

SUMMARY OF WORKSHOP 3B: VESSEL POLLUTION

Facilitators: David Uhlmann, Department of Justice, United States
Katia Opalka, Commission for Environmental Cooperation

Rapporteur: Andrew Lauterback, Environmental Protection Agency, United States

GOALS

- To explore the successes and failures of existing compliance and enforcement mechanisms to limit pollution, including oil, wastes, and CFCs, from marine vessels
- To propose innovative methods to remedy current gaps in enforcement

1 INTRODUCTION

The workshop facilitators opened the session by framing the definition of vessel pollution, which includes:

1. accidental oil spills; and
2. waste generated on-board and discharged from the ship in violation of an international treaty, such as MARPOL.

2 DISCUSSION SUMMARY

Participants heard about a Canadian initiative that would build on the minimum standards provided in MARPOL. To address bird mortality caused by ocean dumping of oily bilge water, the Parliament of Canada is considering amending environmental statutes to facilitate evidence-gathering by allowing game officers, within Canada's 200 mile Exclusive Economic Zone, to detain, board, inspect, and redirect ships suspected of ocean dumping.

The workshop participants then focused their attention on what efforts are working to control vessel pollution, the challenges enforcement officials confront, and recommendations for improving the effective enforcement of vessel pollution.

2.1 What Is Working?

1. The existing treaty, MARPOL (The International Convention for the Prevention of

Pollution of Ships), establishes the base for vessel pollution control.

2. In most countries, domestic laws have been passed to implement MARPOL.
3. There have been some prosecutions and appropriate penalties.
4. There is international interest, and there are international efforts, in the realm of vessel pollution control, like Interpol's Project Clean Seas.
5. There is massive public support.

2.2 Challenges for Enforcement

1. The target is a powerful worldwide industry with a long history of ineffective self-regulation.
2. There is limited or no enforcement by the flag state authority.
3. Most discharges occur on the high seas and so are difficult to detect.
4. Evidence of vessel pollution is hard to gather.
5. Investigations can be expensive, especially those involving holding ships at port.
6. Training of ships' crews on best management practices is inadequate.
7. There is a lack of adequate disposal facilities at ports.

2.3 Recommendations for Improving Enforcement

1. Strengthen domestic laws everywhere, especially concerning the extension of jurisdiction to the Exclusive Economic Zone and the strengthening of extradition treaties, whistleblowing provisions, and the criminal culpability of captains, corporate officers, directors, and agents.
2. Improve evidence gathering, for instance through the use of satellite technology and the sharing of information (including data bases and information on leads)
3. Build the capacity of investigators and regulators.
4. Develop a manual of best practices for investigations.
5. Participate in the International Maritime Organization.
6. Promote the increased availability of on-shore disposal facilities.
7. Eliminate the concept of flag states of convenience.

8. Partner with NGOs concerned with wildlife and pollution to develop a strategic public relations and education campaign to alert people to the massive scope of the problem (public education, according to the workshop participants, is the most important recommendation).

3 RECOMMENDATIONS FOR INECE

INECE is in a unique position to provide significant support for international efforts to regulate and enforce against vessels discharging waste at sea. The recommendation proposed by the workshop participants that fits most neatly within INECE's mission is the development of a public relations and education campaign to alert people to the scope of the problem. INECE can also provide a forum for regulators and enforcement officials to come together to work on issues related to vessel pollution. Lastly, INECE can represent its members before other international bodies and advocate new approaches to control pollution from ships.