

***“Investigating the Effects of
Marine Pollution Incidents
involving Ships”***

海洋船舶污染事故影响调查

Questions for Discussion

问题及讨论

Part II

NCSEMC/ ITOPF Joint Seminar

Qingdao, 30th April 2009

International Framework for investigating pollution damage

污染损害调查的国际框架

International Conventions

China is a member of the '92 Fund through Hong Kong.

1.1 How committed is the country as a whole to this convention and the 'International Regime' it represents?

1.2 Are there plans to expand the '92 Fund membership for all of China?

国际公约

中国香港是《1992年国际油污赔偿基金公约议定书》的缔约成员，那么

1.1 中国作为一个国家整体应如何履行该公约以及它所代表的国际制度？

1.2 中国是否有计划作为一个国家整体加入该基金公约？

International Conventions

1.3 Will the confusion regarding applicability of '92 CLC (and potentially '92 Fund) for domestic ships be cleared up soon?

国际公约

1.3 对于《1992年国际油污损害民事责任公约议定书》（和有可能加入的《1992年国际油污赔偿基金公约议定书》）是否适用于本国船舶，如此的困惑能否很快消除？

Legal definitions

1.4 Does Chinese law have a clear definition for “pollution damage” in oil pollution cases?

1.5 How does it differ from that under the '92 Fund?

1.6 What does ‘Environmental Damage’ mean in China?

法律定义

1.4 中国的油污案件中是否有关于“污染损害”的明确的法律定义？

1.5 如果存在这样的定义，那么它与《1992年基金公约》中的定义有哪些差异？

1.6 在中国“环境损害”的意思是什么？

Practical Definitions

1.7 Just because there has been an oil spill, does that mean that there is automatically damage?

实际应用解释

1.7 是否有溢油发生就意味着有环境损害呢？

Practical Definitions

1.8 Where is the dividing line between 'environmental damages' and 'fisheries losses'?

1.9 Have there been any restoration projects carried out in China after oil spills, other than clean-up?

实际应用解释

1.8 “环境损害”和“渔业损失”之间有什么界限？

1.9 在中国发生溢油之后，除了清理油污以外，是否还有其他的修复工作？

**Good Practice in Data
Acquisition –
*Measuring change in the marine
environment with well-focused
studies***

获取数据之妙法——

集中力量研究测定海洋环境变化

Focused Studies

3.1 How should studies be designed in order to best provide for the actual end use of the results (e.g. restoration, activity bans, public health measures)?

3.2 How can we ensure that studies remain within applicable international norms / standards?

3.3 How is joint sampling and sharing of data best arranged?

集中研究

3.1 应该如何设计研究方案才能最有利于研究成果的实际应用（如环境修复、取缔损害环境的活动、维护公众健康的措施）？

3.2 如何保证研究活动在国际准则或标准的允许范围之内？

3.3 怎样最优化地安排联合采样和数据共享？

Sampling Principles & Procedures

3.4 What parameters should be measured and how?

3.5 How do we choose between baseline or control approaches?

3.6 What is the role of control samples / measurements?

3.7 How do we optimise sampling frequency in time and space?

采样原则和程序

3.4 应该测定哪些参数？如何测定？

3.5 基线和控制方法之间应如何选择？

3.6 质控样品/质控方法的作用是什么？

3.7 如何在时间和空间上使采样频率最优化？

Exogenous Factors

How could the following factors influence the results and how can we design studies to take them into account:

3.8 Longevity, fecundity and recruitment in different ecosystems?

3.9 Seasonal and other natural variability in the environment?

3.10 Man-made pressures on the marine environment: **外部因素** pollution, ecological balance, habitat change, overfishing?

以下因素如何对结果产生影响？怎样设计研究方案才能将其考虑在内？

3.8 不同生态系统的寿命、繁殖力和补充？

3.9 环境的季节性和其他自然变化？

3.10 人为活动对海洋环境造成的压力：污染，生态平衡，栖息地变化，过度捕捞

Good Practice in Data Interpretation – Finding the Optimal mix between Field Data and Modelling

获取数据之妙法——
寻找现场数据和模拟的最优化组合

Modelling in Damage Assessment

Models are used in many countries, for contingency planning, training, live spill response, and (even) damage assessment.

5.1 ITOPF has seen models in use for damage assessment purposes on Chinese cases, but what about the other uses? To what extent are models used in spill response itself (e.g. fate and behaviour, trajectory modelling)?

损害评估模拟

模型在许多国家被用于应急计划、培训、现场溢油应急反应及损害评估

5.1 在中国的案例中，模型已经被应用于损害评估，但是模型有什么其他的作用呢？模型在溢油响应本身（如：溢油归宿、行为、轨迹模拟）可以发挥多大的用处呢？

Modelling in Damage Assessment

5.2 What is in China the best available technology to model:

- Ocean currents, tides and other surface movements?
- Oil spill trajectory?
- Oil behaviour/ weathering?

损害评估模拟

5.2 在中国可以用于模拟的最好的技术是什么？

- 洋流、潮汐和其他海洋表层运动？
- 溢油轨迹？
- 石油行为/风化？

Modelling in Damage Assessment

5.3 Are different model results compared on a single case?

Can models be compared across different cases?

5.4 What practices are in place to ensure that the conclusions drawn are appropriate for the model results attained?

损害评估模拟

5.3 在一个案例中是否有不同的模拟结果可以对比？模型在不同的案例中是否有可比性？

5.4 怎样的实际操作适合于验证模拟结果？

Modelling in Damage Assessment

5.5 What are the limits to modelling, and computer simulation? What opportunities available?

损害评估模拟

5.5 建模和计算机模拟的局限性在哪里？什么情况下可以使用？

Restoration-based Damage Assessment

- 5.7 What is the basic purpose of Chinese damage assessment? Is it punitive? Is it to raise money? Is it to initiate appropriate levels of restoration?
- 5.8 The International Regime under the Fund and CLC conventions requires that all damage for which claims are made be real and really observed. To what extent is this principle present in Chinese domestic legislation?

基于环境修复的损害评估

- 5.7 中国进行损害评估的基本目的是什么？是为了处罚吗？还是为了赔款？或者是为了使环境恢复到适当的水平？
- 5.8 《1992年国际油污损害民事责任公约议定书》和《1992年国际油污赔偿基金公约议定书》所代表的国际制度要求所有的损害索赔必须真实可见。在中国立法中这一原则能体现到什么程度？

Restoration-based Damage Assessment

5.9 How can pathway identification be made more standard in Chinese damage assessment? (i.e. How to ensure a separation between cause and effect?)

5.10 What role should/ can modelling play in restoration-based damage assessment under the International Regime?

基于环境修复的损害评估

5.9 中国的损害评估途径认证如何做到更加标准？（例如：如何确保因果分离？）

5.10 国际制度下模拟在基于环境修复的损害评估中起什么作用？