



KOMMUNENES INTERNASJONALE MILJØORGANISASJON
LOCAL AUTHORITIES INTERNATIONAL ENVIRONMENTAL
ORGANISATION

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Containership Disaster Highlights North Sea Ministers Lack of Action

The grounding of the MSC Napoli in Lyme Bay, off the Devon Coast, on Sunday the 21st of January is exactly the type of incident that North Sea Ministers and Senior Officials decided was not worthy of action at the North Sea Ministerial Meeting on Shipping and Fisheries in Göteborg last May. KIMO International had called on Ministers to take action to protect coastal communities from the impacts of pollution from containerships however these requests fell on deaf ears despite previous commitments. As far back as the 2002 North Sea Ministerial Conference in Bergen there were calls to improve the legislation in relation to containerships and Ministers agreed to the following:

Para 39 *“Although, when these various instruments (HNS Convention, LLMC 96 Protocol) have come into force, progress will have been made with regard to compensation of victims of marine pollution, some problems will remain. The Ministers therefore **agree**:*

- (i) *To make coordinated efforts within IMO to review, strengthen and introduce, if appropriate, further compensation and liability regimes.”*

As there had been no significant action on the issue in the intervening period at the next Ministerial Conference in Göteborg, in May 2006, Ministers made a further commitment to:

Para 60 *“The Ministers agree to actively cooperate at IMO to assess if there are any loop holes or gaps in the existing regimes for liability and compensation (in relation to consumer goods) which gives reasons for concern, and to take action when a need is identified. Such an assessment can best be made in the light of experience acquired through the implementation of existing conventions.”*

However as the UK has yet to implement the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996 (HNS 1996), the Protocol on Preparedness, Response and Co-operation to Pollution incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS 2000) or the International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKERS 2001) and they have yet to be ratified internationally it seems unlikely there will be any progress. Furthermore it shows the lack of urgency Ministers have in addressing liability and compensations issues in general.

In relation to Non-Toxic Goods carried in containerships there is currently no specific liability and compensation convention and therefore if the owners do not accept responsibility, compensation has to be pursued through the courts. This is extremely difficult as highlighted by the container ship MV Cita, which ran aground on the Scilly Isles in 1997. After an 8-year court case the Local Authority and the DfT had received no compensation and were liable for their own costs for the legal battle.

KIMO President Cllr Angus Nicolson stated: *“This incident highlights an issue on which we have been campaigning for many years and confirms our fears that as these large containerships increase in age this type of accident will become more prevalent. The fact that there is no compensation and liability regime in place could adversely affect coastal communities and place a further burden on Local Authorities which could find themselves responsible for costly clean up operations, as was the case for the MV Cita.”*

Notes for Editors

KIMO UK is a constituent network of KIMO International, an organisation that consists of 115 coastal local authorities in 9 countries in Northern Europe representing over 6 million inhabitants. The organisation holds observer status in the North Sea Ministerial Conference process where is a member of the Special Interest Group on Sustainable Shipping (IGSS). It is also observers at OSPAR and at IMO (as part of the WWF delegation). For more details see www.kimointernational.org

John Mouat, KIMO UK Press Officer will be in Sidmouth and will be available for further comment or interviews and can be contacted on Mobile: 07881788830.

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