

SPILLCON 2004 – PARTNERSHIP IN PRACTICE

**THE ROLE OF THE IMO IN DEVELOPING NATIONAL AND REGIONAL
SYSTEMS FOR PREPARATION AND RESPONSE**

**Jean-Claude Sainlos
Director
Marine Environment Division
International Maritime Organization**

Good morning, ladies and gentlemen,

First of all, I would like to thank the organizers for inviting me to participate in SPILLCON 2004; it is a great honour and pleasure for me to be here in Brisbane for this important event.

I would also like to convey to you the best wishes of Mr. Efthimios Mitropoulos, Secretary-General of the International Maritime Organization, for the success of the Conference.

The International Maritime Organization is the UN system's regulatory agency for the maritime sector and its global mandate is to promote safer shipping and cleaner oceans. It follows that mandate by adopting international conventions and regulations, which are then implemented and enforced by governments in the exercise of flag, port and coastal State jurisdiction.

Shipping is the most efficient and economical mode of transport, especially for bulk cargo, and it moves over 90% of international trade. Over the next 20 years, shipping is expected to triple. Shipping, therefore, is an important and inseparable component in the pursuit of economic development.

Alongside the growth of shipping, marine pollution from ships is also a growing concern. Most of the pollution of the world's oceans comes from land-based sources and tanker accidents contribute a comparatively small percentage of the total amount of oil entering the sea in a year, but the consequences of a major accident can be disastrous to the immediate area. An accident involving an oil tanker in narrow and confined channels could affect the marine and coastal ecosystem and also interrupt the flow of trade, thereby having a devastating impact on the economy of the area, especially in the case of a small island developing State. The accidents involving the **Torrey Canyon** (1969), the **Amoco Cadiz** (1978), the **Exxon Valdez** (1989), the **Erika** (1999) and, more recently, the **Prestige** (2002) are prime examples. Constant efforts are therefore needed to prevent such pollution and to prepare to respond to it should it occur.

According to Lloyd's Register World Casualty Statistics, the loss of ships continues to decline and major studies on oil spills from ships show a similar decline. IMO's contributions to these obvious improvements has been central to our efforts in promoting safe shipping and the protection of the marine environment. It is through vigorous promotional activities, including technical co-operation projects, that most of the 40 international conventions and protocols adopted by IMO are in force. The most important ones have more than 120 States Parties, representing over 93% of the total tonnage of the world's merchant fleet. In addition, more than 800 codes, guidelines and recommendations have been produced through IMO.

IMO has fully demonstrated its ability to respond to the needs of governments and of the shipping industry in the matter of maritime safety and marine environment protection.

The sinking, and resultant pollution, of the Erika off the coast of France in December 1999 and of the tanker **Prestige** off the coast of Spain in November 2002 provoked a vigorous reaction from both within and outside the shipping industry, which dominated the environmental agenda of IMO over the last few years. The call for swift action was loud and clear. IMO's response was equally decisive.

Without going into too much detail, I would like to draw your attention to the major recent achievements of the Organization in the fields of prevention and response to marine accidental pollution and, in particular, to highlight the role and policy of the Organization in the area of pollution preparedness, response and co-operation.

Prevention of pollution from ships

With the intention of preventing pollution from ships, especially through tanker accidents, tanker standards have been steadily improved by IMO's Marine Environment Protection Committee over the past three decades. This has been achieved mainly through the adoption of the MARPOL 73 Convention and its subsequent amendments. Structural requirements to protect tankers and their cargo have been reviewed from time to time and the Marine Environment Protection Committee has been successful in keeping the MARPOL Convention up to date. The general trend can be broadly described as being from single-hull tankers to segregated ballast tank (SBT) tankers to double-hull tankers.

It is in the aftermath of the major accidents that such measures have been taken (**Amoco Cadiz** - SBT; **Exxon Valdez** - double-hull) and indeed recently, after the **Erika** and **Prestige** incidents, a new global timetable has been adopted under MARPOL Annex I to accelerate the phase-out of single-hull oil tankers. Such measures have been complemented by a scheme to assess the condition of old existing tankers and a ban on the carriage of heavy grades of oil.

While this accelerated phase-out schedule has enjoyed a high profile, other important measures were taken in the aftermath of the **Erika** and the **Prestige** incidents.

In December 2003, the IMO Assembly adopted guidelines on places of refuge for ships in need of assistance, as well as guidelines on maritime assistance services. The purpose of these guidelines is to provide a common framework to assist coastal States to determine places of refuge for ships in need of assistance so as to respond effectively to requests for such places of refuge, whilst keeping the balance between the prerogative of a ship in need of assistance to seek a place of refuge and the prerogative of a coastal State to protect its coastline.

The objective of the guidelines on maritime assistance services is to recommend coastal States to establish such services for the following purposes:

- 1 receiving the reports required by the IMO instrument in the event of incidents involving ships;
 - 2 monitoring the ship's situation;
 - 3 serving as the point of contact between the master and the coastal State;
- and
- 4 serving as the point of contact between those involved in a marine salvage operation and the coastal State, if the coastal State decides that it should monitor all phases of the operation.

Pollution Preparedness, response and co-operation

With the adoption in 1990 of the OPRC Convention following the grounding of the **Exxon Valdez**, pollution preparedness and response became a regular agenda item for the Marine Environment Protection Committee. The OPRC Convention was adopted in 1990 and came into force on 13 May 1995. The primary objectives of the Convention are to facilitate international co-operation and mutual assistance in preparing for and responding to a major oil pollution incident and to encourage States to develop and maintain an adequate capacity to deal with an oil pollution emergency.

In March 2000, a Diplomatic Conference adopted a Protocol to the OPRC Convention. The OPRC-HNS Protocol follows the principles of the OPRC Convention and established a mechanism that will provide a framework for international co-operation in incidents involving hazardous and noxious substances.

Although the OPRC Convention and the OPRC-HNS Protocol could be described as “declaratory” rather than “regulatory”, the Convention and its Protocol do in fact create obligations on States that become Parties to take specific actions related, in particular, to the requirements for ships, offshore units and sea ports to have pollution emergency plans and reporting procedures.

Parties are requested to establish a national system for responding promptly and effectively to pollution incidents. Such a system shall have, as a basic minimum, a national contingency plan, designated national authorities and operational focal points responsible for pollution preparedness and response, reporting and handling requests for assistance.

Each party, within its capabilities either individually or through bilateral or multilateral co-operation and in co-operation with the shipping industries and industries dealing with oil or HNS, port authorities and other relevant entities shall establish:

- a minimum level of pre-positioned spill response equipment
- a programme of training and exercises for relevant personnel and organizations
- detailed plans and communication capabilities; and
- a mechanism or arrangement for co-ordinating response.

Since the adoption of the OPRC Convention, IMO has been providing a forum where matters pertaining to the implementation of the OPRC and response to spills of oil and hazardous and noxious substances (HNS) are dealt with.

Recently in 2002 the Marine Environment Protection Committee decided to change the OPRC Working Group into a Technical Group, meeting prior to the Committee as a subsidiary body of the Committee. Over the last 13 years, that Group has developed guidelines, manuals, guidance documents and model courses. All this material is a tremendous help when it comes to building up a national or regional system and training personnel.

The Technical Group offers the opportunity for sharing experiences among a network of partners – Member States, Regional Agreements and industry (the oil industry, chemical industry and shipping industry). It also plays an important role in helping countries, in particular developing countries, in understanding and implementing the OPRC Convention and its Protocol. Currently the Technical Group, according to an agreed timeframe, is following a workplan for the early implementation of the OPRC-HNS Protocol.

The OPRC Convention and the OPRC-HNS Protocol encourage the holding of regular international symposia and research and development fora.

After the **Erika** accident, the MEPC decided to organize a third International R and D forum focussing on response to spills of heavy and persistent oil. The R and D forum took place in Brest, France, in March 2002. The forum gave an impetus to the research on response to heavy fuel oil.

IMO, using the material developed by the OPRC Working Group and the OPRC-OPRC/HNS Technical Group, provides assistance to developing countries through its technical co-operation programme, and in co-operation with the industry, to develop their national capacity. The Organization is also very much involved in the development of regional systems.

For many years IMO has actively co-operated with other organizations, particularly with UNEP, in encouraging and assisting in the development of regional arrangements for combating marine pollution in case of emergency. In several regions the regional arrangement is reinforced by the adoption of regional and sub-regional contingency plans and by the establishment of regional centres. In October 2002, IMO jointly with UNEP organized a forum on regional arrangements for co-operation in combating marine pollution incidents.

This Conference provides a tremendous opportunity to governments and industry representatives to exchange views and experiences on current issues and future perspectives. Partnership among governments, industry and international organizations is essential in developing and maintaining effective mechanisms for pollution preparedness and in organizing international co-operation and mutual assistance. I hope that this Conference will contribute to ensuring that the prevention of and the preparedness to respond to pollution incidents remains a high priority for the decision makers in government as well as in the industry and that the necessary resources are dedicated to this goal.
