

The balance between legal and administrative measures - Singapore's implementation of international conventions on marine spill contingency planning

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Outline

1. Overview of the law-making process in Singapore
2. Overview of the international framework for marine spill contingency planning
3. Singapore's implementation of the international framework
4. Comparison of Singapore's approach with that of New Zealand
5. Reflections on Singapore's approach

Overview of the law-making process in Singapore

- Unitary system
- Role of legislature
- Hierarchy of laws
 - Constitution
 - Acts of Parliament
 - Subsidiary legislation
- Acts of Parliament versus subsidiary legislation – relevant considerations when implementing international law

Overview of the international framework for marine spill contingency planning

- **OPRC:** International Convention on Oil Pollution Preparedness, Response and Co-operation 1990
- **OPRC-HNS Protocol:** Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000
- **Main requirements** of OPRC and OPRC-HNS
- **Singapore's accession** to OPRC and OPRC-HNS

Singapore's implementation of the international framework

Legislative measures:

- Acts of Parliament
 - To designate competent authority
 - Maritime and Port Authority Act (Cap. 170A, Rev. Ed. 1997)
 - To empower competent authority to make regulations
 - Prevention of Pollution of the Sea Act (Cap. 243, Rev. Ed. 1999)
 - To put in place compensation claim mechanisms
 - Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act (Cap. 180, Rev. Ed. 1999)
 - Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act (Cap. 179A, Rev. Ed. 2010)

Singapore's implementation of the international framework (cont'd)

Legislative measures:

- Subsidiary legislation
 - Requires emergency plans to be available on ships and at handling facilities
 - Prescribes type of equipment, dispersants and need for trained personnel to be made available if so requested by authority
 - Requires pollution incidents to be reported without delay
 - Prevention of Pollution of the Sea (Oil Pollution Preparedness, Response and Co-operation) Regulations
 - Prevention of Pollution of the Sea (Hazardous and Noxious Substances Pollution Preparedness, Response and Co-operation) Regulations

Singapore's implementation of the international framework (cont'd)

Administrative measures:

- National measures
 - Adoption of national contingency plans
 - Stockpiling and pre-positioning of anti-pollution equipment
 - Marine sensitivity mapping
 - Training, exercises and review
- Bilateral and trilateral measures
 - Standard operating procedure for Straits of Malacca and Singapore
 - Emergency Response Plan for the Straits of Johor
 - Cooperative mechanism (pursuant to Art 43 of LOS Convention)

Comparison of Singapore's approach with that of New Zealand

- Not party to OPRC-HNS
- Detailed legislation that goes further than Singapore's regulations:
 - Establishes an oversight committee (independent of designated competent authority)
 - Provides for a tiered approach
 - Regulates the development and review of the marine oil spill response strategy and contingency plans
 - Regulates actual spill responses

Reflections on Singapore's Approach

- Legislative measures provide a statutory basis for the enforcement of obligations of the relevant parties under national law
- By comparison, administrative measures harder to enforce, especially if there is a lack of transparency
- Administrative measures work well if there is a competent and honest government
- Scope to further strengthen legislation and for greater transparency

Thank You

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