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STATEMENT BY H.E. MR. BASIL G. O'BRIEN, HIGH COMMISSIONER OF THE COMMONWEALTH OF THE BAHAMAS AND PERMANENT REPRESENTATIVE OF THE BAHAMAS TO THE INTERNATIONAL MARITIME ORGANIZATION, TO THE EIGHTY-NINTH IMO COUNCIL ON 25 NOVEMBER 2002

Mr. Chairman, Distinguished Delegates,

I am Basil G. O'Brien, The High Commissioner of the Commonwealth of The Bahamas and its Permanent Representative to the IMO. I wish to make this statement concerning the total loss of The Bahamas registered vessel **Prestige**.

I have been advised that the 77.000 ton deadweight tanker **Prestige** built in 1976, sailed from Latvia en route for Singapore on 5 November. On Wednesday 13 November 2002, the ship was sailing south, off the coast of Spain, in severe weather conditions, said to be storm force 10 to 11. At about 14:00 hours, the vessel while in the traffic lane of the IMO adopted Traffic Separation Scheme off Finisterre at a distance of more than 30 miles from the coast experienced a sudden vibration and listed over 25 degrees to starboard. The Master sent out a distress message and the Spanish Rescue Co-ordination Centre in Madrid was contacted. Subsequently, he ordered the ballast tank on the port side to be filled, reducing the list to about 5 degrees. All of the crew, with the exception of the Master, Chief Officer and Chief Engineer, were taken off the vessel by the Spanish Rescue Service. I wish to express my Government's profound gratitude to the Spanish Government, for their prompt action which ensured that no lives were lost.

As a result of the initial incident, which involved a structural failure, a significant amount of the oil cargo escaped into the sea. Some of this oil was later washed ashore onto the Spanish coast.

My Government deeply sympathizes with the Government of Spain and the people of Galicia over the environmental and social damage occasioned by this incident. We are also acutely aware that there is still potential for further damage if more of the cargo comes ashore. We acknowledge the efforts being made by all parties involved in the clean-up operation to minimize ecological damage.

As there has been substantial criticism in the press and elsewhere concerning the condition of the ship itself, I wish to address this matter. Firstly, The Bahamas delegated its statutory surveys and certification for this vessel to the American Bureau of Shipping, one of only eight Recognised Organizations which are authorised by The Bahamas. The records show that this vessel was subject to a Special Survey in China in May 2001. This involved dry docking the vessel, and carrying out steel thickness measurements to ascertain the condition of the hull, bulkheads and tanks. Repairs and renewals of steel work were carried out. These were to allow the ship to trade safely for a further five years. On completion of the survey there were no statutory deficiencies and no outstanding class recommendations. The vessel was subject to an Annual

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Survey in May 2002 in Dubai. Again this survey indicated that the vessel was in sound condition.

Many comments have been made regarding the lack of Port State Control inspections on the **Prestige**, particularly in Europe. I understand that while such inspections may have found some deficiencies, if they existed, it is unlikely that any defects in the internal structure of the ship would have been found. Therefore, my delegation is of the view that this incident would not have been prevented by more Port State Control inspections.

It is acknowledged that the **Prestige** was 26 years old, but the evidence that we have seen to date indicates that the vessel was structurally sound. This is borne out by the surveys carried out by the American Bureau of Shipping.

The Bahamas Maritime Authority appointed its local marine inspector to commence gathering evidence concerning the causes of and circumstances surrounding the casualty as soon it was reported. Shortly after this, the Bahamas Maritime Authority sent two of its own experienced, senior members of staff to Spain to broaden the scope of the investigation. Our investigators have liaised fully with the Spanish Authorities and it has been agreed that close co-operation will be maintained between the two investigative bodies. We have also been in contact with the European Commission and IMO. I would like to thank those concerned for the co-operation to date and we look forward to further productive dialogue as the investigation progresses.

Although we have had this co-operation we do have one major concern. The Master of the **Prestige** has been kept in custody as a consequence of this incident. He remains in custody 10 days after his traumatic experience. In addition, although requests have been made through diplomatic channels, our inspectors had been denied access to him. In our view urgent access to the Master would have facilitated the investigation while the events were still fresh in his mind. Immediate access would also assist the investigation proceeding as smoothly and as expeditiously as possible. While it was recognized that the Spanish Authorities believe he may have committed a criminal act and we can understand the force of local opinion and sensitivities and therefore the need for the Master to remain in Spain to assist with enquiries, we do not accept that it is proper that he should be placed in custody and remained inaccessible.

I now come to an important issue which has been discussed within this Organization in the recent past and this is the matter of places of refuge for vessels in distress. Distinguished Delegates would recall the Secretary-General's initiative in leading the discussion on this issue following the **Castor** incident about two years ago. There is a view that if the **Prestige** had been provided with a place of refuge shortly after the incident, the salvors could have protected the sea area around the vessel with a boom, and the cargo could have been safely off-loaded, with a minimum of pollution. The fact that no coastal State was willing to accept the **Prestige** resulted in the vessel being ordered away from the coast where it was inevitable that it would encounter more severe weather. As a result, the vessel's condition was likely to have continued to deteriorate and possibly, as eventually happened, break in two, and sink, with a further substantial release of her cargo.

Mr. Chairman, as it is certain that similar incidents would occur again so long as global trade dictates that ships should continue to sail the seas with their valuable cargos, I am confident that this Organization would keep the critical subject of place of refuge under review and I urge that the review be concluded in a manner which addresses the real issues faced by ships in distress. The Bahamas as a large flag State and responsible Member of the IMO would play its full part in an objective discussion of these issues.

The Bahamas has already stated its intention to carry out a thorough investigation. I can assure Distinguished Delegates that we would discharge this obligation as fully, accurately, professionally and expeditiously as possible and submit our report to the Organization promptly thereafter. Therefore, I would urge the Spanish Authorities to allow immediate access by authorized representatives of the Government of The Bahamas to the Master of the **Prestige**, so that no evidence is overlooked or lost because of a delay in carrying out our enquiries.

I thank you Mr. Chairman and Distinguished Delegates for your patience, but in view of the importance of this matter for the shipping industry in general and the IMO in particular, I wished to explain the situation fully.
