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National workshop on oil spill liability and compensation

Lagos, Nigeria

10th – 12th September 2019

Global Initiative for Western, Central and Southern Africa

Organised by:



NOTE

This document has been prepared within the framework of the Global Initiative for West, Central and Southern Africa as a contribution to the implementation of the biennial action envisaged for this Initiative. The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the IMO or IPIECA concerning the legal status of any State, Territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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46 Pages.



Executive summary

A national workshop on oil spill liability and compensation was organized at the Eko Hotel and Conference Center in Lagos, Nigeria, from Tuesday 10th to Thursday 12th September 2019.

The event was co-hosted by the two national agencies with responsibilities in oil spill preparedness and response, the National Oil Spill Detection and Response Agency (NOSDRA) and the Nigerian Maritime Administration and Safety Agency (NIMASA). By co-hosting this event together, NIMASA and NOSDRA demonstrated that they are working hand-in-hand to better protect the sea and coastal environment of Nigeria against the potential negative effects of an oil spill.

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 120 participants from various ministries, agencies and authorities as well as delegates from the private sector (oil and gas, maritime industry) 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).

International experts from ITOPF and the International Oil Pollution Compensation Funds (IOPC Funds) facilitated the exercise and provided clarification on how to fully implement IMO Conventions related to liability and compensation. Also, presentations given by national experts on the implementation of the CLC and FUNDS Conventions as well as on the National Oil Spill Contingency Plan were welcomed as they clarified the situation that prevails nationally. The involvement of academia allowed the audience to get another perspective on the concept of compensation. There were a lot of discussions and questions during the different sessions of this workshop, showing the level of interest on the different issues.

The excellent interaction with participants 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.

Also, it is key to highlight that there was much interest in the possibility of Nigeria acceding to or ratifying the Supplementary Fund Protocol which would provide Nigeria with a third tier of compensation if necessary, in the event of a major oil spill incident from a tanker.

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1. 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 advancing environmental and social performance, 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 organizes 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, Total and Woodside.



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

2. Introduction

The collaboration between Nigeria and GI WACAF is not new by any means. It started in 2006 and since then 10 activities have been implemented. GI WACAF has supported Nigeria in various topics in relation with the strengthening of its preparedness and response capacities through the set-up of national workshops and exercises. GI WACAF helped Nigeria to develop fully its National Oil Spill Contingency Plan, developed trainings on requested topics such as trajectory oil spill modelling or the dispersant use policy. The Project also participated in the organisation of a transboundary exercise in 2015 with Cameroon to test the lines of communication in case of an oil spill.

This national on oil spill liability and compensation workshop was therefore a continuity of the collaboration started more than 10 years ago between GI WACAF and Nigerian authorities.

This GI WACAF workshop was co-hosted by the two national agencies with responsibilities in oil spill preparedness and response, the National Oil Spill Detection and Response Agency (NOSDRA) and the Nigerian Maritime Administration and Safety Agency (NIMASA and NOSDRA). By co-hosting this event together, NIMASA and NOSDRA demonstrated that they are working hand-in-hand to better protect the sea and coastal environment of Nigeria against the potential negative effects of an oil spill.

This national workshop on oil spill liability and compensation was set up following a request by the Nigerian authorities and it was brought to its local partners by GI WACAF, with the ambition 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. The summary of the workshop is detailed below.

3. Objectives

The main objective of this national 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).

4. Programme of the training

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

- *Tuesday 10th September 2019*
 - Registration
 - Opening ceremony
 - Introduction of the Workshop Objectives
 - Introduction of the GI WACAF Project
 - IMO conventions regulating pollution from ships – overview of the international compensation regime for tanker spills
 - Role of stakeholders
 - Legal framework for other ship-source pollution
 - Review of the causes of oil pollution & Impacts of oil on marine and coastal resources
 - Implementing the CLC and Fund Conventions in Nigeria



- **Wednesday 11th September 2019**
 - Damage assessment for compensation in onshore oil spill management
 - Claims for clean-up and preventive measures under the international conventions
 - Claims in the fisheries, mariculture and processing sectors
 - Claims in the property and tourism sectors
 - Claims for environmental damage, re-instatement measures and impact studies
 - Claims for oil removal from wrecks and wreck removal
 - Case studies and practical exercises

- **Thursday 12th September 2019**
 - Clean Seas table-top exercise
 - Assessment of claims arising from Clean Seas Exercise
 - Closing ceremony

5. Location, dates, and participants

The workshop was held at the Eko Hotel and Conference Centre on Victoria Island, Lagos from 10 to 12 September 2019. Around 120 participants from various government agencies and departments and the private sector attended the workshop. The list of participants is attached as Annex 2.

The experts invited to facilitate this workshop were:

- David Campion, Technical Adviser, ITOPF
- Mark Homan, Claims Manager, IOPC Funds
- Tonje Castberg, Senior Claims Adviser, Gard AS¹.

The GI WACAF Secretariat was represented by:

- Julien Favier, GI WACAF Project Manager

¹ Unfortunately, Ms Castberg was unable to attend because of logistical issues



6. Activities and proceedings

6.1. Opening ceremony

The opening ceremony took place on Tuesday 10nd at 09:00.

The welcome address was delivered by the Director General of NIMASA, Dr. Dakuku A. Peterside, represented by the Executive Director, Maritime Labour and Cabotage Services, Mr. Ahmed Gambo. His speech is attached in Annex 3.

Julien Favier, GI WACAF Project Manager, delivered the welcome remarks. His speech is attached in Annex 4.

Dr. Mohammad Mahmood Abubakar, Honourable Minister of Environment, represented by Mr. Idris O. Musa, Director General of NOSDRA, gave a keynote address and opening speech reproduced in Annex 3.

The group picture, as well as other photos taken during the event are available in Annex 6.

6.2. Proceedings of the event

DAY 1 – 10th September

Session 1: Introduction of workshop objectives and presentation of the GI WACAF Project

Julien Favier – GI WACAF Project Manager

Mr. Julien Favier presented the scope and goals of the GI WACAF Project since its launch in 2006, highlighting the priority actions for the current biennium. He stressed the fact that GI WACAF is always looking to build up continuity and that it was the case with Nigeria as this workshop is the 10th organized with the support of GI WACAF since 2006.

Session 2: IMO conventions regulating pollution from ships – overview. The international compensation regime for tanker spills

Mr. Mark Homan, Claims manager, IOPC Funds

Mr. Homan delivered a presentation on the main IMO conventions regulating pollution from ships. He briefly introduced all the relevant conventions, namely the LLMC 1976/1996, Bunkers Convention 2001, Wreck Removal Convention 2007, HNS Convention 2010, Civil Liability Convention 92, Funds 92 and the 2003 Supplementary Fund Protocol.

Mark Homan then went into details on the provisions of the CLC 92 and Funds 92 conventions. He presented the legal framework and recent developments regarding the compensation regime for tanker spills. He detailed the background history of the system and introduced the IOPC Funds. He also presented the key principles of the regime: strict but limited liability of the ship owner, compulsory insurance, two-tier system to ensure compensation in virtually all cases, with few exceptions. Mr. Homan also explained when the regime applies and provided important definitions like “environmental damage”, “preventive measures”, “incident” or the concept of “reasonable”. He briefly described the main types of claims and the general criteria for admissibility of claims. He also drew attention on the time bar and the 3 and 6 years limits. To conclude, he described the full process, from the incident to the claim settlement.



Session 3: Role of stakeholders: P&I Clubs, IOPC Funds, and Experts

Mr. Mark Homan, Claims manager, IOPC Funds

Mark Homan describe the role of the P&I clubs. He 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. Mr. Homan presented the financing system of the Funds. Finally, Mr. Homan introduced the critical role of experts during an oil spill and during the claims assessment.

Session 4: Legal Framework for other ship-source pollutions: General Maritime Claims: LLMC, 1976/1996; Bunker oil spills: Bunkers Convention; Wreck Removal Convention 2007; 2001/Hazardous and Noxious Substances: HNS Convention, 2010

Mr. Mark Homan, Claims manager, IOPC Funds

Mark Homan introduced the regime applicable to other ship-source pollutions, with the LLMC, Bunkers and Wreck removal Conventions. He also presented the limitation of liability for maritime claims for LLMC 1976 and LLMC 1996 as well as the main features of the Bunker 2001 Convention and the HNS 1996 Convention.

Session 5: Impacts of oil spills and response options (delivered on Day 2)

David Campion, Technical Adviser, ITOPF

After a short presentation on the role of ITOPF, David Campion presented detailed information related to the fates and behavior of spilled oil. Mr. Campion explained it is key to understand the composition and characteristics of the different types of oil to be able to quickly assess what response strategy and techniques are likely to be the most efficient when a spill does occur.

He also highlighted the environmental impacts of oil spills, in particular on wildlife (physical smothering, chemical toxicity etc.). Including this information in the risk assessment process and the sensitivity maps is essential. The technical advisor explained that different types of coastlines (rocky shores, sandy beaches, salt marshes etc.) would be affected differently. Finally, he mentioned that oil spills can also have economic and social impacts that need to be taken into account: ports, water intakes (desalination plants), fishing activities etc.

Mr. Campion presented the response options, as he advised that appropriate and efficient response can mitigate the impacts of an oil spill. The technical advisor explained that the first step of a response is the oil spill assessment: locate the oil, determine the nature and quantity, identify the sensitive areas, decide on response strategies, monitor and direct clean-up and reevaluate strategy if necessary. Most of the information should already be available in the annexes to the Plan. He described the different strategies at-sea and on the shoreline, underlining advantages and drawbacks. Mr. Campion insisted on the challenges related to at-sea response and explained that authorities should be ready for shoreline clean-up operations. Response strategies and finish points will depend on the reasons for cleaning-up (economic activities in the port, protected species etc.).

Session 6: Implementing the CLC and Fund Conventions in Nigeria

Dr. Mrs. Felicia Chinwe Mogo, Head of Department, Marine Environment Management, NIMASA

Dr. Mogo gave an update on the implementation of the CLC and Fund conventions in Nigeria and detailed the role of NIMASA in the whole process as the agency in charge of the liaison with the IOPC Funds for Nigeria.

Conclusion of Day 1 and Introduction of Day 2

Julien Favier – GI WACAF Project Manager

Mr Favier thanked the delegates for their participation and introduced the main elements of the second day

DAY 2 – 11th September

Session 7: Damage assessment for compensation in onshore oil spill management

Professor Iyenemi Ibimina Kakulu, Rivers State University, Port Harcourt - Represented

The presentation was given in order to give academia's viewpoint on compensation in case of an oil spill.

The presenter explained the fact that the term of "adequate" in "adequate compensation" was very subjective and could vary from the person who presents the case (polluter, victim..). He stressed the fact that understanding "damage" was not straightforward as what is at risk has to be evaluated first, whether it is health, property, reputation or the environment. The losses could be difficult to assess as in many cases it's not direct economic losses. He then explained the steps of damage assessment and suggested to adopt the Value-for-Value approach, which states that the claimants must be put in the same position as he was before the spill, pollution and contamination that caused the damage, occurred.

Session 8: Presentation of the National Oil Spill Contingency Plan (NOSCP)

Mr. Oladipo Obanewa, Director, Assets Safety and Mitigation, NOSDRA

The presentation was delivered to inform the audience on the latest development of the NOSCP. The presenter explained that NOSDRA, established in 2006, is the lead agency for oil spill preparedness and response in Nigeria, including in its territorial waters and EEZ. He also gave an update of the role of other key agencies.

He detailed the risks associated with petroleum production in Nigeria, from upstream, midstream and downstream. The NOSCP is the framework by which NOSDRA manages preparation and response to large scale oil spills in Nigeria. He explained that levels of response in Nigeria are aligned with the "Tier approach". First layer is Tier 1, when the response can be conducted according to the company plan. Second layer is Tier 2 and means that there is a need to put in place a cooperative plan. The third and final layer is Tier 3. At Tier 3 level, the NOSCP is activated. The NOSCP is therefore for large scale oil spills only. Its first activation was in 2011 and the last one took place in 2018.

The presenter explained that the NOSCP adopts the Incident Command System (ICS). He also reminded the audience that in case of an oil spill, NOSDRA would be the lead agency responsible for granting the use of dispersants with "the D form".

Session 9: Claims for clean-up and preventive measures under the international conventions: claims admissibility criteria, common problems, salvage & preventive measures, evidence gathering, presentation of claims

Mark Homan, Claims Manager, IOPC Funds & David Campion, Technical adviser, ITOFF

Mr. Homan introduced the admissibility criteria for claims and more specifically the concept of reasonable measures. He highlighted common issues related to claims assessment, such as the coordination of operations, waste management or record keeping. David Campion then detailed challenges and key issues for each response technique: monitoring, dispersion, at-sea recovery, shoreline clean-up.

Session 10: Exercise 2: Claims for clean-up and preventive measures

All participants

After the presentation, participants answered questions on claims for clean-up and preventive measures. One example of question was: “Various authorities in three neighbouring Funds states incurred costs for aerial surveillance during an incident off the coast and are claiming for airtime, fuel and airport fees”. This helped to clarify some elements of the presentations.

Session 11: Claims for environmental damage

David Campion, Technical Adviser, ITOFF

Mr. Campion looked at the definition of environmental damage and explained that often there is a gap and the perception is 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. David Campion then discussed admissibility criteria illustrated with examples.

Session 12: Exercise 5: Claims for environmental damage

All participants

After the presentation, participants answered questions on claims for environmental damages. One example of question was: “An Environmental Agency commissions a study to monitor the effect of oil on mangrove over the course of a year after the incident”. This session helped participants to assess their understanding of the previous presentations and ask additional questions.

Session 13: Claims for oil removal from wrecks and wrecks removal

Mark Homan, Claims Manager, IOPC Funds

Mark Homan presented the main elements of compensation that would be payable for oil removal from wrecks and wrecks removal. He referred to the relevant Claims Manual the IOPC Funds edited to explain in detail what claims would be admissible according to for example the situation and condition of sunken ship and the likely pollution damage in relation to the cost of removal operation. He once again stressed the concept of “reasonableness” was the key element to determine whether a claim would be admissible or not.

The presenter then gave examples of claims submitted to the IOPC Funds for oil removal from wrecks and/or wrecks removal.

Conclusion of Day 2 and Introduction of Day 3

Julien Favier – GI WACAF Project Manager

Mr Favier thanked the delegates for their participation and introduced the main elements of the third day.

DAY 3 - 12th September

Session 14: Claims in the fisheries, mariculture and processing sectors

David Campion, Technical Adviser, ITOPF

Mr. Campion explained that it was key to identify resources at risk. He then started presenting the potential direct and indirect impacts of an oil spill and its response on the fisheries sector. He reminded the audience that indirect impacts such as the loss of market confidence have to be looked at. The expert also explained how to assess the impact and gave examples of mitigation measures. Finally, he introduced how to present a claim and the different stages of the claims assessment process.

Session 15: Case studies

Mark Homan, Claims Manager, IOPC Funds

Mark Homan presented two case studies: the HEBEI SPIRIT (South Korea, 2007), which was a major oil spill with around 10,800 MT of oil spilled and important economic losses particularly in the tourism and fisheries industries. He also gave an update on the case of the AGIA ZONI II (Greece, 2017).

The facilitator went through the technical issues faced during the claims assessment, particularly in South Korea, due to the very large number of claims and the lack of supporting documents submitted by the claimants. He then explained how the IOPC Funds and the other stakeholders involved managed to deal with that.

Session 16: Clean Seas Exercise

All participants and facilitators

All the participants took part in a table-top exercise based on a scenario of an oil spill coming from a ship and affecting the coastline. The main objective of the exercise was for the participants to define a response strategy and to evaluate the costs incurred by the mobilisation of the response equipment and personnel.

Feedback sessions were convened at the end of each phase of the exercise to give an opportunity to discuss and compare responses. The importance of at-sea response and shoreline clean-up considerations became obvious to all participants, and the exercise highlighted the many aspects to be considered. Indeed, debates were animated about clean-up techniques, waste and compensation considerations, amongst others.

6.3. Closing ceremony

On behalf of IMO and IPIECA, Julien Favier thanked the delegates for their active involvement. He specially thanked NIMASA and NOSDRA for their decision to co-host this national workshop. Director Obanewa gave a vote of thanks in the name of the DG of NOSDRA.

Attendance certificates were presented to all participants together with a USB flash player containing all the presentations and supporting documents used during the event to each participant. Further reference materials can be found in Annex 7.

6.4. Recommendations

There was much interest in the possibility of Nigeria acceding to or ratifying the Supplementary Fund Protocol which would provide Nigeria with a third tier of compensation if necessary, in the event of a major oil spill incident from a tanker.

7. Conclusion

This national workshop on oil spill liability and compensation co-hosted by NIMASA and NOSDRA achieved its objectives. 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. Presentations given by national experts on the implementation of the CLC and FUNDS Conventions as well as on the National Oil Spill Contingency Plan were welcomed as they clarified the situation that prevails nationally. Also, the involvement of academia allowed the audience to get another perspective on the concept of compensation. There were a lot of 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 unanimous positive feedback received from the participants who considered that the objectives of the workshop were met.

Annex 1 Programme

(see next page)



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National workshop on oil spill liability and compensation

Lagos, Nigeria
10th – 12th September 2019

Global Initiative for Western, Central and Southern Africa

Organised by:



The Global Initiative for West, Central and Southern Africa

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 organizes 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, Total and Woodside.



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

Dates and location

This event will take place from Tuesday 10th to Thursday 12th September 2019 at the EKO Hotel and Conference Center, Victoria Island, Lagos.

Workshop Objectives

This workshop is jointly organised by NIMASA and NOSDRA with the technical support of IMO and Ipieca through the GI WACAF Project.

The main objective of this national workshop would be 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 through case studies and table-top exercises (cost evaluation and compensation procedures).

Contact persons

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Mr. Idris O Musa, Director General/Chief Executive Officer, National Oil Spill Detection and Response Agency (NOSDRA)

Email: idris.musa@nosdra.gov.ng

Day 1. Tuesday 10 September 2019	
08h30	Arrival and Registration of the participants
Opening Ceremony	
09h00	<p>Opening Ceremony:</p> <ul style="list-style-type: none"> - Welcome Address: <i>Dr. Dakuku Adol Peterside- Director General, NIMASA</i> - Welcome Remarks: <i>Mr. Julien Favier- GI WACAF Project Manager, IMO / IPIECA</i> - Keynote Address: <i>The Honourable Minister of Environment, Dr Mohammad Mahmood Abubakar</i> - Opening Address: <i>The Honourable Minister of Transportation: Rt. Hon. Rotimi Amaechi</i>
Introduction	
09h30	<p>Introduction of workshop objectives</p> <ul style="list-style-type: none"> - Introduction of the facilitators / participants and Objectives of workshop and programme <p>Presentation of the GI WACAF Project <i>Julien Favier, GI WACAF Project Manager</i></p>
10h00	Group photograph and coffee break
Legal Framework	
10h30	<p>IMO conventions regulating pollution from ships – overview The international compensation regime for tanker spills</p> <ul style="list-style-type: none"> • The 1992 Civil Liability Convention • The 1992 Fund Convention and the 2003 Supplementary Fund Protocol <p><i>Mark Homan, IOPC Funds</i></p>
11h45	<p>Role of stakeholders: P&I Clubs, IOPC Funds, and Experts <i>Tonje Castberg, IG, (Gard P&I Club) and Mark Homan, IOPC Funds</i></p>
12h30	Lunch Break
Legal Framework for other ship-source pollution	
13h30	<p>General Maritime Claims: LLMC, 1976/1996 Bunker oil spills: Bunkers Convention, 2001 Wreck Removal Convention, 2007 Hazardous and Noxious Substances: HNS Convention, 2010 <i>Tonje Castberg, IG, (Gard P&I Club) and Mark Homan, IOPC Funds</i></p>
14h30	Exercise 1: Legal Framework
15h00	Coffee break
Impacts of oil spills and response options	
15h15	<p>Review of the causes of oil pollution & Impacts of oil on marine and coastal resources</p> <ul style="list-style-type: none"> • Oil behaviour at sea • Impacts on resources and claims for compensation resulting from oil spills

	Response options, limitations and preparedness <i>David Campion, ITOPF</i>
16h30	Implementing the CLC and Fund Conventions in Nigeria <i>Dr. Mrs. Felicia Chinwe Mogo, Head of Department, Marine Environment Management, NIMASA</i>
17h00	Summary of Day 1 and Planning for Day 2 <i>Julien Favier, IMO / IPIECA – GI WACAF Project Manager</i>

Day 2. Wednesday, 11 September 2019	
	Welcome
08h45	Welcome: Recap of Day 1 and review of Day 2 timetable <i>Julien Favier, IMO / IPIECA – GI WACAF Project Manager</i>
09h00	Damage assessment for compensation in onshore oil spill management <i>Professor Iyenemi Ibimina Kakulu, Rivers State University, Port Harcourt</i>
	Claims for clean-up and preventive measures under the international conventions
09h45	Presentation on submission of claims <i>Mark Homan, IOPC Funds</i>
10h00	Claims admissibility criteria, common problems, salvage & preventive measures, evidence gathering, presentation of claims <i>David Champion, ITOFF</i>
	Exercise 2: Clean up
11h00	Coffee Break
11h 15	Claims in the fisheries, mariculture and processing sectors
11h15	Types of damage, claims admissibility criteria, common problems, presentation of claims, assessment of claims <i>David Champion, ITOFF</i>
	Exercise 3: claims in the fisheries, mariculture and processing sectors
12:15	Claims in the property and tourism sectors
	Types of damage, claims admissibility criteria, common problems, presentation of claims, assessment of claims <i>Mark Homan, IOPC Funds</i>
	Exercise 4: claims in the property and tourism sectors
13h00	Lunch
	Claims for environmental damage, re-instatement measures and impact studies
14h00	Types of damage, claims admissibility criteria, common problems, presentation of claims, assessment of claims <i>Tonje Castberg, IG, (Gard P&I Club) & David Champion, ITOFF</i>
	Exercise 5: claims for environmental damage
15h00	Coffee Break
15h15	Claims for oil removal from wrecks and wreck removal

	Types of damage, claims admissibility criteria, common problems, presentation of claims, assessment of claims <i>Mark Homan, IOPC Funds and Tonje Castberg IG (Gard P&I Club)</i>
16h00	Case studies and practical exercises
	Case studies: <i>Hebei Spirit – Republic of Korea, 2007</i> <i>Agia Zoni II – Greece, 2019</i> Bunker incidents: <i>Capt Vangelis L & Bow Jubail</i> <i>Tonje Castberg, IG (Gard P&I Club) and Mark Homan, IOPC Funds</i>
16:45	Conclusions and recommendations <i>All participants</i>

Day 3. Thursday, 12 September 2019	
	Welcome
08h45	Welcome: Review of Day 3 timetable <i>Mark Homan, IOPC Funds</i>
	Clean Seas Exercise
09h00	Introduction of scenario and scene setting <i>Mark Homan, IOPC Funds</i>
11:00	Coffee break
	Clean Seas Exercise (Continued)
12h30	Lunch Break
	Presentation of claims arising from Clean Seas Exercise
13h30	Analysis of response operations <i>All participants in groups</i>
15h30	Coffee break
	Assessment of claims arising from Clean Seas Exercise
15h45	Calculations of claims arising from the Clean Seas Exercise <i>Trainer-led discussion amongst groups</i>
16h30	Conclusions and recommendations <i>All participants</i>
	Closing ceremony
16h30	Closing Ceremony <ul style="list-style-type: none"> - Workshop evaluation and presentation of certificates, <i>Julien Favier IMO / IPIECA – GI WACAF Project Manager</i> - Closing address by <i>Mr Idris O Musa, Director General/Chief Executive Officer, National Oil Spill Detection and Response Agency (NOSDRA)</i>
17h00	End of Day 3 and Workshop

Annex 2 List of participants

ATTENDANCE: LIST OF PARTICIPANTS AT THE GIWACAF WORKSHOP ON OIL POLLUTION DAMAGE ASSESSMENT, LIABILITY AND COMPENSATION IN NIGERIA AT EKO HOTEL & SUITES, VICTORIA ISLAND, LAGOS.

S/N	NAME OF REP	DESIGNATION	NAME OF ORG	NAME OF ORG	PHONE NO	E-MAIL
1.	IDRIS O. MUSA	DG/CEO	NOSDRA	ABUJA	08033153547	Idris.musa@nosdra.gov.ng
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Annex 3 Welcome Address by the Director General of NIMASA, DR. DAKUKU A. PETERSIDE

Protocol

Distinguished Ladies and Gentlemen, it is with great pleasure that I welcome you to this National Workshop on Oil Pollution Damage Assessment, Liability and Compensation in Nigeria.

This Workshop is being organized within the framework of the Global Initiative for West, Central and Southern Africa (GI WACAF project). The initiative is a collaboration between the International Maritime Organization (IMO) and the International Petroleum Industry Environmental Conservation Association (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.

Nigeria is very much committed to the elimination of conditions that lead to oil pollution as we are very mindful of its devastating impact on the environment. Our key strategy is to raise the level of awareness on pollution matters and assist players in the sector to comply with relevant environmental laws, regulations and guidelines.

Oil pollution damage assessment, liability and compensation is at another end of our strategy but deserves no less attention. Matters of oil pollution are always contentious and require education and clarity to all stakeholders. The main objective of this Workshop is therefore 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 through case studies and table-top exercises.

The international framework on liability and compensation for oil pollution damage was birthed following the tanker incident of the "Torrey Canyon" and other chains of oil pollution incidents that left devastating consequences. Today the legal framework on the subject is as codified in three treaties of the International Maritime Organization namely;

- i. The International Convention on Civil Liability for Oil Pollution damage 1992 (The "1992 CLC")

ii. The International Convention on the Establishment of an International Fund for Compensation for oil pollution Damage 1992 ("The 1992 Fund Convention"); and

iii. 2003 Protocol to the International Convention on the Establishment of an International Fund for Compensation for oil pollution Damage 1992. ('Supplementary Fund Protocol')

Nigeria is a party to the CLC and Fund Convention. The Conventions apply to spills of persistent oil from tankers that cause pollution damage and they have been made part of Nigeria's domestic laws through specific Ratification and Enforcement Acts and also by virtue of Section 335(1) of the Merchant Shipping Act, 2007. The Nigerian Maritime Administration and Safety Agency is vested with the responsibility of implementing maritime conventions by virtue of Section 22(1)(q) of the NIMASA Act 2007.

Nigeria as a State Party since May 2003, through the Honourable Minister of Transportation, constituted a National Standing Committee (NSC) on the implementation of the International Oil Pollution Compensation Fund (IOPC)with membership from relevant government and non-government organizations in 2004.

Nigeria has also ratified and domesticated the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990 (OPRC) which sets out ample requirements on oil pollution emergency plans. Responsibility for preparedness, detection and response to all oil spillages in Nigeria, as well as responsibility to monitor, regulate tiers one and two oil spills, coordinate, implement and review the National Oil Spill Contingency Plan (NOSCP) rest with the National Oil Spill Detection and Regulatory Agency (NOSDRA).

We are very much aware of the KPI's of the GI WACAF project and it is pertinent to point out that Nigeria is in compliance with all the established criteria for success.

It is also relevant to state that in a bid to foster better cooperation in the regulation of marine oil spills, NOSDRA and NIMASA executed a Memorandum of Understanding in April 2019.

Consistent with its mission to strengthen the capability for preparedness and response to an oil spill in accordance with the provisions set out in the

International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC 90), the GI WACAF would be facilitating this workshop and aim to communicate good practice in all aspects of spill preparedness and response, drawing on expertise and experience from within governments, industry and other organizations working in this specialized field .

I am hopeful that the outcome of this event would further strengthen Nigeria's capability to effectively respond to marine oil spills. This would no doubt be in line

with the overall objective of improving and sustaining the capacity of developing countries to protect their marine and coastal resources at risk from an oil pollution incident through the full implementation of the CLC, Fund and OPRC 90 Conventions.

Annex 4 Opening remarks from Julien Favier, GI WACAF Project Manager

GI WACAF Welcoming Remarks

National workshop on oil spill liability and compensation

10th – 12th September, Lagos, Nigeria

Julien Favier, GI WACAF Project Manager

Honourable Minister of Transportation: Rt. Hon. Rotimi Amaechi,
Honourable Minister of Environment, Dr. Mohammad Mahmood Abubakar,
Mister the Director General of NIMASA, Dr. Dakuku Adol Peterside, represented
by Mr. Gambo, Executive Director
Mister the Director General/Chief Executive Officer of NOSDRA, Idris O Musa,
Distinguished participants,
Ladies, Gentlemen, dear Colleagues,
Good morning.

It is my honor and pleasure to deliver this welcoming remarks at the opening of this National workshop on oil spill liability and compensation on behalf of the International Maritime Organization (IMO), the specialized United Nations 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. I would like to welcome you all to this meeting organized by the Nigerian Maritime Administration and Safety Agency (NIMASA) and the National Oil Spill Detection and Response Agency (NOSDRA) with the support of IMO and IPIECA, within the framework of the Global Initiative for West, Central and Southern Africa (GI WACAF Project).

I would like to make a particular mention to the fact that is the first time that a GI WACAF workshop is co-hosted by NIMASA and NOSDRA together. By co-hosting this event together, NIMASA and NOSDRA demonstrate that these two

agencies are working hand-in-hand to better protect the sea and coastal environment of Nigeria against the potential negative effects of an oil spill. I therefore believe that this workshop would reinforce the spirit of cooperation that was highlighted by the MoU signed by NIMASA and NOSDRA on marine oil spill management on April 24 this year. At GI WACAF we believe that sharing of responsibilities in oil spill preparedness and response is key to build up national capacities and I would like to congratulate both NIMASA and NOSDRA for making this possible.

I wish to extend my sincere appreciation to the Federal Government of Nigeria and particularly to the Ministry of Environment and to the Ministry of Transportation for hosting and supporting this important event. I also would like to express my thanks to all the persons who participated in the organization of this workshop for their significant assistance and efforts during this process.

Ladies and gentlemen,

Distinguished participants,

The GI WACAF project was established in 2006 and aims at strengthening the capacity of countries to prepare for and respond to oil spills through the promotion of cooperation between national authorities and the industry. Today, the Project covers 22 countries in West, Central and Southern Africa. All the countries from Mauritania to South Africa. Since its inception, significant progress has been made in improving oil spill response capabilities through national and regional workshops and training.

I would like here to acknowledge the engagement of Nigeria in the GI WACAF Project. The collaboration between Nigeria and GI WACAF is not new by any means. It started in 2006 and since then 10 activities, including this one, have been implemented. The present workshop gathering us this week is thus a continuity of our joint effort. These efforts will, I am certain, ensure that this week will result in fruitful outcomes.

The subject that brings us together today is very important for all the countries of the region, in view of their geographical position in an oil producing region with intense maritime traffic, resulting in risks of pollution for the marine

environment. Our meeting is a follow up to the last Regional Conference of November 2017 where this topic of oil spill liability and compensation was highlighted.

Ladies and gentlemen,

Distinguished participants,

Over the next three days, the key objective of this national workshop will be 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 through case studies and table-top exercises.

The International Maritime Organization indeed developed international regulation on liability and compensation in case of oil spills to better protect the people and the marine environment of its member countries. Nigeria is a State party to these conventions, and it is therefore key for your country to fully implement them in order to be well protected if an oil spill occurs.

To achieve this goal, two consultants will facilitate the training and the exercise. Mr. David Campion from ITOPF and Mr. Mark Homan from the IOPC Funds gained hand-on expertise in oil spill response during numerous incidents they attended and covered. They are recognized internationally as experts in this field, so please do not hesitate to engage and share your experience with them. I would also like to thank them for their support and dedication during the whole process of this workshop.

We encourage you to participate actively, to ask questions and to foster dialogue this week, to ensure interactive discussions on the issues affecting the oil spill preparedness and response stakeholders. Much can be achieved by the sharing of experiences and we hope to learn from you in practical terms about the successes achieved and the challenges you face.

On a personal note, I would like to thank the people of Nigeria for their warm and friendly welcoming, and I am particularly glad to have the opportunity to discover the city of Lagos during this workshop.

Thank you for your kind attention, and I wish to you all a very successful workshop.

Annex 5 Keynote address and welcoming speech by Dr. Mohammad Mahmood Abubakar, Honourable Minister of Environment

I am delighted to be with you all to the National Workshop on Oil Pollution Liability and Compensation today. This event, which is organized by the National Oil Spill Detection and Response Agency (NOSDRA), an Agency of the Federal Ministry of Environment, in collaboration with Nigerian Maritime Administration and Safety Agency (NIMASA) with the technical support of the Global Initiative for West, Central and Southern Africa (GI-WACAF). Nigeria is one of the 115 (One Hundred and Fifteen) Member States of the 1992 Fund where governments, ship owners and the oil industry are brought together to protect victims of oil pollution damage. This Fund is contributed by organizations receiving major oil shipments by sea ports and terminals located in their domain.

The main objective of this Workshop is to draw attention to the scope and implementation of International Oil Pollution Compensation Fund focusing on the procedure related to liability and compensation in case of an oil spill, and also to create a deep understanding of common challenges and complexities that may be faced on the issue as well as proffering possible solutions.

At the local level in Nigeria, there is a growing level of oil spill incidents caused majorly by the activities of illegal bunkering, artisanal refining, oil theft and armed militancy. These activities occur mostly in facilities located in near shore and swamp areas. These are the peculiarities outside the scope of today's consideration. However, some incidents do occur offshore, and with the increased interest of oil industry operators to pursue exploration and production in the deep offshore, there is the need for development of capacity to deal with the challenges that may be presented by oil spills in the marine environment. This is also made expedient against the backdrop of the frequency of maritime tankers and maritime vessels voyages in our territorial waters where quite a number of oil companies in which Nigeria has majority equity shareholding are located. The inevitable causes of oil pollution such as hull and equipment failure, allisions, collisions and grounding, inefficiency in the course of loading and discharging oil make our country very vulnerable to marine oil spills.

The devastating impacts of oil spills on the environment, health and livelihoods of our rural and urban communities have led to land degradation, loss of lives, destruction of habitats, loss of biodiversity, incidence of diseases, poor sanitation, loss of livelihoods as well as the depletion of national revenue base.

The need to work out modalities on how to adequately and fairly compensate both victims of oil spill pollution and the environment is one of the reasons we are here today.

However, our peculiar circumstances in Nigeria demand for a Convention that will give attention to liability and compensation regime for oil spills which occur from Floating, Production, Storage and Offtake (FPSO), which are also loading points for maritime tankers in this case. Consideration should not only be given to socio-economic losses suffered by individuals or communities, but also to ecological damage by way of effective restoration of the damaged ecosystem. It is my sincere hope that the discussions that will be held in this workshop will address these issues. Particular attention must be paid to how our citizens can adhere strictly to the procedures for accessing the benefits inherent in the International Oil Pollution Compensation Fund (IOPC).

Ladies and gentlemen, as a demonstration of the commitment of this Administration to oil spill management in Nigeria, His Excellency President Muhammadu Buhari, GCFR, embarked on the implementation of the United Nations Environment (UNE) Report on Ogoniland by establishing the Hydrocarbon Pollution Remediation Project (HYPREP). The remediation works are underway, and it is intended that all remediated sites will be restored to all practical extent.

I wish to congratulate NOSDRA and NIMASA for their foresight and commitment to their statutory responsibilities by organizing this event. I also wish to appreciate GI-WACAF for working out a programme of assistance by providing Resource Persons for this workshop in Nigeria. May I also appreciate other stakeholders who contributed in diverse ways to make this event a success.

Finally, I wish you all very fruitful discussions, and hope that your deliberations will contribute immensely to the management of oil pollution liability, as well as fair and adequate compensation to deserving oil pollution victims and the environment.

Thank you for your attention.

Annex 6 Pictures



*National workshop on oil spill liability and compensation
Lagos, Nigeria, 10th – 12th September 2019*



Annex 7 Reference material

1. IPIECA/IOGP Joint Industry Project technical documentation

All Good Practice Guides can be found on the following page:

<http://www.oilspillresponseproject.org/>

2. ITOPF's Technical Information Papers (TIPs):

All TIPs can be found on the following page:

<http://www.itopf.com/knowledge-resources/documents-guides/technical-information-papers/>

3. IOPC Funds documentation

All IOPC Funds documentation can be found online on the following link:

<http://www.iopcfunds.org/publications/iopc-funds-publications/>