

Safety and Marine Environmental Challenges from the Dark Fleet in Southeast Asia: How Should States Respond?

14:00 - 18:30, 16 May 2024

The Four Points by Sheraton, Singapore

OVERVIEW

The sanctions of several countries on Russia's oil trade have led to the proliferation of oil tankers in the "dark fleet" ('dark ships'). They are vintage tankers that have an average life span of more than 15 years and that engage in deceptive practices such as masking or spoofing their automatic identification systems ('AIS') to evade sanctions. Many have untraceable owners, and the ship owners often do not have insurance for oil pollution damage as is required by the 1992 Civil Liability Convention.

To avoid inspection or regulation by port States and coastal States, these tankers do not enter ports or conduct any operations in the territorial sea of coastal States. They anchor in the exclusive economic zones ('EEZ') of coastal States and engage in ship-to-ship transfer ('STS') with other vessels in order to hide the origin of their cargo, circumvent sanctions, and avoid the jurisdiction of coastal States. These STS operations are often unreported and they do not comply with the IMO regulations on STS transfers, heightening the risks of a major oil spill and pollution of coastal States' marine environment.

The issue of dark ships is of particular importance to Southeast Asia because oil tankers in the "dark fleet" have been engaging in unregulated STS of oil in the EEZ of Malaysia off the coast of Johor. One recent example of the risks posed by such ships is the *Pablo*, an oil tanker flying the flag of Gabon which exploded off the coast of Johor in May, 2023, killing several crew members. Fortunately, the *Pablo* had no cargo at the time of the explosion. If it had been fully laden, it could have resulted in an environmental catastrophe. It has been reported that the *Pablo* had no insurance and that its owner could not be identified.

Notably, in response to the proliferation of the "dark fleet", the Assembly of the IMO, at its thirty-third biennial meeting on 6 December 2023, adopted Resolution A.1192(33) urging Member States and all relevant stakeholders to promote actions to prevent illegal operations in the maritime sector by ships in the "dark fleet".

CIL'S WORKSHOP ON DARK SHIPS

CIL has been following the work of the IMO on the safety and security of international commercial shipping with a special focus on the Southeast Asian region. In May, 2023, CIL organised a [Conference on Challenges in Addressing Potential Threats to the Security of Commercial Shipping in South-East Asia](#). It was a success because of the active participation of the shipping industry, governmental agencies and academics. CIL researchers have been researching on the dark ships issue from the law of the sea perspective (see [here](#) and [here](#)).

As a follow-up to the 2023 Conference and in response to new developments at the IMO, CIL will host a half-day, invitation-only workshop ***from 14.00 to 18.30 on the 16th of May 2024 at the Robertson Room, the Four Points by Sheraton, Singapore*** to discuss law and policy issues relating to the prevention, detection and reporting of dark fleets and their illegal operations. In this Workshop, CIL hopes to bring together representatives from governments, the shipping industry, and academia.

The Workshop will focus on the following key issues:

- (1) How governments and industry in Southeast Asia can cooperate to identify the tankers in the dark fleet as well as their owners and insurers.
- (2) The laws and regulations of the IMO on owners of vessels, compulsory insurance for oil spills and ship-to-ship transfers.
- (3) How shipping companies and Governments in Southeast Asia can take measures to ensure that tankers in the dark fleet are not able to engage in ship-to-ship transfers that are not in compliance with the applicable IMO regulations.

This is an invitation-only Workshop.

This Workshop is being organized pursuant to the 2023 MPA-CIL Oceans Governance Research Programme, which is generously funded by the Singapore Maritime Institute (SMI-2023-MA-03)

AGENDA PROGRAMME

TIME	FRIDAY, 17 MAY 2023
14.00 – 14.30	REGISTRATION
14.30 – 15:00	Deceptive Practices of Tankers in the Dark Fleet with respect to the Flag, Owner and Location <i>Dr. Trung Nguyen, Research Fellow, Ocean Law and Policy, CIL NUS</i>
15.00 – 15.30	1992 Civil Liability Convention & IMO Regulations on STS Transfers <i>Mr. Joel Ong Jie Hao, Research Assistant, Ocean Law and Policy, CIL NUS</i>
15.30 – 16.00	Break
16.00 – 16.30	Jurisdiction of Coastal States under UNCLOS over Ships in the EEZ <i>Prof Robert Beckman, Co-Head Ocean Law and Policy, CIL NUS</i>
16.30 – 17.30	General Discussion: How Industry and States Surrounding the Straits of Malacca and Singapore can Cooperate to Combat Practices of Dark Ships in Southeast Asia <i>Prof Robert Beckman</i> <i>Dr. Trung Nguyen</i> <i>Mr. Joel Ong Jie Hao</i>
17.30 – 18.30	Cocktail Reception & Networking

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