

UK P&I CLUB



LP Bulletin

Friday 25th February 2011

Bulletin 745 - 02/11 - Environmental issues - Dominican Republic

It has come to the attention of the Club that the Maritime authorities of the Dominican Republic are paying particular attention to the navigation in and around the off shore National Parks and Protected Areas of the Dominican Republic.

Recently there have been a number of cases, the latest being in the first weekend of February 2011 where an incident of intrusion by a vessel into a protected offshore area, this time the Marine Mammals Sanctuary in the area of the Samana Peninsular off the north east coast of the Dominican Republic, which has resulted in the vessel's owners and their local agents of a fully loaded MR tanker being sanctioned by the Dominican Ministry of the Environment and Natural Resources with an administrative fine of RD\$10,000,000 being roughly equivalent to US\$265,000 for anchoring within a restricted area. The fine, being approximately 60% of the maximum scale was imposed despite the vessel seeking refuge to undertake repairs, being in distress following a breakdown of the main engine and auxiliaries on the high seas.

Dominican laws for the protection of the environment nos. 64-00 and 202-04 empower the Ministry of the Environment and Natural Resources (MIMARENA) and the Office of the Prosecutor General for the Defence of the Environment respectively, to impose fines ranging between the equivalent of one-half to three thousand minimum monthly salaries in the case of the Ministry and from one to ten thousand minimum monthly salaries in respect of the Prosecutor General for infringements of said laws. The civil processes and sanctions of the Ministry and the penal processes of the Prosecutor General are defined by law no. 202-04 as being totally independent and unrelated to each other, so technically the same violation can lead to separate actions up to a maximum aggregate of the equivalent of 13,000 minimum monthly salaries imposed on the owners and Master collectively or individually.

The frequency of such cases in recent years is due to some extent, to the fact that despite these restricted areas being clearly defined in Dominican law and particularly in law 202-04 where exact coordinates of the areas are detailed by latitude and longitude and/or UTM, they are not marked on the relevant navigational charts as areas of restricted or prohibited navigation, and in some cases are still marked on said charts and recommended in the pilot book as designated anchorages from a time before the demarcation of the national parks and protected areas. Particular reference is made to this aspect in our previous notifications and despite our applications to the maritime authorities of the Dominican Republic said publications have not been amended nor have appropriate notifications to mariners been issued.

We are now taking up this issue again with the Dominican authorities and in the meantime would strongly recommend that a warning is issued to Club Members trading in the region to inform themselves and the Masters of their vessels of the referred areas of restricted navigation and/or prohibited entry and the implications of violation of the Dominican laws for the protection of the environment.

The full text versions in the Spanish language of both laws no. 64-00 and 202-04, can be found at the following Internet addresses:

1. www.disaster-info.net/PED-Sudamerica/leyes/leyes/mexicocaribe/dominicana/medamb/ley64.pdf
2. www.ambiente.gob.do/cms/archivos/legislacion/ley202-04.pdf

Source of Information: SCHAD Expertise
mail.expertise@fschad.com