

Dark Waters: The Risks of Uninsured Vessels to Coastal States and the International Conventions – A Tobago Case Study.

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With the increasing use of sanctions as a punitive measure, the impact on maritime trade is also increasing. One example of this is the increased volume of oil being transported via uninsured and poorly maintained ageing vessels. As a direct result of this, the risks associated with oil spills from these vessels has grown significantly in the past few years.

This presentation will focus on the recent oil spill incident that impacted Tobago in February 2024, when the barge SEA MARLIN, formerly known as GULFSTREAM, laden with an estimated 9,500 MT of heavy fuel oil capsized while under tow on her journey from Panama to Guyana. The barge was subsequently abandoned and drifted westwards before grounding approximately 150 metres off the southeast of Tobago. The barge released an unconfirmed quantity of heavy fuel oil, estimated to be over 1,000 MT, heavily impacting a 15 km stretch of the Atlantic coast of Tobago. This shoreline comprises coral reefs, riverine systems, mangroves and sandy beaches. These habitats allow fisheries and tourism to thrive, the main contributors to the economy of the island.

With no P&I insurance available to cover or recover costs, the government of Trinidad and Tobago were solely responsible for financing the response. State and private response contractors were mobilised and remained on site for more than three months. Although Trinidad and Tobago are signatories to the 1992 Fund Convention, due to the nature of the incident it was not immediately clear whether the Fund would be liable. Therefore, as a proactive measure, ITOPF was mobilised via the request of the IOPC Funds to initially provide technical assistance with the clean-up efforts. ITOPF remained on-site for over three months but once the 1992 Fund Convention was triggered at the beginning of May 2024, ITOPF also supported the authorities with claims and compensation matters.

This incident and the learning outcomes of this case will provide a useful context to the wider challenges facing coastal states that may not have the preparedness or resources to respond to such an incident.

In the event of an oil spill from an uninsured vessel, there are several factors that may impact the effectiveness of the response. The presence of a national fund to cover costs arising from oil spills, for instance, would allow instant contractor mobilisation and possible relief payments to impacted communities. Being signatory to the international oil pollution conventions would also provide confidence that costs would ultimately be recoverable. Extensive national experience in oil spill response would allow for best practice to be undertaken with a well-practiced contingency plan in place. Finally, a strong economic resilience to incidents such as oil spills would also further decrease the impacts to those affected communities.

Trinidad and Tobago, as well as other coastal states who, for instance, heavily rely on tourism may not have the luxury of some of these aforementioned factors. Therefore, the need for these nations to develop robust marine pollution contingency plans, as well as undertake regular training and exercises, is crucial in order to mitigate the risks that may be increasing as the dark fleet's numbers increase.