

Send Submission

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Subject: No response to requests for information submitted to the Maritime Authority of Panama.

Message:

Request No. 1: On 1 July 2020, we were informed via telephone call and later found out from media reports, that an oil spill had happened at the installations of the port located in Rodman. The caller stated that he/she did not see any vessels or personnel attending to the oil spill, which had taken place several hours earlier, which allowed the pollution caused by the hydrocarbons to advance all the way to the Bridge of the Americas and adjacent mangroves.

Consequently, as a civil society organization that is vigilant of the protection of coastal marine ecosystems, we decided to investigate this event, and sent a letter on 25 August 2020 in which we requested information about this incident from the AMP.

Request No. 2: On 8 June 2021, fishermen reported on social media that pollution in the form of a fuel spill was present near Taboga Island.

Media outlets covered this incident extensively. Fishermen and residents stated in interviews that pollution due to hydrocarbons is a recurring situation in Taboga. This affects tourism, the fishermen, and biodiversity. On 12 July 2021 we proceeded, via a letter, to request information from the AMP regarding this new incident and its handling.

We reiterated in this note the request for information pertaining to the communication dated 25 August 2020.

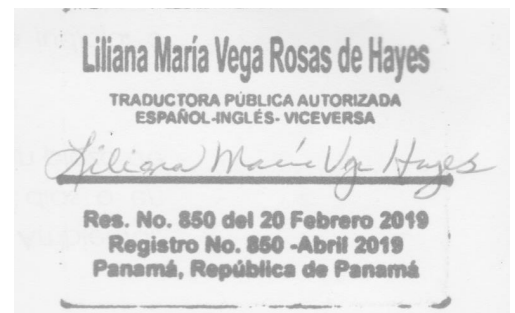
As of the date of this submission, the AMP has not replied to any of our written requests. The information requested is not of a classified or confidential nature according to the Transparency Law, Law No. 6 of January 2002, in its Articles 13 and 14.

Regulations considered to have been breached or not enforced, if known

Possible breach of Decree Law 7 of 1998 which creates the Maritime Authority of Panama, Article 4, paragraphs 11 and 12.

Possible breach of the Single Text of the General Law of the Environment, Law 41 of 1998, Articles 101, 104 and 105.

Possible breach of Law 125 of 2020, which approves the Regional Agreement on Access to information, public participation, and access to justice in environmental matters in Latin America and the Caribbean, adopted in Escazú, Costa Rica, Article 5.



Possible breach of the Transparency Law, Law No. 6 of January 2002, Article 2

Possible breach of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, adopted in London, 17 February 1973, and its amendments, of which the Republic of Panama is a signatory, ratified in Law 1 of 25 October 1983, Article 1.

Possible breach of the United Nations Convention on the Law of the Sea of 1982, Law 38 of 4 June 1996, Article 194.

Evidence Submitted

☒ **Documents** ☐ **Photos** ☐ **Statements** ☒ **News** ☒ **Other**

Documents:

For request No. 1:

A copy of the letter dated and delivered on 25 August 2020 to the Administrator of the Maritime Authority of Panama, from the Fundación para la Protección del Mar [Foundation for the Protection of the Sea] PRO-MAR, with a stamped seal acknowledging its receipt.

Copies of the following news reports pertaining to the incident in question:

<https://ensegundos.com.pa/2020/07/01/derrame-de-combustible-en-el-puerto-de-rodman-podria-afectar-hasta-taboga/>

<https://ensegundos.com.pa/2020/07/03/amp-investiga-derrame-de-combustible-en-puerto-psa-se-impondra-sanciones/>

<https://www.laestrella.com.pa/nacional/200701/derrame-combustible-entrada-canal>

<https://www.loqueseoculta.informe25.com/2020/07/panama-derrame-petrolero-genero-grave.html>

<https://elcapitalfinanciero.com/barcaza-sea-lion-protagoniza-derrame-de-combustible-en-las-aguas-de-patsa/>

Video:

<https://www.facebook.com/Sitravaap/videos/derrame-de-combustible-en-psa-international-terminal/752211662182922/>

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For request No. 2:

A copy of the letter dated and delivered on 12 July 2021 to the Administrator of the Maritime Authority of Panama, from the Fundación para la Protección del Mar PRO-MAR, with a stamped seal acknowledging its receipt.

Copies of the following news reports pertaining to the incident in question:



<https://www.laestrella.com.pa/nacional/210612/contaminacion-taboga-desgracia-danos-irreparables>

<https://www.laestrella.com.pa/nacional/210618/contaminacion-taboga-derrame-combustible>

<https://amp.gob.pa/notas-de-prensa/inicia-investigacion-para-encontrar-a-los-responsables-de-contaminacion-en-taboga/>

<https://www.france24.com/es/minuto-a-minuto/20210612-mancha-oleosa-invade-las-costas-de-isla-taboga-en-panam%C3%A1>

<https://www.metrolibre.com/econom%C3%ADa/207485-a%C3%BAn-no-es-identificado-el-responsable-de-la-contaminaci%C3%B3n-ambiental-en-isla-taboga.html>

Video:

<https://cnnespanol.cnn.com/video/derrame-ecologico-aguas-isla-taboga-panama-perdida-economica-pkg-elizabeth-gonzalez/>

<https://www.youtube.com/watch?v=0EEsM52EDXo>

https://www.instagram.com/reel/CR_ym_In-iH/?utm_medium=copy_link

Other News Reports related to the contract for clean-up services for pollution in maritime waters:

<https://elcapitalfinanciero.com/comenzo-la-cuenta-regresiva-en-el-contrato-entre-el-estado-y-opc/>

<https://www.pressreader.com/panama/panama-america/20180305/281517931624252>

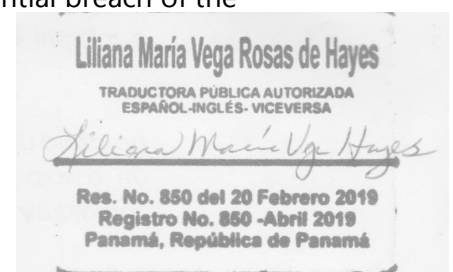
<https://www.prensa.com/imprensa/panorama/amp-otorga-concesion-a-ocean-pollution-para-operar-terminal-maritima-en-colon/>

SUBMISSION

Secretariat for the Enforcement of Environmental Legislation, Trade Promotion Agreement, United States-Panama

Messrs., SALA TPA US-PANAMA:

The undersigned, Ricardo Wong Domínguez, male, Panamanian, of legal age, holder of personal identity document number 8-237-2101, acting as president and legal representative of Fundación para la Protección del Mar PRO-MAR, a foundation registered on page number 8133, record 2122, on 17 March 1992, whose mission is to protect and conserve the coastal marine environment in the Republic of Panama; residing in the city of Panama, corregimiento of Betania, Camino Real street, House #907, which is the place where I receive personal and legal notifications; contact information phone numbers 261-9251 and 66739251, and at the electronic mail addresses ricardowd@hotmail.com and fundación_promar@yahoo.com, I hereby file a SUBMISSION in accordance with the provisions of Chapter 17 of the United States-Panama Trade Promotion Agreement, article 17.8, for the potential breach of the



Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, adopted in London, 17 February 1973, and its amendments, an agreement covered in Attachment 17.2 of said treaty; and due to the possible breach of Panamanian environmental legislation pertaining to Decree Law 7 of 1998 Article 4, paragraphs 11 and 12; the possible breach of the Single Text of the General Law of the Environment, Law 41 of 1998, Articles 101, 104 and 105; the possible breach of Law 125 of 2020, Article 5; the possible breach of the Transparency Law, Law No. 6 of January 2002, Article 2, and the possible breach of the United Nations Convention on the Law of the Sea, 1982, Law 38 of 4 June 1996, Article 194.

I. FACTS

FIRST: That on 1 July 2020 we were informed via telephone call and by the news media that a fuel spill had taken place at the port installations in Rodman. The notifying party said that he/she did not see any vessels or personnel attending to the spill, and that the latter had happened several hours earlier, which allowed the pollution from hydrocarbons to advance to the Bridge of the Americas and adjacent mangroves.

SECOND: That on 8 June 2021 we received reports from fishermen and residents of Taboga Island of pollution from hydrocarbons. In interviews conducted by media outlets with residents of Taboga, they stated that this situation of pollution from hydrocarbons is recurrent, and that there is no contingency plan.

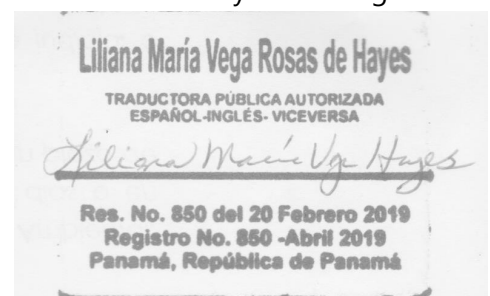
THIRD: That the Fundación para la Protección del Mar PRO-MAR has been conducting beach cleanup activities for 30 years at the national level, and is recognized as a non-governmental organization (NGO) whose mission is the protection and conservation of the marine coastal environment in the Republic of Panama.

FOURTH: That PRO-MAR has carried out educational work during all these years throughout the country. We receive questions and reports of all sorts from citizens related to marine and coastal ecosystems; and as an NGO belonging to the environmental sector, we participate in consultations, workshops, events, and training programs.

FIFTH: That PRO-MAR wrote letters to the AMP to request information about the 1 July 2020 spill, and filed another request for information about the 8 June 2021 spill.

SIXTH: That the contract for maritime pollution cleanup services signed between the Maritime Authority of Panama (AMP) and Ocean Pollution Control (OPC) expired in December 2017, after being in effect for 20 years. It was later extended for one year, and to date it is unknown whether there is any contract at all.

SEVENTH: That it is the obligation of the state to prevent and control spills of hydrocarbons and other chemical substances, and any other disasters or accidents which may take place in maritime spaces; and in the case of an emergency due to a pollution spill, the State, through the AMP is responsible and has the duty of solving any emergency.



EIGHTH: That regarding the incident on 1 July 2020, the response to the spill was not immediate and took several hours, according to the citizens who reported the incident. That as a port area along the south entrance to the canal, adjacent to canal waters, there must be an immediate response plan against pollution.

NINTH: That regarding the 8 June 2021 incident, the images captured on video and in photographs by media outlets show that workers were not wearing personal protection equipment, nor did they have proper pollution control equipment. That these are recurrent incidents and to date, there is no evidence of a contingency plan for spills, according to the statements made by fishermen, residents, and local authorities to media outlets.

TENTH: That Taboga Island is located close to the mooring areas at the south entrance to the Panama Canal, and that fuel distribution centers have been established in Taboguilla Island and Melones Island to service the approximately 13,000 vessels transiting through the Panama Canal, which increases the probability of spills in the area.

ELEVENTH: That traditional anglers who depend on fishing resources found in the waters surrounding said island and others in the area reside in Taboga. Therefore, it is essential to keep these waters free from pollution; otherwise, there could also be impacts on marine life, and on the sources of income for Panamanian families that depend on said resources.

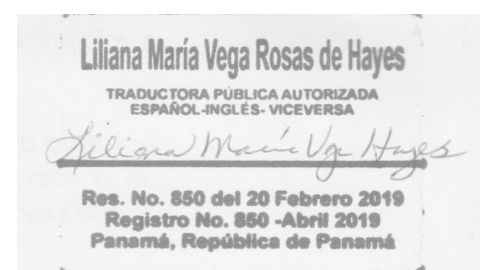
TWELFTH: That after the cancellation of the contract for pollution cleanup services in maritime waters between the AMP and OPC, there is no known investment in boats, equipment, training, or new personnel by the AMP with its own resources, to handle these incidents; nor is there a new contract or agreement with the companies that can provide an immediate response to hydrocarbons pollution.

THIRTEENTH: That PRO-MAR is interested in helping to prevent pollution from hydrocarbons in the marine environment. We require official information about the procedures for handling spills and on the capacity available to attend to them and others. This information was requested in the letters that were issued, for the purpose of collaborating on the solution from organized civil society, and thus preserve the marine environment.

FOURTEENTH: That as of the date of this submission, the AMP has not issued a response to the two letters sent by PRO-MAR.

II. EVIDENCE

- a. Copy of the letter from Fundación para la Protección del Mar PRO-MAR dated and delivered on 25 August 2020 to the Administrator of the Maritime Authority of Panama, with a stamp acknowledging its receipt.
- b. Copies of news reports pertaining to the incident:



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c. Video:

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Panama, 20 August 2021.

Ricardo Wong D.

Ricardo Wong D.
President and Legal Representative
Fundación para la Protección del Mar PRO-MAR
Personal identity document number 8-237-2101

