

FOREWORD

The papers contained in this volume examine two perspectives on the apportionment of government/industry responsibilities for and concern with the safe transport and use of oil throughout the world. First, T.H. Moller and R.S. Santner explore the views of tanker owners regarding *The Role of Industry*. Second, J. Wonham focuses on European governments' views of the *The Responsibilities of Sovereign Nations*.

Moller and Santner provide historical and practical views on the establishment and maintenance of industry capabilities and government and industry cooperation in preparedness and response. Their fundamental premise is that preparedness for response to spill emergencies is inherently a government responsibility as part of facilitating maritime trade. Only governments can establish the basic national contingency plan (NCP) structures necessary to identify response priorities and strategies. In countries where the political will to engage in NCP activities is absent, governments, by default, are relying on international spill response capabilities to do what is necessary. The authors surmise that those capabilities are adequate to the task.

If the disparities in preparedness among nations is a concern, then it is incumbent on more capable countries to assist their less capable neighbors. Moller and Santner argue that it does not require large stockpiles of equipment and manpower for a nation to effectively respond to an incident, that very low-technology response is often most effective, and that any nation can adequately prepare to carry out that response if they only have the political will to do so. The International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC Convention) provides an internationally accredited mechanism for improving preparedness in countries adopting its provisions, because it promotes government–industry collaboration in supporting NCP activities in less capable nations.

Moller and Santner argue that industry's role is to cooperate with governments in preparedness planning, to fund the reasonable costs of government response, and to supplement government response resources using industry-owned or contracted local and regional equipment and personnel pools,

as well as draw from the major industry equipment stockpiles strategically located around the world. Regarding countries that do not participate in the oil trade but are located along tanker traffic routes and therefore may be subject to spills from “passing tankers,” the authors contend that the “passing tanker” syndrome is much more an imagined fear than a reasonable possibility. Their analysis indicates that most major tanker incidents occur in or near the waters of the nation to which a vessel is bound and that the number of spills that might occur in or near the waters of an “innocent” country is very small. Therefore existing response capabilities and current international response and compensation mechanisms should be sufficient to ensure effective response to any reasonable major spill scenario, anywhere it might occur.

Wonham examines the responsibilities of individual countries and regional intergovernmental organizations in carrying out domestic and cross-boundary responses. He focuses primarily on northern Europe and the Mediterranean. Most countries in these areas have been participating in multilateral agreements covering response and mutual aid since as early as 1969. Most of them have national contingency plans and extensive response infrastructures as well as significant oil industries. Several offered and continue to provide extensive support to the new Baltic states. With the exception of Malta, all the countries or organizations asserted that they have no responsibility for supporting preparedness and response outside the geographic limits of their regional boundaries. Even Malta, which feels some global responsibility, has only limited personnel expertise to offer either during planning or response.

Wonham maintains that the “passing tanker” issue is significant. He argues that where governments have not taken adequate responsibility for preparedness, industry should be ready. He also discusses various International Maritime Organization initiatives designed to address disparities among nations. Wonham points out that such initiatives are reasonable, but they have engendered very little monetary support from any developed countries. He implies that this may be due to lack of confidence that such support would be used effectively for the intended purposes and that individual

nations prefer to offer such support directly to certain favored nations, based on potential economic, military or social advantages that would accrue in return for the investment.

The challenge facing both government and industry is to safeguard against spills while maintaining the capability for efficient and effective response worldwide. These papers provide the foundation for an expansion of the dialogue to other segments of the industry and to other parts of the world.

- Do cargo owners, oil producers, and oil consumers share the views expressed regarding industry's responsibilities to the world?

- Are the nations of Africa, the Americas, or the Pacific rim as committed to mutual aid regionally as are the nations of Europe?
- Are preparedness and response government functions?
- Should governments be relying on industry to fill the void where resources are deficient?

Note: Acronyms are used in both papers so as not to burden the text with numerous long names and terms. Readers are referred to an explanatory list of these acronyms provided at the end of this document.