



2016 Workshop

Aim

Considers in detail the implementation of PACPLAN by Australia and its primary assistance countries

To do so, the workshop addressed the international context within which PACPLAN operates, noting that the IMO suite of Conventions provides a common set of laws that ought to be used to underpin regional co-operative responses to pollutions threats

- 1982 United Nations Convention on the Law of the Sea
- 1969 Intervention on the High seas (1973 Protocol)
- 1973/1978 MARPOL Convention
- 1990 Oil pollution Preparedness, Response and Co-operation

Liability and compensation

- 1969/1992 CLC Convention (Civil Liability)
- 1971/1992 Fund Convention
- 1976/1996 LLMC (Limitations of Liability)
- 1996/2010 HNS Convention
- 2001 Bunker Convention
- 2007 WRC

International Conventions

As at May 2018	INTERVENTION CONVENTION 1969 (INTERVENTION PROTOCOL 1973)	CLC CONVENTION 1969	CLC PROTOCOL 1992	CLC PROTOCOL 2001	FUND PROTOCOL 1971	FUND PROTOCOL 1992	FUND PROTOCOL 2002	LLMC CONVENTION 1975	LLMC PROTOCOL 1996	LLMC CONVENTION 1996 (SUIP)	HNS CONVENTION 1996	BUNKER CONVENTION 2001	BUNKER CONVENTION 2001	BUNKER CONVENTION 2007	WRC PROTOCOL
Australia	x	x	d	x	x	x	x	d	x	x	x		x	x	
Kiribati				x		x		x				x			
Nauru															x
Papua New Guinea	x	d	x		x										x
Solomon Islands				x											x
Tonga		d	x	x	x			x	x					x	x
Vanuatu	x	x	d	x	x	x		x		x	x			x	x

1969 Intervention Convention

Article I: Parties to the present Convention may 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, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in **major harmful consequences**



1969 Intervention Convention

- “Related interests” means the interests of a coastal State directly affected or threatened such as:
 - (a) maritime coastal, port and estuarine activities, including fisheries activities,
 - (b) tourist attractions and other economic interests of the area concerned;
 - (c) the health of the coastal population and the well-being of the area concerned, including conservation of marine living resources and of wildlife; and
 - (d) offshore and underwater infrastructure.



1969 Intervention Convention

Seeks to balance rights of coastal states and flag states AND to take into account private interests (especially ship owners)

See eg.

Art III(b) – consultation

Art IV(2) – minimise interference with private rights

Art VI – liability for damages of private parties

Art VIII – provision for arbitration/conciliation



1969 Intervention Convention

- Adoption: 29 November 1969; Entry into force: 6 May 1975
- 89 State Parties (75.24% world tonnage – not mandatory)
- 1973 Protocol (substances other than oil)
57 State parties (54.63%)



1990 International Convention on Oil Pollution Preparedness, Response and Co-operation

- Aim is to ensure States are prepared for and able to respond to an oil pollution incident.
- Plays an important role in addressing transboundary oil pollution
- Adoption: 30 November 1990; Entry into force: 13 May 1995
- 112 State Parties (76.51% world tonnage)



PACPLAN Aims and Objectives

- To facilitate actions and cooperation consistent with the Noumea Pollution Protocol 1986, the OPRC Convention and the OPRC-HNS Protocol at the operational level by all SPREP members ...(PACPLAN page 10)
- And Responsibility of SPREP members States includes
- Considering whether to become bound by them (PACPLAN page 18)
 - The reimbursement of costs for external assistance is dealt with in accordance with the OPRC Convention and OPRC-HNS where applicable (PACPLAN page 35)



1990 OPRC

- State Parties are required to ensure that their flag ships have appropriate oil pollution emergency plans.
- State Parties must require offshore unit operators to have oil pollution emergency plans that are adequate and that are in accordance with national legislation on the issue. The same is required of oil handling facilities and offshore sea port operators.
- Flag ships and offshore unit operators are required to report an event involving discharge or probable discharge to the nearest State Party for ships and the coastal State having jurisdiction over the offshore unit.



1990 OPRC

- When a State Party receives a report of discharge or potential discharge, it is required to:
 - (a) assess the event to determine whether it is an oil pollution incident;
 - (b) assess the nature, extent and possible consequences of the oil pollution incident; and
 - (c) then, without delay, inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with
 - (i) details of its assessments and any action it has taken, or intends to take, to deal with the incident, and
 - (ii) further information as appropriate



1990 OPRC

- Required to establish a national system for responding to an oil discharge event, including
 - (a) the designation of:
 - (i) the competent national authority;
 - (ii) the national operational contact points, which shall be responsible for the receipt and transmission of oil pollution reports; and
 - (iii) an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested;
 - (b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involvedtaking into account guidelines developed by the IMO



1990 OPRC

In conjunction with the **shipping industry**, State Parties are also required to establish:

- (a) a minimum level of oil spill combating equipment;
- (b) a programme of exercises for oil pollution response organizations and training of relevant personnel;
- (c) detailed plans and communication capabilities and
- (d) a mechanism or arrangement to co-ordinate the response to an oil pollution incident.



1990 OPRC

- “Parties agree that, **subject to their capabilities and the availability of relevant resources**, they will co-operate and provide advisory services, technical support and equipment for the purpose of responding to an oil pollution incident ...The financing of the costs for such assistance shall be based on the provisions set out in the Annex to this Convention”



1990 OPRC

- State Parties agree to assist and allow:
 - (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
 - (b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).



Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances

- Adoption: 15 March 2000; Entry into force: 14 June 2007
- 39 State Parties (51.08% world tonnage)



Noumea Convention 2006 Oil Protocol

Aim of the protocol is to develop a regional response consistent with the provisions of the **OPRC Convention**

The protocol is designed to help governments combat major oil pollution incidents and recognizes that prompt and effective action is essential. This in turn depends upon the establishment of oil pollution emergency plans, together with national and regional contingency plans as appropriate



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