



International Oil Pollution
Compensation Funds

Agenda Item 3	IOPC/APR25/3/6	
Date	21 March 2025	
Original	English	
1992 Fund Assembly	92AES29	
1992 Fund Executive Committee	92EC84	●
Supplementary Fund Assembly	SAES13	

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) activated the National Oil Spill Contingency Plan to manage the response to the spill which polluted some 15 km of the coastline of Tobago, including rocky shores, beaches and mangroves. The 1992 Fund sent experts to assist and provide advice in relation to the clean-up operations, 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 washed up on the east coast of Bonaire (Kingdom of the Netherlands). These were 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 to gather facts and meet with representatives from the Ministry of Energy and Energy Industries (MEEI). In May 2024, 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, the response was 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.

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 remained at anchor in Luanda Bay, Angola.

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. In response, the Trinidad and Tobago authorities instructed lawyers to initiate arrest proceedings against the owners of the *Solo Creed* and/or its crew. An arrest application was granted in Luanda and the tug was placed under arrest with guards onboard. However, just before the November 2024 sessions of the IOPC Funds' governing bodies, the authorities in Trinidad and Tobago were notified that the tug had escaped arrest, and it has not since been located. Despite hiring a company for satellite surveillance to track its whereabouts, the tug remains untraced.

Claims

The 1992 Fund's Focal Point Office (FPO), established in Trinidad in June 2024, has so far received 290 claims, totalling US\$30.3 million. These claims relate to clean-up operations undertaken in Tobago, and fisheries claims. Interviews with those who have submitted fishing claims were commenced in the week beginning 17 March 2025. Claims have also been received for surveillance and clean-up operations conducted in Bonaire, where oil was also found following the incident.

Oil removal from the 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. The sale was due to be concluded on 12 March 2025. Offers are also being sought for a buyer for the oil recovered from the barge.

Recent developments:

Action to be taken: 1992 Fund Executive Committee

Information to be noted.

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 reported 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 an individual, asserting ownership of the barge, is believed to be an attempt to lay a false trail away from the true owners of the barge and tug.

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 an individual based in Panama. The authorities in Trinidad and Tobago indicated that they would write to the authorities in Panama for further information. Subsequently, a new registration document was provided by the authorities in Tanzania, stating that the owner was a company located in Guyana. No such company is listed in the Guyana Commercial Registry.

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](#).

^{<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.

2.4.2 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 in a north-easterly direction, 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. It is not possible to verify this information because satellite imagery is not available for all of the days.

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

2.5 The intended destination of the tug and barge tow

2.5.1 According to a document purportedly showing a request to book a pilot for the tug *Solo Creed* and its barge tow *Culie Boy*, 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. That document has not been verified and the identity of *Culie Boy* is unknown, but it may be another name for the *Gulfstream*. The named customs agents in the document, did not respond to a request for comment. Guyana Power and Light has denied any involvement with the incident. The Trinidad and Tobago authorities are continuing their investigations. 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, authorities in Trinidad and Tobago conducted searches for the location of the *Solo Creed* tug, requesting assistance of neighbouring States and various flag States. Eventually the authorities learned that the tug *Solo Creed* had been arrested in Angola for 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 was filed in Luanda. However, in November 2024, the tug escaped from arrest and remains at large. Subsequently, the authorities in Trinidad and Tobago engaged the services of a company to provide satellite surveillance for the purposes of determining the whereabouts of the tug. As at 20 March 2025, the vessel has not been detected.

2.6.3 At present, there is a lack of any definitive information regarding the true ownership of the barge *Gulfstream* at the time of the incident, due in part to the submission of unverified documentation to the registry.

2.6.4 Details of the purported ownership of the tug at the time of the incident, based on the ship registration documents provided by the Zanzibar Maritime Authority,^{<7>} both at the time of the incident and subsequently, were provided in document IOPC/NOV24/3/14. Enquiries by the Trinidad and Tobago

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

authorities are continuing.

3 Response operations

3.1 Full details of the response operations undertaken, were provided in document IOPC/NOV24/3/14. The main issue that remains to be resolved is the management of the oily waste collected and stored in Tobago. The National Gas Company of Trinidad and Tobago, acting on behalf of the MEEI, put out a Request for Proposals (RFPs) to treat with the oily waste stored at a municipal tip at Studley Park, Tobago. The RFP closed in December 2024.

3.2 As at 20 March 2025, a Review Committee is assessing the submissions.

3.3 Oil removal from barge

3.3.1 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, to 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.

3.3.2 A total of 32 675 barrels of oil was removed and delivered to the refinery and is currently stored at Paria Fuel Trading Company Limited (Paria). That company, in their attempts to dispose of the oil, have obtained certification to assist with the sale of the oil on the international market.

3.3.3 However, it would appear that as the origin of the oil still cannot be determined, which is necessary for a legitimate sale on the international market. The authorities in Trinidad and Tobago are awaiting feedback from the refinery on how they can possibly effect sale of the oil. They are currently considering the available options and have only been offered the assistance of two neighbouring States regarding the official request for samples of heavy fuel oil from refineries in the region. Those two States have expressed willingness to send samples of oil to Trinidad and Tobago for testing purposes.

3.3.4 The authorities in Trinidad and Tobago have stated their intention to sell the recovered oil at the best available market price to an international buyer, likely through the refinery's usual marketing arrangements. Considering the oil high sulphur content, this sale aims to defray the costs incurred by the authorities and thus reduce their claim against the 1992 Fund.

3.3.5 The authorities in Trinidad and Tobago have indicated that they can apply to obtain an OFAC (Office of Foreign Assets Control) 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 nor 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 20 March 2025, 290 claims for compensation in the fisheries and clean-up sectors totalling USD 30.3 million, covering some of the clean-up operations undertaken in Tobago, and clean-up operations in Bonaire, have been submitted to the FPO. These claims are being assessed by the 1992 Fund's experts.
- 5.2 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 20 March 2025, no limitation proceedings have been commenced by the registered owner of the barge, who is yet to be identified.

7 Civil proceedings

As at 20 March 2025, 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 and that compensation payments are now being paid.
- 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 The Director also notes that the compensation regime works effectively when each of the parties involved, namely, the shipowner, insurer, State and IOPC Funds, co-operate to ensure they comply with and fulfil their obligations and responsibilities.
- 8.4 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.
- 8.5 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.
-