

Online training on the international liability and compensation regime in case of oil spill pollution

Online

28-30 June 2021

Hosted by :

Gambia Maritime Administration



NOTE

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1. Executive summary

Due to travel restrictions related to the COVID-19 pandemic the GI WACAF Project has developed an **online training course** allowing participants to gain knowledge on the liability and compensation key issues in case of an oil spill. An online national training on the international liability and compensation regime in case of oil spill pollution was organised online **from Monday 28th June to Wednesday 30th June 2021**. While the experts participated online, the participants from various government agencies gathered in the Baobab Holiday Resort, Bijilo, The Gambia.

The **event was hosted by the Gambia Maritime Administration**, under the line Ministry of Transport, Works and Infrastructure.

The workshop was **supported by the International Maritime Organization (IMO)**, the specialized UN agency for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships, **and IPIECA**, the global oil and gas industry association for advancing environmental and social performance.

Around 25 participants from various ministries and agencies attended the workshop. A list of participants is attached in Annex 2 of the report.

The main objective of the workshop was to present and provide training to relevant national authorities on the scope and implementation of IMO Conventions related to liability and compensation in case of an oil spill from a ship through case studies and table-top exercises (cost evaluation and compensation procedures).

The training programme has been adapted to consider the specificities of a remote activity: special efforts have been made to provide participants with the most constructive and beneficial training experience possible, including presentations by experts and trainers as well as exercises.

International experts from ITOPF, the IG P&I Clubs and the International Oil Pollution Compensation Funds (IOPC Funds) delivered presentations on the international compensation regime in case of tanker and non-tanker spills, facilitated quizzes and exercises and presented also further details on how to submit a claim and the evaluation of compensation claims procedures.

The excellent interaction with participants despite the technical challenges gave the opportunity to strengthen their knowledge on general topics as well as on specific elements such as how to prepare and submit claims for compensation and the concepts behind the international framework developed by IMO. There were a lot of discussions and questions during the different sessions of this workshop, showing the level of interest on the different issues.

Recommendations to ratify and implement IMO conventions not yet ratified by The Gambia were made.

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3. Presentation of the GI WACAF Project

Launched in 2006, the Global Initiative for West, Central and Southern Africa (GI WACAF) Project is a collaboration between the International Maritime Organization (IMO) and IPIECA, the global oil and gas industry association for environmental and social issues, to enhance the capacity of partner countries to prepare for and respond to marine oil spills.

The mission is to strengthen the national system for preparedness and response in case of an oil spill in 22 West, Central and Southern African countries in accordance with the provisions set out in the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC 90).

To achieve its mission, the GI WACAF Project organises and delivers workshops, seminars and exercises, that aim to communicate good practice in all aspect of spill preparedness and response, drawing on expertise and experience from within governments, industry and other organizations working in this specialized field. To prepare and implement these activities, the Project relies on the Project's network of dedicated government and industry focal points. Promoting cooperation amongst all relevant government agencies, oil industry business units and stakeholders both nationally, regionally, and internationally is a major objective of the Project during these activities.

GI WACAF operates and delivers activities with contributions from both the IMO and seven oil company members of IPIECA, namely BP, Chevron, ExxonMobil, Eni, Shell, TotalEnergies and Woodside.



More information is available on the [Project's website](#)

4. Introduction

This fully online workshop was the first of a kind to be delivered by the GI WACAF Project, proving the Project's and the partner countries' efforts to adapt to a new situation and a global pandemic. Due to travel restrictions that are preventing the organisation of national face-to-face workshops, the GI WACAF Project has developed an online training course allowing participants to gain knowledge on the liability and compensation key issues in case of an oil spill. The training programme has been adapted to consider the specificities of a remote activity: special efforts have been made to provide participants with the most constructive and beneficial training experience possible, including presentations by experts and trainers as well as exercises.

Furthermore, this online training followed up on the 2020 remote legal assistance activity provided to the Republic of The Gambia, the Republic of Liberia, the Republic of Namibia and the Federal Republic of Nigeria in 2020. It also came at time and in context of current and future oil and gas activities off the coast of West Africa (especially in Senegal and Mauritania, in the close neighbourhood of The Gambia) and subsequent growing risks of incident.

5. Objectives

The main objectives of this online workshop were to:

1. Train the authorities on the scope and implementation of the IMO Conventions relating to liability and compensation in the event of marine oil pollution, in particular through case studies and exercises (evaluation and settlement procedure, cost calculation, etc.); and
2. Train the authorities on the practical aspects of liability and compensation, such as how to raise a claim, and detailing the claim assessment process.

6. Programme of the training

The training was organised over 3 half days. The programme is available in Annex 1 and is summarised below:

- **Monday 28th June 2021: module #1. Roles and responsibilities of the different actors**
 - Connection and registration of participants
 - Workshop introduction (opening ceremony, welcome speech, presentation of the GI WACAF Project, workshop objectives and programme, presentation of facilitators and experts)
 - Roles and responsibilities of the different actors
 - National legal framework and recent experiences of oil spills (overview of the NOSCP and of the national legal framework regarding oil spill response and liability and compensation for oil pollution damage, role of the different stakeholders involved in a spill response at the national level, experience of oil spill if any)
 - Roles and responsibilities of P&I Clubs
 - Introduction to ITOPF and oil pollution incidents (statistics on incidents, role of ITOPF as technical experts)
 - Wrap-up of the first half day
- **Tuesday 29th June 2021: module #2. The international legal framework**
 - Introduction to the international oil pollution compensation regime
 - CLC and FUNDS Conventions
 - IOPC Funds' functioning
 - BUNKER and LLMC Conventions
 - Practical exercise (scenario and quiz)
 - Case studies (tanker and bunker oil pollutions)
 - Wrap-up of the second half day
- **Wednesday 30th June 2021: module #3. Presentation, evaluation, and compensation claims procedures**
 - Presentation, evaluation, and compensation claims procedures
 - Claims for clean-up and preventive measures (evaluation criteria and practical exercise)
 - Claims for property damage, economic loss, and environmental damage (evaluation criteria and practical exercise)
 - Wrap-up of the last half day
 - Closing remarks, evaluation questionnaire and attendance certificates

7. Location, dates, and participants

The workshop was held online using Zoom as a platform from 28 to 30 June 2021, with the Gambian participants being gathered in the same venue to benefit from a classroom environment. Around 25 participants from various government agencies and departments attended the workshop. The list of participants is attached as Annex 2.

The experts invited to facilitate this workshop were:

- **IOPC Funds:** Ms Ana Cuesta and Mr. Mark Homan, Claims Managers;
- **IG P&I Clubs:** Mr. David Baker, Emergency Preparedness and Response Advisor, and Ms Tonje Castberg, Senior Claims Adviser; and
- **ITOPF:** Ms Pauline Marchand, Senior Technical Support Coordinator, and Mr. Thomas Sturgeon, Technical Adviser.

The GI WACAF Secretariat was represented by:

- Ms Emilie Canova, GI WACAF Project Manager
- Ms Chloé Gondo, GI WACAF Project Coordinator

8. Activities and proceedings

8.1. Opening ceremony

The opening ceremony took place on Monday 28th June at 09:00 GMT. The welcome address was delivered by the Mr Karamo Bakary Janneh, Director General of The Gambia Maritime Administration (his speech is attached in Annex 3). Emilie Canova, GI WACAF Project Manager, delivered the welcome remarks (her speech is attached in Annex 4). Mr Bai Lamin Jobe, Honourable Minister of Transport, Works, and Infrastructure, represented by Mr Mod K Ceesay, Permanent Secretary, gave a keynote address and opening speech (his speech is attached in Annex 5).

8.2. Proceedings of the event

Day 1 – 28th June 2021. Module #1. Roles and responsibilities of the different actors.

Session 1: Introduction of workshop objectives and presentation of the GI WACAF Project (Emilie Canova – GI WACAF)

Ms Emilie Canova presented the scope and goals of the GI WACAF Project since its launch in 2006, highlighting the priority actions for the current biennium. She stressed the fact that this workshop is particularly important for 3 reasons. First, it followed up on the 2020 remote legal assistance activity on the effective implementation of IMO conventions, related to oil spill. The review analysed the gaps in the existing pieces of legislation and made recommendations towards the ratification of missing conventions (Bunkers 2001 and LLMC 96) and the transposition of relevant IMO conventions into national legislation and their effective implementation. Secondly, it came at time and in context of current and future oil and gas activities off the coast of West Africa in neighbouring countries and subsequent growing risks of incident. Finally, it was the proof of the adaptation of the Project and the partner countries to a new situation and a global pandemic.

Session 2: Overview of the national legal framework regarding oil spill response and liability and compensation and overview of the NOSCP and the role of the different national stakeholders (Olimatou Danso and Wandifa Saidyleigh – GMA)

Ms Olimatou Danso, Maritime Lawyer from the Gambia Maritime Administration, presented the current legal framework of The Gambia regarding oil spill response and liability and compensation for oil pollution damage. She first presented the legal basis: The Gambia is Party to the OPRC 1990 Convention, the CLC 1992 and Fund 1992 Protocol. The two main legislations covering oil spill response and liability and compensation for oil pollution damage are the Marine Pollution Act 2013 and the Merchant Shipping Act 2013.

Mr Wandifa Saidyleigh, Head of Technical Department & Principal Marine Surveyor, then gave an overview of the National Oil Spill Contingency Plan (NOSCP) of The Gambia, that currently still is a draft. He also introduced the role of the different stakeholders and governmental agencies involved in the oil spill response organisation. Finally, he explained that luckily, so far, The Gambia had not experienced any oil spills at sea.

Session 3: Introduction to the roles and responsibilities of P&I Clubs (David Baker – IG P&I Clubs)

Mr David Baker first played a video explaining the role of P&I Clubs which are third party liability insurers that provide insurance cover to ships, including for oil pollution damage. He then explained what type of claims are covered by the P&I Clubs and described some major incidents in which the P&I Clubs were involved. He then presented the Grouping of the major P&I Clubs, the International Group of P&I Clubs (the “International Group”) and emphasized its importance. Indeed, in total The International Group Clubs insure 90% of world’s ocean-going tonnage providing highest levels and broadest range of cover for shipowners and compensation for third parties.

In particular, sharing of claims between the P&I Clubs and the collective purchase of reinsurance for them allows for the very high levels of insurance cover for ships. It also provides a forum for the exchange of information between Clubs, industry and governments. It represents the views of Clubs’ shipowner members in relation to insurance and liability issues i.e. at IMO, IOPC Funds etc. The P&I Clubs play an important role in supporting the IMO liability and compensation regimes. Indeed, the P&I Club insurance cover underpins IMO Conventions – including 1992 CLC and 2001 Bunkers Convention.

Session 5: Introduction to ITOPF and oil pollution incident statistics (Thomas Sturgeon – ITOPF)

Mr Thomas Sturgeon introduced the role of ITOPF, an international membership organisation, that operates as a Not For Profit organisation, to provide objective and impartial technical advice for accidental maritime pollution incidents worldwide. . He then presented some key statistics regarding oil pollution incidents. He highlighted the fact that despite the fact that tanker oil spills have decreased during the last 20 years, accidents still happen, and the risk is still present as one can observe a growth in crude oil tanker trade. The main causes of tanker spills are allisions/collisions and groundings. Moreover, oil spills are not caused solely by tanker accidents but recently bunker spills from other type of ships and spills of hazardous and noxious substances other than oil are also important. Thomas finally emphasized that oil spills involve a multitude of stakeholders and challenges are not only technical but also organizational. Therefore, drawing from ITOPF experience in attending many spills, he stressed that preparedness is key and having well thought out and practiced contingency plans is imperative to ensuring a response is prompt and effective and mitigating the adverse impacts.

Day 2 – 29th June 2021. Module #2. The international legal framework.

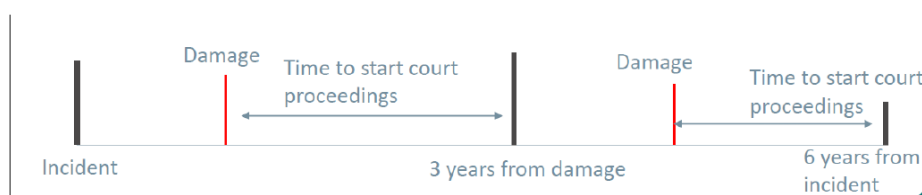
Session 6: Introduction to the CLC and FUNDS Conventions as well as the IOPC Funds' functioning (Mark Homan – IOPC Funds)

Mr Mark Homan introduced both CLC and FUNDS Conventions, as well as the IOPC Funds' functioning.

He first gave an overview of the IMO conventions for marine pollution.

Conventions	Type of substance
Civil Liability Convention Fund Convention	Persistent oil (cargo & bunker)
Bunkers Convention	Bunker oil
HNS Convention	Hazardous and Noxious Substances (HNS)

He then briefly recalled the reason for the creation of the IOPC funds with the Torrey Canyon incident in 1967 leading to the establishment of a regime for compensation for victims of oil pollution. Mark also focused on the provisions of the CLC 92 and Funds 92 conventions presenting the basic principles and scope of application: strict but limited liability of the ship owner, compulsory insurance, and three-tier system to ensure a large compensation with few exceptions. He explained when the regime applies and provided important definitions such as “environmental damage”, “preventive measures”, “incident” or the concept of “reasonable”. He also drew attention on the time bar and the 3- and 6-years limits.



Mark presented the past and current international legal framework and recent developments regarding the compensation regime for tanker spills. He briefly described the main types of claims and the general criteria for admissibility of claims. **He emphasized the importance and obligation for a Member State, like The Gambia, to submit oil reports** by 30 April each year using either the [form for reporting receipts of contributing oil](#) or [Nil declaration](#) or the Online Reporting System (ORS). Member States can request access to the ORS by contacting oilreporting@iopcfunds.org. Mark then presented the role of the IOPC Funds in details: number of incidents, organization chart, current claims process, major past incidents and compensations. He highlighted the other roles of IOPC Funds such as providing training courses and engaging with member states.

Many questions were asked by delegates, and a few of them were answered in the chat due to time constraints (the chat log is attached in Annex 6).

Session 7: Introduction to the BUNKER and LLMC Conventions (David Baker – IG P&I Clubs)

Mr David Baker introduced the IMO's 2001 Bunkers Convention and LLMC regime. He first presented the key provisions of the International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Bunkers Convention). It governs liability and compensation for those who incur pollution damage caused by spills of oil from ships' bunkers (there was no previous global regime prior to 2001).

The relevance and importance of this convention that The Gambia has not yet ratified was strongly emphasized through examples of historical claims highlighting the costs of pollution damage from bunker spills. As seen during ITOPF first presentation as well, nowadays, many more spills are of oil from ships' bunkers than oil when carried as cargo.

The Bunker convention allows amicable settlements, avoiding court involvement. Moreover, the application is uniform when widely ratified: it is important for claimants in terms of certainty and for owners and insurers and everyone gets equal treatment. David encouraged the member states to read the IMO Document LEG 99/4/6.

He then explained the key provisions of the Convention and the differences with the CLC/Fund system. He emphasized the fact that under the Bunkers Convention there is no limitation regime (i.e. compensation levels); it is therefore dependant on national law or separate global limitation regime (LLMC).

He finally explained that P&I Clubs handle, assess and pay Bunkers Convention claims with no IOPC Fund involvement.

Session 8: Introduction to the international oil pollution compensation regime: practical exercise (Ana Cuesta – IOPC Funds)

Ms Ana Cuesta conducted an interactive session with quizzes relating to the oil pollution compensation regime. To answer quizzes, participants were requested to download the "Socrative Student" app on their smartphone. Room name and further instructions to use the app were provided by Ana. This session helped participants to assess their understanding of the previous presentations and ask additional questions. It was very much appreciated by the participants who were highly involved and asked many questions and requested precisions.

Session 9: Case studies on a tanker and bunker oil pollutions (Tonje Castberg – IG P&I Clubs and Mark Homan – IOPC Funds)

Through the examples of different scenarios involving a collision of a tanker and non-tanker vessel in the coastal waters of Gambia, Ms Tonje Castberg and Mr Mark Homan highlighted the practical and concrete implications and consequences of effective ratification and implementation of IMO conventions relating to liability and compensation for oil pollution damage. The scenarios helped illustrate the importance of ratifying and implementing all the relevant IMO conventions by highlighting the difference in compensation between a country A having ratified only CLC and Fund Conventions 1992 (like The Gambia currently) and a country B having ratified CLC and Fund Conventions 1992, Nairobi Wreck Removal Convention 2007, Bunker Oil Convention 2001, 1996 Protocol to LLMC 1976 (and has made reservations at the time of ratification regarding LLMC Art. 2.1 (d) & (e)) and having correctly implemented all Conventions into domestic legislation.

Day 3 – 30th June 2021. Module #3. Presentation, evaluation, and compensation claims procedures.

Session 11: Presentation, evaluation, and compensation claims procedures (Mark Homan – IOPC Funds)

Mr Mark Homan presented the different types of claims and how to present and submit them. He introduced the admissibility criteria for claims and more specifically the concept of reasonable measures. He described the claim assessment process, the role of experts, such as ITOPF, and the handling and settlement of claims.

Session 12: Claims for clean-up and preventive measures (Pauline Marchand – ITOPF)

Ms Pauline Marchand's presentation focused on the claims for clean-up and preventive measures. She first gave the definition of clean-up / preventive measures under the conventions presented earlier in the workshop, i.e. 'All reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage' (1992 CLC, 1992 Fund and 2001 Bunkers Convention), such as aerial or shoreline surveys, response operations at sea, the protection of resources vulnerable to oil, clean-up of shorelines, disposal of oil waste and wildlife rehabilitation. She made reference to the [IOPC Funds Claims Manual](#). She then presented the general admissibility criteria, and the concept of "reasonableness" (Were the actions taken proportionate? Were the costs of the measure justifiable?). The reasonableness of actions is determined against a technical appraisal of the circumstances at the time the decision was made. Pauline presented the technical reasonableness indicators of

various types of preventive measures. She then presented costs recovery considerations, how to present claims, highlighting the importance of adequate supporting documentation. The session was concluded by a short exercise where the participants had to spot the errors in the supporting documentation of claims.

Session 13: Claims for property damage, economic loss, and environmental damage (Ana Cuesta – IOPC Funds and Thomas Sturgeon – ITOPIF)

Ms Ana Cuesta first focused on the claims for property damage and detailed the types of damage covered. She then introduced the claims for economic loss in various sectors (fisheries, tourism) distinguishing the “consequential loss” (loss of earnings by owners of property contaminated by oil) and the pure “economic loss” (loss of earnings by businesses directly dependent on fishery or tourism activities, whose property is not contaminated but whose business has been impacted). Ana then presented in more details the admissibility criteria for these types of claims, the common problems, how to present them and the claim assessment procedure.

Mr Thomas Sturgeon focused on the claims for environmental damage and post-spills studies. He looked at the definition of environmental damage and explained that often there is a gap between the perception and reality. He went through the types of environmental impacts for different habitats and the measures that could be taken to reduce potential environmental damage. The presenter stressed the fact that it was key to adapt the response techniques to the habitat in order to avoid further damages. He then explained why and how to conduct post-spill studies.

In short, damage to the marine environment can be mitigated with effective clean-up. Compensation for environmental damage is limited to: loss of profit, post-spill studies to assess the extent of impact and, (if necessary) costs of reasonable reinstatement measures. Post-spill studies should be used to scientifically demonstrate the link between environmental damage and the spill as well as the rate of recovery. Reinstatement measures may be considered if natural recovery will not occur. Early contact with the P&I Clubs and IOPC Funds is advisable to ensure the methodology is agreed and the costs can be recovered.

8.3. Closing ceremony

On behalf of IMO and IPIECA, Emilie Canova thanked the delegates for their active involvement. She specially thanked the Gambia Maritime Administration and Ministry of Transport, Works and Infrastructure for hosting this national workshop. The Director General concluded the workshop by thanking all participants for their involvement and the experts for their instructive presentations helping The Gambia to be better prepared in case of oil spill.

Attendance certificates were sent to all participants together with instructions on how to download all the presentations and supporting documents used during the event from the GI WACAF website. Further reference materials can be found in Annex 7.

The [link](#) to access online evaluation questionnaires was shared in order for the participants to give feedback (see Annex 8).

8.4. Recommendations

Reporting of contributing oil

The 1992 Fund Convention and the Supplementary Fund Protocol require that all Member States report to the Director of the Funds each year the name and address of any company or entity in that State which is liable to pay contributions to the 1992 Fund and/or to the Supplementary Fund, as well as the quantity of contributing oil received by each of these companies and entities in the preceding year. The Funds' [Internal Regulations](#) require that the reports should be submitted using the [Form for reporting receipts of contributing oil](#), or the [Online Reporting System \(ORS\)](#), no later than 30 April each year. Member States can request access to the ORS by contacting oilreporting@iopcfunds.org. Member States in which no company or entity is liable to pay contributions to the 1992 Fund and/or the Supplementary Fund should notify the Director using the [Nil declaration form](#).

Ratification of missing IMO conventions:

- 1) Ratify 1996 Protocol to LLMC 1976
- 2) Ratify Bunkers Convention 2001
- 3) Ratify Nairobi Wreck Removal Convention 2007
- 4) Ratify HNS Convention (when in force)

Domestication and implementation of IMO conventions:

Ensure you properly implement these conventions into domestic law, including by following advice given in "[Remote Legal Assistance on the effective implementation of IMO Conventions relating to oil pollution and liability and compensation 2020](#)"

9. Conclusion

This first online national workshop on oil spill liability and compensation hosted by the Gambia Maritime Administration achieved its objectives, despite some technical glitches due to the internet connection. Fulfilling the main objective of the workshop, participants were trained on liability and compensation in case of an oil spill and had the opportunity to seek clarification on the implementation of IMO Conventions into the national context.

Even though the event was online, there was great interaction, a lot of interesting discussions and questions during the different sessions of this workshop, showing the level of interest on the different issues. The success of the event was confirmed by the positive feedback received from the participants who considered that the objectives of the workshop were met.

10. Annex 1: programme

Online training specificities

Due to travel restrictions related to the COVID-19 pandemic that could complexify the organisation of national face-to-face workshops, the GI WACAF Project has developed an online training course allowing participants to gain knowledge on the liability and compensation key issues in case of an oil spill.

The training programme has therefore been adapted to consider the specificities of a remote activity: special efforts have been made to provide participants with the most constructive and beneficial training experience possible, including presentations by experts and trainers as well as exercises.

Objectives

- Train the authorities on the scope and implementation of the IMO Conventions relating to liability and compensation in the event of marine oil pollution, in particular through case studies and exercises (evaluation and settlement procedure, cost calculation, etc.); and
- Train the authorities on the practical aspects of liability and compensation, such as how to raise a claim, and detailing the claim assessment process.

Contacts

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Trainers

- IOPC Funds: Ms Ana Cuesta and Mr. Mark Homan, Claims Managers;
- IG: Mr. David Baker, Emergency Preparedness and Response Advisor, and Ms Tonje Castberg, Senior Claims Adviser; and
- ITOPF: Ms Pauline Marchand, Senior Technical Support Coordinator, and Mr. Thomas Sturgeon, Technical Adviser.

Programme

Day 1 – Monday, June 28 th , 2021	
Module #1. Roles and responsibilities of the different actors	
08:30 GMT	Connection and registration of participants <i>GI WACAF and the Gambian authorities</i>
Workshop introduction	
09:00 GMT	Opening ceremony and workshop introduction <ul style="list-style-type: none"> • Welcome speech (<i>Mr Mod K Ceesay, Permanent Secretary, The Gambia Ministry of Transport</i>) • Presentation of the GI WACAF Project • Workshop objectives and programme • Presentation of facilitators and experts <i>GI WACAF and the Gambian authorities</i>
Roles and responsibilities of the different actors	
09:30 GMT	National legal framework and recent experiences of oil spills <ul style="list-style-type: none"> • Overview of the NOSCP and of the national legal framework regarding oil spill response and liability and compensation for oil pollution damage (<i>Ms Olimatou Danso, Legal Officer, The Gambia Maritime Administration</i>) • Role of the different stakeholders involved in a spill response at the national level • Experience of oil spill (if any) <i>The Gambian authorities and participants</i>
10:15 GMT	Break
10:30 GMT	Roles and responsibilities of P&I Clubs <i>IG</i>
11:30 GMT	Introduction to ITOPF and Oil pollution incidents <ul style="list-style-type: none"> • Statistics on incidents • Role of ITOPF as technical experts <i>ITOPF</i>
12:15 GMT	Wrap-up of the first half day <i>Plenary</i>
12:30 GMT	End of module #1

Day 2 – Tuesday, June 29 th , 2021 Module #2. The international legal framework	
09:00 GMT	Introduction to the international oil pollution compensation regime <ul style="list-style-type: none"> • CLC and FUNDS Conventions • IOPC Funds' functioning <i>IOPC Funds</i>
10:00 GMT	Break
10:15 GMT	Introduction to the international oil pollution compensation regime <ul style="list-style-type: none"> • BUNKER and LLMC Conventions <i>IG</i>
11:00 GMT	Introduction to the international oil pollution compensation regime: practical exercise <ul style="list-style-type: none"> • Scenario • Quiz <i>IOPC Funds</i>
11:30 GMT	Case studies <ul style="list-style-type: none"> • Case study #1: tanker pollution • Case study #2: bunker oil pollution <i>IOPC Funds and IG</i>
12:15 GMT	Wrap-up of the second half day <i>Plenary</i>
12:30 GMT	End of module #2

Day 3 – Wednesday, June 30 th , 2021	
Module #3. Presentation, evaluation, and compensation claims procedures	
08:30 GMT	Presentation, evaluation, and compensation claims procedures <i>IOPC Funds</i>
09:15 GMT	Claims for clean-up and preventive measures <ul style="list-style-type: none"> • Evaluation criteria • Practical exercise (identifying errors in supporting documents) <i>ITOPF</i>
10:15 GMT	Break
10:30 GMT	Claims for property damage, economic loss and environmental damage <ul style="list-style-type: none"> • Evaluation criteria • Practical exercise <i>IOPC Funds and ITOPF</i>
12:00 GMT	Wrap-up of the last half day <i>Plenary</i>
12:15 GMT	Closing remarks, evaluation questionnaire and attendance certificates <i>Mr Karamo Bakary Janneh, Director General, The Gambia Maritime Administration</i>
12:30 GMT	End of module #3 and end of the workshop

Presenters



David Baker

Emergency Preparedness and Response Advisor,
International Group of P&I Clubs (IG P&I Clubs)



David Baker has over twenty years' experience working at both government and NGO level on liability, compensation and pollution related matters in the maritime field. Between 1999-2004, David was Deputy Head of the UK Government delegation to the IMO Legal Committee and the IOPC Funds; Deputy Head of the UK Government delegation to the 2001 Bunkers Convention diplomatic conference; the 2002 Athens Protocol diplomatic conference and the 2003 Supplementary IOPC Fund Protocol diplomatic conference. He also represented the UK government on liability and compensation matters at meetings of the EU Council. David joined the International Group of P&I Clubs (IG) in 2004 and has been the International Group's accredited representative and head of delegation to the IMO and the IOPC Funds since then and on pollution matters in general. David holds Masters' degrees in both Business Administration (MBA) and International Maritime Law (LLM).



Emilie Canova

Project Manager
GI WACAF



Emilie Canova is the GI WACAF Project Manager since February 2021. She is responsible for the definition and implementation of the GI WACAF action plan, and ensures the Project reaches its strategic objectives. Previously, Emilie spent a few months at the International Maritime Organization (IMO) working on issues related to the OPRC Convention. Before that, Emilie was GI WACAF Project Coordinator for 2 years and has also worked at the French Ministry of Foreign Affairs where she was focusing on the Nordic countries and the Arctic regional cooperation on environmental and hydrocarbons related subjects. Emilie graduated from the Ecole Normale Supérieure (ENS) in Geography; she holds a master's degree in Geopolitics and a master's degree in Public Affairs from Paris Panthéon Sorbonne University.









Ana Cuesta

Claims Manager
IOPC Funds



Ana Cuesta is a Claims Manager at the International Oil Pollution Compensation Funds (IOPC Funds). In her more than 20 years working for the IOPC Funds (first as a Claims Administrator and later as a Claims Manager) Ana has handled oil pollution incidents of different sizes and complexities in various parts of world, mainly dealing with claims for compensation as a result of oil spills from tankers. Whilst working for the IOPC Funds, Ana achieved a Postgraduate Diploma in Law and an LLM in Maritime Law.

	<p>Chloé Gondo Project Coordinator GI WACAF</p>	
	<p>As GI WACAF Project Coordinator, Chloé Gondo facilitates exchanges between the different actors involved in the Project and supports the preparation and participation in the activities of the biennial action plan. Before joining the GI WACAF Secretariat in October 2020, Chloé spent 3 years in West Africa: in Togo, she was working as a Program Officer for a corporate foundation implementing local development projects in the harbour area of Lomé. In Abidjan, she had joined an international NGO and was in charge of transboundary activities for the protection of a common forest complex between Côte d'Ivoire and Liberia. Chloé holds a Master's degree in International Affairs from Sciences Po Paris.</p>	
	<p>Mark Homan Claims Manager IOPC Funds</p>	
	<p>Mark Homan is one of the IOPC Funds' Claims Managers. Mark started his maritime career as a naval architect designing luxury superyachts before re-qualifying as a shipping lawyer and working at a large international maritime law firm (Clyde & Co.) for some 7 years, before teaching law at the College of Law, London, for 5 years, and then joining the 1992 Fund in 2010. Mark has worked on oil pollution incidents in South Korea, Nigeria, the Philippines, Greece, and has lectured in many Member States including Australia, Croatia, Finland, Portugal, Namibia, Nigeria, Norway, Saudi Arabia, The Netherlands and the Philippines, and to many visiting Universities.</p>	
	<p>Pauline Marchand Senior Technical Support Coordinator ITOPF</p>	
	<p>Pauline Marchand has been with ITOPF for over five years. Her primary role is to coordinate the assessment of claims following ship-source pollution incidents and provide advice regarding clean-up costs, economic loss and environmental damage claims. She has been involved in numerous cases either on site or remotely in Europe, America and Asia. Pauline is also actively involved in other technical support functions as well as training & education and outreach activities internationally. She holds Masters degrees in Maritime Law, International and Business Law and has expertise of liability and compensation for pollution damage through previous work experience at the International Group of P&I Clubs. At ITOPF, Pauline is lead of the Claims & Compensation Functional Group. She is also a member of the Environmental Damage Working Group and the Waste Working Group.</p>	

	<p>Tonje Castberg Senior Claims Adviser International Group of P&I Clubs (IG P&I Clubs)</p>	
	<p>Tonje Castberg is a Senior Claims Adviser with Gard and before she joined in 2006, she had worked as a research scientist with marine, environmental and ecological issues since 1994. She holds a PhD in microbiology from the University of Bergen, Norway. Tonje has handled a variety of claims during her time with Gard, but has a particular focus on environmental issues, and supports the team with her scientific competence as well as her experience from handling major pollution cases. Over the years she has attended numerous casualties as Gards' on-site representative in countries around the world and has negotiated claims with various authorities and other claimants and she is also involved with knowledge sharing giving presentations and training both internally and with members and clients and she sits ad Gard's representative in the Pollution Sub Committee of the IG.</p>	
	<p>Thomas Sturgeon Technical Adviser ITOPF</p>	
	<p>Thomas Sturgeon joined ITOPF as a Technical Adviser in February 2020. He holds a BSc in Environmental Science and an MSc in Oceanography. Prior to joining ITOPF, Thomas spent two years working as an offshore installation engineer and manager for the offshore energy and renewables industry. Thomas is part of ITOPF's Europe, Middle East and Africa team, and was most recently deployed to Mauritius for the Wakashio oil spill response.</p>	

11. Annex 2: list of participants

	Name	Institution	day 1	day 2	day 3
1	KARAMO B JANNEH	GMA	y	y	y
2	WANDIFA SAIDYLEIGH	GMA	y	y	y
3	BINTA JALLOW CEESAY	GMA	y	y	y
4	OLIMATOU DANSO	GMA	y	y	y
5	ABAS SAIDYKHAN	GMA	y	y	y
6	KULAY MANNEH	GPA	y	y	y
7	KATCHI DAABO	GPA	y	y	y
8	LAMIN KOMMA	NEA	y	y	y
9	ASSAN MS DUKUREH	NEA			
10	LAMIN M CAMARA	NEA	y		
11	Lt Cdr AMIE M JAMMEH	NAVY	y	y	y
12	Lt Cdr YUSUPHA SANNEH	NAVY	y	y	y
13	Lt (GN) EBRIMA B JALLOW	NAVY	y	y	y
14	KIMBENG TAH	MOJ			
15	ASSIATOU SAMBOU KEBBEH	MOJ	y		
16	ABDOU AZIZ SAHO	MOJ		y	y
17	BUBA BAJO	MOPE			
18	SULAYMAN CAMARA	MOPE	y	y	y
19	KOLLEY SUWAI	MOPE	y	y	y
20	KAWSU BARROW	NDMA	y	y	y
21	BUBACARR FOFANA	NDMA	y	y	y
22	LAMIN Y DARBOE	NDMA	y	y	y
23	SAYERR G. SARRE		y	y	y

12. Annex 3: welcome speech from Mr Karamo Bakary Jannah, Director General of The Gambia Maritime Administration

Good morning distinguished participants, Permanent Secretary Ministry of Transport, Works and Infrastructure, who is deputizing for the Honourable Minister; representatives from sister institutions, GMA staff, the media core, ladies and gentlemen, a very warm welcome to you all.

It is my pleasure to welcome all the participants today for the 3-day training organized by the Global Initiative for West, Central and Southern Africa (GIWACAF) on Liability and Compensation in case of oil spills.

I welcome all the expert presenters and host from GI-WACAF and Partners and in-country participants from different institutions. You have all agreed to come here to partake in this very important training to share knowledge and expertise in the prevention of oil spills in the Gambia's territorial waters and beyond. Your presence here today to honour our invitation is an indication of your institution's commitment to the national course and demonstration of their critical stake in oil spill matters and its ramifications.

This is the first training of its kind coordinated by the Administration on a digital platform in line with the social distancing norms due to COVID-19 pandemic.

I am proud to announce that this training is being conducted along with the cooperation of the Gambia Government through the Ministry of Transport, Works and Infrastructure who has consistently been supportive of our efforts.

As it is customary, I wish to acknowledge the presence of the Ministry of Transport, Works and Infrastructure for their invaluable support to all the institutions.

13. Annex 4: welcome speech from Ms Emilie Canova, GI WACAF Project Manager

Mr Mod K. Ceesay, Permanent Secretary, The Gambia Ministry of Transport Work and infrastructure

Mr Karamo Bakary Janneh, Director General, The Gambia Maritime Administration

Mr. Wandifa Saidyleigh, Head of Technical, Department & Principal Marine Surveyor, Gambia Maritime Administration

Distinguished delegates from The Gambia,

Ladies, Gentlemen, Dear Colleagues,

It is a pleasure to deliver these few welcoming words at the opening of this Online training on the international liability and compensation regime in case of oil spill pollution on behalf of the International Maritime Organization (IMO) and IPIECA, the global oil and gas industry association for advancing environmental and social performance.

I would like to welcome you all at this workshop organized by the Gambian Maritime Administration with the support of IMO and IPIECA, within the framework of the Global Initiative for West, Central and Southern Africa (GI WACAF Project).

I wish to extend my sincere appreciation to the Government of The Gambia and particularly to The Gambia Ministry of Transport Work and infrastructure and the Gambia Maritime Administration for supporting this important event and express my thanks to Mr. Wandifa Saidyleigh and his staff for their significant assistance and efforts in putting together this workshop.

I will come back to it during my presentation, but this workshop is particularly important for 3 reasons.

- First, it follows up on previous work engaged by The Gambia in the framework of the GI WACAF project, especially the 2020 remote legal assistance activity on the effective implementation of IMO conventions, related to oil spill
- Secondly, it comes at time and in context of current and future oil and gas activities off the coast of West Africa (Senegal, Mauritania, close neighbouring countries) and subsequent growing risks of incident,
- Finally, it is the proof of the adaptation of the project and the countries to a new situation and a global pandemic. The project has developed new tools (webinars, remote assistance, etc.) given that national face-to-face workshops are (unfortunately) still not possible due to travel restrictions related to the COVID-19 pandemic. This is the first

fully online workshop organised by GI WACAF the training programme. It has therefore been adapted to consider the specificities of an online activity.

To deliver this online training we have during the 3 days 6 recognized experts from international institutions: namely ITOPF, IOPC Funds and IG P&I Clubs. I take this opportunity to thank them warmly for their participation. I encourage you to participate actively as much as the online set-up allows, to ask questions and to foster dialogue this week, to ensure interactive discussions on the issues affecting the oil spill preparedness and response stakeholders.

Without further ado, I will briefly introduce the GI WACAF Project, the workshop and the experts.

14. Annex 5: opening speech from Mr Mod K Ceesay, Permanent Secretary of the Ministry of Transport, Works, and Infrastructure of The Gambia

Good morning Director General Gambia Maritime Administration, Representatives from Sister Stakeholder Institutions, Members of the Media core, Ladies and Gentlemen

The Global Initiative for West, and Central Africa (GI WACAF Project) today starts a 3-day national training on liability and compensation in case of oil spill pollution from 28th-30th June. This training is an important opportunity that will empower national stakeholders who are gathered here today to deal with issues of oil spills and its ramifications more effectively. This training will discuss important matters which are statutory obligations under the liability and compensation convention. It is important to note that critical rules of engagement with parties under the convention following an oil spill incident are also covered under the provisions of the conventions.

This is another technical assistant being availed to the country by GI-WACAF/IMO and partners coming on the heels of the remote legal assistant that the country benefitted from their partnership in October of 2020. This training cannot be timelier when The Gambia has acceded to the 1992 Protocols of Civil Liability and Compensation and Fund Convention respectively and 1990 Oil Pollution Preparedness Response Cooperation Convention.

GI WACAF is a partnership between the International Maritime Organization (IMO) and the global oil and gas industry association for environmental and social issues, to enhance the capacity of 22 countries in West and Central Africa including The Gambia to prepare for and respond to marine oil spills should it happen.

It is important to note, that so much emphasis is laid towards the issue of oil and other forms of spillages in our waters, my office will continue to provide the Maritime Administration and all other relevant stakeholders of the Gambia with the much-needed resources, leadership and guidance to make sure they combat such disasters. The government of the Gambia has laid a special emphasis on this issue and is prepared to help in every way possible to make sure that our waters are clean at all times and provide competent personnel from technical and legal perspective to deal with such events as and when it happened.

In conclusion I wish to thank the Maritime Administration of the Gambia and its sister institutions for making sure that all relevant instruments are used to mitigate the challenges of oil spills in our waters, my office will continue to avail itself for any matter in relation to keeping our waters safe and secure. We will continue to dialogue with all stakeholders in this field in addressing matters of concern. On behalf of my line Ministry of Transport I wish to declare this

session formally opened. Whilst I thank you all for your kind attention please be assured of our highest consideration.

15. Annex 6: chat log and answers

Question:

“There is a power ship, Gotakbay with the Gambia receiving significant amount of oil compared to the total amount received by the Gambia. Where do we classify that amount of oil being received by the power ship, though the oil is supplied directly from sea by bunker barges?”

Answer Part 1: (Summary of Guidance available in the Oil Reporting Form)

RECEIPTS OF CONTRIBUTING OIL

All contributing oil received during the relevant calendar year should be reported if it was:

A. received in the ports or terminal installations in the Member State directly after carriage by sea

- having been imported from other States; or
- following coastal movement within the same State (e.g. from terminals at sea, from floating storage tanks, from offshore oil fields by vessel or after cabotage); or

B. received by other modes of transport (e.g. by pipeline, non-seagoing barge, road or rail transport) from a non-Member State, after having been received in a port or terminal installation in that State after carriage by sea.

Such oil is only liable for contributions on first receipt in a Member State.

Discharge into a floating tank within the territorial waters of the Member State (including its ports) constitutes a receipt, irrespective of whether the tank is connected with onshore installations via pipeline or not.

Ships are considered to be “floating tanks” in this connection if they are ‘dead’ ships, i.e. if they are not ready to sail.

‘Received’ does not include ship-to-ship transfer, irrespective of whether such a transfer

- takes place within a port area or outside the port but within territorial waters; or
- is done solely by using the ships’ equipment or by means of a pipeline passing over land; or
- is between two seagoing vessels or from a seagoing vessel to an internal waterway vessel.

When the oil, after having been transferred in this way from a seagoing vessel to another vessel, has been carried by the latter to an onshore installation situated in the same Member State or in another Member State, the receipt in that installation shall be considered as receipt of oil carried by sea. However, in the case where the oil passes through a storage tank before being loaded to the other ship, it has to be reported as oil received at that tank in that State.

'Carriage by sea' does not include movement within the same port area.

Answer Part 2:

From what we understand, the ship referred to is the Koray Bey: [Karadeniz Holding](#) and the answer depends on whether it falls into the category of a "floating tank" or a "ship".

If it's a floating tank (ie a dead ship) the oil received onboard needs to be reported.

If it's a 'ship'; then the oil is being received following ship-to-ship transfer and it does NOT need to be reported.

The key guidance from the reporting form is:

Discharge into a **floating tank within the territorial waters** of the Member State (including its ports) constitutes a receipt, irrespective of whether the tank is connected with onshore installations via pipeline or not.

Ships are considered to be floating tanks in this connection if they are 'dead' ships, i.e. if they are not ready to sail. '

Received' does not include ship-to-ship transfer, irrespective of whether such a transfer

- takes place within a port area or outside the port but within territorial waters; or
- is done solely by using the ships' equipment or by means of a pipeline passing over land; or
- is between two seagoing vessels or from a seagoing vessel to an internal waterway vessel.

If the bunker barges start out at sea, there IS a sea journey involved, so the oil received DOES need to be reported.

If the bunker barges travel only along the rivers and within port limits to the power supply vessel, the oil received does NOT need to be reported.

According to the IOPC Funds Oil Reporting Form Guidance Notes, carriage by sea does not include movement within a port area, so if the bunker barges start inland, travel by river and

never reach sea then the oil received at the power supply vessel, would NOT need to be reported.

Question:

Does river transport count as cabotage?

If the journey is exclusively on a river, then no.

If the barges travel through sea before going up a river, then yes.

Question:

What about reporting on oil received through transportation by river within the country or to another country?

If there is no oil transportation by sea, according to the IOPC Fund Guidance Notes, carriage by sea does not include movement within a port area, so if the bunker barges start inland, travel by river and never reach sea then it would not be reportable.

If you have any further questions, please contact either myself, Mark Homan at mark.homan@iopcfunds.org or the oil reporting officer Sarah Hayton sarah.hayton@iopcfunds.org

16. Annex 7: reference material

Information regarding Oil reporting and Contribution can be found on the IOPC Funds dedicated page: <https://www.iopcfunds.org/about-us/what-we-do/oil-reporting-contributions/>

IOPC Claims manual:

https://www.iopcfunds.org/uploads/tx_iopcpublications/2019_Claims_Manual_e.pdf

IMO documents from the Legal committee, including LEG 99/4/6 can be found on <https://docs.imo.org/>. Anyone from the administration can create an account to access the public documents.

Report of the remote assistance activity on the ratification and effective implementation of IMO conventions relating to oil pollution and liability and compensation, 2020: <https://www.giwacaf.net/en/our/activities/remote-legal-assistance-gambia-effective-implementation-imo-conventions/report>

17. Annex 8: Evaluation questionnaires main outcomes

Total number of responders: 10

Arrangements prior to the online activity

Question	Answers	
	Yes	No
Was the invitation received in good time?	100%	0%
Did you receive information on the online event's objective and scope before your participation?	90%	10%
Did you receive information on subject areas and the online event's programme before your participation?	90%	10%
Were the instructions on the profile required of participant clear and easy to understand?	100%	0%
Did you receive technical information on how to connect to the online training platform prior to the event?	50%	50%
Were the pre-reads useful?	100%	0%

During the activity

Question	Answers			
	Poor	Satisfactory	Good	Excellent
Did the online event cover the topics fully?	0%	10%	60%	30%
How would you rate the online delivery of the activity? Interaction with the audience	0%	20%	60%	20%
How would you rate the online delivery of the activity? Use of the online training platform's features	0%	40%	40%	20%
How would you rate the following aspects of the presentations? Design and structure	0%	30%	40%	30%
How would you rate the following aspects of the presentations? Clarity	10%	20%	40%	30%
How would you rate the following aspects of the presentations? Technical content	0%	40%	30%	30%
How would you rate the following aspects of the presentations? Comprehensiveness	0%	30%	50%	20%
How would you rate the use of the following? Reference materials	0%	20%	40%	40%
How would you rate the use of the following? Interactive exercises	0%	30%	30%	40%

At the end of the online activity

Question	Answers			
	The international oil pollution compensation regime	Compensation claims procedures	Property damage, economic loss and environmental impacts	All of them
What topics were of most interest and relevance to you?	30%	30%	20%	20%

Are there any topics which should be added?

- Contingency planning in case of an oil spill
- Containment of pollution

Question	Answers	
	Yes	No
Do you consider that the objective of the online event was met?	100%	0%
Are you likely to use the information you gained on the online course when you return to work?	100%	0%
Will you have the opportunity to transfer the knowledge gained to your colleagues at work?	100%	0%

Final comments

- Need to organise an oil spill simulation exercise in the country
- Lack of constant internet connection: more time should be considered if technical hitches are experienced.

18. Annex 9: pictures of the online workshop



Figure 1: opening ceremony (28 June 2021)



Figure 2: opening ceremony (28 June 2021)

Online training on the international liability and compensation regime in case of oil spill pollution
28-30 June 2021



Figure 3: opening ceremony (28 June 2021)

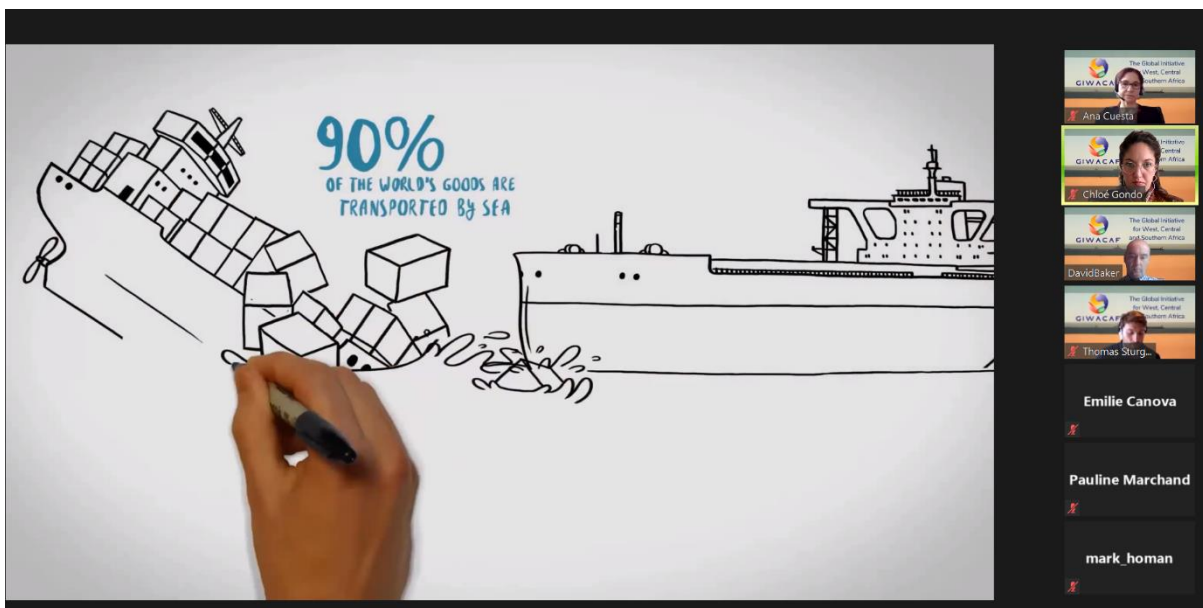


Figure 4: video on the role of IG P&I Clubs (28 June 2021)

Overview of Conventions
IMO Conventions for marine pollution

IMO has developed several Conventions for dealing with liability and compensation arising from marine pollution

Conventions	Type of substance
Civil Liability Convention Fund Convention	Persistent oil (cargo & bunker)
Bunkers Convention	Bunker oil
HNS Convention	Hazardous and Noxious Substances (HNS)

Convention on Limitation of Liability for Maritime Claims (LLMC)
→ dealing with the limitation of liability for various types of claims

These Conventions created **international uniformity of law** in their own area

Participants listed on the right:
 - caston
 - Chloé Gondo
 - mark_homan
 - Marine Surveyor
 - Ana Cuesta
 - Emilie Canova
 - ITOPF - Thom...

Figure 5: presentation on the introduction to the international oil pollution compensation regime by representatives from the IOPC Funds (29 June 2021)

Participants in the video conference grid:
 - mark_homan (GIWACAF)
 - Chloé Gondo (GIWACAF)
 - caston
 - Emilie Canova (GIWACAF)
 - Ana Cuesta (GIWACAF)
 - Wandifa Saidyleigh-EN
 - Pauline Marchand
 - Marine Surveyor
 - ITOPF - Thomas...

Figure 6: wrap up of the second day (29 June 2021)

GIWACAF online training for the Gambia
London

Presentation and processing of claims

Mark Homan
Claims Manager
30 June 2021

Participants: Emilie Canova, Chloé Gondo, mark_homan, Thomas Sturgis, Pauline Marchand, Ana Cuesta, Marine Surveyor

Figure 7: Presentation on the evaluation and compensation claims procedures by Mr Mark Homan (30 June 2021)

WHAT ARE PREVENTIVE MEASURES ?

GIWACAF

'All reasonable measures taken by any person after an incident has occurred to prevent or minimise pollution damage' (1992 CLC, 1992 Fund and 2001 Bunkers Convention)

- Undertake surveys (aerial, shoreline, at sea)
- Combat oil at sea
- Protect resources vulnerable to oil
- Clean-up shorelines & coastal installations
- Dispose of collected oil/oily waste
- Clean & rehabilitate wildlife

ITOFF

Participants: Emilie Canova, Chloé Gondo, mark_homan, Pauline Marchand, Marine Surveyor, Ana Cuesta

Figure 8: presentation on the claims for clean-up and preventive measures by Ms Pauline Marchand (30 June 2021)

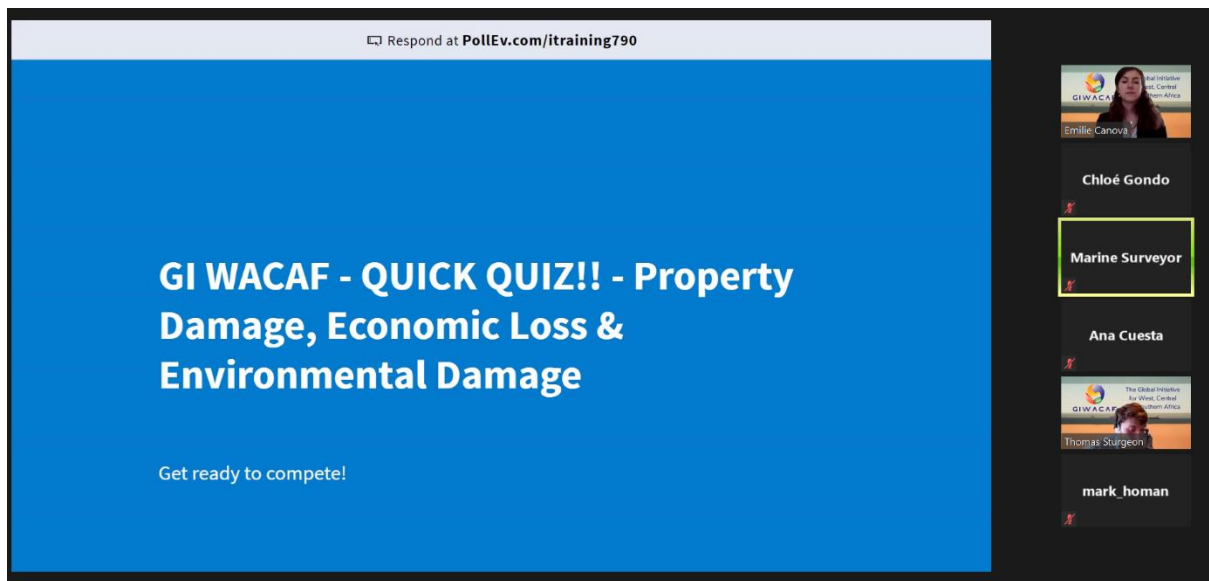


Figure 9 : quiz on claims for property damage, economic loss and environmental damage by Mr Thomas Sturgeon (30 June 2021)



Figure 10 : closing ceremony (30 June 2021)

Online training on the international liability and compensation regime in case of oil spill pollution
28-30 June 2021



Figure 11 : closing ceremony (30 June 2021)



Figure 12 : group photo (30 June 2021)