



Proceedings of the National Workshop on IMO Conventions for the Prevention and Management of Marine Pollution



Hanoi, Vietnam
21-22 April 1997

Ho Chi Minh City, Vietnam
24-25 April 1997

PROCEEDINGS OF THE NATIONAL WORKSHOP
ON IMO CONVENTIONS FOR THE PREVENTION AND MANAGEMENT
OF MARINE POLLUTION

Hanoi, Vietnam, 21-22 April 1997
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NATIONAL WORKSHOP

ON

IMO CONVENTIONS FOR THE PREVENTION AND MANAGEMENT OF MARINE POLLUTION

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Ho Chi Minh City, Vietnam, 24-25 April 1997

WORKSHOP REPORT

1.0 INTRODUCTION

1. The National Workshop on IMO Conventions for the Prevention and Management of Marine Pollution was held at Meeting Room No. 2, Ministry of Transport, 80-Tran Doa St., Hanoi from 21 to 22 April 1997, and at Meeting Hall B, Saigon Port, 3 Nguyen Tat Thanh St., District 4, Ho Chi Minh City from 24 to 25 April 1997. The workshop was co-sponsored by the International Maritime Organization (IMO) and the Vietnam Bureau of Maritime Affairs (VINAMARINE). Financial support for the workshop was provided by the Government of Norway. Participants from various government offices and agencies attended the two-day workshops, as well as representatives from shipping companies, port authorities, Petrovietnam and the Vietnam Maritime University. A total of 109 participants attended the sessions. The workshop was co-chaired by Mr. Vuong Dinh Lam, Director, International Cooperation Department, VINAMARINE, and Mr. Adrian Ross, IMO Regional Programme Office, Manila, Philippines.

2. Resource persons for the workshop included: Mr. Joe Slater, Marine Environment Division, IMO London; Mr. Zafrul Alam, Policy Division, Maritime and Port Authority, Singapore; and Mr. Gary Wharton, Vietnam-Canada Ocean and Coastal Cooperation Program, Canada.

3. A full list of participants and resource persons is attached as Annex 2.

4. The agenda for the workshop is attached as Annex 3.

2.0 Opening Session

5. The Opening Session of the workshop included statements from Mr. Pham Van Danh, Director, International Relations Department, Ministry of Transportation and Communication (Hanoi), and Mr. Le Doan Hanh, Vice Regional President,

VINAMARINE Ho Chi Minh City Regional Office (Ho Chi Minh City). In the statements, Mr. Danh and Mr. Hanh emphasized the need for improved awareness among law-making bodies, port authorities, ship owners, shipping lines and crew members regarding the objectives and benefits of MARPOL and other IMO conventions, and their implementation in Vietnam. A full text of the welcome addresses is included in Annex 4.

6. Mr. Adrian Ross, on behalf of IMO, expressed appreciation to VINAMARINE, the Ministry of Transport and Communication and the Port of Saigon for their cooperation and support in organizing and implementing the workshop. He welcomed the representatives from the various ministries, institutions and companies to the workshop, and expressed the desire that the forthcoming sessions would be used not only to disseminate information on IMO conventions, but to discuss ways and means for Vietnam to progress toward ratification and implementation of the global agreements.

7. Mr. Ross stated that the objectives of the workshop were:

- .1 To identify existing and potential sources of pollution in the coastal and marine areas of Vietnam;
- .2 To review ongoing marine pollution programs and project activities;
- .3 To examine the various IMO conventions, their objectives and obligations;
- .4 To determine ways and means of strengthening national capacities in marine pollution prevention and management through implementation of international conventions.

8. The meeting was informed that the two-day workshops would first examine the sources of marine pollution and existing and potential effects in Vietnam. This would be followed by a general assessment of the objectives, frameworks and coverage provided by international conventions and how these could be used to address marine pollution problems in Vietnam. The second day of the workshop would be devoted to briefings on five IMO conventions, specifically:

- .1 Prevention of Pollution from Ships 1973, as modified by the 1978 Protocol (MARPOL 73/78);
- .2 Oil Pollution Preparedness, Response and Cooperation (OPRC) 1990;
- .3 Civil Liability for Oil Pollution Damage (CLC) 1969 and the 1992 Protocol;
- .4 Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund) 1971 and the 1992 Protocol;
- .5 Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) 1972 and the 1996 Protocol.

Following each briefing, a general discussion on issues and needs in Vietnam regarding ratification and/or implementation of the particular convention would be held.

International Maritime Organization

9. Mr. Joe Slater informed the workshop of the roles and functions of IMO. The Meeting noted that the Organization has 155 Member States and two Associate Members, as of December 1996, representing more than 96% of the world's shipping tonnage. The Organization consists of an Assembly, a Council and four main Committees: the Maritime Safety Committee; the Marine Environment Committee; the Legal Committee; and the Technical Cooperation Committee. There is also a Facilitation Committee and a number of Sub-Committees of the main technical committees. The Committees are comprised of all Member States.

10. Mr. Slater explained that the purpose of IMO is: to provide the machinery for cooperation among governments in the area of regulation and practices on technical matters affecting shipping engaged in international trade; and to encourage and facilitate the general adoption of the highest practical standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships. Mr. Slater pointed out that measures evolved by IMO are normally contained in international treaties known as conventions. These are developed by representatives of Member Governments meeting in the IMO forum. The resulting convention is then agreed on, or adopted, at a conference of Governments called by the Organization. Over 30 conventions and more than 700 codes have been adopted and promoted by IMO during its 39-year history.

11. Mr. Slater concluded with a review of IMO's technical cooperation and assistance programme. He pointed out that IMO concentrates on training of people, by assisting countries to pool their resources to establish regional maritime academies, by conducting workshops and seminars, by arranging for specialists to visit Member States and by organizing fellowship programmes which enable students from developing countries to obtain training abroad. On this last item, Mr. Slater noted that Vietnam had 7 graduates from the World Maritime University in Malmö, Sweden.

Maritime and Port Authority (MPA) of Singapore

12. Mr. Zafrul Alam informed the workshop of MPA's history, coming into existence in February 1996 through a merging of the National Maritime Board, the Marine Department and the regulatory departments of the Port of Singapore

Authority (PSA). Mr. Alam explained the functions of the various divisions of MPA. A corporate video of MPA was shown (Ho Chi Minh City) and copies of the video were presented to VINAMARINE.

13. Mr. Alam thanked IMO and VINAMARINE for inviting MPA to the Workshop. He said that Singapore is glad to share its experiences on the ratification and implementation of IMO conventions, and in particular MARPOL. He indicated that Singapore started the groundwork on MARPOL in 1980 and deposited its instrument of accession in 1990. While acknowledging the differences between Singapore and Vietnam, he expressed the belief that Singapore's experience would be a practical guide for Vietnam, more so than approaches of developed countries. Mr. Alam concluded by stating that he looked forward to sharing this experience during the workshop, and to the forging of a common purpose for the protection of the marine environment throughout the region.

Vietnam-Canada Ocean and Coastal Cooperation Programme (VCOP)

14. Mr. Gary Wharton explained that the aim of VCOP was to contribute to the development and implementation of a sustainable integrated oceans policy for Vietnam, as part of the larger Asia-Pacific Ocean Cooperation Project (ACOP). Mr. Wharton identified the five areas of VCOP's second phase (VCOP II) activities in Vietnam, namely:

- .1 developing an oceans policy document for Vietnam, providing for implementation of the United Nations Convention on the Law of the Sea;
- .2 assisting in completing the regulatory regime for petroleum operations offshore Vietnam;
- .3 strengthening the capacity of the Continental Shelf Committee in its role as an advisory body in marine and coastal affairs to the Government of Vietnam;
- .4 developing a consensual and integrated legal framework for managing the coastal fisheries of Vietnam; and
- .5 assisting in building a national capacity to effectively develop and manage the marine transportation sector.

15. Mr. Wharton outlined the nature of projects being undertaken as part of VCOP II in the marine transportation component of the programme, including;

- .1 drafting of national regulations to control marine pollution from ships;
- .2 increasing the sensitivity of judges and lawyers in the country to marine pollution through training programmes; and

- .3 drafting regulations for protecting Vietnam's coastal zone and exclusive economic zone (EEZ).

16. Mr. Wharton expressed his appreciation to IMO and to VINAMARINE for inviting VCOP to the workshop, and stated that he looked forward to future collaboration and cooperation among the various national and international stakeholders to address the issue of marine pollution in Vietnam and the region.

3.0 Marine Pollution: Sources and Implications

Marine Pollution Prevention and Management in Vietnam

17. Mr. Cao Xuan Vinh, Deputy Director, Vietnam Register of Shipping (VIRES), Hanoi, and Mr. Trinh Duc Chinh, Deputy Director, VIRES, Ho Chi Minh City, reviewed the situation in Vietnam regarding the implementation of MARPOL 73/78. The Deputy Directors pointed out that:

- .1 there are 783 ships registered under Vietnam's flag, 217 of which ply international waters, with 31 registered internationally;
- .2 the average age of Vietnam's international fleet is 18 years old; total tonnage is 1.1 million tons;
- .3 with the imposition of stricter standards on shipping, it is becoming increasingly difficult for Vietnam to meet the obligations of international conventions; and
- .4 some of Vietnam's vessels have already been detained in foreign ports because of compliance problems.

18. Sea-going vessels not operating internationally (i.e., tankers > 150 GRT and cargo vessels > 400 GRT) and domestic vessels (e.g., river craft, coastal vessels, barges) are subject to the same requirements as vessels operating internationally, by national law. However, these vessels are lacking the necessary slop tanks, oil/water separators, filters, etc.

19. Little progress has been made with the implementation of Annex II of MARPOL. At present the number of vessels carrying dangerous liquid chemicals is small, but is expected to grow with the demand for gas. Annexes III, IV and V are not implemented. There are no shore reception facilities at public ports in Vietnam.

20. The speakers concluded their presentation by listing various actions that needed to be taken in order to improve the implementation of MARPOL in Vietnam:

- .1 designation of protected zones in Vietnamese coastal and marine

- .2 waters where disposal of shipping wastes is prohibited;
- .3 development of national implementing legislation for MARPOL 73/78;
- .4 review and harmonization of international, national and local regulations concerning marine pollution;
- .5 establishment of shore reception facilities in international and national ports;
- .6 development of practical financial mechanisms to support marine pollution prevention and management programs;
- .7 setting up an interagency technical committee to prepare necessary instruments and capacities to ratify and implement IMO conventions, including CLC Protocol 1992, Fund Protocol 1992, OPRC 1990 and the London Convention Protocol 1996;
- .8 introduction of a multi-media campaign to build public awareness on marine environment protection; and
- .9 compilation of international conventions and national laws and regulations on the marine environment.

A full text of the presentation is included in Annex 5.

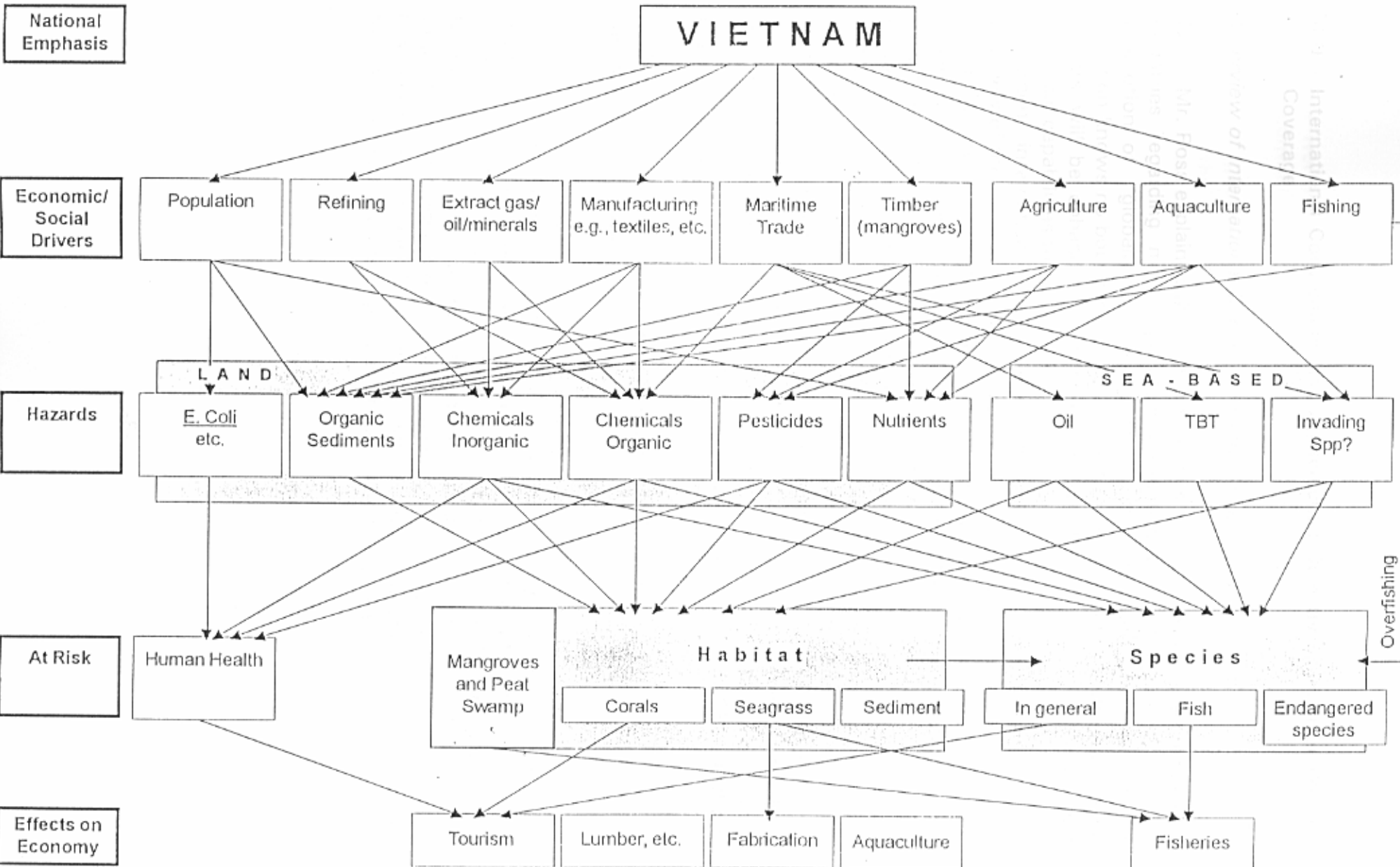
Marine Pollution Prevention and Management in the East Asian Seas

21. Mr. Ross provided a brief review of the GEF/UNDP/IMO Regional Programme on the Prevention and Management of Marine Pollution in the East Asian Seas, and the rationale for addressing land- and sea-based sources of marine pollution in an integrated fashion. To emphasize the point, a diagram illustrating the risk pathways, by which the marine environment is or will be affected, was shown (Figure 1). Mr. Ross went on to explain elements of the Regional Programme and how it is demonstrating:

- .1 the prevention and management of land-based pollution of marine and coastal areas within the framework of integrated coastal management (ICM), at two sites in the region (Xiamen, China; and Batangas Bay, Philippines);
- .2 environmental management of subregional sea areas within the framework of risk assessment-risk management, at one site in the region (the Malacca Straits).

The 1996 annual report of the Regional Programme was distributed to the workshop participants.

• Not all possible pathways are included.



4.0 International Conventions and Agreements: Objectives, Frameworks and Coverage

Overview of International Conventions and Agreements

22. Mr. Ross explained that the international conventions provide guidance to countries regarding marine pollution prevention and management, through promotion of globally/regionally accepted standards and practices. Marine pollution knows no boundaries, and pollution management in coastal and marine waters will be enhanced if countries develop the necessary legislation and technical capabilities to ratify and implement international conventions, protocols and codes of practice. An overview of the various international conventions, agreements and programmes of action for protecting the marine environment from various land-based and sea-based activities was presented. It was noted that conventions cover an assortment of hazards and aspects of marine pollution management including prevention, control, preparedness and response, and liability and compensation. It was further noted that the priority of and extent to which countries ratify and implement conventions is very much dependent on each country's stage of economic development, national legal and technical capability, available funds, awareness of pollution issues and political will to address such issues. In the East Asia region, over the past two years, countries have begun to make a concerted effort to ratify international conventions, especially UNCLOS, MARPOL and the Basel Convention.

Ratification and Implementation of International Conventions: National Priority Setting

23. Mr. Slater reviewed the process by which international conventions are developed and adopted within IMO. He highlighted that the conventions themselves are developed by the representatives of the IMO Member States meeting in the IMO forum. Therefore the priority of issues and approaches taken to address those issues are reached by consensus among the States. The Organization also adopts recommendations, codes of practice and guidelines and has developed a successful technical cooperation programme which is designed to assist Member States to put such measures into practice.

- a) advising them of the benefits of such measures;
- b) including shipowners, port authorities and other interested parties in the process of conducting public awareness campaigns;
- c) developing a fee schedule for the surveys and certification;
- d) drafting national implementation plans;
- e) sending training courses to the States.

24. The workshop was informed of IMO's main priorities with regard to marine pollution conventions, supporting technical information and programmes, namely:

- .1 preventing operational pollution from ships, via the MARPOL 73/78, the Bulk Chemical (BCH) Code, and the International Maritime Dangerous Goods (IMDG) Code, and minimizing the dumping of wastes into the sea through the London Convention;
- .2 preventing accidental pollution, through application of the Safety of Life at Sea (SOLAS) Convention, International Regulations for the Prevention of Collisions at Sea, the International Convention on Standards of Training, Certification and Watchkeeping (STCW), the International Safety Management (ISM) Code and the International Convention on Salvage;
- .3 reducing the consequences of pollution through MARPOL 73/78 and OPRC 1990;
- .4 providing compensation for pollution, through the CLC and Fund Conventions, and the recently adopted International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) 1996;
- .5 helping implementation through technical assistance.

Obligations and Benefits Derived by States Parties to International Conventions

25. Mr. Alam reviewed Singapore's experience in ratifying the MARPOL Convention. The approach taken included:

- .1 establishing one national focal point who was responsible for mobilizing and coordinating all stakeholders in the public and private sectors;
- .2 organizing a tripartite committee, comprised of the Ministry of Environment, Port of Singapore Authority and the former Marine Department of the Ministry of Communications (now the Shipping Division of MPA), to coordinate activities and define roles and responsibilities of each agency with respect to MARPOL;
- .3 developing and disseminating a series of circulars to stakeholders, advising them of the implications and obligations under MARPOL, including shipowners, ship yards, port authorities, etc.;
- .4 conducting public awareness and education campaigns on MARPOL;
- .5 developing a fee schedule for handling wastes from ships, and for surveys and certification; and
- .6 drafting national implementing legislation.

26. Mr. Alam cited a few of the benefits for countries when they ratify and implement international conventions, including:

- .1 economic advantage, as a consequence of preventing and managing pollution, as opposed to cleaning up and paying for damage caused by pollution;
- .2 reduced vulnerability, avoiding liability as a result of pollution;
- .3 improved efficiency, avoiding delays in international ports because of non-complying vessels;
- .4 facilitation of enforcement, as a result of similar requirements among all Member States;
- .5 enhanced regional cooperation, through port state control;
- .6 resale value of vessels, because they meet international standards; and
- .7 sustainability of coastal and marine waters.

5.0 Vietnam's Priorities and Strategies for Ratifying and Implementing International Conventions on Marine Pollution

Review of Vietnam's Progress in Ratification of International Conventions

27. Mr. Nguyen Vinh Loc, Deputy Director, International Relations Department, Ministry of Transport (Hanoi) and Mr. Vung Dinh Lam, Director, International Relations Department, VINAMARINE (Ho Chi Minh City) advised the workshop that Vietnam became a Member State of IMO in 1984. Since that time, the Government has ratified six IMO conventions. However, both speakers recognized that further efforts were required in fully implementing the six conventions and in ratifying other agreements. A text of the presentation is included in Annex 6.

28. Mr. Hua Chien Thang, Deputy Director of Division, National Environment Agency (Hanoi) and Mr. Le Doan Hanh, Vice Director, VINAMARINE (Ho Chi Minh City) reviewed the incidences of oil spills and pollution along the coastline of Vietnam. Since 1989, it was noted that there were 20 registered cases of oil spills, ranging in size from 200 tons to more than 1,850 tons. Because of increase in oil exploration and exploitation, and increased demand for fuel within the country, there is increased risk of oil spills. The Ministry of Science, Technology and Environment (MOSTE) was appointed by the Prime Minister to prepare a framework for a national oil spill response plan. The plan, which is being completed with the assistance of TEXACO, will be considered by the Prime Minister. If approved, three oil spill response centers will be set up along Vietnam's coastline, in the northern, central and southern areas of the country. Following adoption of the plan, further work will be required to establish legislation, financing, training and procurement of equipment. A full text of the

presentation is included in Annex 7.

6.0 International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

National Administration, Legislation and Enforcement

29. Mr. Alam explained the organizational structure of MPA Singapore. He described the role of MPA in implementation of MARPOL as follows:

- .1 surveys and certification of vessels, including delegation of such responsibility to classification societies;
- .2 provision of exemptions from requirements;
- .3 port state control and the implementation of the Tokyo Memorandum of Understanding;
- .4 investigation of incidents involving flag vessels and those calling and operating in Singapore waters;
- .5 monitoring of IMO developments;
- .6 appointment of MARPOL surveyors;
- .7 appointment of laboratory analysts, for providing evidence in prosecutions;
- .8 approval of equipment;
- .9 monitoring and detection of marine pollution, in co-operation with the Police Coast Guard, Republic of Singapore Navy and civilian and government aircraft;
- .10 controlling importation and exportation of non-categorized chemicals on ships;
- .11 controlling the movement of vessels carrying dangerous substances in Singapore waters;
- .12 ensuring the provision of shore reception facilities for ships at anchorages.

30. Mr. Alam informed the group that Singapore's regulations give responsibility to MPA for management and control of all marine pollution in the territorial sea, whether originating from sea operations or from the land. Six regulations have been developed under Singapore's Prevention of Pollution of the Sea Act for implementation of MARPOL and for combating oil spills, focusing on: oil; noxious liquid substances in bulk; reporting of pollution incidents; reception facilities; detergents and equipment; and composition of offences. Annex III of MARPOL is implemented through the IMDG Code, and in Singapore, the Merchant Shipping (Safety Convention) Regulations give effect to the IMDG Code. The Ministry of the Environment, which controls land-based pollution and operates waste disposal facilities, is also responsible for regulating the design, construction and equipment

standards for shore reception facilities for oily and chemical residues, and the quality of effluent discharges from such facilities. The Urban Redevelopment Authority is the national planning authority and the national conservation authority for Singapore, including Singapore's territorial waters. The Primary Production Department is responsible for the country's agriculture, marine fisheries and aquaculture. The National Parks Board is responsible for developing and maintaining coastal parks and coastal nature reserves.

31. Mr. Alam stressed that implementing regulations for MARPOL must be practical and consider the technical and administrative requirements and capacities of the respective governments and ports. He explained that Singapore's regulations were based on national regulations from the UK and Australia, but modified to suit the situation in Singapore.

Shore Reception Facilities

32. Mr. Alam referred to the provision of shore reception facilities in Singapore. The oily waste reception facilities were first commissioned by the Port of Singapore Authority (PSA) in 1973. In 1993, the shore reception facilities were privatized. A private company was organized, comprised of PSA (50% shareholder) and four shipyards (50% shareholder). The company, Singaport Cleanseas Pte. Ltd. (SCPL), bought over the existing facilities on Pulau Sebarok from PSA for S\$6 million. SCPL invested a further S\$22 million to upgrade and expand its reception and treatment facilities. The operation of SCPL is supported by a fleet of barges and two tankers (1,850 dwt and 1,077 dwt) for transporting oily wastes to the treatment facility. The facility itself includes an oily sludge treatment plant (10,000 tonnes per year), an oily water treatment plant (50 m³ per hour) and five storage/treatment tanks with a total capacity of 35,000 m³. Plans are underway to upgrade the facility, with the addition of a new sludge treatment plant (30,000 tonnes per year) and a new oily water treatment plant (200 m³ per hour).

33. In addition to Singaport Cleanseas, oily waste reception facilities are also available at 5 terminals operated by multi-national oil companies. The terminals receive oily ballast water, tank washings, oily bilge water and oil purifier sludges from tankers unloading at the refineries. Smaller individual operators, licensed by the Ministry of Environment (ENV), collect oily wastes from smaller vessels, for transport to approved re-refining or processing facilities.

34. Mr. Alam went on to explain that all tank cleaning is completed by licensed contractors at designated anchorages in the port area. All tank cleaning is strictly monitored and controlled. The contractors must ensure that wastes are properly handled and disposed of. They must not carry out any tank cleaning activities

outside Singapore waters. If they violate any of these conditions, their licences may be cancelled. Ships calling at Singapore for repairs at shipyards and coming in "clean condition" must declare where and how they disposed of their wastes. If the MPA is not satisfied with their declaration, they are not allowed to proceed to the shipyards.

35. Chemical wastes are received at two terminals. A floating barge (20 m³) and tank truck for Category A, B, and C wastes are employed by GATX Terminal Pte. Ltd. A fixed facility (20 m³ per day capacity) is used at the Shell terminal for Category B chemical wastes.

36. Garbage collection services are currently being provided by the MPA. Costs for these services are covered by the port dues for vessels. Private contractors can be employed to receive large volumes of garbage and sewage from cruise and war ships.

37. Mr. Alam explained the existing user fee system at SCPL. The fee schedule consists of S\$12 per m³ for disposal of slops and S\$350 per tonne for disposal of oily sludge. The system also includes a rebate to the shipping companies for oil that is recovered from the collected wastes. The user fees are collected from the ship agents in Singapore.

38. About 400 tankers are serviced per year. The procedures employed in collection and treatment of Annex I wastes were described as follows:

- .1 the shipping agent files a declaration of arrival with MPA
- .2 an application for discharge of oily wastes is submitted for the approval of the Port Master of MPA;
- .3 reception vessels are deployed to the ship when it arrives;
- .4 sampling and sounding of the ship wastes are conducted prior to discharge, to determine the quantity and quality of oily waste. (Analysis of the samples are completed at an independent private laboratory.)
- .5 if tank cleaning is required, ship agents are responsible for contracting registered cleaners, subject to the approval by the Port Master of MPA.

39. Both the MPA and the Ministry of Environment (ENV) have a regulatory function with regard to shore reception facilities and their operation. ENV is responsible for registration of tank cleaning contractors and for licensing of collectors. MPA is responsible for licensing transporters and for approval of tank cleaning and waste discharge operations. MPA enacts its responsibilities through port inspectors.

7.0 Oil Preparedness, Response and Cooperation (OPRC) 1990

Objectives, Obligations and Benefits

40. Mr. Slater informed the meeting that the principal benefit of OPRC 1990 was the commitment by Member States to cooperate and to render assistance to Parties that request help to deal with pollution incidents, subject to:

- .1 capability and availability of the relevant resources;
- .2 reimbursement of the cost of assistance;
- .3 requesting Party, in particular developing countries, may ask the assisting Party to waive reimbursement of expenses exceeding the sum compensated or reduce costs or postpone the reimbursement of such costs.

41. Mr. Slater then reviewed the basic obligations that States Parties have under OPRC 1990, including: as a minimum, a national contingency plan; designated national authorities; operational focal points; a minimum level of prepositioned equipment; spill response exercises; responding plans and communications capabilities; and mechanisms for coordinating response.

42. The four IMO model training courses for OPRC were reviewed. The workshop was informed that two such courses will be given in the region, namely in Bangkok and Brunei in June 1997. Vietnam has been invited to send participants to the training session in Bangkok.

8.0 Civil Liability for Oil Pollution Damage (CLC) 1969 and CLC Protocol 1992 and Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund) 1971 and Fund Protocol 1992

43. Mr. Wharton reviewed the history of CLC and Fund Conventions and explained the origin of the Protection and Indemnity (P & I) Clubs. The participants were advised of the advantages of the Conventions, namely:

- .1 some shipowners may not be able to pay the compensation;
- .2 claims may have to be made in another country, and as such, without the Convention, it may not be possible to prosecute a foreign shipowner;
- .3 there may be no means of accessing/detaining the ship;
- .4 there may be no means of accessing the shipowner's underwriter.

44. Mr. Wharton explained that the CLC 1969 applies to oil pollution damage resulting from spills of persistent oil from laden tankers, in the territory of a State

party to the Convention. The flag State of the tanker and the nationality of the shipowner are irrelevant. The owner of the tanker has strict liability for pollution damage, namely an amount of approximately US\$194 per ton of the ship's tonnage, or US\$20.5 million, whichever is less. Exemptions from liability for the shipowner have been identified. The owners of all tankers having more than 2,000 tons of persistent oil as cargo are obliged to maintain insurance.

45. The International Oil Pollution Compensation Fund 1971 pays compensation to those suffering oil pollution damage in a State Party of the 1971 Fund Convention, who do not obtain full compensation under CLC 1969. The compensation payable by the Fund 1971 is limited to US\$87.8 million, including the sum actually paid by the shipowner under CLC 1969. The IOPC Fund is relieved of its obligation to pay indemnification under specific circumstances. Financing of Fund is based on contributions levied on any person who has received in one calendar year more than 150,000 tonnes of crude oil and heavy fuel oil in a State Party to the 1971 Fund. There are initial and annual contributions, and the level of annual contribution varies from one year to another, depending on the claims made against the Fund.

46. Mr. Slater discussed the 1992 Protocols to the CLC and Fund Conventions. He pointed out the following features:

- .1 a special liability limit for small vessels, and a substantial increase for ships of over 140,000 units of tonnage or over of approximately US\$87 million;
- .2 increase in the limit of compensation payable by the Fund to US\$198 million;
- .3 extended geographical scope, to include the exclusive economic zone (EEZ) established under UNCLOS;
- .4 inclusion of pollution damage caused by spills of persistent oil from unladen tankers;
- .5 inclusion of expenses incurred for preventative measures even when no spill of oil occurs, provided that a grave and imminent danger existed;
- .6 a new definition of pollution damage, clarifying eligible costs for reasonable measures to restore the contaminated environment; and
- .7 no initial contributions are required.

47. Mr. Slater concluded by indicating that the 1992 Protocol to the Fund Convention provides a compulsory denunciation of the 1969 CLC and the 1971 Fund. In view of this, it was suggested that the Government of Vietnam might wish to accede only to the 1992 Protocols to the CLC and Fund. These Protocols would enter into force one year after an instrument of accession is deposited with IMO.

48.0 Mr. Alam indicated that Singapore has been a party to CLC 1969 since 1981, and is now preparing to ratify CLC Protocol 1992 and Fund Protocol 1992.

9.0 Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) 1972 and the 1996 Protocol

49. Mr. Ross briefly reviewed the London Convention, explaining the history of deliberate dumping at sea of waste loaded on-board vessels. The workshop was advised that the recently adopted 1996 Protocol provided several significant changes over the original convention, not the least of which were:

- .1 a reverse or positive listing of wastes and other matter which may be considered for sea disposal;
- .2 a waste assessment framework, which is used to assess eligible wastes and options for managing such wastes on land;
- .3 a full ban on incineration at sea of industrial waste and sewage sludge;
- .4 prohibition of burial or storage of wastes in sub-sea repositories accessed by ships;
- .5 prohibition of export of wastes or other matter to other countries for dumping or incineration at sea;
- .6 promotion of bilateral and multilateral support to those Contracting Parties that request it to strengthen national capabilities in research, monitoring and enforcement, equipment, waste minimization and clean production processes, information on waste management, and access to and transfer of environmentally sound technologies and corresponding know-how.

50. Mr. Ross explained the 5-year transitional period afforded to new Parties to the 1996 Protocol, if requested. The transitional period offers new Parties, and especially developing countries, an opportunity to progress toward full compliance with the Protocol, with the assistance of other Contracting Parties.

10.0 Technical Cooperation and Assistance

51. Discussions on technical cooperation and assistance needs and priorities were held following each of the presentations on international conventions. The results of the discussion sessions have been summarized and attached as Annex 1.

11.0 Closing Ceremony

52. The workshops closed with statements from Mr. Ross and Mr. Lam, the co-chairmen. Mr. Ross identified that the types of problems discussed during the workshop were technically and politically difficult to address in the short term. Because of limited resources and competing priorities, there is a need for stakeholders in the public and private sectors of Vietnam to work cooperatively and collectively to address marine pollution issues, including ratification and implementation of international conventions. Mr. Ross thanked VINAMARINE, the Department of Transport and Communication and the Port of Saigon for their efforts in organizing the workshop, the participants for taking time to attend the workshop, and colleagues from IMO headquarters, MPA Singapore and VCOP for their contribution to the proceedings. Mr. Lam emphasized that the maritime and petroleum sectors were growing rapidly in Vietnam and that assistance was required from IMO in order to stay abreast of pollution prevention requirements, technologies and practices. Mr. Lam expressed his gratitude to IMO, the Government of Norway, MPA Singapore and VCOP for their support and expressed his desire that it would be the start of collaborative efforts in marine pollution in Vietnam.

53. The workshop closed at 16:05, 25 April 1997.

**National Workshop on IMO Conventions
for the Prevention and Management of Marine Pollution**

**Summary of Issues and Proposed Short-Term Actions
(based on Workshop discussions)**

1. MARPOL 73/78: ratified in 1991

Components:	Issues:	Proposed short-term actions:
Legislation	<p>1. A lack of national implementing legislation. The Law on Environmental Protection (1993) and Maritime Code (1990) have general provisions concerning observance of environmental standards, for national and foreign vessels.</p> <p>2. A lack of harmonization between MARPOL oily waste discharge standards and national and local effluent standards</p>	<p>1. IMO Manila and VCOP to organize a legislation drafting workshop in late July/early August 1997 in Hanoi.</p> <p>2. VINAMARINE and VIRES to coordinate local agencies and industry.</p> <p>3. Draft legislation to be harmonized with other national and local government regulations and controls.</p>
Administration	<p>1. Overlapping responsibilities among national agencies and levels of government; no clearly designated national administrative authority for MARPOL.</p> <p>2. Need for improved coordination between the harbour department and environmental departments at the local level.</p>	<p>1. National agencies to designate individuals who will be responsible for coordinating and collaborating MARPOL activities among agencies, the shipping community and the general public.</p> <p>2. National legislation to identify roles and responsibilities of national and local authorities and line agencies.</p>

Components:	Issues:	Proposed short-term actions:
Enforcement	<ol style="list-style-type: none"> 1. Insufficient and inadequately trained human resources to implement and enforce MARPOL. 2. Inadequate facilities and equipment to conduct proper monitoring. 	<ol style="list-style-type: none"> 1. IMO London to identify training opportunities for Vietnam, including regional/national training courses, fellowships to WMU and possible hands-on training in Canada, Singapore, etc.
Equipment and facilities	<ol style="list-style-type: none"> 1. No shore reception facilities. 2. Vessels lacking necessary equipment for storing, treating and discharging operational wastes. 3. Limited capacity on land to manage vessel wastes properly. 	<ol style="list-style-type: none"> 1. IMO Manila to develop project proposal on the development of a cost-effective shore reception facility at a major port in Vietnam for submission to VINAMARINE. 2. Donor funding to be sought for project implementation. 3. Singapore MPA to complete mission to Hanoi in May to discuss tanker cleaning operations.
Support services	<ol style="list-style-type: none"> 1. No national fee system established to support environmental programs and services. 2. Limited formal courses on marine environment protection available in maritime educational institutions. 3. Public awareness and education on marine pollution issues is lacking. 4. Lack of access to IMO documents and publications, especially to maritime authorities and educational institutions. 	<ol style="list-style-type: none"> 1. IMO Manila to disseminate information on sustainable financing mechanisms to MOSTE. 2. National fee system for shore reception facilities to be considered as part of project proposal on reception facilities. 3. IMO London to prepare a list of courses and training modules on marine environment, available through international agencies and national programs for VINAMARINE and Vietnam Maritime University. 4. IMO London to assess possibility of forwarding documents directly to VINAMARINE, for distribution to national agencies and the shipping sector.

2. OPRC 1990: not ratified

Components:	Issues:	Proposed short-term actions:
Legislation	<ol style="list-style-type: none"> 1. General provisions concerning oil spills in the Law on Environmental Protection (1993). 2. Fragmented laws and circulars dealing with oil spills. 3. MOSTE has prepared a guide on oil spill response techniques. 	<ol style="list-style-type: none"> 1. MOSTE, as lead national agency, to consider need for consolidation of legislation and guideline documents into one law.
Administration	<ol style="list-style-type: none"> 1. No national contingency plan. 	<ol style="list-style-type: none"> 1. Approval of the draft National Contingency Plan for the Prevention of and Response to Oil Spills. 2. National workshop on national oil spill contingency plan to be held from 8 to 12 July 1997, with the support of TEXACO.
Implementation	<ol style="list-style-type: none"> 1. Lack of national capacity to coordinate and implement oil spill response plan. 	<ol style="list-style-type: none"> 1. National workshop in July 1997 to examine the establishment of regional response centers and the related organizational, institutional and communication arrangements.
Equipment and facilities	<ol style="list-style-type: none"> 1. Limited equipment on land and on vessels. 2. Oil companies are required to develop local contingency plans and provide necessary equipment, but the level of compliance is not known. 	<ol style="list-style-type: none"> 1. National agencies and industry to develop action plans at the July 1997 workshop.
Support Services	<ol style="list-style-type: none"> 1. Lack of training in oil spill preparedness and response. 2. Lack of experience at the senior official level in mobilizing and coordinating oil spill response. 	<ol style="list-style-type: none"> 1. IMO to conduct two training courses in the region in June 1997. Vietnam has been invited to nominate participants for the Bangkok course. 2. National and regional training and oil spill exercises to be considered at workshop.

3. CLC and FUND: not ratified

Components:	Issues	Required short-term actions:
Legislation	<ol style="list-style-type: none"> 1. Regulations under the Law on Environmental Protection (1993); no regulations under Maritime Code (1990); 2. Petroleum Law (1993) requires offshore operations to carry environmental insurance. 3. Mining Law (1994) states that compensation will be paid for environmental damage. 	<ol style="list-style-type: none"> 1. In light of the recent termination of the voluntary industry schemes (i.e., TOVALOP and CRISTAL) which provided compensation to victims of oil pollution damage, Vietnam needs to take immediate action to adopt the CLC and FUND Protocols 1992. 2. A review of the most appropriate legal vehicle for implementation of a liability and compensation regime for oil pollution damage from shipping is required.
Administration	<ol style="list-style-type: none"> 1. Lack of awareness of liability and compensation issues and implications. 2. No government department has the clear authority to deal with liability and compensation for oil pollution damage. 	<ol style="list-style-type: none"> 1. IMO/VCOP to prepare a proposal which outlines plan for communicating urgency of the situation to appropriate Senior Government Officials in Vietnam, and for ratifying the conventions.
Support services	<ol style="list-style-type: none"> 1. Lack of adequate and appropriate human resources to fully implement liability and compensation regime. 	<ol style="list-style-type: none"> 1. VCOP to develop training programs dealing with the collection of evidence and the preparation of damage claims. 2. Singapore has experience in the collection of evidence, and hands-on training is a possibility.

4. London Convention: not ratified

Components	Issues	Proposed short-term actions
Legislation	<ol style="list-style-type: none"> 1. General provisions for control of land- and sea-based sources of marine pollution are contained in the Law on Environmental Protection (1993). 2. Guidelines on treatment and disposal of industrial wastes are under development. 3. Vietnam has adopted a National Plan for Environment and Sustainable Development (1993). 4. The Basel Convention was ratified by Vietnam in 1995. 	<ol style="list-style-type: none"> 1. The Asia-Pacific Center for Environmental Law (Singapore) to study environmental legislation in Vietnam. 2. UNEP and UNDP are currently financing programs concerning the strengthening of national environmental regulations in Vietnam.
Administration	<ol style="list-style-type: none"> 1. MOSTE is the national authority for environmental issues. 	<ol style="list-style-type: none"> 1. Addressing waste management and the resulting marine pollution issues in Vietnam will require a long-term commitment by government.
Implementation and enforcement	<ol style="list-style-type: none"> 1. There is a lack of human resources and political will to enforce environmental laws. 2. The provinces are responsible for enforcement of environmental laws. However, there is limited technical and human resource capacity to fulfill this responsibility. 	<ol style="list-style-type: none"> 2. The technical cooperation and assistance programme under the London Convention offers opportunities to Vietnam. Further discussions between Senior Government Officials of Vietnam and IMO are required, to develop an action plan for proceeding toward ratification and implementation of the Convention.
Equipment and facilities	<ol style="list-style-type: none"> 1. There are very few waste management facilities in the country. Liquid and solid wastes are dumped and discharged directly into the marine environment from land- and sea-based sources. 	

Components	Issues	Proposed short-term actions
Support services	<p>1. There are limited laboratories, consultants, scientific institutions, etc. with capacity in the marine pollution management sector;</p> <p>2. There are a number of international agencies, donors and intergovernmental financial institutions working on various waste management/marine pollution projects in Vietnam. However, there does not appear to be coordination or collaboration among these projects.</p>	<p>3. MOSTE to develop a project aimed at strengthening the capacity of local governments to manage marine and coastal areas, including integrated waste management.</p> <p>4. MOSTE to lead national agencies through process of establishing national goals and priorities in marine pollution prevention and management, and an action plan on how to proceed.</p>

**NATIONAL WORKSHOP ON IMO CONVENTIONS FOR THE PREVENTION
AND MANAGEMENT OF MARINE POLLUTION**
Hanoi City, Vietnam, 21-22 April 1997

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NATIONAL WORKSHOP ON IMO CONVENTIONS FOR THE PREVENTION
AND MANAGEMENT OF MARINE POLLUTION

Ho Chi Minh City, Vietnam, 24-25 April 1997

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NATIONAL WORKSHOP ON IMO CONVENTIONS
FOR THE PREVENTION AND MANAGEMENT OF MARINE POLLUTION

Hanoi City, Vietnam, 21-22 April 1997

Ho Chi Minh City, Vietnam, 24-25 April 1997

Workshop Schedule

Day 1:

1.0 Registration

2.0 Opening Session

09:00 - 09:30

- .1 Welcoming address by host agency, VINAMARINE
- .2 Welcoming address by the International Maritime Organization

09:30 - 10:30

- .3 Objectives and Overview of the National Workshop
Adrian Ross, IMO Manila
- .4 Briefing on the International Maritime Organization: Role and Function
Joe Slater, IMO London
- .5 Briefing on the Maritime and Port Authority of Singapore: Role and
Function
Zafrul Alam, MPA Singapore
- .6 Briefing on the Marine Transportation Component of the
Vietnam/Canada Ocean and Coastal Cooperation Programme
Gary Wharton, Vietnam/Canada Ocean & Coastal Cooperation
Programme

10:30 - 10:45

Coffee

3.0 Marine Pollution: Sources and Implications

10:45 - 12:30

- .1 National Profile on Marine Pollution Prevention and Management in
Vietnam Representative from VINAMARINE

- .2 Marine Pollution Prevention and Management in the East Asian Seas
Adrian Ross, IMO Manila
- .3 Discussion on the perception of marine pollution and potential impacts on the economy, human health, resources and environment of Vietnam
Representatives from VINAMARINE, other national agencies and private sector.

12:30 - 13:30

Lunch

4.0 International Conventions and Agreements: Objectives, Frameworks and Coverage

13:30 - 15:00

- .1 Overview of International Conventions and Agreements
Adrian Ross, IMO Manila
- .2 Ratification and Implementation of International Conventions: National Priority Setting and Approaches
Joe Slater, IMO London
- .3 Obligations and Benefits Derived by States Parties to International Conventions
Zafrul Alam, MPA Singapore

15:00 - 15:15

Coffee

5.0 Vietnam's Priorities and Strategies for Ratifying and Implementing International Conventions on Marine Pollution

15:15 - 16:30

- .1 Review of Vietnam's Progress in Ratification of International Conventions
Representatives from VINAMARINE or other national agencies
- .2 Government Priorities, Objectives and Programs with respect to Marine Pollution
Representatives from VINAMARINE or other national agencies

Day 2

6.0 International Convention for the Prevention of Pollution From Ships 73/78 (MARPOL 73/78)

09:00 - 10:30

- .1 MARPOL Objectives and Overview of Annexes
Adrian Ross, IMO Manila
- .2 National Administration, Legislation and Enforcement
Zafrul Alam, MPA Singapore
- .3 Shore Reception Facilities
Zafrul Alam, MPA Singapore
- .4 General discussion on issues and needs in Vietnam for implementation of MARPOL 73/78

10:30 - 10:45

Coffee

7.0 Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC 1990)

10:00 - 12:30

- .1 Convention Objectives, Obligations and Benefits
Joe Slater, IMO London
- .2 General discussion on issues and needs in Vietnam regarding implementation of OPRC 1990

12:30 - 13:30

Lunch

8.0 Civil Liability for Oil Pollution Damage (CLC) Protocol 1992 and Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund) Protocol 1992

13:30 - 15:00

- .1 CLC/Fund Objectives and Coverage
Joe Slater, IMO London
- .2 Administration, Obligations and Benefits
Mr. W. Gary Wharton, Vietnam/Canada Ocean and Coastal Cooperation Programme

- .3 General discussion on issues and needs in Vietnam regarding implementation of CLC and Fund Protocols 1992

9.0 Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention) 1972, 1996 Protocol

15:00 - 15:30

- .1 London Convention Objectives, Obligations and Assessment Processes
Adrian Ross, IMO Manila

15:30 - 15:45

Coffee

15:45 - 16:00

- .2 General discussion on issues and needs in Vietnam regarding implementation of the London Convention

10.0 Technical Cooperation and Assistance

16:00 - 16:30

- .1 General discussion on priorities for follow-on technical cooperation and assistance activities in Vietnam in support of ratification and implementation of IMO conventions

11.0 Closing Ceremony

As a result of a previous workshop on the subject of MARPOL, held from 30 October to 1 November 2008, the IMO representative

informed the Government of Vietnam which ratified the Convention on the High Seas (UNCLOS) and MARPOL Annex 1 in 1982 and 1986 respectively.

The Government of Vietnam has also signed the Convention on the Prevention of Pollution from Ships (MARPOL) in 1986 and the Convention for the Suppression of Unlawful Acts at Sea (SUA) in 1988.

The Government of Vietnam has also signed the Convention on the Protection of the Undersea Cultural Heritage (2001) and the Convention on the Law of the Sea (UNCLOS) in 1982.

The Government of Vietnam has also signed the Convention on the Protection of the Undersea Cultural Heritage (2001) and the Convention on the Law of the Sea (UNCLOS) in 1982.

**NATIONAL WORKSHOP ON IMO CONVENTIONS
FOR THE PREVENTION AND MANAGEMENT OF MARINE POLLUTION**

Welcome Address by

Mr. Pham Van Danh
Director of International Relations Department
Ministry of Transportation and Communication, Hanoi
and
Mr. Le Doan Hanh
Vice Director, VINAMARINE
Ho Chi Minh City Branch, Ho Chi Minh City

Mr. Adrian Ross, IMO Manila, Mr. Zafrul Alam, MPA Singapore, Mr. Joe Slater, IMO London, Mr. Gary Wharton, VCOP Program, Ladies and Gentlemen:

The ratification and implementation of MARPOL Convention has been recognized worldwide as the most effective way for protecting the marine environment from pollution caused by ship operations and incidents. However, the progress in applying and implementing MARPOL Convention in the South East Asian region has been very limited. There are multi-faceted causes for this stagnation which depend largely on specific conditions and situation of each country, but some common difficulties are: lack of cooperation, lack of information, inadequate understanding about the conventions, limited funds, etc.

In order to overcome this situation, and as a result of a previous workshop on the Ratification and Implementation of MARPOL 73/78, held from 30 October to 1 November 1996 in Singapore, with the participation of Vietnam, the IMO representative in Manila, Philippines has proposed Vietnam, one of the States which ratified the convention from 1991, to organize a workshop to introduce wider concept of MARPOL. Today, with the assistance of IMO, VINAMARINE together with IMO experts, are pleased to present the National Workshop on the MARPOL Convention and other IMO conventions relating to the prevention of marine pollution in Vietnam. The objectives of the national workshop are to introduce and point out the legislative, administrative and technical approaches taken by different countries in the process of ratification and implementation of the MARPOL Convention and, at the same time, to raise the awareness of the Vietnamese law-making bodies, port authorities, ship owners, shipping lines crew, etc. on the concept of prevention of pollution and conservation of the marine environment in the South East Asian region in particular, and in the world maritime territories in general.

I hope that during this workshop you will discuss and exchange proposals and opinions with the IMO experts to study and share, most effectively, the precious experiences in respect of the prevention and control of marine pollution.

FOR THE PREVENTION

On behalf of VINAMARINE, once again, I would like to express my sincere thanks to IMO, the representatives from the Ministries, the State regulatory bodies and related agencies for sparing the time for the workshop. I hope that the participants will obtain beneficial information from the workshop to apply for the prevention of pollution in the marine territories in Vietnam.

May I wish good health to all of you and success to the workshop.

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**NATIONAL WORKSHOP ON IMO CONVENTIONS
FOR THE PREVENTION AND MANAGEMENT OF MARINE POLLUTION**

Hanoi, Vietnam, 21-22 April 1997
Ho Chi Minh City, Vietnam, 24-25 April 1997

Paper presented by:

Mr. Cao Xuan Vinh
Deputy Director, VIRES, Hanoi
and
Mr. Trinh Duc Chinh
Deputy Director, VIRES, Ho Chi Minh City

**IMPLEMENTING MARPOL 73/78 CONVENTION IN VIETNAM:
ACTUAL SITUATION AND OUTSTANDING ISSUES**

Being an organization for classification and technical inspection of sea-going vessels, the Vietnam Register of Shipping (VIRES) recognized the importance of the MARPOL 73/78 convention and, in 1980, we had this convention translated into Vietnamese and distributed widely to ship owners who have vessels operating the international routes. In 1984, Vietnam became an official member of IMO. We organized the first national workshop on MARPOL 73/78 in August 1987. At that time, although there were many difficulties, we had an attendance of up to 120 persons. After that, in February 1991 we organized a second workshop in HCMC and Vung Tau. This is the third seminar organized by VINAMARINE and IMO.

In our presentation, we would like to speak about "Implementing MARPOL 73/78 Convention in Vietnam - Reality and Problems". The presentation consists of the following :

1. System Of Legal Documents

We take the initiative of introducing the list of laws and by-laws of Vietnam relating to the management of marine pollution by maritime activities (Table 1).

From Table 1, we can draw one conclusion: although not fully adequate, we are having sufficient international and national legislation to implement the inspection and control of marine pollution. The remaining tasks are execution, implementation, organization and management.

Through the documents, we know the situation on implementing laws on environment protection in developing countries, in which obviously we are one party and have gone a rather long way towards implementation. There has been a situation of "inflation" of legal documents. We fully agree with such comment. It is perfectly correct in scanning through the lists and in examining what we have done. In our opinion, perhaps it is time to organize a workshop on "the tasks not yet carried out in respect of the laws on environment protection."

On our side, VIRES is proud of the systems of Codes, Standards (TCVN), international conventions and system of certificates and guidelines which we have translated, published and utilized as working handbooks from the time when our country was in difficulty (the years of 1979-1980). All of these works, in combination with the training under the IMO Model Courses for SOLAS and MARPOL, have been for the safety of the marine environment.

2. The Implementation of MARPOL 73/78 in Vietnam

Speaking about MARPOL 73/78 is speaking about sea pollution from shipping activities, including ships, oil rigs, sea ports and land-based facilities servicing the ships. Each entity has its own scope of administration, but all are serving the enforcement of the convention and the laws of Vietnam.

Vietnam currently has 783 sea-going vessels, with a total tonnage of 840,000 GRT. The average annual development rate increases from 12% to 15%, i.e. an increase of about 120,000 to 150,000 tons annually. The shipping fleet plying international routes has 217 vessels (27% of fleet), however the tonnage is nearly 1.1 million tons, 88% of the total tonnage of the Vietnam shipping fleet and having an age of nearly 18 years. The remaining small sea-going vessels, amounting to 756 vessels, have a total tonnage of nearly 130,000 tons, about 200 tons per vessel on average. The latter vessels are younger, about 12 years old. Thanks to these vessels, the average age of the Vietnam shipping fleet is brought down to 13 years; but in reality the main shipping fleet is 18 years old. Some vessels are over 50 years (i.e., Ap Bac 01; and Bien Dong). The addition of some vessels by Vinaline, Vosco, Petrolimex in 1996 decreased the age of vessels by 0.12 years. By buying one new vessel, hundreds of existing vessels are one year older. Therefore, to ensure safety and environment protection, to execute the requirements which are becoming stricter under international law and national regulations and standards, from now until the year 2000, our shipping fleet can hardly meet the demand. This background will help in understanding Vietnam's practical problems in implementing the MARPOL convention.

From the above figures and by the conducting technical inspections for many years, we see that in order to ensure safety and environment protection in shipping activities, we in the forefront, namely VINAMARINE, the shipbuilding corporation, VIRES, Vinalines, etc., should have full and harmonized cooperation.

In implementing the regulations on prevention of marine pollution, our shipping fleet can practically be divided into the following types:

Types will lead:

.1 Sea-going vessels plying international routes

This type of vessel numbers 217 units, 31 of which have been registered internationally. This type has to meet MARPOL 73/78 requirements, otherwise it could be banned from calling by some port authorities, or be detained. In reality, some of our vessels have been detained (e.g., Song Ba; Hai Van 04; and Seaprodex 08). The majority of our vessels are under 10,000 tons (~80%) and hence need to be equipped with automatic control systems for monitoring oil disposal, in accordance with Annex I of MARPOL. The first group of vessels bought from the former Soviet Union, or on joint venture with Russia, is equipped with 100 ppm segregation equipment (e.g., Vien Hai; Dong Long; Thang Long; and Baical fleets). These equipment are scheduled to be replaced (06/07/1998). This operation is difficult for crew members and the functional organizations. The second group of vessels includes smaller units in the 2,000 to 4,000 ton range, bought from Japan. These vessels are equipped with 15 ppm segregation (UST, HSM, HNS) as required, but are too old. The magnetic valves, detectors, pipe valves system, etc, are deteriorating and are difficult to replace (they are formerly from local shipping lines). The third group of vessels is built by Vietnam (1,000 ton type) and has diversified facilities for pollution control. The final group includes vessels which meet MARPOL standards, new and beautiful vessels bought in recent years. This type is liner scheduled, more than 10,000 tons and obviously the best.

.2 Sea-going vessels not operating internationally

Within this type, there are dozens of vessels not sea-worthy internationally, being used for domestic transport of petroleum products. This category is very complicated. In accordance with MARPOL 73/78, the tankers of 150 GRT and more and cargo vessels of 400 GRT and more are subject to the same requirements as those operating internationally. It is very difficult however. Tankers are lacking slop tanks and oil/water interface detectors. Other vessels, amounting to 500 units, used in coastal shipping are lacking water and oil tanks. These vessels should be complying with MARPOL 73/78 and TCVN 4044-85 (Rules On Prevention Of Marine Pollution By Vessels).

.3 Domestic vessels

This category includes: river crafts; small size coastal vessels; and barges (Decree 40/CP). With these vessels it is difficult to implement the national regulations on prevention of pollution in the rivers and sea. We have prepared regulations and guidelines for shipowners and shipyards to install oil and water tanks with capacity suitable for the voyage. However, the installation of tanks is very difficult. Also there

is the problem of where to discharge after the tanks are full. Recently Ha Long and Ho Chi Minh City have introduced decisions to ban disposals. Hence we don't know where this will lead to.

.4 Sea exploration rigs and oil storage vessels

According to MARPOL 73/78, sea exploration rigs are to apply the convention the same as vessels of 400 GRT or more. Oil and gas exploration rigs are subject to inspection based on MARPOL 73/78 as vessels, and based on the regulations for oil and gas fields. It can be said that the facilities, equipment and organization structure of Petrovietnam to prevent and fight pollution as a result of oil spills are the best in Vietnam.

.5 Implementing Annex II of MARPOL 73/78

Annex II of MARPOL 73/78 is compulsory. It is closely related to Chapter VII, SOLAS 74. This annex requires the issuance of two certificates; one certificate on pollution by dangerous chemicals and one certificate for vessels qualified to carry chemicals in bulk. However, the concepts and relationships between Chapter VII, Part A of the IMDG Code, Part B of the IBC Code and Part C of the IGC Code and Annexes II and III of MARPOL are not clearly understood in Vietnam. Although vessels carrying dangerous cargo and liquefied cargo in Vietnam are few in number at present, it is necessary to plan for the future. In addition, implementation of measures with regard to sewage (Annex IV) and particularly garbage (Annex V) are not yet fully underway.

.6 Air pollution and the use of Halon

In the near future, Annex VI of MARPOL 73/78 (+SOLAS 74) on air pollution shall enter into force. The obligations outlined in Chapter II.2, entitled "Fire Prevention and Fighting" includes the use of Halon, a substance which deteriorates the ozone layer. Vietnam maritime sector has little knowledge of Halon, the Vienna Convention and the Montreal Protocol. This is an important issue for the maritime and oil and gas sectors.

3. Some Outstanding Issues

Based on the foregoing evaluation, and the objective to quickly have some practical solutions in line with the marine protection legislation, we would like to put forward some recommendations relating to follow up actions to implement MARPOL and supporting legislation as follows:

- .1 The state organ in charge of environment management (Department for the Environment) should establish a list of protected, disposal prohibited zones in the Vietnam sea (on the grounds of ecology, sea products, tourism, etc.), and

- demarcation of seashore belts (e.g., adjacent, near, far from shore) with rational sea disposal regulations.
- .2 Review and correct conflicting standards among the three legal regimes (i.e., international conventions, national laws, local and sector regulations) on marine pollution. For example, the conflicting effluent standards for oily waters, which include: MARPOL < 15 ppm; VN < 0.3 ppm or .05 ppm; or Instruction 34/PCCC).
 - .3 Legalize the State plans, undertake cooperative, coordinated programs and keep everybody informed on the state of marine pollution, including the seafarers. Information on sensitive sea areas, centers of data collection and response to oil pollution needs to be disseminated.
 - .4 Currently there many laws, instructions spelling out prohibition of disposal (e.g., Ha Long Bay; Hai Phong; Nha Trang; and Saigon) but no reception facility is available in the ports. We have been waiting too long. We need shore reception and waste disposal facilities. We therefore propose to you (and the IMO officials, SGP) to help find a solution, not only for sea-going vessels but also for river crafts.
 - .5 To protect the environment and to develop steadily, the laws have specified that fees for the environment protection is compulsory, but so far it is not yet implemented. We think that the Environment Department should advise the State on this matter to establish a financial mechanism to contribute its part in maintaining the activities of marine environment protection.
 - .6 Since Vietnam ratified six IMO conventions up to this moment, a long time has passed. We have made little progress in ratifying other important conventions closely related to the original six conventions. For that reason, from our side, we propose to set up a technical subcommittee with the cooperation of IMO and CIDA to adopt the CLC 69 Convention (Protocol 92), OPRC 90, and London Convention 1972, Protocol 1996.
 - .7 Additional proposals:
 - a. To have a campaign program on marine environment protection to be advertised, shown on TV and on mass media (to seek sponsorship);
 - b. To prepare and publish a collection of international conventions on marine pollution, as well as a selection of national laws and regulations on marine environment.

Table 1: List of Laws and Sub-Laws on the Marine Environment

I. General:

1. Law on Environment Protection, December 27, 1993. Vietnam National Assembly.
2. Guidelines for Implementation of the Law on Environment Protection, Ordinance No. 175-CP, November 18, 1992. Vietnam Government.
3. The Safety of the Purified Water in the Country, Circular No. 200-TTg, April 29, 1994. Prime Minister.
4. On the Environmental Planning. Multi Ministerial Circular No. 155-TTLB, April 11, 1994. MOSTE and MPI.
5. On the Environmental Administrative Fines, Ordinance No. 26-CP, April 26, 1994.
6. Environmental Impact Assessment EIA, Circular No. 1420-MTg, November 16, 1994. MOSTE.
7. EIA for the Foreign Direct Investment Bodies, Circular No. 715-MTg., April 3, 1995. MOSTE.
8. Organization, Function, Activities of the State Environment Inspection, Circular No. 1485-MTg, December 12, 1994. MOSTE.
9. Provisional Guidelines on Oil Spill Response, Circular No. 389-MTg., June 17, 1994. MOSTE.
10. Import of Substandard Products, Multi Ministerial Circular No. 2880/KCM-TM (MOSTE and Ministry of Trade), December 19, 1992.

II. Marine Transportation:

11. Vietnam Maritime Code. National Assembly, June 30, 1990.
12. Rules for the Organization and the Sea-Going Ship Registration Activities in Vietnam, Decision No. 203/TTg, December 28, 1992. Prime Minister.
13. Rules for Duties, Functions and Organization of the Vietnam Register, Decision No. 75/TTg, February 3, 1997. Prime Minister.
14. Rules for the State Management of the Maritime Activities in the Seaports and Sea Area of Vietnam, Ordinance No. 13/CP, February 25, 1994. Vietnam Government.
15. Rules for Vietnam Seaports, Decision No 239/CP, February 9, 1987. Minister of the Ministry of Transport Vietnam.
16. Guidelines for Environment Protection in Halong Bay, Circular No. 2891/TT-KCM, December 19, 1996. MOSTE.
17. Monitoring of Marine Pollution from Ship Source, Circular No. 2592/MTg., November 2, 1996. MOSTE.
18. Regulation for the Prevention of Marine Pollution from Ships, Vietnam National Standard (TCVN). TCVN-4044-85.

19. Regulation for the Prevention Pollution from River Going Ship, Ministry Standard. TCVN 212-93.
20. Regulation for Carriage of Dangerous Goods by Sea TCVN-4512-88.

III. Oil and Gas:

21. Law on Oil and Gas, National Assembly, June 6, 1993.
22. Implementation of Vietnam Law on Oil and Gas, Ordinance No 84/CP, December 17, 1996. Vietnam Government.
23. Regulation for the Marine Environmental Protection of the Petroleum Activities, Decision No 333QD/CNN. September 1990. Minister of Industry.
24. Regulation for the Prevention of Environment Pollution of the Exploration of Oil and Gas Rigs in the Sea, June 12, 1984. Vietsovpetro Company.

IV. Fishery:

25. Fishery Resources Protection Act, April 25, 1984. Vietnam President.
26. Implementation of the Fishery Resources Protection Account, Ordinance No. 195/HDDBT, June 2, 1990. Vietnam Government.
27. Guideline on the Implementation Account and the Ordinance on the Fishery Resources Protection, Circular No. 04TS/TT, August 30, 1990. Minister of Fishery.
28. Rules for the Organization and Activities of the Fishery Resources Protection Inspection, Decision No. 415/TTg, August 10, 1994. Vietnam Government.

V. Vietnam National Standard:

29. Protection of Surface and Underground Water from Oil Production. TCVN 5295-1995.
30. Protection of Water from Pollution by Oil Passing through Pipes. TCVN 5296-1995.
31. General Requirement for Protection of Surface Water from Pollution. TCVN 5524-1995.
32. Surface Water Quality Standard. TCVN 5942-1995.
33. Coastal Water Quality Standard. TCVN 5943-1995.
34. Industrial Wastewater Discharge Standard. TCVN 5945-1995.
35. Oil and Oil Products: Method for Determination of Pollution Criteria. TCVN 5657-1992.

1. Regulation

2. Regulation

3. Regulation

**NATIONAL WORKSHOP ON IMO CONVENTIONS
FOR THE PREVENTION AND MANAGEMENT OF MARINE POLLUTION**

Hanoi City, Vietnam, 21-22 April 1997
Ho Chi Minh City, Vietnam, 24-25 April 1997

Address by

Mr. Nguyen Vinh Loc
Deputy Director, International Relations Department
Ministry of Transport

and

Mr. Vuong Dinh Lam
Director, International Relations Department
VINAMARINE

Ladies and Gentlemen:

First of all I would like to express my sincere thanks to the organizers for giving me the privilege to attend this workshop.

I am working on the International Relations Department of the Ministry of Transport of Vietnam. It is body in-charge of collaborating with foreign partners and with international organizations. One of the tasks and obligations of the International Relations Department is to study the accession to international conventions.

From June 1984, Vietnam officially became the 126th Member State to the International Maritime Organization. Being fully aware of the tasks and obligations toward the Organization, the first priority of our country was to consider ratification of several conventions of IMO.

However, during the time that Vietnam had not yet ratified IMO conventions, numerous national rules and regulations concerning maritime safety were studied and developed in accordance with IMO conventions, including the following:

1. Regulation for classification and construction of sea-going ships
2. Regulation on load lines and sea-going ships
3. Regulation for tonnage measurement

4. Regulation for the prevention of pollution from ships
5. Regulation of carriage of dangerous goods by sea

The promulgation of the above-mentioned regulations has created favourable conditions for ratification of several IMO conventions.

According to our understanding, upon becoming a party to an international convention, we have the responsibility to apply strictly this convention. So, before ratification, the concerned bodies of the Government, such as the Ministry of Transport, the Ministry of Foreign Affairs and the Ministry of Legislation, have to sit together in order to examine the contents and all obligations of the convention and the capability of Vietnam to adhere to those requirements.

With the development of Vietnam's shipping industry, numerous Vietnamese ships began sailing to different international ports. This created new challenges for the Government, such as enhancing the safety of seagoing ships and ensuring legislation to cover certification of vessels as specified in IMO Conventions. Consequently, adherence to IMO conventions became a reality. A subcommittee was established to examine how Vietnam could meet the obligations of IMO conventions. The subcommittee was comprised of representatives from the following bodies: Ministry of Legislation; Ministry of Foreign Affairs; International Relations Department of the Ministry of Transport; Legislation and Transport Department; Vietnam National Maritime Bureau; and Vietnam Register of Shipping.

After careful study, the subcommittee requested the Ministry of Transport to submit to the Government a report recommending ratification of the following IMO Conventions:

- .1 International Convention for the Safety on Life at Sea 1974 (SOLAS 1974);
- .2 International Convention on Load Lines 1966 (LL-1966);
- .3 International Convention for Preventing Collisions at Sea 1972 (COLREG 72);
- .4 International Convention for Tonnage Measurement of Ships 1969 (Tonnage 69);
- .5 International Convention for the Prevention of Pollution from Ship 1973 as modified by the Protocol of 1978 related thereto (MARPOL 73/78); and
- .6 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW 78).

As approved by the Government on 10 November 1990, the Ministry of Foreign Affairs sent to the International Maritime Organization a diplomatic note declaring ratification of the six conventions.

It would be a shortcoming if we do not mention the fruitful assistance from IMO. The assistance has been carried out by organizing a number of seminars and workshops both aboard and in Vietnam. Information gained from these courses has created favourable conditions for adhering to the conventions.

Ladies and Gentlemen,

The adherence to the 6 IMO conventions was a significant effort to ensure enhanced safety in the shipping sector. However, there are many other IMO conventions not yet ratified by Vietnam. There are a number of reasons for this tardiness. We do expect, however, that by continuing our efforts and with the continuing assistance of IMO, Vietnam will gradually ratify other IMO Conventions.

Thank you for your attention.

**NATIONAL WORKSHOP ON IMO CONVENTIONS
FOR THE PREVENTION AND MANAGEMENT OF MARINE POLLUTION**

Hanoi City, Vietnam, 21-22 April 1997

Ho Chi Minh City, Vietnam, 24-25 April 1997

Paper presented by:

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OIL SPILL INCIDENTS AND OIL POLLUTION IN VIETNAM

Vietnam has a long coastline of more than 3,000 km and special economic sea area of about one million km². Sea and coastal areas in Vietnam are very rich in fauna and flora. Two patterns of monsoon wind govern the tropical and humid climate of Vietnam, winter monsoons flow NW, pushing the polluted substances ashore and the summer monsoons with gusts of wind blowing SW.

The population of Vietnam in 1996 was 76 million, with an increase rate of 2.3%. About 1/6 of the Vietnamese population are living on the rim areas. Vietnam is facing a series of problems on the environment and resources within its sea and coastal areas and the rim areas.

Vietnam has 13 main ecological systems in the sea and coastal areas and rim areas. The majority of these ecological systems are not separated. Most of the marine ecosystems are highly vulnerable to oil pollution.

The situation in recent years shows that oil pollution, resulting from water transport operations, port handling operations, offshore and gas exploration and exploitation, and the transport sales, storage and distribution for oil and oil products, is increasing. Marine pollution by oil is emerging, becoming one of the six outstanding marine environmental problems in Vietnam. The marine environment problems are: overexploitation of seafood resources along the coast; loss of biological diversity; destruction of corals by deliberate use of mines; acidification and degeneration of

Pollution by oil and other substances from the ships is an issue of concern that needs to be resolved. The content of oil in the water over the large areas is not high in general, however, some harbour areas in large ports, river mouths and coastal gulf areas are becoming polluted with oil. The hydrocarbon content is exceeding 0.05 mg/l at times. These levels cause deterioration in primary biological productivity, adversely affecting the environment, especially the offspring of fish and shrimps. At the times and places where incidents occur, pollution by oil was very severe. Damage and losses to the environment and economy were estimated sometimes at over hundreds of billion Vietnam Dong (VND). In fact, the owners of the ships causing pollution have accepted to pay compensation up to US\$4 million. However, the compensation amount is far from being equivalent to the destruction of the environment by the incidents.

Facing the challenges of oil pollution, some agencies and localities, such as Vietnam Oil and Gas Corporation, Vietnam Petro Corporation and the Committee for the Environment of HCMC, are having plans on spills, on procurement of response facilities and on personnel training. However, the capability of these organizations is limited, unable to meet the current demand for the whole country. The Ministry of Science and Technology and Environment (MOSTE) has been appointed by the Prime Minister to chair the preparation of a framework for the national oil spill response plan. This plan is being considered for approval by the Prime Minister. Once the plan is approved for implementation, three response centers in the Northern, Central and Southern Areas shall be established. A number of works should be carried out such as planning, establishment of the legislative environment, financing resources, scientific studies, human resources development, training and procurement of equipment.

While waiting for the approval of the plan, in order to gradually meet the demand in responding to oil spill incidents at the basic level as well as to form a legal basis for claiming damage to the environment caused by oil spills, the MOSTE has promulgated a Circular providing guidance to resolve the oil spill incidents (No. 2262/Mtg, dated December 29, 1995). The Circular has been applied and created legal precedents for claims of damage to the environment in the four oil spill incidents in HCMC and Ba Ria - Vung Tau. With regard to the prevention of marine pollution from the ships, the MOSTE has sent a paper (No. 2592/Mtg, dated November 25, 1996) to the localities on the coast line and the Ministry of Transport and Communications (MOTC) on increasing the control of pollution from the water transport sector.

In implementing MARPOL 73/78, the MOTC (VINAMARINE, Vietnam Ship Registration Department) has drafted regulations to minimize and prevent pollution and on environmental safety. This activity has had encouraging results. However, the actual collection and disposal of wastes, particularly oily and chemical refuse in ports, are very limited and weak.

The protection of the environment, specifically the control and prevention of pollution, has been a priority of the Government of Vietnam. This was particularly in evidence when the Law on Environment Protection was passed by the SRV National Assembly (December 1993) and state organizations on environmental administration were created in the provinces (1993/1994). Several bylaws have been promulgated to gradually specify the provisions contained in the Law on Environment Protection and related laws to assist sectors of the economy, locals, organizations and the general public to participate actively in the protection of the environment.

The current oil spills and marine pollution by oil are issues of major concern for the marine environment. From the beginning, when the national plan on environment protection and development 1991-2000 was prepared, the issue of responding to oil spills and prevention of marine pollution was included. However, since this is a rather new and complicated activity, oil spill response has been examined and developed in line with the social and economic development of the country. Having a plan to respond to oil spills is currently an urgent matter, not only in theory but also to meet the practical requirements of the development and defense of the country.

The participation of VINAMARINE in the MARPOL component of the GEF/UNDP/IMO Regional Programme, under the general chairmanship of the MOSTE as appointed by the Government, is an activity of utmost importance. The project will enhance: state regulatory functions, cooperation with the Department for Environment, the MOSTE and the localities and communities; strengthen effort to prevent oil pollution from ships and ports; improve compliance with MARPOL in Vietnam; create opportunities to integrate with the regional community; and most especially, contribute positively to conserving the cleanliness and soundness of our marine environment.