



International Oil Pollution
Compensation Funds

Agenda Item 3	IOPC/NOV24/3/14	
Date	11 October 2024	
Original	English	
1992 Fund Assembly	92A29	
1992 Fund Executive Committee	92EC83	●
Supplementary Fund Assembly	SA21	

INCIDENTS INVOLVING THE IOPC FUNDS—1992 FUND

GULFSTREAM

Note by the Secretariat

Objective of document: To inform the 1992 Fund Executive Committee of the latest developments regarding this incident.

Summary: In early February 2024, the articulated tank barge^{<1>} *Gulfstream* (IMO Number 1518444, 4 925 GRT, built in 1974), towed by the tug *Solo Creed* (IMO Number 7505994, 538 GRT, built in 1976), capsized, sank, and began to spill oil approximately 16 km off Tobago, before coming to rest 150 to 200 metres offshore of Canoe Bay, on the southernmost tip of Tobago.

It is believed that the vessel was on a voyage from Pozuelo Bay, the Bolivarian Republic of Venezuela, to Guyana. No emergency calls were transmitted by the tug. Searches for the owner of the tug and barge by the authorities in Trinidad and Tobago have been inconclusive but are continuing^{<2>}.

The Tobago Emergency Management Agency (TEMA) triggered the National Oil Spill Contingency Plan to manage the response to the spill which polluted some 15 km of the coastline of Tobago. Oil impacted upon rocky coastlines, beaches and mangroves. The 1992 Fund sent experts to assist and provide advice in relation to the clean-up operations. The 1992 Fund also retained experts who were sent to Tobago to collect samples of oil for testing, and to assist the local authorities responding to the incident.

Remnants of the oil slick traversed some 830 km across the Caribbean Sea. On 26 February 2024 some traces of oil and tar balls were washed up on the east coast of Bonaire (Kingdom of the Netherlands). This was cleaned up by the Dutch authorities.

In early March 2024, the Deputy Director/Head of Claims Department and a Claims Manager visited Trinidad and Tobago for a fact gathering visit and to meet with representatives from the Ministry of Energy and Energy Industries (MEEI). Subsequently, the Director and the Claims Manager visited for further meetings with the authorities.

<1> An articulated tank barge consists of a tank vessel (barge) and a large, powerful tug that is positioned in a notch in the stern of the barge, with an articulated or hinged connection system between the tug and barge, which enables the tug to propel and manoeuvre the barge.

<2> Ownership of the barge *Gulfstream* is difficult to establish as sales of barges are often not recorded on any international registry or are often only linked to the sale of an accompanying barge.

By 11 March 2024, TEMA announced that, considering the amount of oil contamination present both at sea and on the shore, the response would be scaled down, concentrating on the areas of mangroves which required manual clean-up operations to be conducted, and on the removal of oil from the capsized barge.

Two salvage and environmental companies were retained to remove any further oil which remained inside the wreck. In total, some 32 675 barrels were removed.

The authorities in Trinidad and Tobago commenced a search for the missing tug, *Solo Creed*, requesting the assistance of a number of neighbouring States.

Recent developments:

Solo Creed

In early May 2024, the *Solo Creed* tug was arrested in Angola for breaching the boundaries of a number of oil field exclusion zones. The vessel was placed under arrest by the Angolan authorities and the tug remained at anchor in Luanda Bay, Angola.

The authorities in Trinidad and Tobago made contact with their counterparts in Angola, seeking confirmation of the arrest through the Trinidad and Tobago Ministry of Foreign and CARICOM Affairs, but they have not heard back from the Angolan authorities.

Subsequently, the authorities in Trinidad and Tobago received communication from the Government of Tanzania that the owner of the *Solo Creed* at the time of registration was a company based in Guyana, but no information was provided regarding the insurers at the time of registration. Lawyers have been retained by the Trinidad and Tobago authorities to advise them upon the steps necessary to initiate legal proceedings against the owners of the *Solo Creed* and/or its crew, and an arrest application has been filed in Luanda.

Claims

The 1992 Fund's Focal Point Office (FPO) was established in June 2024 in Trinidad, and has begun receiving claims for pollution damage and clean-up operations undertaken in Tobago. Claims are also expected for surveillance and clean-up operations conducted in Bonaire, where oil was also found following the incident. A meeting attended by representatives of the FPO, was held with fishers located in Tobago, and information was provided regarding the evidence required in support of claims which may be submitted. Additional claims are expected in the tourism sector, specifically from a number of dive companies which claim to have suffered losses arising from the incident.

Gulfstream

Following the conclusion of the onshore clean-up operations, efforts concentrated on the oil removal operation from the barge. By August 2024, salvors had removed 32 675 barrels of oil. On 19 August 2024, they refloated the barge and towed it to Trinidad arriving on 22 August 2024 to await a sale by auction, 'as is, where is'.

A small amount of oil (estimated to be 57 m³), remained trapped inside the barge in a tank that was inaccessible when the barge was aground. Due to an incident and security concerns at the location where the barge has been towed to, the remnant of oil cargo remains onboard, with the barge surrounded by booms. A valuation of the barge was undertaken in preparation for a judicial sale, under conditions that (1) the

remaining oil onboard be removed by the buyer under the oversight of the authorities in Trinidad and Tobago, and (2) the buyer pays for insurance to cover the risk of any further spill while undertaking the removal of the remaining oil. The barge was offered for sale by public tender on 13 September 2024, and one interested party has made an offer for the purchase of the barge for scrap.

Action to be taken: 1992 Fund Executive Committee

Information to be noted.

1 Summary of incident

Ship	Articulated barge <i>Gulfstream</i>
Date of incident	5/6 February 2024
Place of incident	Tobago, Trinidad and Tobago
Cause of incident	Sinking and capsizing
Quantity of oil spilled	Estimated 4 652 mt of persistent fuel oil
Area affected	Tobago and coast of Bonaire, Kingdom of the Netherlands
Flag State of ship	Unknown
Gross tonnage	4 925 GRT
P&I insurer	None
CLC limit	SDR 4.51 million ^{<3>} (USD 6.07 million)
STOPIA/TOPIA applicable	N/A
CLC + Fund limit	SDR 203 million (USD 273.36 million)
Legal proceedings	None at present

2 Background information

- 2.1 In early February 2024, the 1992 Fund became aware of an oil spill incident off the coast of Trinidad and Tobago. According to initial sources, a barge laden with an unknown quantity of oil had capsized and was leaking oil which was affecting the coast of Tobago. The oil was tested and proven to be persistent as required pursuant to Article 1(5) of the 1992 Civil Liability Convention (1992 CLC). The barge complies with the definition of ‘ship’ pursuant to Article I(1) of the 1992 CLC, so the 1992 Civil Liability and Fund Conventions apply to this incident.
- 2.2 Ownership, registration and classification of the tug and barge pre-incident
- 2.2.1 Initial information regarding the ownership, registration and classification of the tug and barge prior to the incident is detailed in document [IOPC/APR24/3/6](#).
- 2.2.2 That document summarised that although the vessel was registered in Tanzania, there was no clear evidence of the ownership, or of any insurance being in place for the barge laden with oil, due to a number of incomplete or falsified registration documents which had been provided to the authorities. A subsequent claim made by a businessman, that he was the true owner of the barge, is believed to be an attempt to lay a false trail away from the true owners of the barge and tug.

^{<3>} The exchange rate used is SDR 1 = USD 1.346610 which is the rate applicable on 1 May 2024, when the Director was authorised to pay compensation in respect of this incident.

2.3 Further searches to ascertain the true ownership of the tug and barge post-incident

The authorities in Trinidad and Tobago were notified by the authorities in Tanzania that the registered owner listed on their registry at the time of the incident was a company based in Guyana. The authorities in Trinidad and Tobago indicated that they would write to the authorities in Guyana for further information. Lawyers have been retained by the authorities in Trinidad and Tobago to advise on the steps to initiate legal action against the owners of the *Solo Creed* and/or its crew. Further information is awaited.

2.4 The movement of the tug and barge prior to the incident

2.4.1 The history of the auction sale of the barge, its movements from being laid up on a beach in Panama, its serious maintenance issues, lack of survey data or insurance, and appearance in satellite footage in the region of Pozuelo Bay, Venezuela, (a major petroleum port) are detailed in document [IOPC/APR24/3/6](#).

2.4.2 That document also stated that an online database had located the barge *Gulfstream* in Pozuelo's Bay, Venezuela, on 26 January 2024. The tug and barge were visually matched near this location in Pozuelo's Bay on 27, 29, 30 and 31 January 2024.

2.4.3 On 3 February 2024, after leaving Pozuelo's Bay, satellite imagery shows the tug and barge heading northeast, with the barge on a long tow. Notably, the satellite images of the barge show that it was already leaking an oily substance, leaving behind a slick that stretched for at least 40 km. As no such trail was spotted beforehand, it is believed that the *Gulfstream* took on a cargo from Venezuela while in Pozuelo's Bay, possibly via a ship-to-ship transfer^{<4>}.

2.4.4 On 6 February 2024, satellite imagery showed the barge *Gulfstream* capsized surrounded by a large oil spill, approximately 16 nautical miles southeast of Tobago.

2.5 The intended destination of the tug and barge tow

2.5.1 According to a document^{<5>} purportedly showing a request to book a pilot for the tug *Solo Creed* and its barge tow *Culie Boy*^{<6>}, the barge was destined for the Vreed en Hoop terminal of Guyana Power and Light, Guyana's state-owned electric utility in fulfilment of a tender process for a number of shipments. Guyana Power and Light has subsequently denied any involvement with the incident. However, the existence of further additional contracts providing oil to entities in Guyana have been mentioned, as to which no conclusions have been reached. The Trinidad and Tobago authorities are continuing their investigations.

2.5.2 Therefore, at present it has not been possible to ascertain the ultimate destination of the cargo, or its owner.

2.6 Search for the tug, its ownership, registration and classification post-incident

Arrest of vessel

2.6.1 Subsequent to the incident, searches for the location of the *Solo Creed* tug by the authorities in Trinidad and Tobago, who requested the assistance of neighbouring States and various flag States, eventually resulted in the authorities learning that the tug *Solo Creed* had been arrested in Angola for

<4> It is not possible to verify this information because satellite imagery is not available for all of the days.

<5> The customs agents whose details are provided on the document did not respond to a request for comment.

<6> This document has not been verified and the identity of the barge *Culie Boy* is unknown but it may be another name for the *Gulfstream*.

breaching the boundaries of a number of oil field exclusion zones.

- 2.6.2 The authorities in Trinidad and Tobago contacted the Government of Angola for confirmation of the arrest but did not receive any reply. The Secretariat advised contacting local lawyers in Angola to effect an arrest of the tug which could possibly lead to a judicial sale, and to attempt to ascertain further details of its ownership. The authorities in Trinidad and Tobago instructed lawyers to assist with effecting an arrest of the *Solo Creed* and an arrest application has been filed in Luanda. It is expected that the Application will be placed before a senior Judge, and the lawyers have confirmed that they will revert shortly as to the status of the arrest of the tug.
- 2.6.3 At present, there is a lack of any definitive information regarding the ownership of the barge *Gulfstream* at the time of the incident, due in part to the submission of false documentation to the registry.
- 2.6.4 Ship registration documents provided by the Zanzibar Maritime Authority^{<7>} indicate that the listed owner of the *Solo Creed* tug, during its voyage towing the barge *Gulfstream*, was based in Panama. Public data from the Panamanian corporate registry shows that listed name corresponds to an officer of a Panamanian company and that several directors of the company are shared with three other companies which also own several other vessels which transit between Caribbean, Colombian and Venezuelan ports, often appearing to sail 'dark' with Automatic Identification System (AIS) tracking data disabled.
- 2.6.5 Subsequent to the incident, a 'new' Certificate of Registration was provided by the Zanzibar Maritime Authority dated 13 February 2024 (some six or seven days after the incident), this time listing the owner as a company based in Georgetown, Guyana. It has not been possible to locate that company in the Guyana Commercial Registry. Enquires by the Trinidad and Tobago authorities are continuing.

3 Response operations

- 3.1 On 7 February 2024, the Tobago Emergency Management Agency (TEMA) was alerted to an oil-like substance washing ashore on Tobago's south eastern coast. The source was quickly established as the upturned barge *Gulfstream* which TEMA and the Trinidad and Tobago Coastguard had identified as having started to spill oil 15 km west of where the barge eventually lay aground, 150 metres offshore from Canoe Bay, Tobago.
- 3.2 The Tobago Emergency Operations Centre (TEOC) was activated on 8 February 2024 at Tier 2, with the scale and severity of the spill surpassing Tobago's local Tier 1 capacities.
- 3.3 Offshore clean-up and containment began on 8 February 2024, involving over 200 people including 60 to 80 volunteers. Booms were deployed along the coastline, around the vessel, and to fence off environmentally sensitive areas. However, some 15 km of coastline was polluted including some sensitive mangroves. Regrettably, due to spring tides and heavy weather, the oil was pushed beyond the usual high water mark leaving many areas with oil stains. The wave action of the next spring tides will assist in naturally cleaning many areas which were contaminated.
- 3.4 Clean-up operations continued, with an emphasis on removing the sunken oil in mangroves, flushing out any buried oil on beaches, and the removal of oil from the capsized barge. The initial oil removal operation was due to commence in the week of 1 April 2024, but was hampered by heavy weather.

<7> Dated incorrectly as 30 November 2022, but confirmed subsequently by that authority to relate to 30 November 2023.

3.5 Further efforts are being made by the local authorities to deal with the large amounts of waste which have been generated, with over 9 000 m³ of liquid waste collected and over 16 000 m³ of solid waste.

3.6 As at 11 October 2024, further works are required to dispose of the waste products initially deposited at a municipal waste tip in Tobago. Three quotes have been received for the further disposal of the waste.

3.7 Oil removal from barge

3.7.1 Oil removal operations were undertaken by the salvors engaged by the authorities in Trinidad and Tobago, with pipelines rigged from the capsized barge to the shoreline. Once collected, the oil was taken by road tankers to a waiting oil tanker for discharge at a refinery in Trinidad. The transfers to the waiting oil tanker took place over a period lasting from 8 May 2024, when approximately 20 700 barrels of oil were removed, and 29 June 2024, when approximately 10 800 barrels were offloaded. Due to the projected arrival of a tropical storm, the oil tanker was placed off hire and the remaining oil was sent to the refinery by road tanker wagon (RTW) on the inter-island ferry service. The RTW transfer to the refinery took place from 26 to 30 July 2024.

3.7.2 A total of 32 675 barrels of oil was removed and delivered to the refinery. The authorities in Trinidad and Tobago have stated that it is their intention to sell the recovered oil at the best available market price to an international buyer, likely through the refinery's normal marketing arrangements (considering that the oil does have a high sulphur content), in order to defray the costs incurred by the authorities and thus reduce their claim against the 1992 Fund. The authorities in Trinidad and Tobago have indicated that they can apply to obtain an OFAC license from the US State Department, if deemed necessary to effect the sale, given the suspected origin of the oil.

4 Applicability of the Conventions

4.1 At the time of the incident, Trinidad and Tobago was Party to the 1992 CLC and the 1992 Fund Convention. The limit of liability of the owner of the barge is estimated to be SDR 4.51 million.

4.2 Regrettably, at the time of the incident, neither the 1992 CLC or the 1992 Fund Convention were implemented into domestic legislation in Trinidad and Tobago. The Secretariat has been engaging with the State Attorney's office in Trinidad and Tobago to discuss the proper implementation of the Conventions into domestic law.

5 Claims for compensation

5.1 As at 11 October 2024, 109 claims for compensation in the cleanup sector totalling TTD 71.20 million, USD 12.20 million and £316,652, covering some of the clean-up operations undertaken in Tobago, have been submitted to the FPO. These claims are being assessed by the 1992 Fund's experts. In addition, we are aware that 171 claims in the fisheries sector totalling some TTD 47.234 million are expected to be filed shortly.

5.2 Further claims totalling £13 634, EUR 45 328 and US\$ 3 434 have been received from the authorities in Bonaire who undertook surveillance prior to, and clean-up operations following, the arrival of the oil on its coastline on 26 February 2024.

5.3 Further costs relating to the oil recovery operation from the barge have yet to be submitted and no estimates are currently available for losses likely to be claimed in the tourism sectors. The Secretariat is engaging with potential claimants to ascertain the extent of such losses.

6 Limitation proceedings

As at 11 October 2024 no limitation proceedings have been commenced by the registered owner of the barge, who is yet to be identified.

7 Civil proceedings

As at 11 October 2024, no legal proceedings have been commenced against the 1992 Fund.

8 Director's considerations

8.1 The Director is pleased to note that the clean-up operations have been concluded in Tobago.

8.2 The Director is however concerned that this incident involves a barge which appears to have no insurance, was in poor condition and for which no registered owner has yet been identified. The Director encourages the authorities in Trinidad and Tobago to pursue all available avenues to identify the true owner(s) of the barge and tug at the time of the incident, and to use all available resources to hold the owners accountable for the pollution and expenses incurred.

8.3 It appears that there are a number of questions still to be answered regarding the certification, ownership and registration of the barge *Gulfstream* and its lack of insurance, as well as the legality of its cargo.

8.4 The Director looks forward to continuing to work closely with the authorities in Trinidad and Tobago and is confident he will have their full cooperation in order to take all necessary and reasonable legal remedies to identify and pursue those liable for this incident.

9 Action to be taken

1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to:

- (a) take note of the information contained in this document; and
 - (b) give the Director such instructions in respect of the handling of this incident as it may deem appropriate.
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