Maritime Transport and Security

International Regulation and Maritime Safety Mechanisms after the Prestige Catastrophe on the Galician Coast

Fernando González-Laxe

University Institute of Maritime Studies, Universidade da Coruña, Spain

INTRODUCTION

Maritime accidents and catastrophes have reflected a terrible trend during recent years. They are common in all regions of the planet and have had enormous impacts at all levels. They emphasize the fact that some areas are more vulnerable to such risks than others and that these risks have a negative effect on the living conditions of the affected populations and territories.¹ The consequences of these risks go beyond the short-term, and in some cases these accidents bring about irreversible changes in both the socio-economic structure and the environment.

The increase of maritime traffic of hazardous goods means that some areas are more exposed to risk, and therefore they reach a higher level of vulnerability. In this sense, the vulnerability is the tendency to suffer from significant transformations as a consequence of the interaction between external or internal processes. We interpret transformation as a structural change, or at least a permanent and deep modification. Consequently, vulnerability considered as a trend, is not an absolute property, but is related to both a system in a specific context and a type of change or concrete threat.

As noted above, it is clear that a system can be either vulnerable or strong depending on diverse circumstances. A rigorous analysis of the risks should consider the following elements: a) sensitivity, or to what extent the system can be changed or affected by an alteration; b) the capacity to answer which has to be scheduled to face or resist the alteration, as well as to moderate the potential damages and to take advantage of the opportunities—among other things, questions about resistance, availability of stocks,

¹ V. Beck, La sociedad del riesgo (Barcelona: Editorial Paidos, 1986).
regulatory mechanism, and cooperative links; c) to what extent the system is exposed to this alteration, that is, the time and the effects related to the system; and d) the impacts on the system, where the calculation of vulnerability, exposition, possibility of new occurrences, magnitude, intensity and persistence, are included.

In this article a detailed analysis of some relevant questions for maritime safety in the European context is carried out using relevant information obtained from the Prestige accident on the Galician coast of Spain in November 2002. The first section describes the impact on the Galician coast. Then the costs and damages caused by the Prestige are evaluated and the European Union (EU) regulations are analyzed. The article concludes by considering the mechanisms to compensate affected parties, and defining their scope and degree of coverage. The last section details a qualitative analysis of the institutional and social capacity to respond during the “crisis.”

THE COMPLEX MARITIME SYSTEM

Globalization has encouraged the growing integration of different economic areas, the development of international trade, the elimination of obstacles that facilitate the easier transit and flow of goods and services, and a greater mobility of direct foreign investment. This integration of national economies contributes to both the acceleration of competitiveness and a new repositioning of companies in world trade. The maritime world has not been left out of those powerful forces of change, and the economic environment related to the international transport of hydrocarbons and dangerous products has become extremely complex, as the following characteristics highlight:

a) The global industrial development and the growing interchanges have meant that the oil-based societies have eliminated their fleets and small independent ship owners of tankers have appeared in the market. As a consequence, oil-based societies control less than one-quarter of the global tanker fleet, whereas the majority belongs to independent owners.

b) The widespread appearance of vessels with flags of convenience from “free registration” countries is a challenge. About half of the tonnage that is carried by the world fleet of tankers is registered with flags of convenience and there are “second registers” in many developed countries where the aforementioned vessels have similar characteristics to the ones registered with a flag of convenience.

c) There is evidence of quality problems in a significant number of vessels carrying potentially polluting substances. About 70 percent