

“Not in my garden!”. The determination of places of refuge for vessels in distress

Fernando Bruna¹ and Manuel Cameans²

¹ Consultant on International Economics, fbruna@uvigo.es
² Ingeniería Civil del Atlántico (INCAT), manuel.cameans@incat.es

ABSTRACT

The Western coast of the Iberian Peninsula, and particularly Galicia, lies close to one of the European corridors with higher density of maritime traffic. Consequently, it suffers a permanent hazard of spills from tankers and other vessels in distress with toxic cargo, as the historical experience shows. Particularly after the 2002 Prestige experience, each new crises of a pollutant vessel in this area is followed by media claims for plans to determine places of refuge for vessels under risk.

The argument frequently used is that Galicia needs a plan relating to ports of refuge which could reduce the potential damage to the whole regional population. But each time that a particular area is studied as a place of refuge, local stakeholders show a strong opposition against the designation of their area as a place of refuge. In Environmental and Land Economics, this type of conflict between local and general interests has been approached under the name of “Not in my backyard” (NIMBY)¹. We use the name “not in my garden” as a more proper translation of this type of conflict to the Galician debate on places of refuge in order to emphasize the environmental and social concerns on the Galician coast.

The International Maritime Organization (IMO), the European Commission, and the Spanish Government have set out a series of recommendations for the refuge of vessels in distress. However, the international experience so far reveals a variety of incidents where potentially polluting ships have been refused access to places of refuge. The NIMBY approach, usually applied to matters of waste disposal, allows for an understanding of these cases and offers an explanation to the fact that the European Union and the Spanish Government are currently refusing to publish a list of places of refuge for vessels in distress.

Recently (April, 2007), the European Parliament backed a few measures put forward by the European Commission under the name of “third maritime safety package”. The Parliament supported the report of Dirk Sterckx to modify Directive 2002/59/CE about the traffic monitoring system. The new proposal suggests an alternative to the debate on the designation of places of refuge: an independent authority should be set up to designate ports of refuge for vessels in distress. The decision, close to the model of the British SOSREP, is consistent with the NIMBY perspective and it sets up a new approach for Spanish contingency plans on maritime pollution.

In this report, we discuss the new proposal of the European Parliament from the point of view of the NIMBY conflict, which emphasizes the importance of creating a proper response capacity in local communities and a social culture of risk management. At the same time, we address a few general topics related to marine safety and to the places of refuge debate: port state control, convenience flags, classification societies and liability and compensation.

¹ A recent case of NIMBY conflict happened in Galicia with the Ostedijk case (February, 2007), as showed by media: <http://www.farodevigo.es/secciones/noticia.jsp?pNumEjemplar=2909&pldSeccion=4&pldNoticia=119059&rand=1172132768583>. Another example of the NIMBY conflict is shown in the following example (22/04/2007): <http://www.lavozdeg Galicia.es/hemeroteca/noticia.jsp?CAT=111&TEXTO=5738722&txtDia=22&txtMes=4&txtAnho=2007>.