

Split Workshop on Compliance Monitoring & Enforcement for Ballast Water Management

Role Play Scenario (1 hour)

Each person should assume the role indicated. In carrying out the scenario, please try as hard as possible to assume the perspective of your allocated role, not your real-life profession.

1. Director of Shipping /Marine –Overall in-charge of Flag and Port State Controls for all IMO Conventions
2. Port Master, responsible for denial of entry, and detention of ships, with power to authorities/prohibit discharge of ballast water into port waters
3. National Co-ordinator of BWM Convention accession, implementation and enforcement and the subject expert
4. Head of PSC unit in the Flag/Port Administration
5. PSC/FSC officer

Nominate a rapporteur to record your group's conclusions to each question.

Scenario:

Welcome to the “**Republic of thousand islands**”, a developing country with a population of 60 million people, 90% of who live on the coast.

The total coastline is 10,000 kilometres long with over 1000 islands, and comprises a wide diversity of marine ecosystems ranging from tropical coral reefs, mangroves and seagrasses in the north to temperate seaweed forests and rocky shorelines in the south. There are also 10 major ports along the coast. Some of these ports have close proximity to marine biology labs, but several other ports are several hundred kilometres from the nearest city. The country is a large flag and Port State.

The economy of the Republic is overwhelmingly dependant on the export of bulk commodities, including mining products and crude oil, and therefore significant volumes of ballast water are imported from many source ports around the world. Most of the ships that service the Republic's ports are foreign-flagged.

Coastal tourism, commercial fisheries, water sports including scuba diving and swimming and aquaculture are newly emerging industries that hold significant promise for the future, especially as mineral and oil reserves begin to expire.

The Republic has ratified most IMO Conventions and has a functioning Port State Control (PSC) system for MARPOL and IMO safety Conventions. PSC actions to date indicate that a certain percentage of foreign ships calling at its Ports do not always comply with these provisions, and referral of cases to the relevant Flag States has not resulted in any effective enforcement action to date.

The IMO Ballast Water Convention has not yet entered into force, but the Republic is one of the IMO member States which has acceded to the Convention. There is currently no national legislation for BW management but this is being prepared and should be ready before the Convention comes into force internationally.

There has been a recent red tide outbreak which resulted in US\$100 million damage to the fledgling aquaculture industry. The red-tide species is only found in another country in the opposite hemisphere of the world, which has strong trade links with the Republic. Over 100 cases

of paralytic shellfish poisoning were reported within 6 months of the outbreak, and 40 cases were hospitalised, 8 people died. The outbreak occurred in a prime tourist area, and several of the victims were foreign tourist – this being given wide coverage on foreign television.

In addition, local marine scientists have been alerting the Government to a strange black mussel found in a local river system which hosts the capital city's main port at the river mouth. The jellyfish is spreading up-river and threatens the ecology of a globally significant wetland listed as a World Heritage Area by UNESCO. Sampling of ships' ballast tanks by an MSc student at the National Univ. found larval forms of the jellyfish present.

The Ministers of Shipping and Environment have called you together to form an Emergency Task Force to address this situation.

Tasks:

- 1) Should the Republic take action to prepare for CME including FSC and PSC now, or wait for the IMO BW Convention to enter into force?
- 2) If yes to question 1, what action it should take and what power and responsibility each of the above officials be given in the legislation being drafted?
- 3) Draw a flow chart describing the procedures for taking PSC action for the following scenarios when the Convention and enabling national legislation have just entered into force:
 - 20 ships daily arriving at the Republic's ports including 5 flying the flags of parties without BWM certificate.
 - 10 ships daily with no BW record book or proper record in the record books and no BWM Management Plan
 - 5 ships daily which did not carry out BWE
 - 3 ships daily with master and officers who are not familiar with Convention requirements
 - 20 ships daily from neighbouring foreign ports within 50 km radius.