- 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

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



Annex I
Oil



Annex II
Noxious Liquid Substances in Bulk



Annex III
Harmful Substances in Packaged Form



Annex IV
Sewage



Annex V
Garbage



Annex VI
Air Pollution

International Regulatory Framework – Oil/HNS Pollution



Prevention

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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

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)

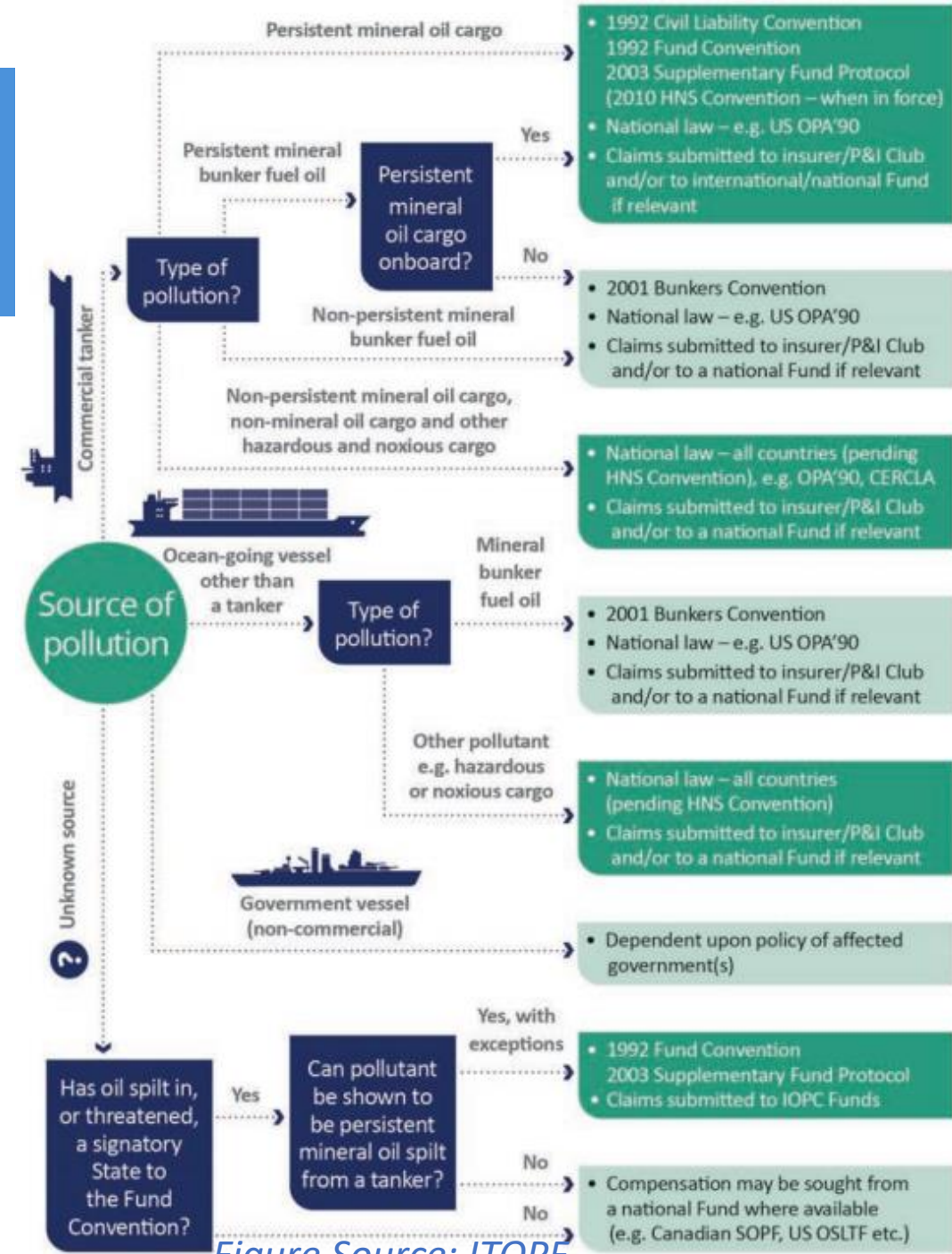


Figure Source: ITOFF

International Regulatory Framework – Oil/HNS Pollution



Prevention

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

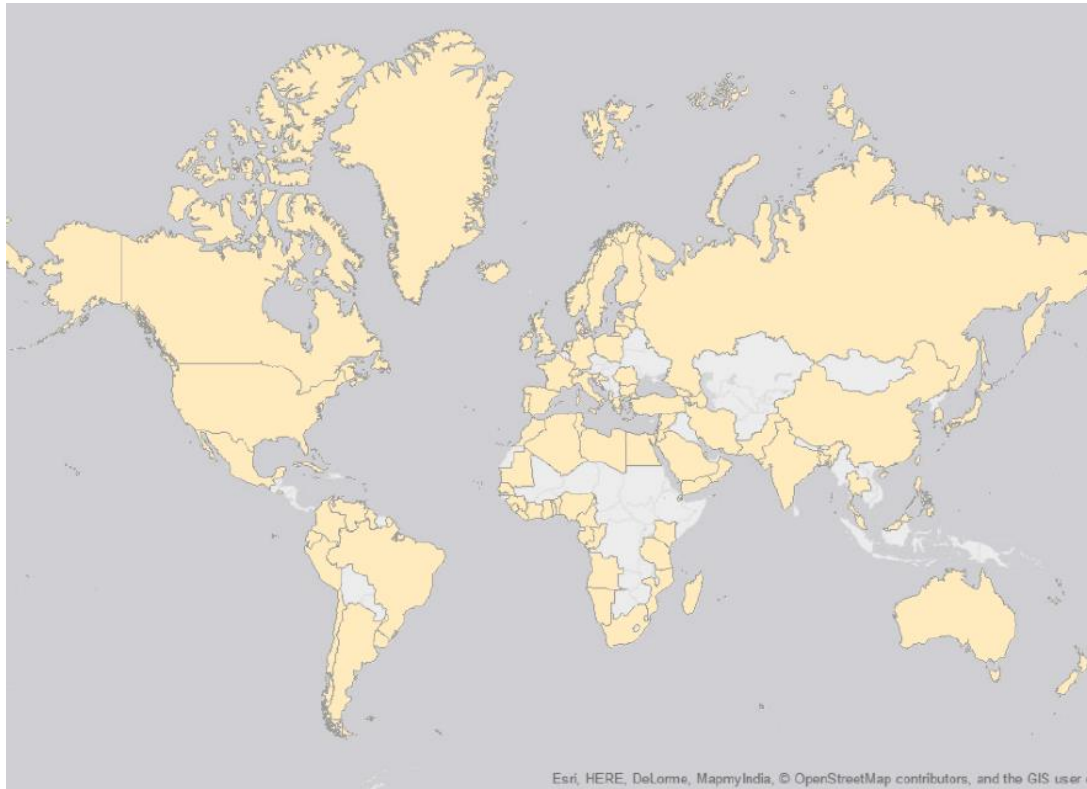
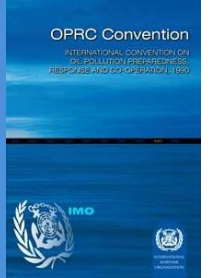
Preparedness & Response

- **OPRC 90, OPRC-HNS Protocol 2000**, INTERVENTION 69, Nairobi WRC 2007, SALVAGE 89

Liability & Compensation

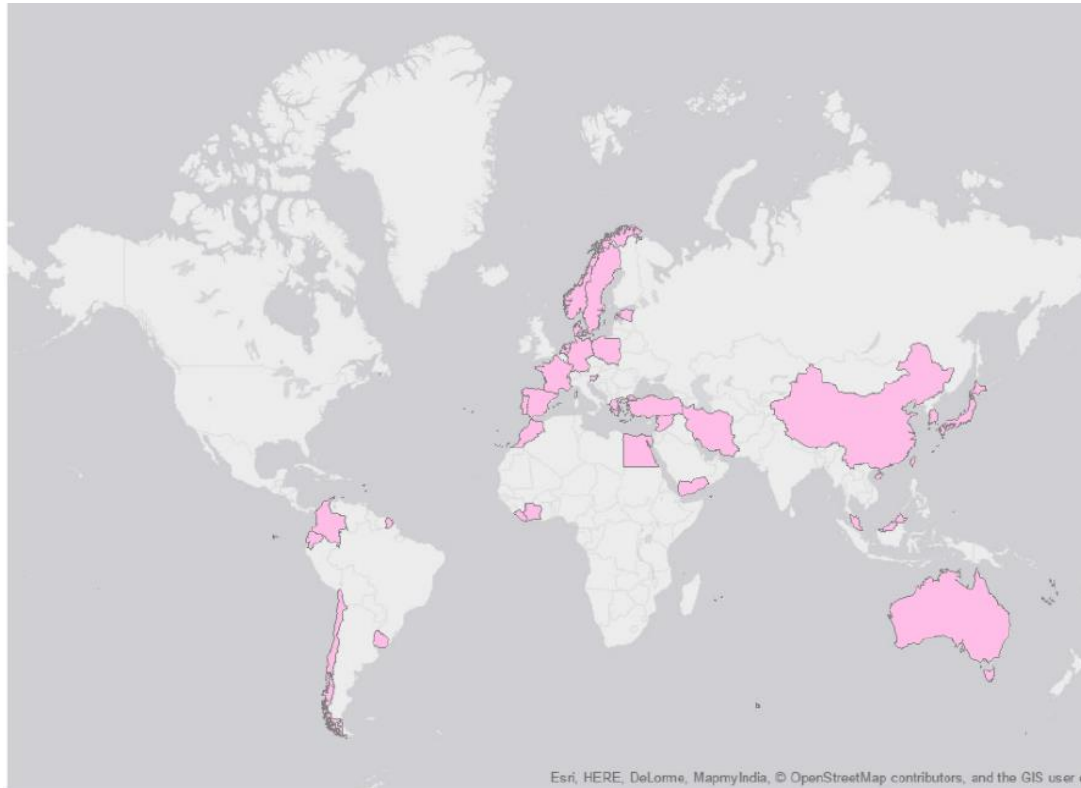
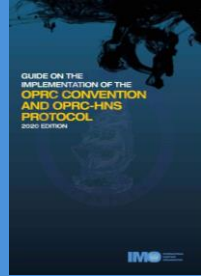
- LLMC, CLC 92, Fund Conventions, Bunker Convention, HNS Convention & HNS Protocol

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 Convention

INTERNATIONAL CONVENTION ON
OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990

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*)



OPRC 90 – Article 4: Reporting

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)

INTRODUCTORY PART	Address from to	
	Date Time Group	
	Identification	
	Serial number	
PART I (POLWARN)	1	Date and time
	2	Position
	3	Incident
	4	Outflow
	5	Acknowledge
PART II (POLINF)	40	Date and time
	41	Position
	42	Characteristics of pollution
	43	Source and cause of pollution
	44	Wind direction and speed
	45	Current or tide
	46	Sea state and visibility
	47	Drift of pollution
	48	Forecast
	49	Identity of observer and ships on scene
	50	Action taken
	51	Photographs or samples
	52	Names of other States informed
	53-59	Spare
	60	Acknowledge
PART III (POLFAC)	80	Date and time
	81	Request for assistance
	82	Cost
	83	Pre-arrangements for the delivery
	84	Assistance to where and how
	85	Other States requested
	86	Change of command
	87	Exchange of information
	88-98	Spare
	99	Acknowledge

POLREP system

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.

IMO INTERNATIONAL MARITIME ORGANIZATION

Global Integrated Shipping Information System

Public Area

Welcome to the **Public Area**

Find module by keyword

Ship and Company Particulars
Search the world fleet of ships by IMO Number and look up company particulars by IMO Company Number.

Contact Points
Contact lists of competent authorities and authorized organizations relating to IMO matters.

Marine Casualties and Incidents
Data on marine casualties and incidents, as defined by circulars MSC-MEPC.3/Circ.3.

Maritime Security
Information communicated under the ISPS Code (SOLAS chapter X1-2 and the ISPS Code).

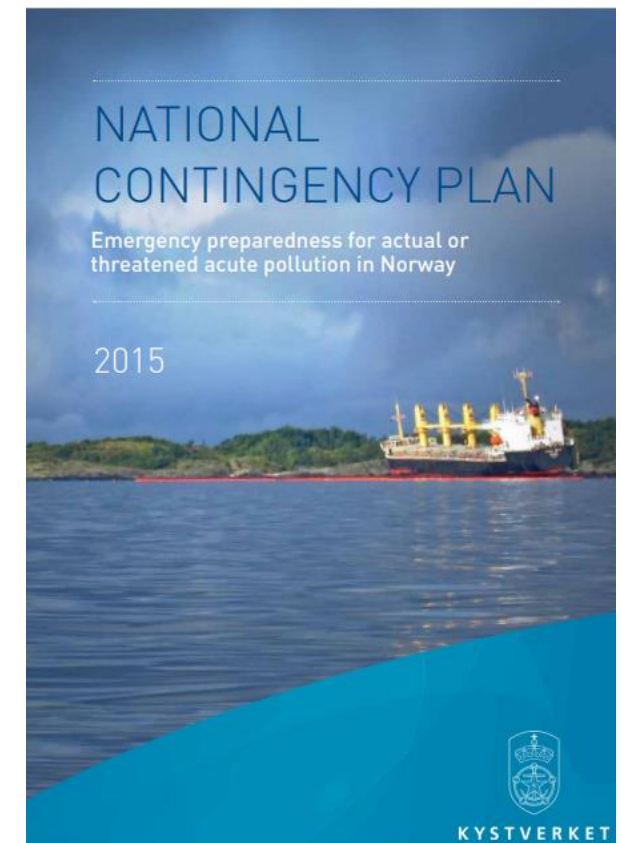
Recognized Organizations
Information submitted by Member States under MEPC/Circ.382.

Port Reception Facilities
Data on the available port reception generated waste.

OPRC 90 – Article 6: National and Regional Systems I

National system for responding promptly and effectively to oil pollution incidents by:

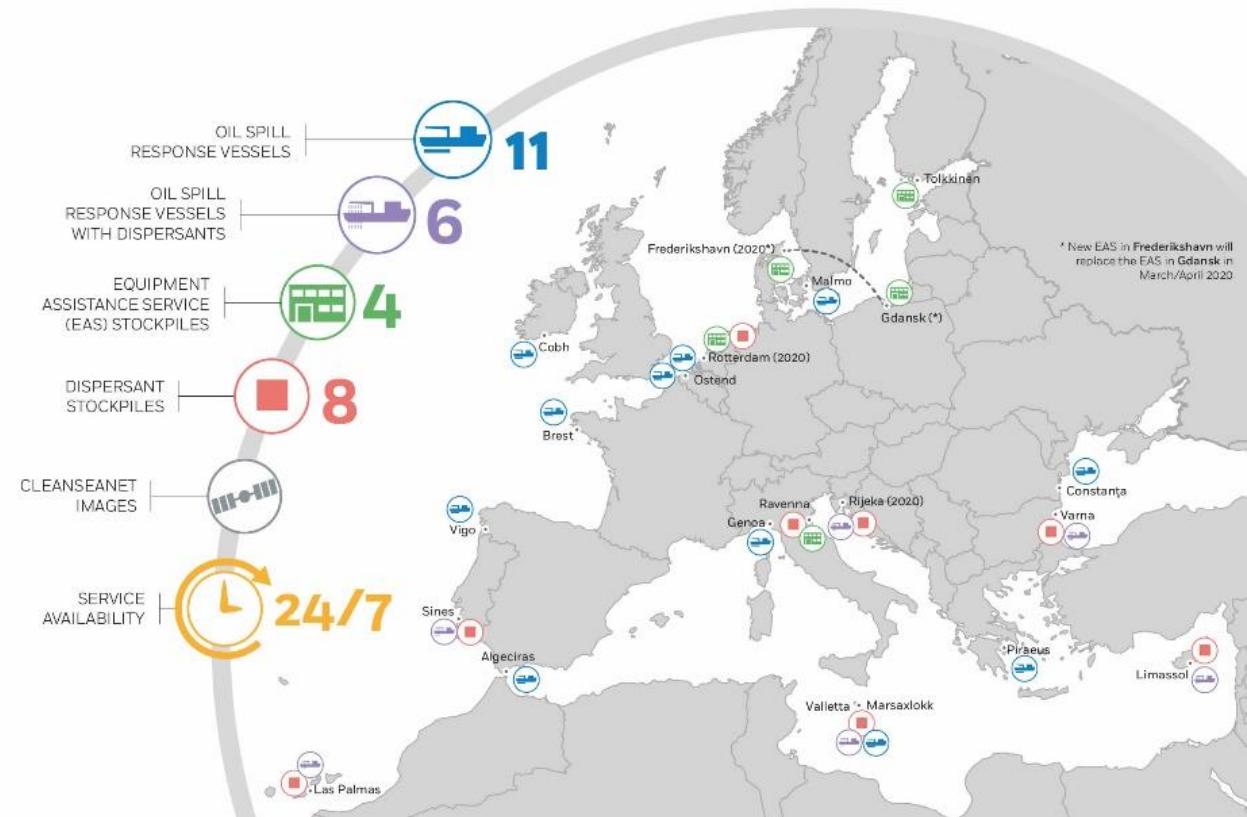
1. Developing a national contingency plan
2. Designating
 - A competent national authority with responsible for preparedness & response
 - national Operational contact point(s)
 - An authority entitled to request and render assistance



OPRC 90 – Article 6: National and Regional Systems II

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

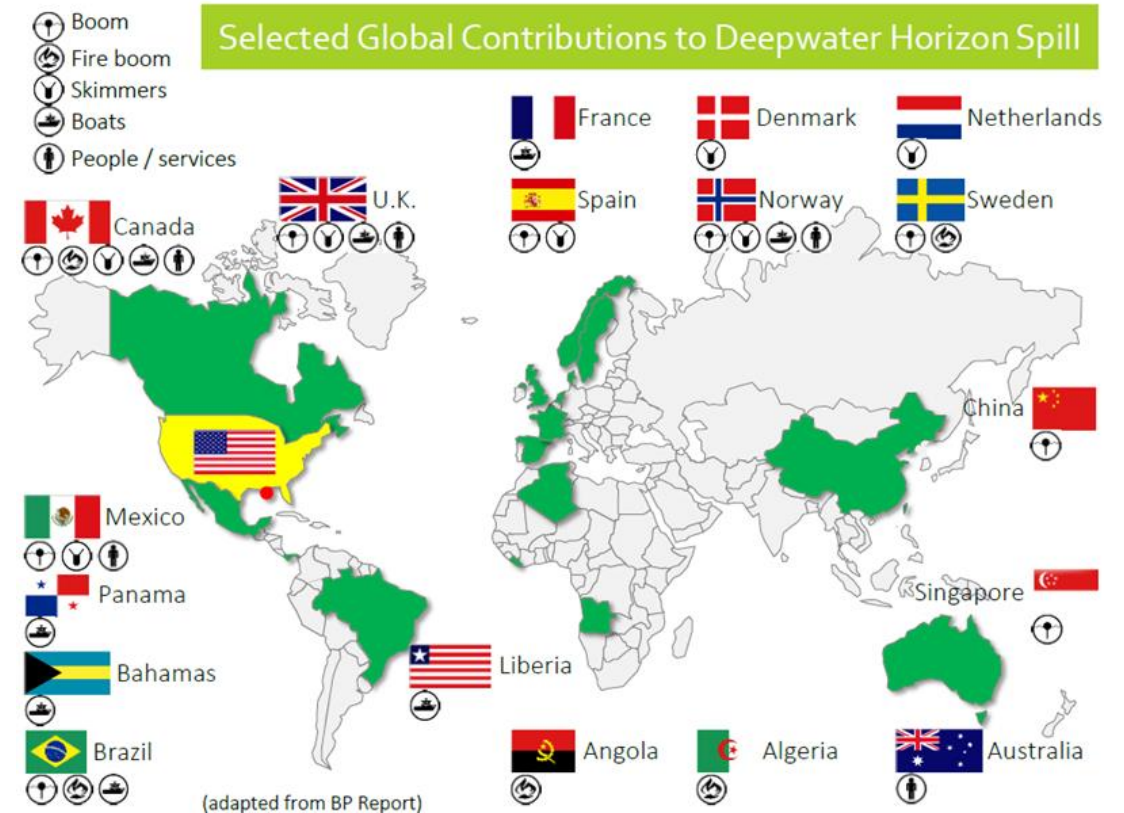


Source: EMSA

OPRC 90 – Article 7: International Cooperation

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 Convention

INTERNATIONAL CONVENTION ON
OIL POLLUTION PREPAREDNESS,
RESPONSE AND CO-OPERATION, 1990

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





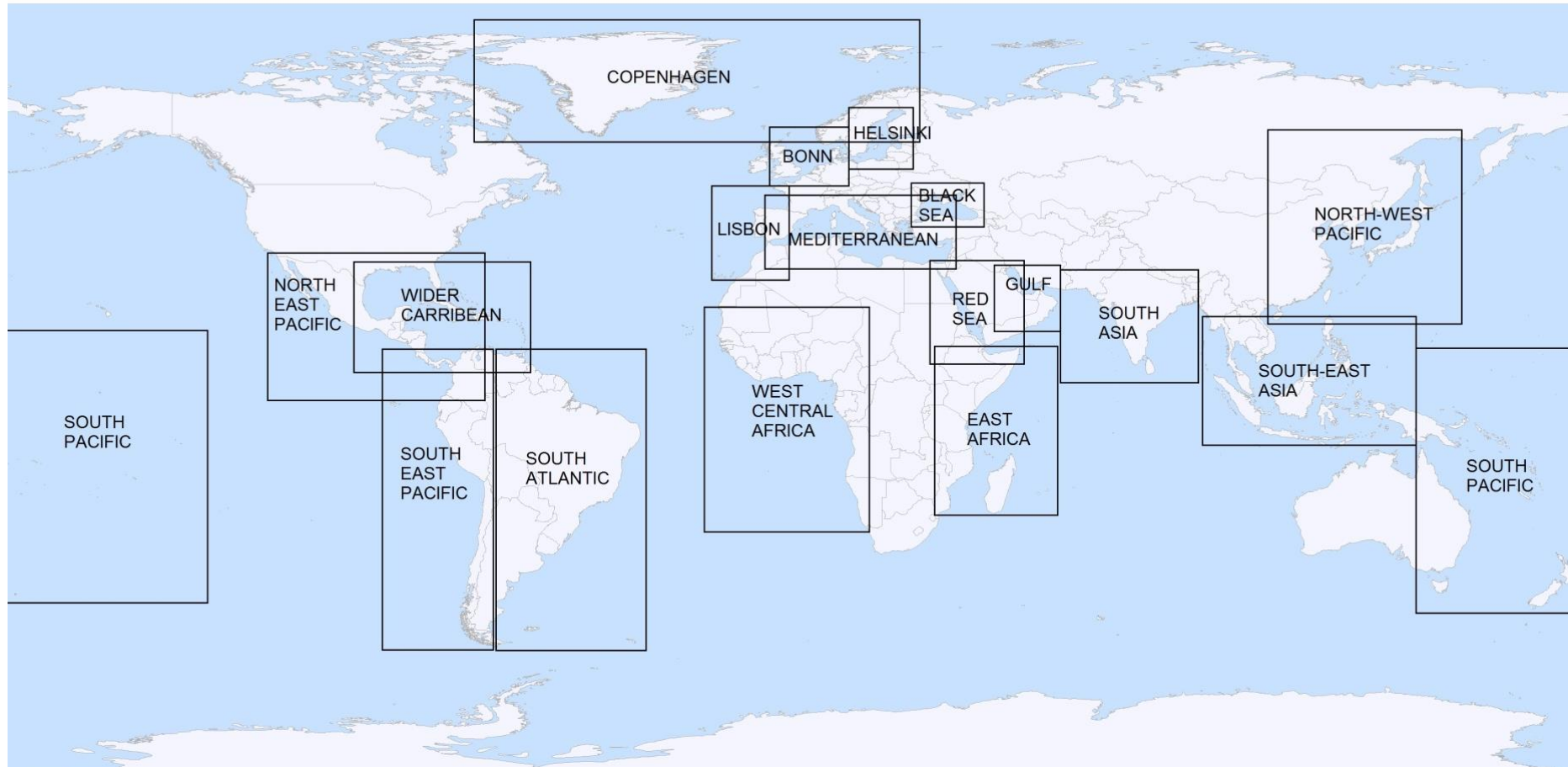
OPRC 90 – Article 9: Technical cooperation

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

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Wider Caribbean Region

Wider Caribbean Regional Seas Programme

Regional Activity Centres (RAC)

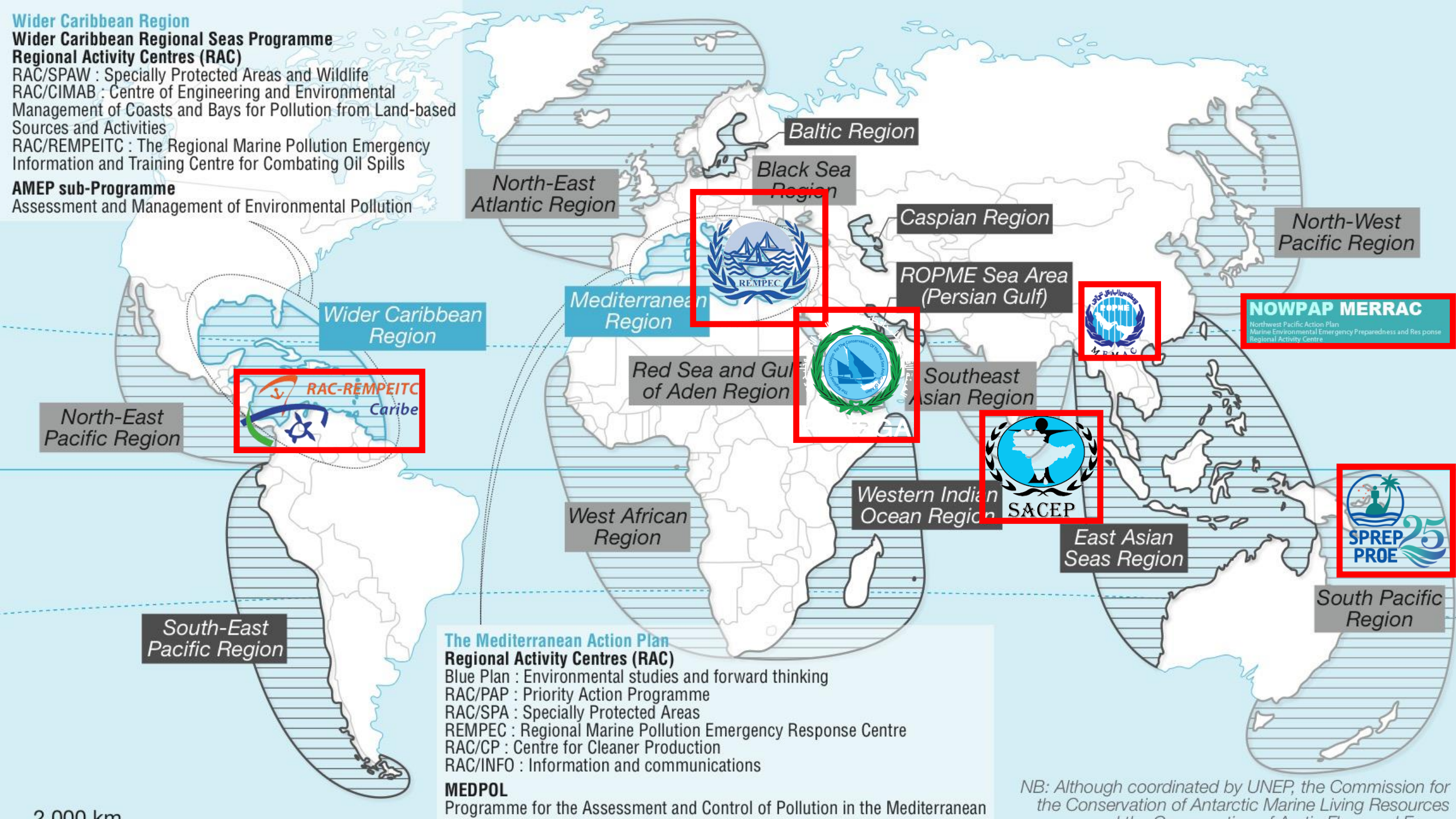
RAC/SPAW : Specially Protected Areas and Wildlife

RAC/CIMAB : Centre of Engineering and Environmental Management of Coasts and Bays for Pollution from Land-based Sources and Activities

RAC/REMPEITC : The Regional Marine Pollution Emergency Information and Training Centre for Combating Oil Spills

AMEP sub-Programme

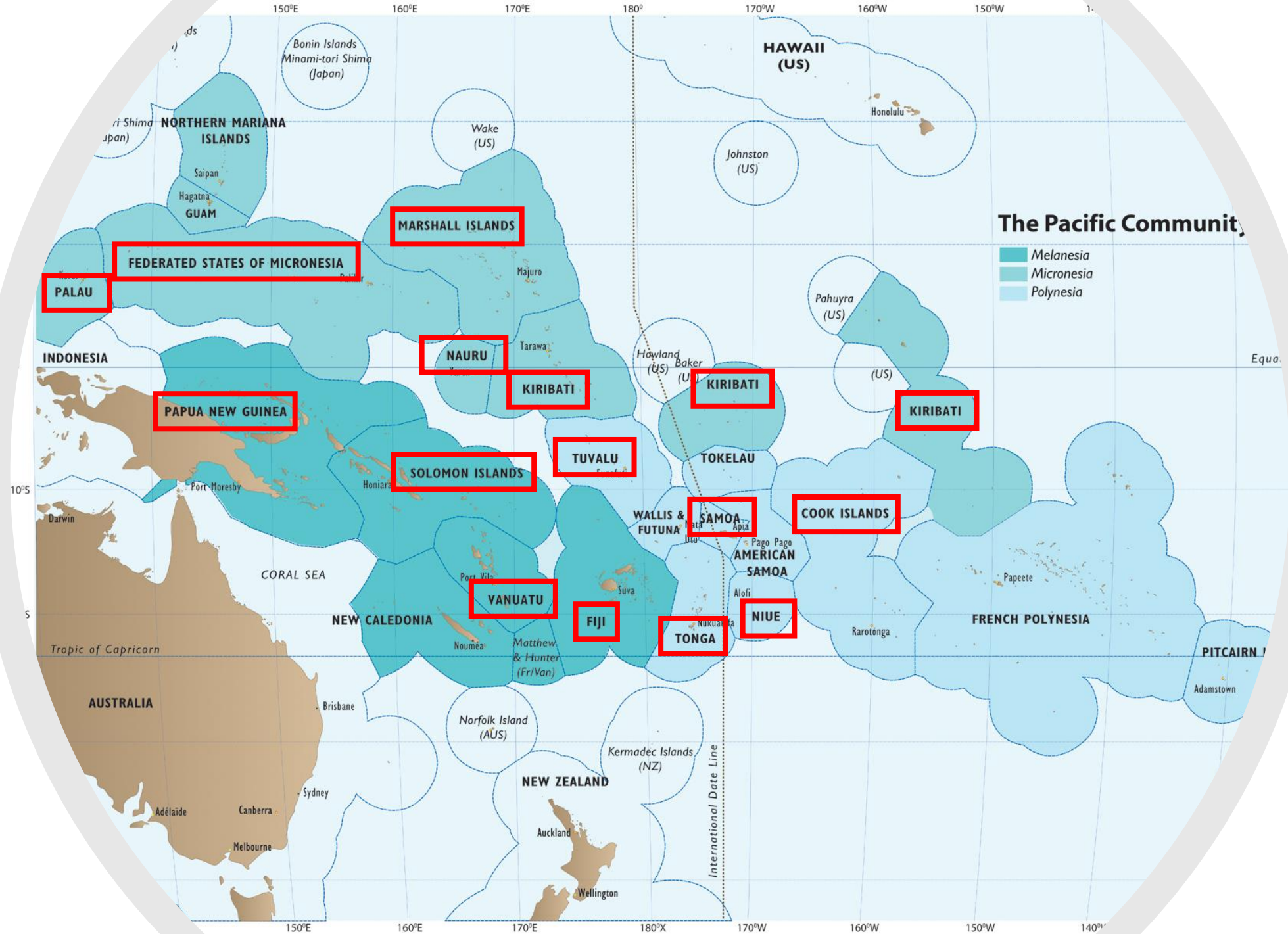
Assessment and Management of Environmental Pollution

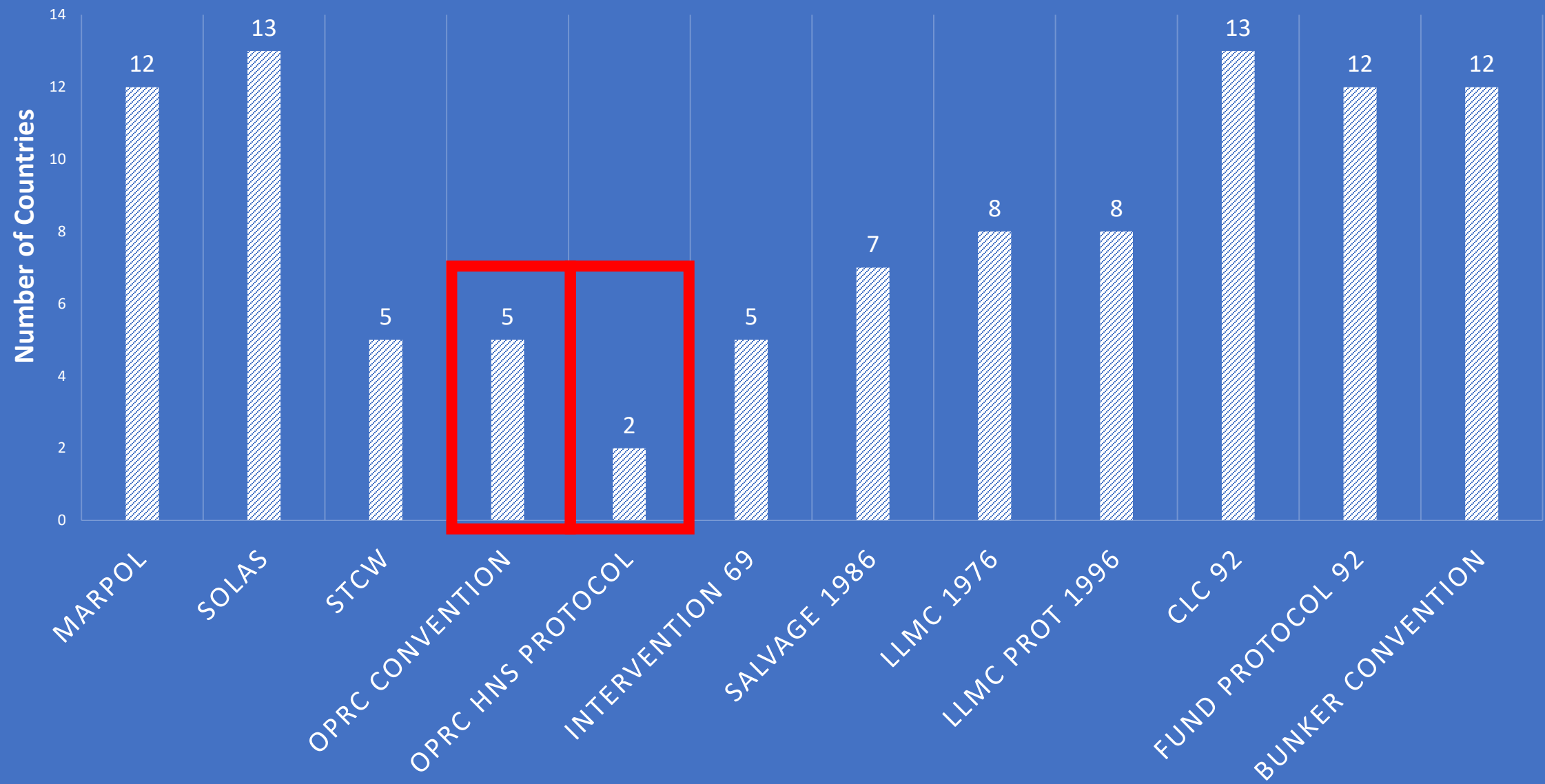


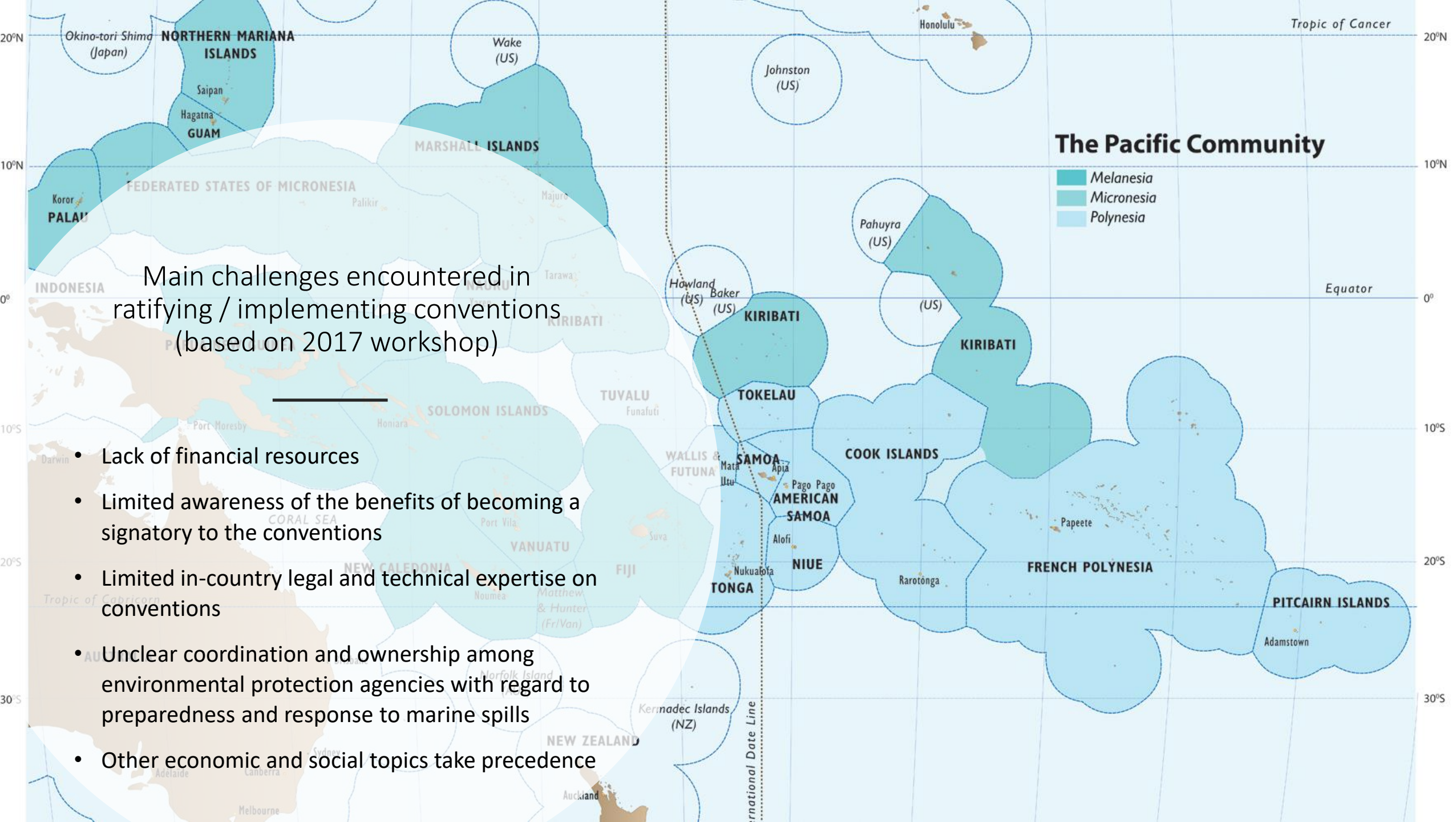


The map displays the Pacific Island Region, including the Philippines, Papua New Guinea, and various island nations. The countries and territories are labeled with their ISO 3166-1 alpha-2 codes: MP (Northern Mariana Islands), GU (Guam), PW (Palau), FM (Federated States of Micronesia), MH (Marshall Islands), NR (Nauru), KI (Kiribati), TV (Tuvalu), TK (Tokelau), WE (Western Samoa), AS (American Samoa), NC (New Caledonia), SB (Solomon Islands), FJ (Fiji), TO (Tonga), NU (Niue), JS (Johnston Atoll), PF (French Polynesia), and TL (Timor-Leste). The text "The OPRC Convention in the Pacific Island Region" is overlaid on the map.

The OPRC Convention in the Pacific Island Region



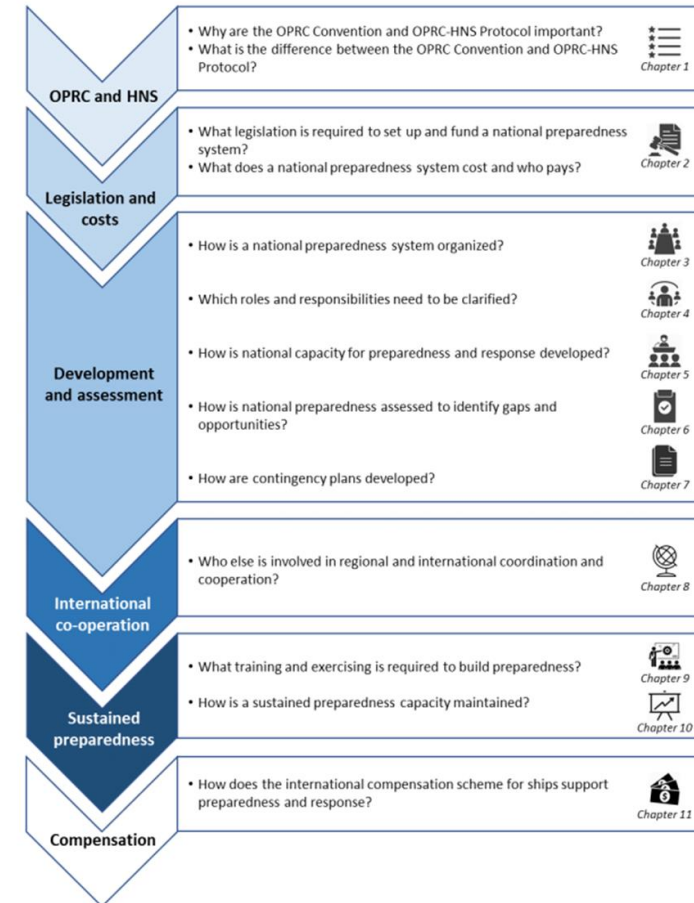
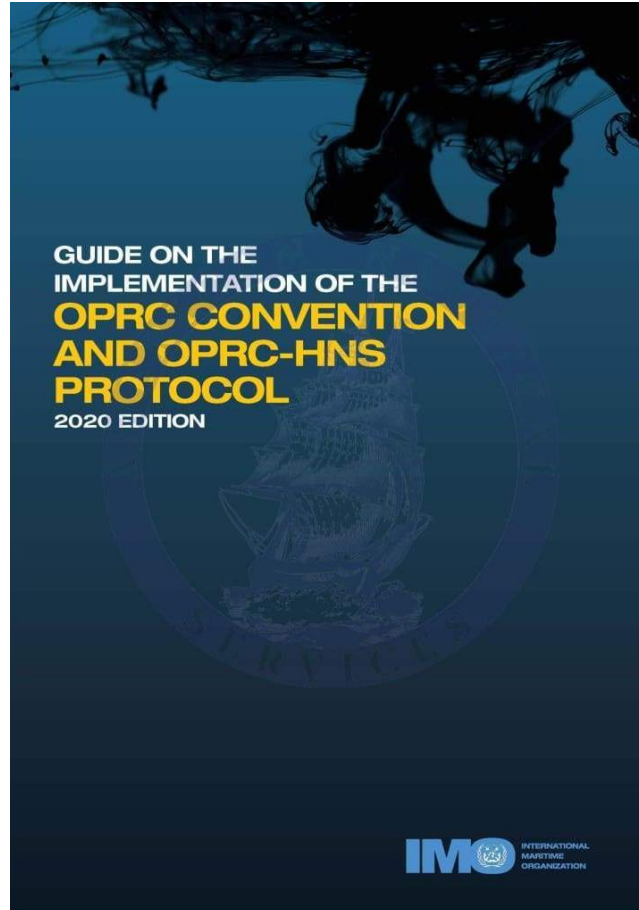
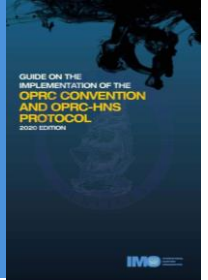




OPRC Convention / OPRC HNS Protocol Benefits

- **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

Guide on the Implementation of the OPRC Convention and OPRC-HNS Protocol



Source: IMO Guide on the Implementation of the OPRC Convention and the OPRC-HNS Protocol



Thank you

www.imo.org

