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International Legal Framework of Oil Spill Incidents at Sea

*Oil Spill Management: Community Education
and Capacity Building*

16-17 May 2026

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OUTLINE

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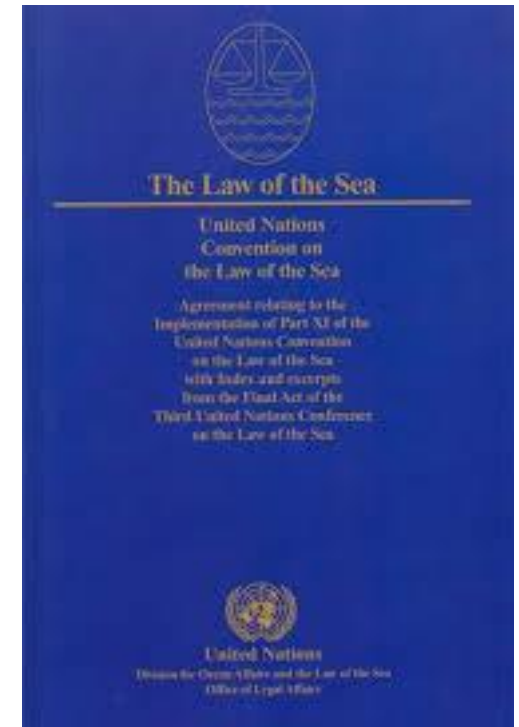
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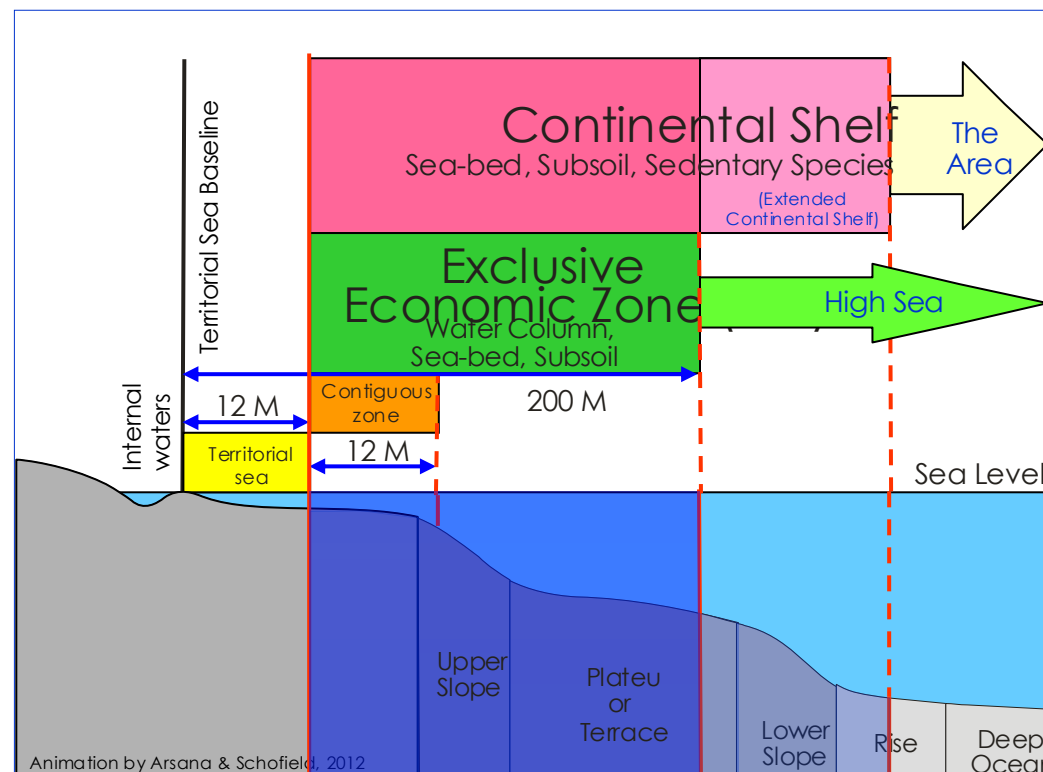
- I) Overview of the Jurisdictional Framework
- II) Oil Spill from Ships
- III) Oil Spill from Offshore Activities

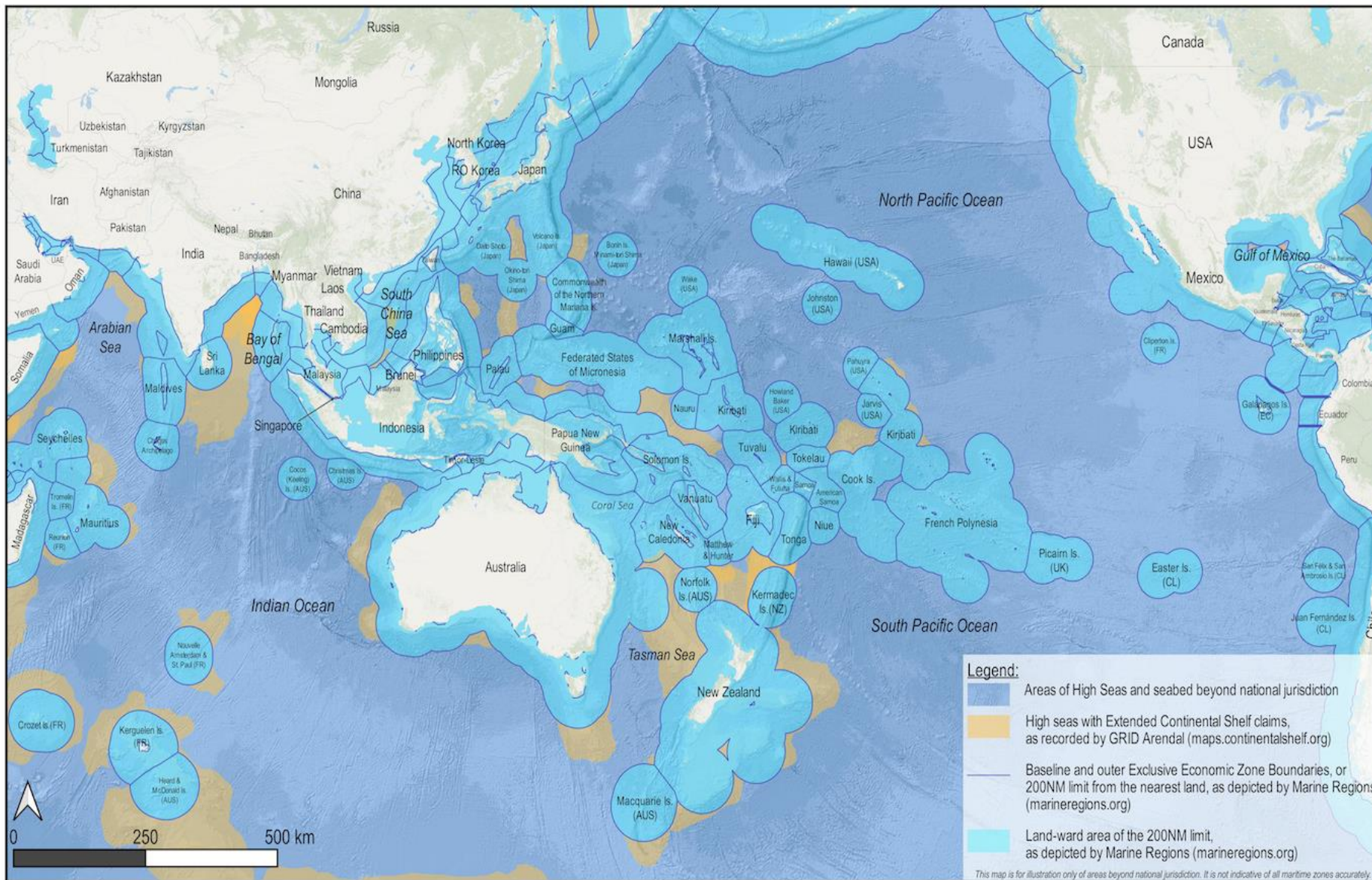
Part I Overview of the Jurisdictional Framework

- Constitution for the Oceans – **United Nations Convention on the Law of the Sea**, entered into force on 16 November 1994
- 320 Articles, 16 Parts, 9 Annexes
- Presently 172 Parties (including the European Union)
- UNCLOS establishes maritime zones in which both the coastal State and other States have varying degrees of rights and duties, depending on the distance from the coast
- Three implementation Agreements for the **Area**, the **Fish Stocks**, and the **BBNJ**
- Relationship with other international agreements – Rule of Reference



1.1 Maritime Zones under UNCLOS



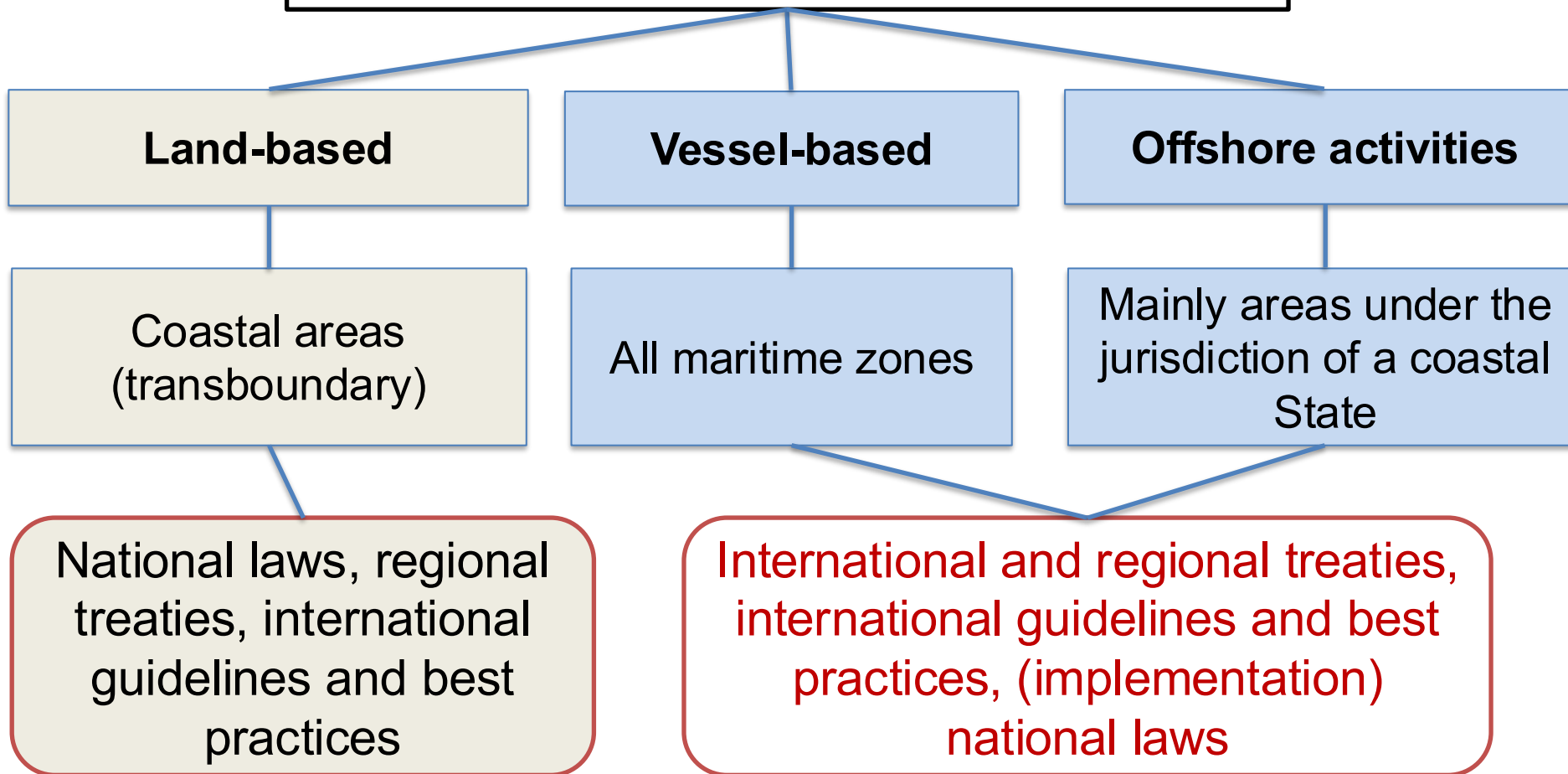


Lim and Lyons, Centre for International Law, NUS, 2021.

1.2 Definitions

- **Oil:** petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products
- **Oil Pollution Incident:** an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response
- **Pollution of the Marine Environment:** the introduction by man, directly or indirectly, of **substances** or energy into the marine environment, including estuaries, which **results or is likely to result in such deleterious effects as harm** to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities

1.3 Oil Spill at Sea



1.4 Allocation of Jurisdiction

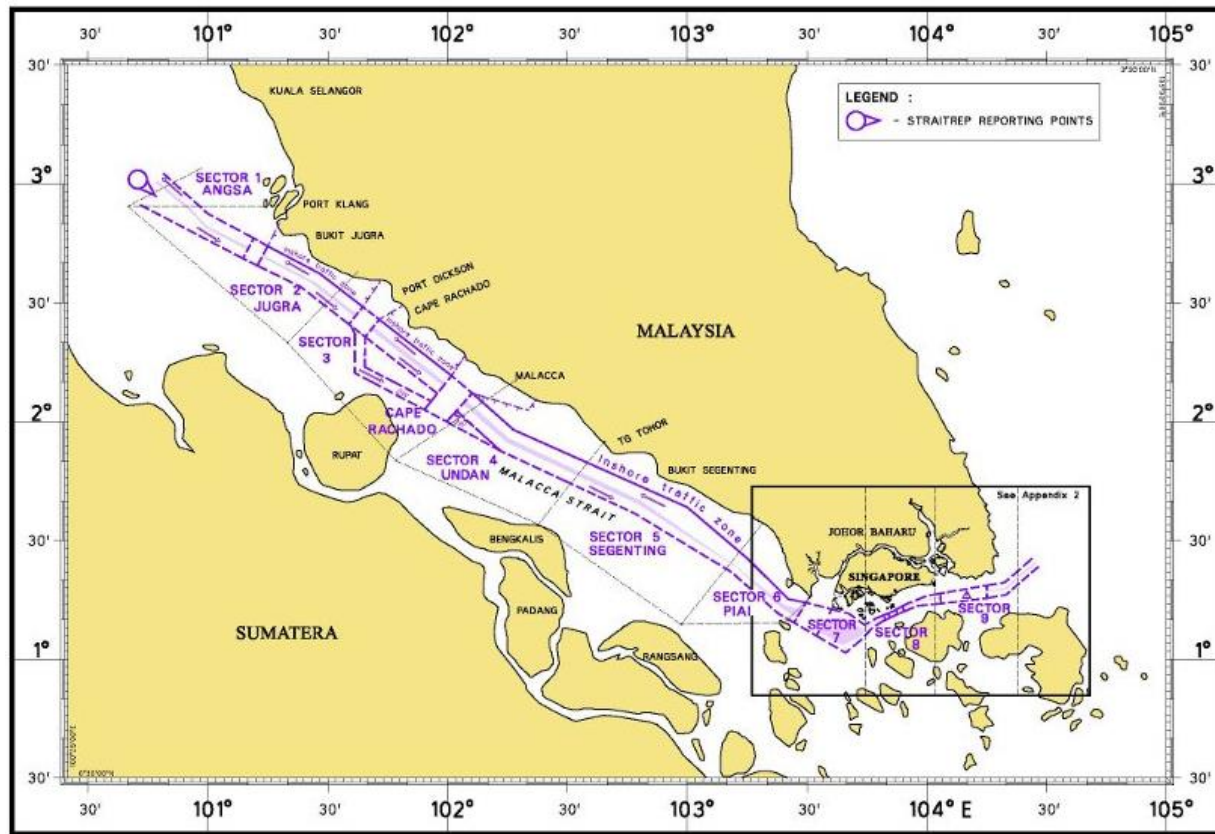
All States have the general obligation to protect and preserve the marine environment, and to take all necessary measures to prevent, reduce and control **pollution of the marine environment** from any source by ships and activities under their jurisdiction or control.

- **Flag State** (registration) – exclusive jurisdiction over ships flying its flag; incidents and activities under its jurisdiction
- **Coastal State** – concurrent jurisdiction over foreign ships in maritime areas under its jurisdiction; exclusive jurisdiction over offshore infrastructures; environmental jurisdiction over pipelines (varies in TC/EEZ/CS)
- **Port State** – concurrent jurisdiction over foreign ships voluntarily in port; exclusive jurisdiction over offshore infrastructures and pipelines

1.4.1 Areas under the Sovereignty of the Coastal State

Maritime Zones	Vessel-based Oil Spill		Offshore Activities related Oil Spill
Internal Waters	Port State	Flag State	Port State
Territorial Sea	Coastal State	Flag State	Coastal State
Straits used for International Navigation	States boarding the Straits	Flag State	Coastal State
Archipelagic Waters	Archipelagic State	Flag State	Coastal State

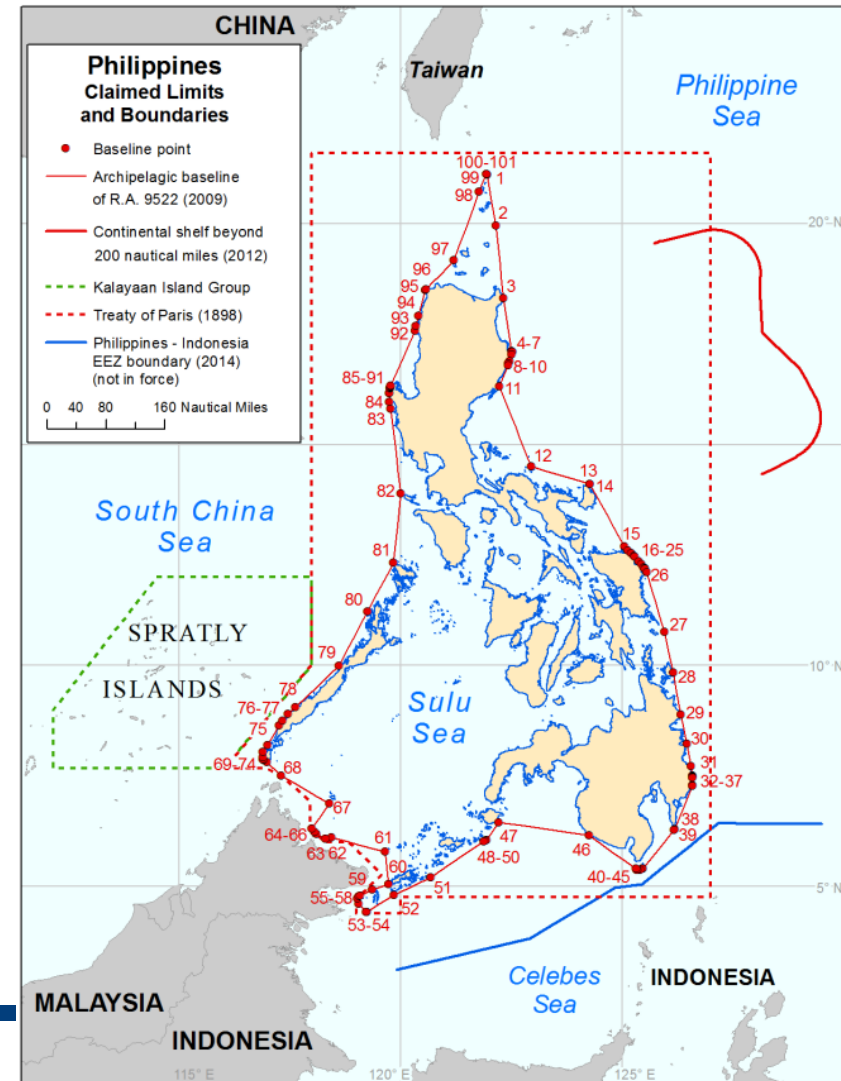
1.4.1 Areas under the Sovereignty of the Coastal State



STRAITREP OPERATIONAL AREA (SECTORS 1 TO 9)
Appendix 1

<https://www.mpa.gov.sg/port-marine-ops/operations/vessel-traffic-information-system/operational-areas>

<https://www.state.gov/wp-content/uploads/2019/10/LIS-142.pdf>



1.4.2 Areas under the Sovereign Rights of the Coastal State

Maritime Zones	Vessel-based Oil Spill		Offshore Activities related Oil Spill
Continuous Zone	Coastal State	Flag State	Coastal State
Exclusive Economic Zone	Coastal State	Flag State	Coastal State
Continental Shelf (including extended CS)	Coastal State	Flag State	Coastal State

1.4.3 Areas beyond National Jurisdiction

Maritime Zones	Vessel-based Oil Spill	Offshore Activities related Oil Spill (seabed activities)
High Seas	Flag State, adjacent costal State affected by a maritime causality	Flag/registration State
The Area	Flag State	Flag/sponsoring State

1.5 Rule of Reference

- Vessel-based: States, acting through the competent international organization or general diplomatic conference, shall establish **international rules and standards** to prevent, reduce and control pollution of the marine environment from vessels.
- Seabed Activities: States, acting especially through competent international organizations or diplomatic conference, shall establish **global and regional rules, standards and recommended practices and procedures** to prevent, reduce and control pollution of the marine environment.

Part II Oil Spill from Ships

- Pollution Prevention
- Pollution Preparedness, Response and Co-operation
- Liability and Compensation

List of Relevant Treaties/Instrument

- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL)
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION), 1969
- International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990
- International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969, being replaced by 1992 Protocol
- 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992)
- International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001
- ❖ *2014 Memorandum of Understanding on ASEAN Cooperation Mechanism for Joint Oil Spill Preparedness and Response and 2018 ASEAN Regional Oil Spill Contingency Plan*

Ratification by ASEAN States

As at 22 April 2026	MARPOL 73/78 (Annex I/II)	INTERVENTION Convention 69	INTERVENTION Protocol 73	CLC Convention 69	CLC Protocol 76	CLC Protocol 92	FUND Protocol 76	FUND Protocol 92	FUND Protocol 2003	OPRC Convention 90	BUNKERS CONVENTION 01
Brunei Darussalam	x			d	x	x		x			
Cambodia	x			x	x	x		x			
Indonesia	x			x		x				x	x
Lao People's Dem. Rep.											
Malaysia	x			d		x		x		x	x
Myanmar	x					x				x	x
Philippines	x					x		x		x	
Singapore	x			d	x	x		x		x	x
Thailand	x					x		x		x	
Timor-Leste	x										
Viet Nam	x					x					x
X = ratification / accession											
D = denunciation											

IMO Status of Conventions <https://www.imo.org/en/about/conventions/pages/statusofconventions.aspx>

2.1 Pollution Prevention

MARPOL Annex I Regulations for the Prevention of Pollution by Oil (entered into force 2 October 1983)

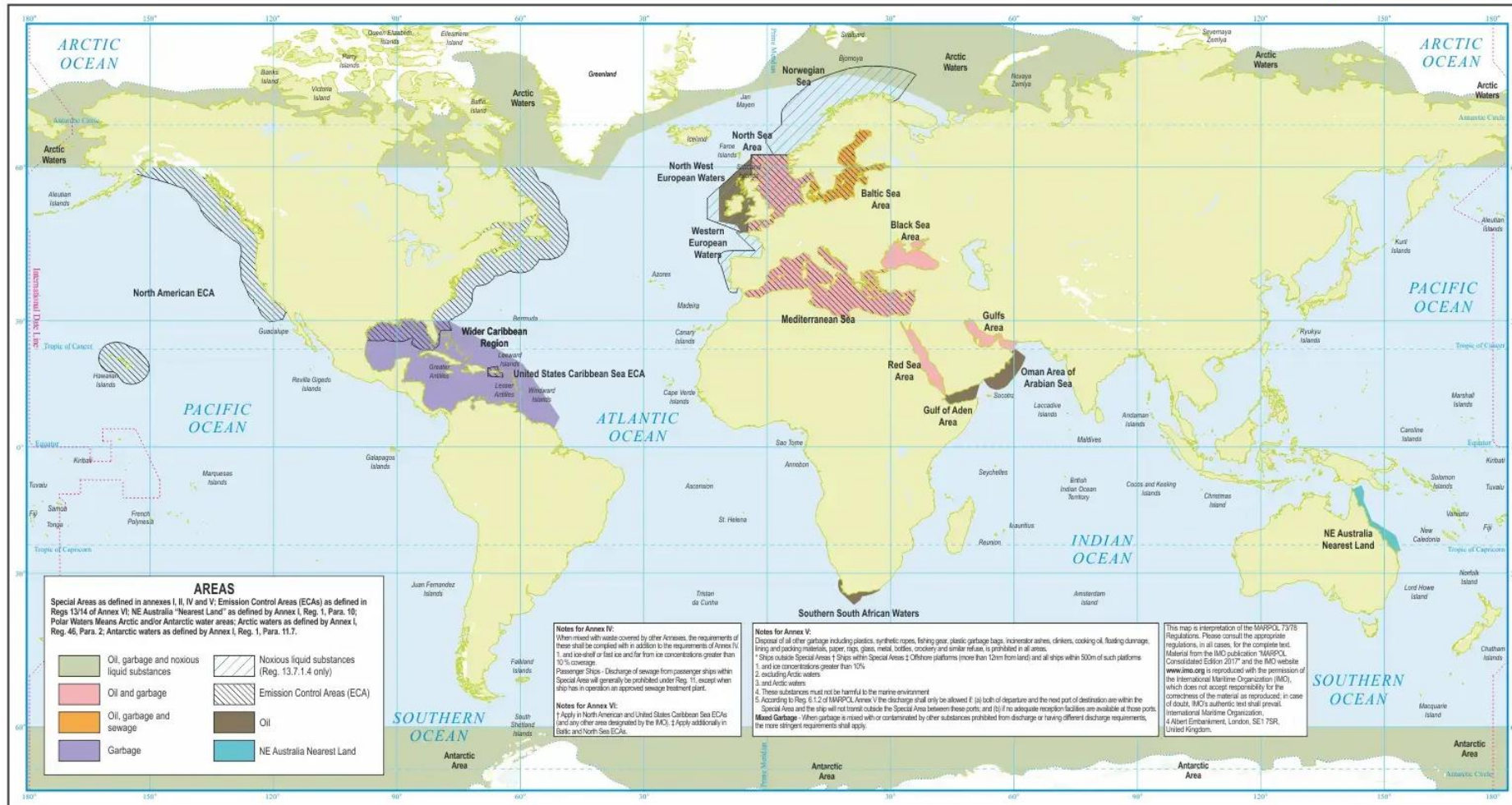
Scope of Application:

- "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

2.1 Pollution Prevention

- **Operational Discharges** – 1) regulate oil and oily water/wastes discharges (more than 50 nautical miles from the nearest land, discharge of oil content does not exceed 30 litres per NM); 2) designation of Special Areas
- **Incidental Discharges** – *safer ships, cleaner seas* – 1) ensure ships are safely built and operated and are constructed to reduce the amount of oil spilled in the event of an accident (double hulls); 2) onboard certifications (including a Shipboard Marine Pollution Emergency Plan) subject to port State control measures; 3) national operational contact points

External requirements: training of seafarers; safety of navigation (SOLAS, STCW, COLREGs)



Special Areas under Annex I Oil

Mediterranean Sea, Baltic Sea, Black Sea, Red Sea, "Gulfs" area, Gulf of Aden, Antarctic Area, North West European Waters, Oman area of the Arabian Sea, Southern South African waters (De Facto Arctic Waters)

2.2 Pollution Preparedness, Response and Co-operation

Scop of Application:

- (3) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type.
- (4) "Offshore unit" means any *fixed or floating offshore installation or structure* engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil.
- (5) "Sea ports and oil handling facilities" means those facilities which present a risk of an oil pollution incident and includes, inter alia, sea ports, oil terminals, pipelines and other oil handling facilities.

2.2 Pollution Preparedness, Response and Co-operation

OPRC provides a framework designed to facilitate international co-operation and mutual assistance in preparing for and responding to major oil pollution incidents

- Establish a **national system for responding** to oil pollution incidents: a designated national authority, a national operational contact point and a national contingency plan (equipment and training); Ships are required to carry a shipboard oil pollution emergency plan and report incidents of pollution to coastal authorities
- Promote **cooperation and mutual assistance** amongst Parties through the establishment of bilateral and multilateral agreements

2.2.1 ASEAN MoU on Cooperation Mechanism for Joint Oil Spill Preparedness and Response

Each Part shall, subject to the laws, rules, regulations and national policies, cooperate to:

- Facilitate the implementation of applicable IMO rules and regulations
- Undertake measures to prepare for and respond to OS
- Develop a Regional Oil Spill Contingency Plan
- Conduct joint training and exercises
- Share information
- Conduct and share scientific and technical research
- Promote partnership with relevant stakeholders

https://asean.org/wp-content/uploads/images/pdf/2014_upload/MOU%20on%20ASEAN%20OSRAP.pdf

2.2.2 Subregional and Bilateral Agreements

Subregional agreements

Subregional agreements are those established between three or more countries within Southeast Asia.

+ **Joint Statement on Partnership in Oil Spill Preparedness and Response in Gulf of Thailand**

+ **The Straits of Malacca and Singapore Cooperation Mechanism**

+ **The Revolving Fund Committee**

+ **Sulu-Sulawesi Response Network and the Regional Marine Pollution Exercise**

Bilateral agreements

Bilateral agreements are those established between two countries within Southeast Asia.

+ **Standard Operating Procedure for Joint Oil Spill Combat in the South China Sea including Brunei Bay (Brunei-Malaysia)**

+ **Memorandum of Understanding on Joint Spill Response (Philippines-Thailand)**

+ **Memorandum of Agreement on Cooperation in Oil Spill Preparedness and Response (Philippines-Vietnam)**

<https://gisea.org/subregional-frameworks/>

2.2.3 Global Initiative for Southeast Asia (GISEA) Project

In 2013, the IMO and the IPIECA (International Petroleum Industry Environmental Conservation Association) launched the Global Initiative for South East Asia (GI-SEA) Programme on Oil Spill Preparedness and Response to support the ASEAN MoU (<https://gisea.org/>)



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08 November 2023

Supporting regional mechanisms for dealing with oil spills in ASEAN Member States



Regional workshop on operationalization of the ASEAN Regional Oil Spill Contingency Plan (ROSCP), held in Klang, Malaysia (30 October-3 November)

<https://www.imo.org/en/mediacentre/pages/what-snew-1991.aspx>

2.2.4 Sensitivity Mapping for Oil Spill Response

Mapping is carried out by considering three sensitivity themes, together with the response features:

- the shoreline type and its general environmental sensitivity to oil spill;
- the sensitive ecosystems, habitats, species and key natural resources;
- the sensitive socio-economic features; and
- the logistical and operational oil spill response features.

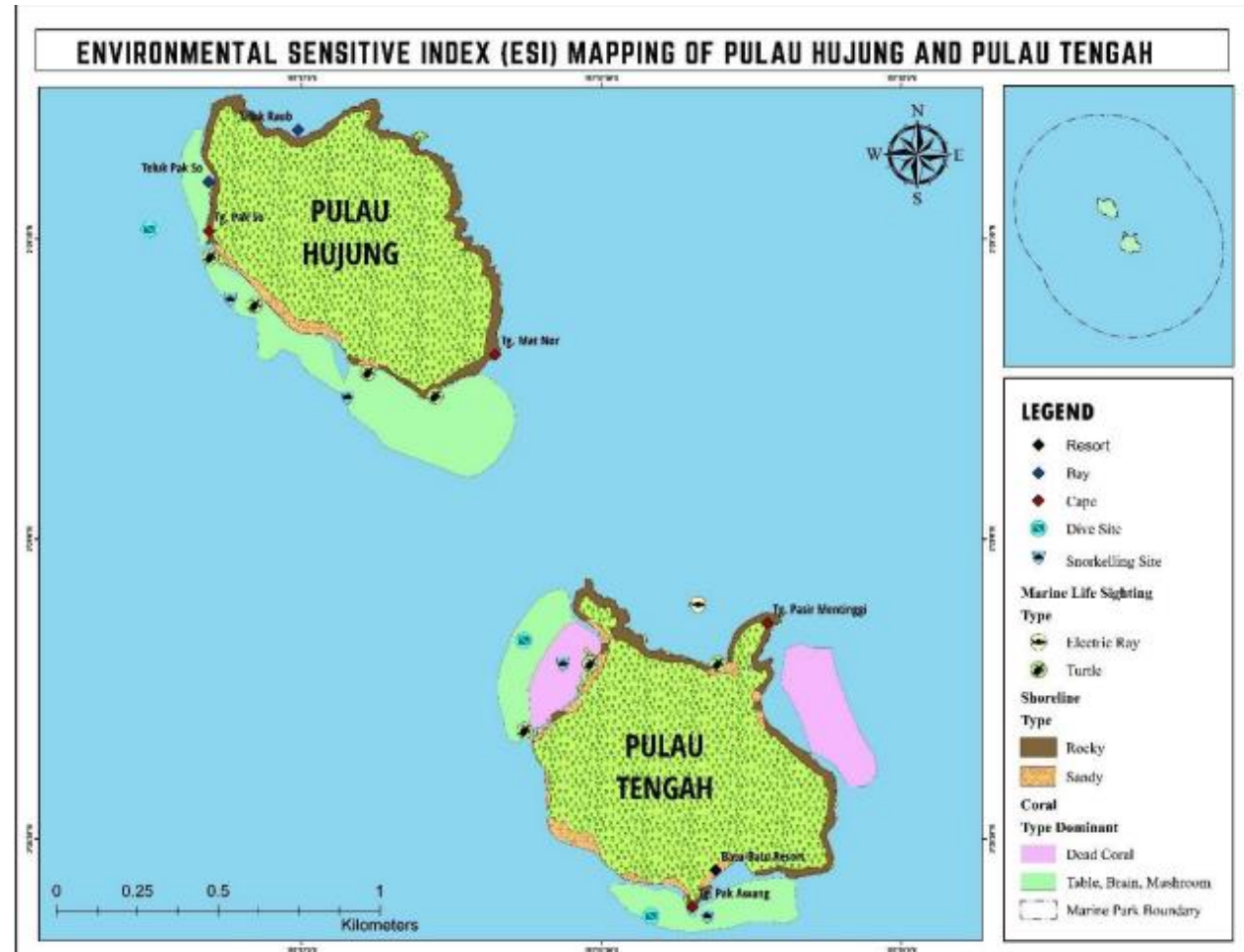


Fig 2 Environmental Sensitive Index (ESI) Mapping of Pulau Hujung and Pulau Tengah

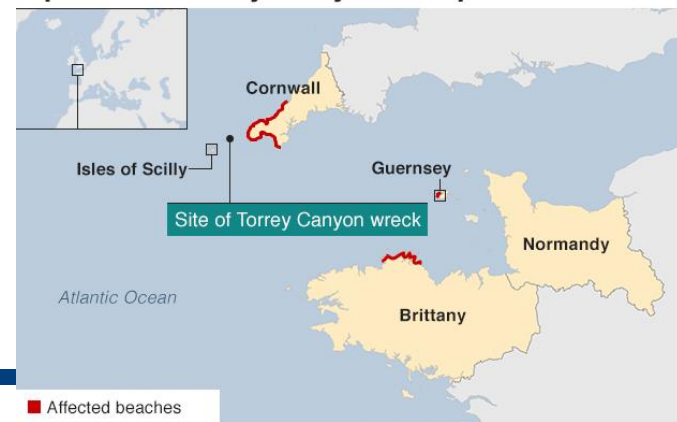
M.Z. Asmawi, et. al, 'Spatial Mapping of Environmental Sensitive Index in Pulau Hujung and Pulau Tengah, Johor,' 2020 *Journal of Architecture, Planning and Construction Management*

2.3 Liability and Compensation

- *Torrey Canyon* lesson: who is to be held responsible for damage caused by oil pollution, the basis for determining liability and the level of compensation for damage
- 1969 CLC was negotiated to ensure that adequate compensation was paid to victims, and the liability was placed on the shipowner
- 1971 Fund Convention was introduced to pay an additional amount by contributions from oil importers, while the burden of compensation will be spread more evenly between shipowner and cargo interest



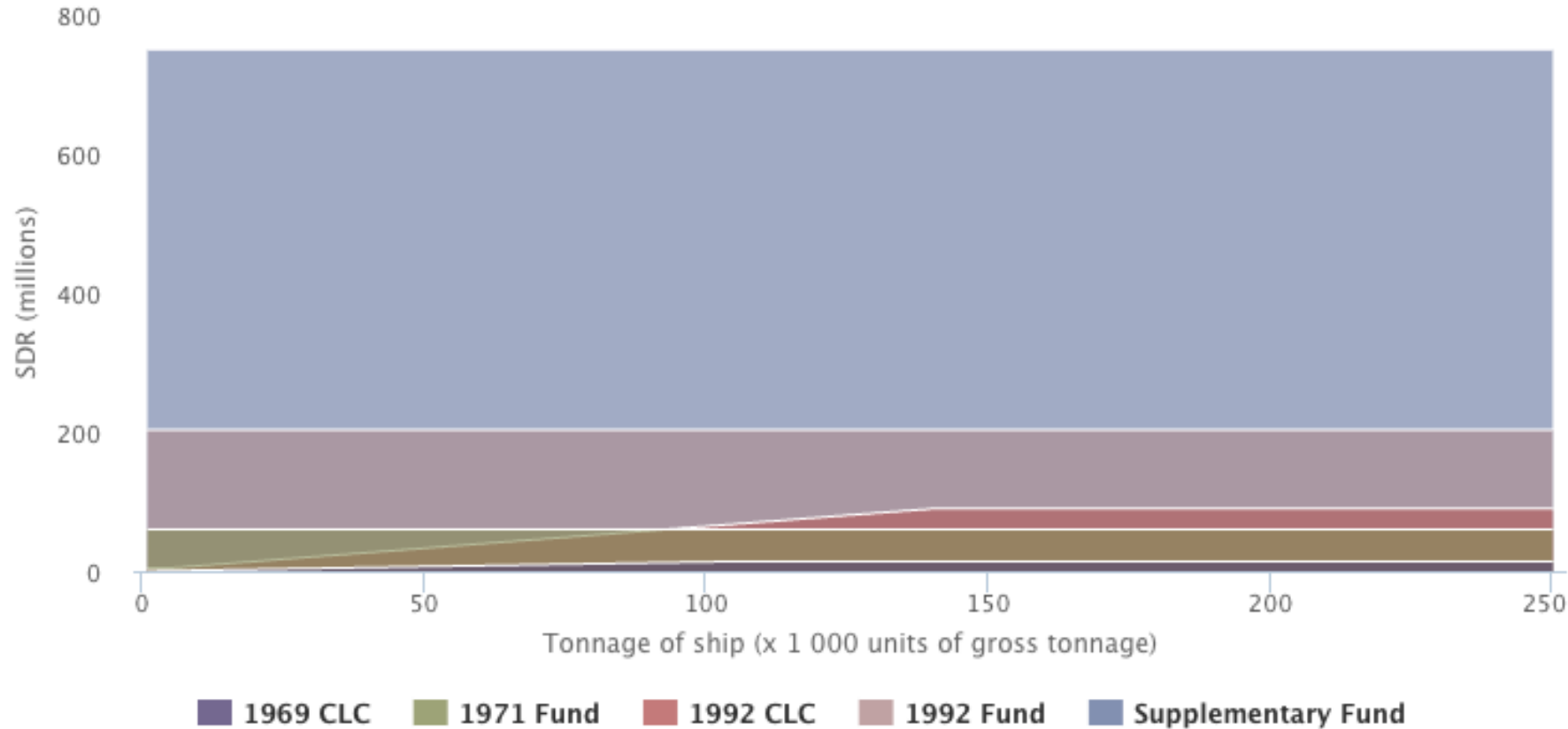
Spread of Torrey Canyon oil spill



Source: Marine Biological Association, French National Weather Forecasting Centre

2.3 Liability and Compensation

Maximum limits of compensation



SDR1 = US\$1.375330 (8 May 2026)

<https://iopcfunds.org/>

The currency value of the SDR is determined by summing the values in U.S. dollars, based on market exchange rates, of a basket of major currencies (the U.S. dollar, Euro, Japanese yen, pound sterling and the Chinese renminbi).

2.3.1 Liability – Application

- “**Ship**” means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted **for the carriage of oil in bulk as cargo**, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.
- “**Owner**” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a State and operated by a company which in that State is registered as the ship’s operator, “owner” shall mean such company.
- “**Oil**” means any **persistent hydrocarbon mineral oil** such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

2.3.1 Liability – Scope

“Pollution damage” means:

- (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that **compensation for impairment of the environment other than loss of profit** from such impairment shall be limited to **costs of reasonable measures of reinstatement** actually undertaken or to be undertaken;
- (b) the costs of preventive measures and further loss or damage caused by preventive measures.

1992 CLC Article 1(6)

2.3.1 Liability – Scope

This Convention shall apply exclusively:

- (a) to pollution damage caused:
 - (i) in the **territory**, including the **territorial sea**, of a Contracting State, and
 - (ii) in the **exclusive economic zone** of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending **not more than 200 nautical miles from the baselines** from which the breadth of its territorial sea is measured;
- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

2.3.2 CLC Compensation – Scope

1. The **owner of a ship** shall be entitled to **limit his liability** under this Convention in respect of any one incident to an aggregate amount calculated as follows:
 - (a) 4,510,000 units of account (SDR) for a ship not exceeding 5,000 units of tonnage;
 - (b) for a ship with a tonnage in excess there of, for each additional unit of tonnage, 631 units of account in addition to the amount mentioned in subparagraph (a); provided, however, that this aggregate amount shall not in any event exceed 89,770,000 units of account.
2. The owner **shall not be entitled to limit his liability** under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

2.3.2 1992 Fund Convention

The 1992 Fund pays compensation when:

- 1) the damage exceeds the limit of the shipowner's liability under the 1992 CLC, or
- 2) the shipowner is exempt from liability under the 1992 CLC, or
- 3) the shipowner is financially incapable of meeting their obligations in full under the 1992 CLC and the insurance is insufficient to pay valid compensation claims.

The 1992 Fund is financed by contributions levied on any person who has received in one calendar year **more than 150 000 tonnes** of crude oil and/or heavy fuel oil (contributing oil) in a Member State

The maximum compensation payable is **203 million SDR** for incidents occurring on or after 1 November 2003, irrespective of the size of the ship

1992 Fund Articles 4 and 10

2.3.2 2003 Supplementary Fund Protocol

- The Supplementary Fund provides additional compensation beyond the amount available under the 1992 Fund Convention in 1992 Fund Member States which are also Parties to the Protocol.
- Annual contributions to the Supplementary Fund are made on the same basis as contributions to the 1992 Fund. However, for the purpose of paying contributions, at least 1 million tonnes of contributing oil are deemed to have been received each year in each Member State (to be paid by the State if less imported oil).
- The total amount available for compensation for each incident is 750 million SDR, including the amounts payable under the 1992 Conventions.
- Number of Contracting States: 34 (May 2026)

2003 Protocol Articles 4 and 10

2.3.2 Compensation – Types of Damage

- **Clean-up and preventive measures** – cost of reasonable measures taken to prevent or minimize damage
- **Property damage** – reasonable costs of cleaning, repairing or replacing
- **Consequential loss** – loss of earnings
- **Pure economic loss** – indirect suffering of loss of earnings
- **Use of economic models** – estimated costs where evidence is insufficient
- **Environmental damage** – costs of reasonable reinstatement measures aimed at accelerating natural recovery of environmental damage (no abstract quantification damage, no punitive damage)
- **Use of advisers** – reasonable cost

2.3.2 Legal Gaps in Compensation

Reparation and Restoration of Environmental Damage

- UNCLOS Article 192 “States have the obligation to protect and **preserve** the marine environment.” 194 (5) “The measures taken in accordance with this Part shall include those necessary to protect and preserve **rare or fragile ecosystems** as well as the **habitat** of depleted, threatened or endangered species and other forms of marine life.”
- ITLOS Climate Advisory Opinion para 386 “Where the marine environment has been degraded, the Tribunal is of the view that the term “preservation” may include **restoring** marine habitats and ecosystems. The term “**restoration**” is not used in article 192 of the Convention but flows from the obligation to preserve the marine environment where the process of reversing degraded ecosystems is necessary in order to regain ecological balance.”

2.3.2 Compensation – Admissibility

A claim qualifies for compensation only to the extent that the amount of **the loss or damage is actually demonstrated with evidence**:

- Any expense, loss or damage must actually have been incurred.
- Any expense must relate to measures that are considered reasonable and justifiable.
- Any expense, loss or damage is compensated only if and to the extent that it can be considered as caused by contamination resulting from the spill.
- There must be a reasonably close link of causation between the expense, loss or damage covered by the claim and the contamination caused by the spill.
- A claimant is entitled to compensation only if he or she has suffered a quantifiable economic loss.
- A claimant has to prove the amount of his or her expense, loss or damage by producing appropriate documents or other evidence.

Incident region

Asia-Pacific

Filter map

1992 Fund

Supplementary Fund

1971 Fund

Open incidents

Closed incidents

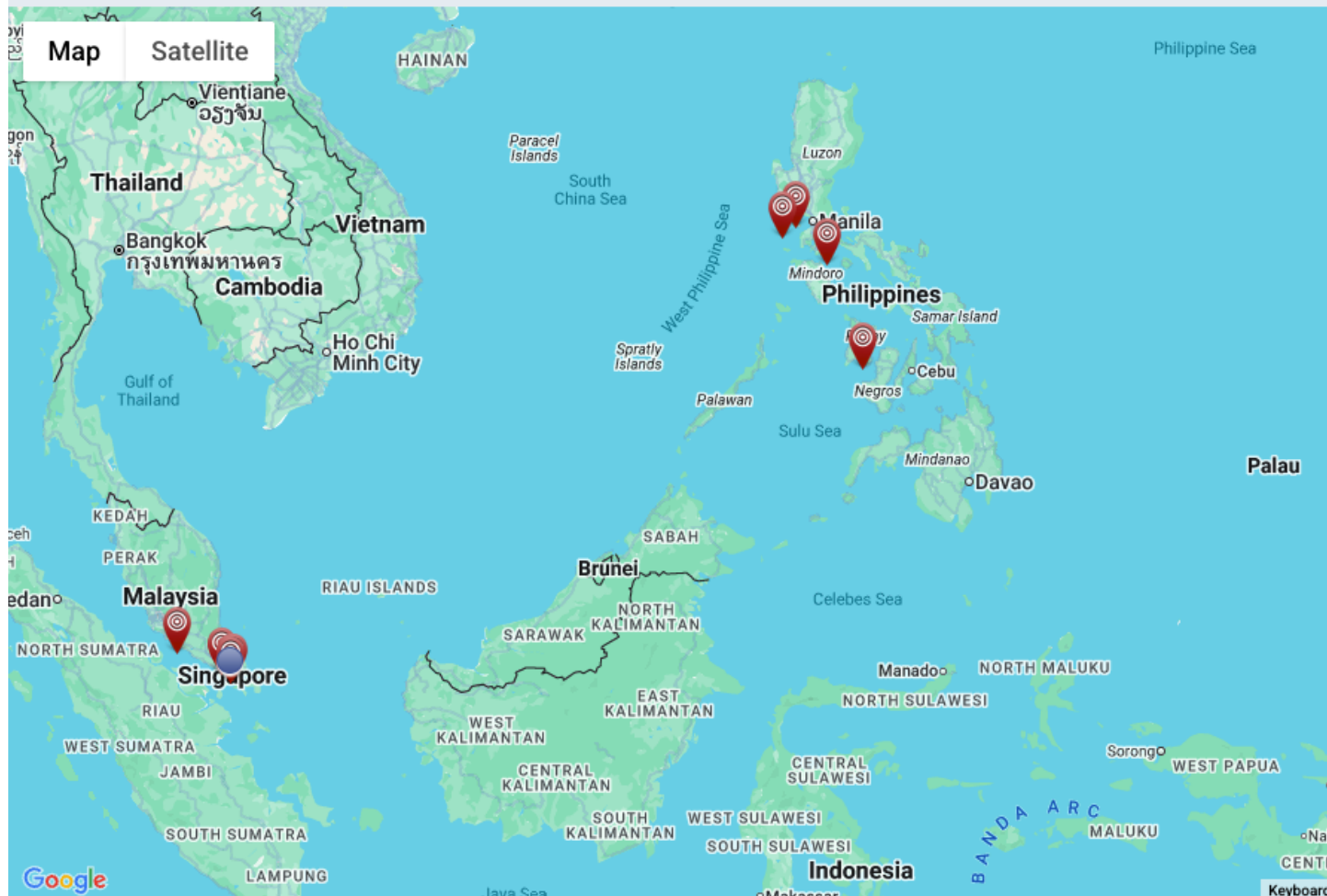
Year range

1978 — 2026

Incident

Select incident

Map | Satellite



Area affected

Central south coast and Southern Islands of Singapore, southern coast of Johor, Malaysia

Flag State of ship

Singapore

Gross tonnage

4 709 GT

P&I insurer

QBE Insurance (Singapore) Pte Ltd (QBE), under the British Marine brand

CLC limit

SDR 4.51 million

STOPIA/TOPIA applicable

N/A

CLC + Fund limit

SDR 203 million

Compensation paid

SGD 26 909 581

2024 *Marine Honour* released an estimated 817 m³ of intermediate fuel oil 380
<https://iopcfunds.org/incidents/incident-map/#12330-14-June-2024>

2.3.3 Bunkers Convention

Modelled on the CLC to cover oil pollution by bunker oil from ships, same definitions, scope, types of damages etc

- Establishes strict liability against the shipowner
- Ensures the shipowner has insurance or financial security in place
- Provides the right of direct action against that insurer or provider of other financial security

The shipowners and their insurer, or other financial security providers can **limit liability** to an amount determined by reference to the gross tonnage of their ship, such as by the Convention on Limitation of Liability for Maritime Claims, 1976, as amended

Part III Oil Spill from Offshore Activities

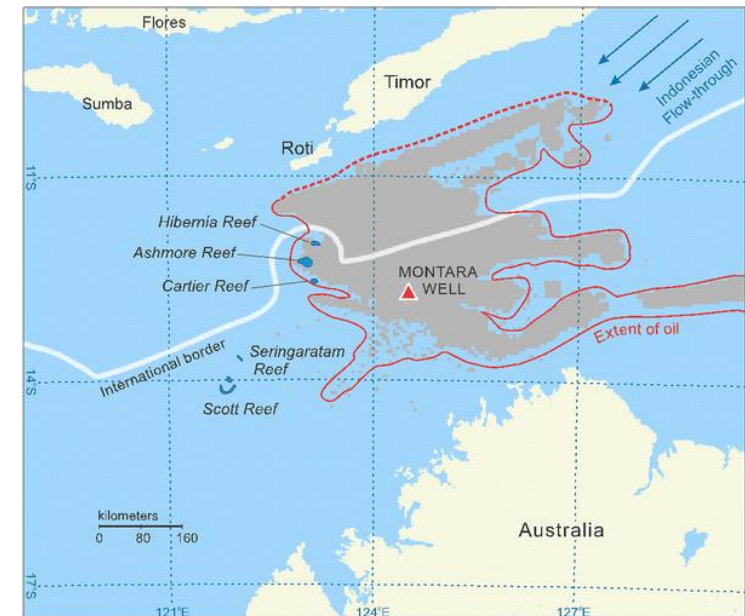
- Liability and Compensation

3.1 Liability and Compensation

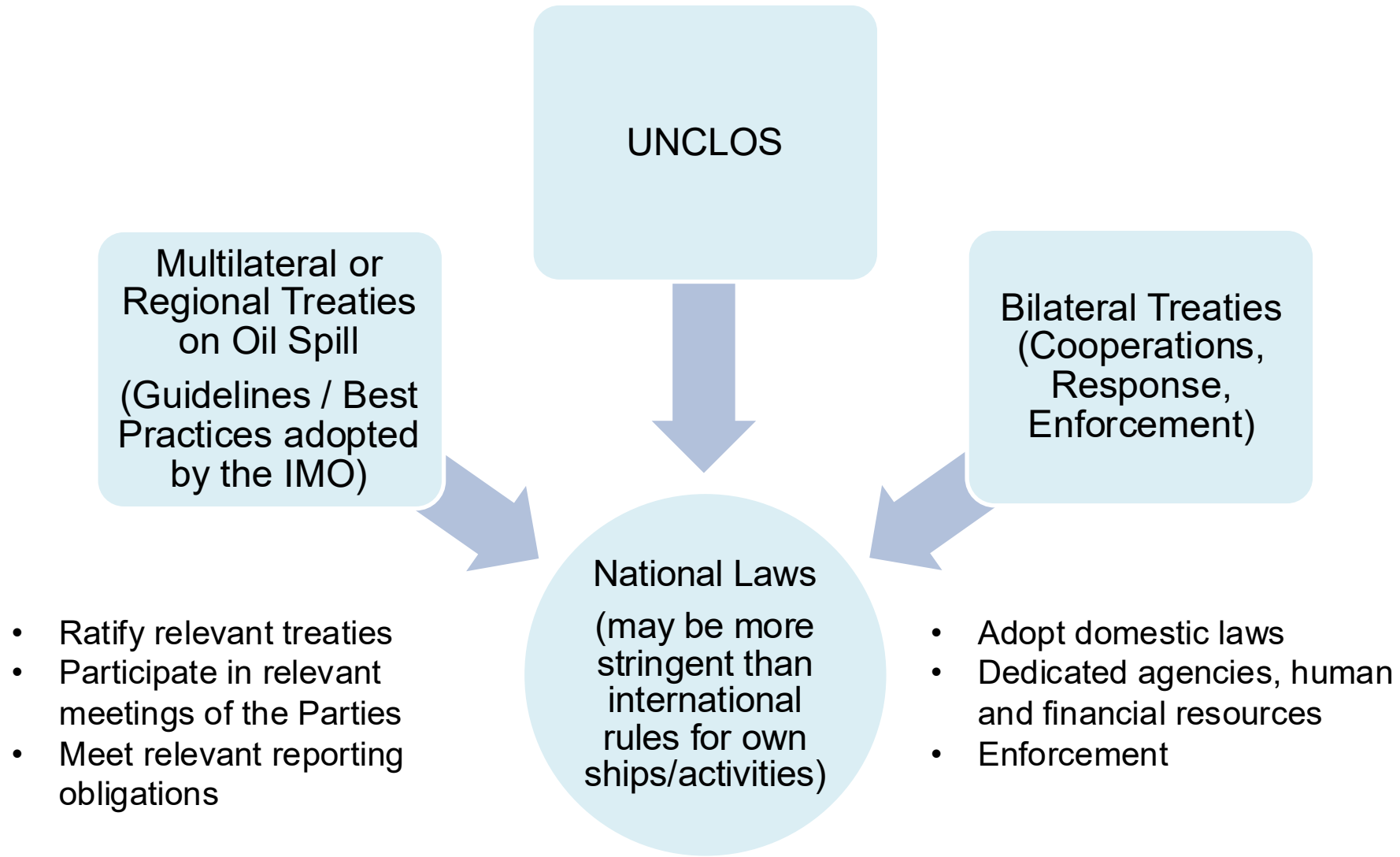
- There is no single international liability and compensation convention comparable to CLC/Fund/Bunkers
- Liability is usually addressed through national offshore petroleum laws, licensing terms, operator liability rules, through
 - Strict liability or enhanced fault-based liability for operator
 - Mandatory insurance or financial security
 - Direct claims by victims against the operator or insurer under domestic law
 - Agencies claim cleanup and relevant cost recovery from the responsible operator

3.2 Montara Oil Spill

- In 2010, the Indonesia delegation introduced LEG 97/14/1, proposing a new work programme item to develop an international regime addressing liability and compensation in case of transboundary oil pollution damage caused by offshore exploration and exploitation activities
- This proposal was in principle supported by other delegates and the Legal Committee who then proposed the Council to add it to IMO's mandate
- After extensive debates, in 2012, the Legal Committee recognized that bilateral and regional arrangements were the most appropriate way to address this matter; and that there was no compelling need to develop an international convention on this subject



Implementing Regulations



Concluding Observations

- **Pollution Prevention** – implementation of MARPOL, potential designation of Special Area to further reduce discharges of oil
- **Pollution Preparedness, Response and Co-operation** – strengthen cooperation in joint training and responses
- **Liability and Compensation** – ratification of the Fund Convention and Protocol, establish compensation regime for oil pollution from offshore activities, legal gaps

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THANK YOU

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