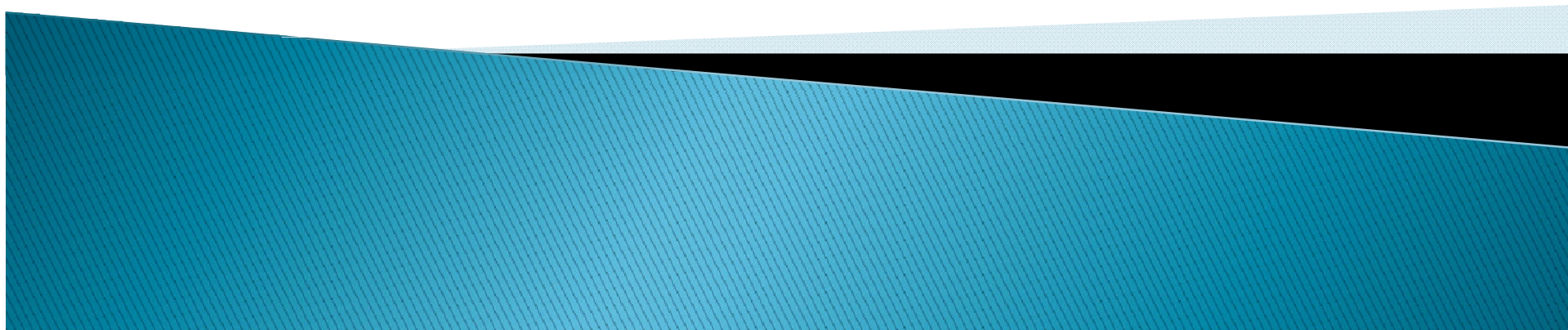




# ABOUT IIDM AND THE PROBLEM OF THE RESPONSE TO OIL SPILL IN PORTS AND TERMINALS

20/06/14



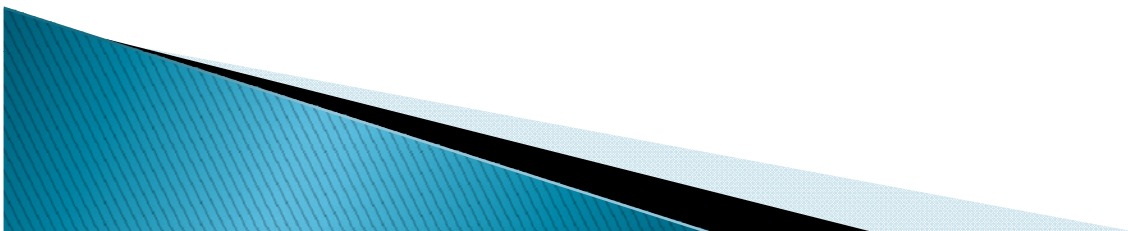
# IIDM OBJECTIVES

- ▶ PROMOTING THE DEVELOPMENT AND UNIFORMITY OF MARITIME LAW
- ▶ ENCOURAGEMENT OF STUDY, RESEARCH AND TEACHING OF MARITIME LAW
- ▶ USE OF ARBITRATION
- ▶ ACTING AS CONSULTATIVE INSTITUTION FOR GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS



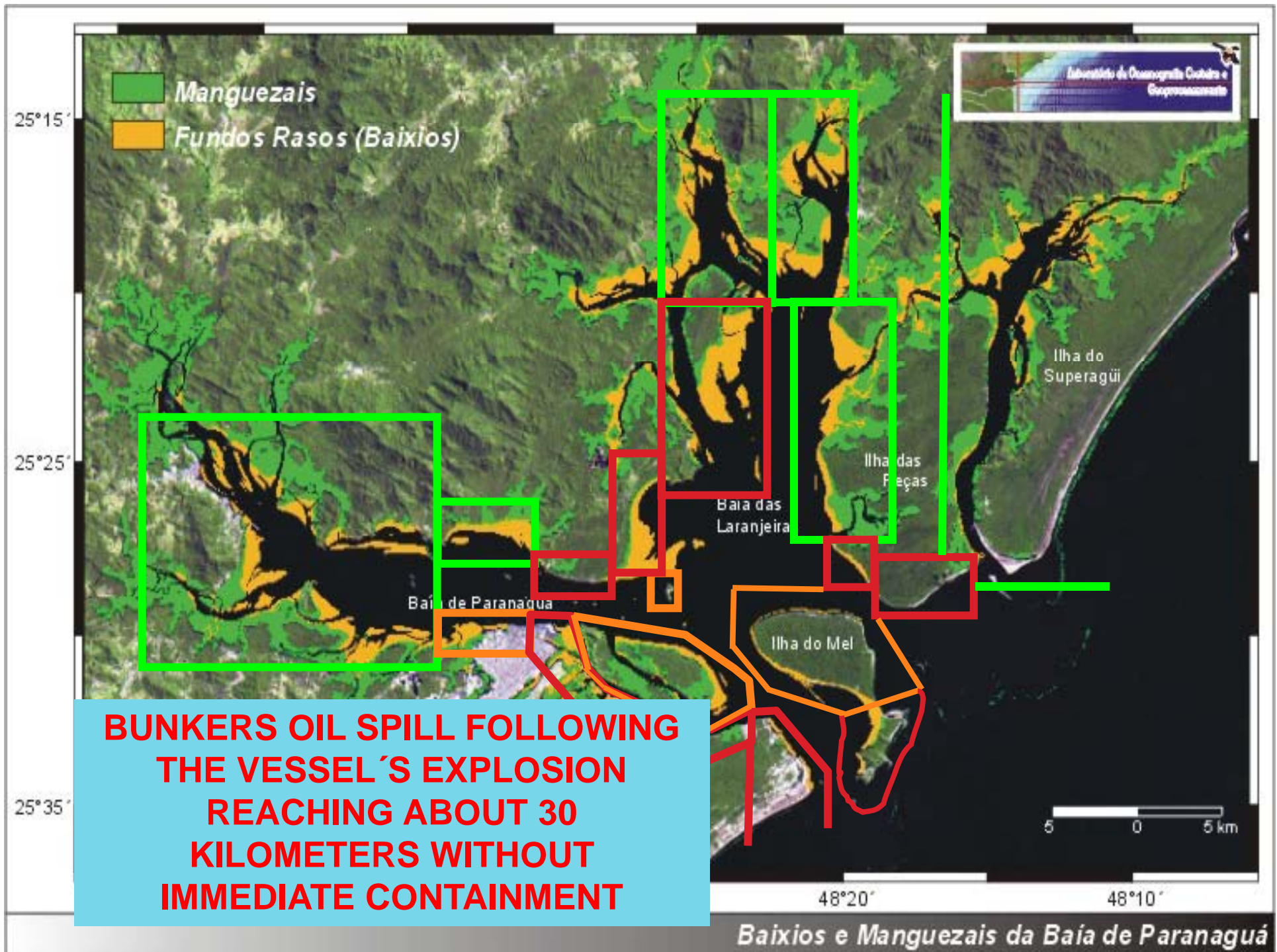
# COOPERATION AGREEMENT WITH CIP

- ▶ RIVER PORTS AND WATERWAYS
- ▶ DEVELOPMENT OF THE WOMEN WORK IN THE PORTS
- ▶ CONTINGENCY PLANS



# THE VICUÑA CASE



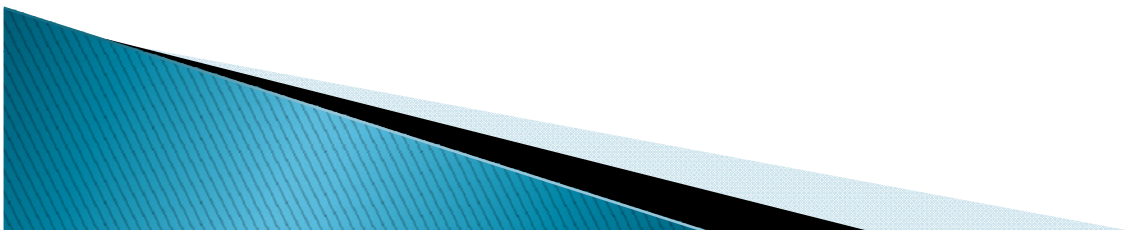




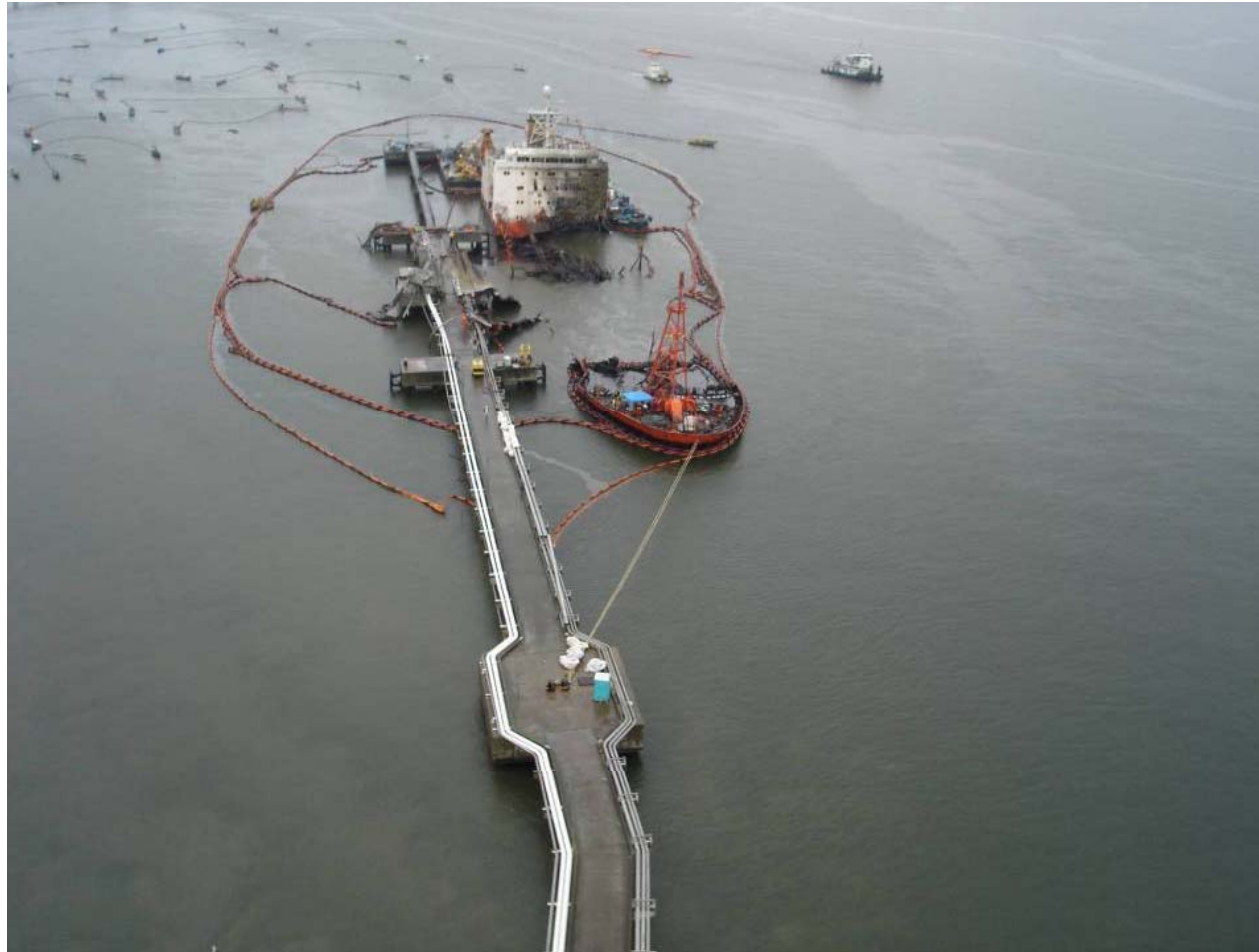
Different affected areas demanding different clean up techniques



# AT LEAST 5000 CLAIMS FROM LOCAL FISHERMEN FOR MATERIAL AND MORAL DAMAGES



# VICUÑA (291 T BUNKERS)

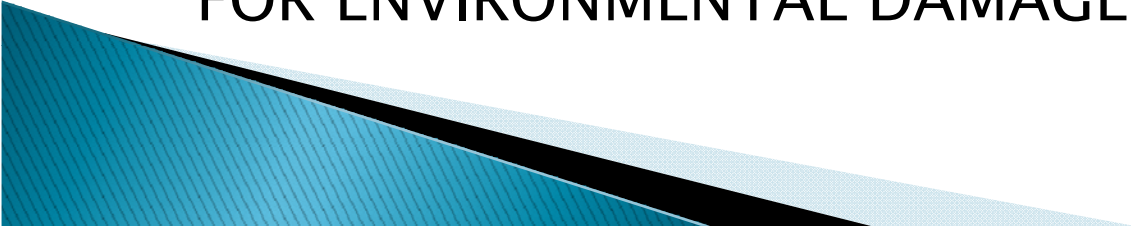




## Largest oil spills from vessels since 1967

Position/Vessel	Year	Location	Spill Size (tonnes)
1 Atlantic Empress	1979	Off Tobago, West Indies	287,000
2 ABT Summer	1991	700 nautical miles off Angola	260,000
3 Castillo Bellver	1983	Off Saldanha Bay, South Africa	252,000
4 Amoco Cadiz	1978	Off Brittany, France	223,000
5 Haven	1991	Genoa, Italy	144,000
6 Odyssey	1988	700 nautical miles off Nova Scotia, Canada	132,000
7 Torrey Canyon	1967	Scilly Isles, UK	119,000
8 Sea Star	1972	Gulf of Oman	115,000
9 Irenes Serenade	1980	Navarino Bay, Greece	100,000
10 Urquiola	1976	La Coruna, Spain	100,000
11 Hawaiian Patriot	1977	300 nautical miles off Honolulu	95,000
12 Independenta	1979	Bosphorus, Turkey	95,000
13 Jakob Maersk	1975	Oporto, Portugal	88,000
14 Braer	1993	Shetland Islands, UK	85,000
15 Khark 5	1989	120 nautical miles off Atlantic coast of Morocco	80,000
16 Aegean Sea	1992	La Coruna, Spain	74,000
17 Sea Empress	1996	Milford Haven, UK	72,000
18 Nova	1985	Off Kharg Island, Gulf of Iran	70,000
19 Katina P	1992	Off Maputo, Mozambique	66,700
20 Prestige	2002	Off Galicia, Spain	63,000
35 Exxon Valdez	1989	Prince William Sound, Alaska, USA	37,000

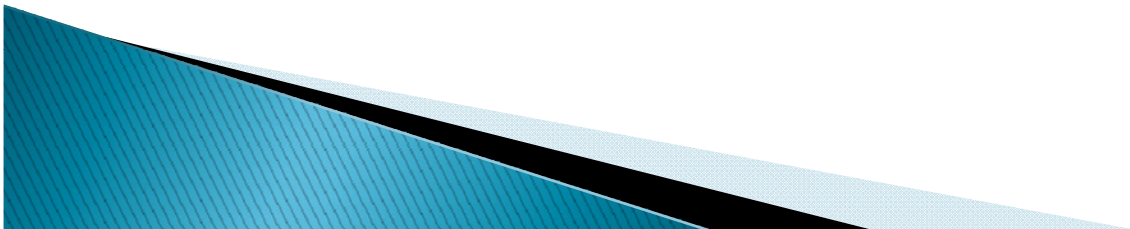
# THE VICUÑA CASE

- ▶ R\$ 115M (caUSD53M) FINES + USD 1B EXPOSURE
  - ▶ PORT AND TERMINAL LISTED AS DEFENDANTS IN THE CIVIL PUBLIC ACTION SUIT AS WELL AS RECOVERY MEASURES REACHING CA R\$ 196M (caUSD90M)
  - ▶ THE TERMINAL HAS BEEN LISTED AS DEFENDANT IN THOUSANDS OF CLAIMS
  - ▶ THE TERMINAL, THE PRESIDENT OF THE TERMINAL, THE CONSULTANT THAT ELABORATED THE INDIVIDUAL PLAN FOR THE TERMINAL, THE PUBLIC SERVANT WHO APPROVED THE PLAN, THE PORT SUPERINTENDENT, THE OPERATIONAL DIRECTOR OF THE PORT, THE SPILL CLEAN UP COMPANY AND ITS DIRECTOR ARE ALL LISTED AND ARE BEING PROSECUTED IN FEDERAL CRIMINAL PROCEEDINGS FOR ENVIRONMENTAL DAMAGE.
- 


# OPRC/90

## EFFECTIVE PREPARADNESS

## PLANNING: ANTICIPATING



# Planning principles

<p>Strategy plan</p> 	<ul style="list-style-type: none"><li>■ study of the risks and impacts of spills</li><li>■ identification of adequate response strategy</li><li>■ definition of a response organisation</li></ul>
<p>Operational plan</p>	<ul style="list-style-type: none"><li>■ summarizes the findings of the strategic study</li><li>■ formatted in a clear document for responders</li></ul>

# Strategy plan

- ▶ Analyze the risk of oil spills
- ▶ Estimate the likely behaviour and fate of the oil spilled
- ▶ Assess the threat to sensitive areas



- Define best-suited oil spill response strategy
- Define resources needed to implement the strategy
- Define requirements for training and exercises

# Strategy plan

## Objectives

- ▶ Justifies the technical choices based on scientific risk analysis and assessment of potential impacts

# Strategy plan

## Behaviour and fate of the oil spilled

- ▶ **Behaviour of oil:**
  - Estimate at least evaporation and likelihood of emulsifying as a function of time spent at sea
- ▶ **Likely movements of oil slicks:**
  - Use historical data on winds and currents
  - Calculate drifting of oil slicks

# Strategy plan

## Definition of oil spill response strategy

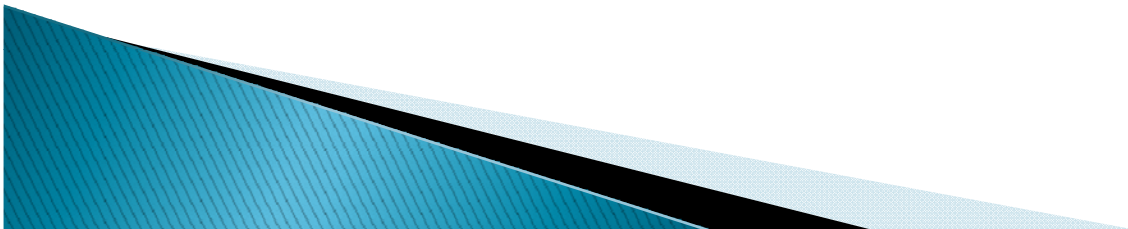
- ▶ Technical choices should be based on NEBA analysis, based on following principle:

*“The aims of oil spill response are to minimize damage to environmental and socioeconomic resources, and to reduce the time for recovery of affected resources by achieving an acceptable standard of cleanliness.”*



## SO, THE PLAN WILL ESTABLISH:

- ▶ INTERRUPTION OF DISCHARGE AND CONTAINMENT OF SPILL;
- ▶ PROTECTION OF VULNERABLE AREAS;
- ▶ SPILL MONITORING;
- ▶ CLEAN UP AND MECHANICAL OR CHEMICAL DISPERSION;
- ▶ WHAT TO DO WITH THE RESIDUES;



# Ten questions for assessing the adequacy of a contingency plan

1. Has there been **a realistic assessment** of the nature and size of the possible threat, and of the resources most at risk, bearing in mind the probable movement of any oil spilled?
2. Have **priorities for protection** been agreed, taking into account the viability of the various protection and clean-up options?

Source : IMO

3. Has **a strategy for protecting and cleaning** the various areas been agreed and clearly explained?
4. Has **the necessary organisation** been outlined and the **responsibilities** of all those involved been clearly stated with no 'grey areas' - will all who have a task to perform be aware of what is expected of them?

Source : IMO

5. Are **the levels of equipment, materials and manpower** sufficient to deal with the anticipated size of spill. If not, have **back-up resources** been identified and, where necessary, have **mechanisms** for obtaining their release and entry to the country been established?
6. Have **temporary storage** sites and **final disposal** routes for collected oil and debris been identified?

Source : IMO

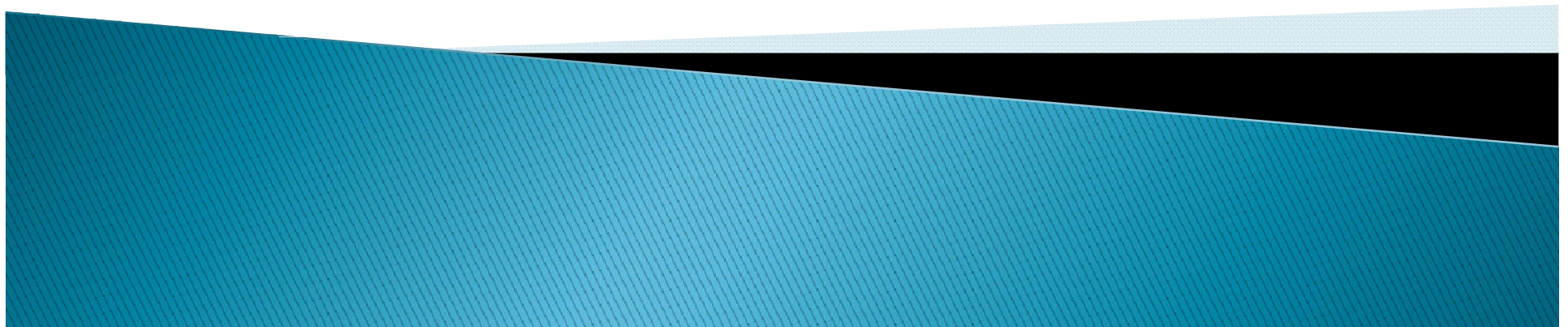
7. Are the alerting and initial evaluation procedures fully explained as well as arrangements for continual review of the progress and effectiveness of the clean-up operation?
8. Have the arrangements for ensuring effective communication between shore, sea and air been described?

Source : IMO

9. Have all aspects of the **plan been tested** and nothing significant found lacking?
10. Is **the plan compatible** with plans for adjacent areas and other activities?

Source : IMO

# IIDM COMPARATIVE LAW COMMITTEE



# THANK YOU



E-mail: [presidencia@iidmaritimo.org](mailto:presidencia@iidmaritimo.org)

[www.iidmaritimo.org](http://www.iidmaritimo.org)