

SOUTH ASIAN SEAS PROGRAMME

Agenda Item 5 (c)

PROGRAMME AREA: Oil Spill Contingency Planning

OBJECTIVE:

Setting up of a Regional Activity Centre within SAS for Implementation of a Regional Oil Contingency Plan and also for the Port Reception Facility under MARPOL

BACKGROUND

The Regional Seas Programme was initiated by UNEP in 1974. Since then the Governing Council of UNEP has repeatedly endorsed a regional approach to the control of marine pollution and the management of marine and coastal resources and has requested the development of regional action plans.

Following the report of a mission to the coastal States by a consultant appointed by UNEP the South Asia Seas region was established by UNEP in 1983 (Governing Council Decision 11/7). It includes the marine and coastal areas of Bangladesh, India, Maldives, Pakistan and Sri Lanka. The region was included in the Regional Seas Programme in close collaboration with the South Asia Co-operative Environment Programme (SACEP) and governments in the region.

South Asia not only imports much of its own consumption of oil but India, Maldives, Pakistan and Sri Lanka lie close to the main shipping route from the Middle East to the Far East. A total of some 525 million tonnes a year of crude oil pass through the region – about 25% of total world movement of crude oil by sea. Additional maritime oil spill risks arise from non-tanker shipping, carriage of refined products, offshore exploration and production operations, and the transfer of oil cargoes at sea.

Although there is some capacity within the Region to respond to oil spills in harbour and at sea, and the five countries continue to develop or enlarge their capabilities, the response to a major spill at sea would probably require the co-operation of the other States in the Region, or assistance from further a field. A Regional Plan is an important first step towards supplementing individual States' response capabilities.

The International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC) facilitates international co-operation and mutual assistance in preparing for and responding to a major oil pollution incident and encourages States to develop and maintain an adequate capability to deal with oil pollution emergencies. The basic obligation of this convention is for parties to establish a national system for responding promptly and effectively to oil pollution incidents which have, as a basic minimum, a national oil spill contingency plan, designated national authorities and operational focal points responsible for oil pollution preparedness and response, reporting and handling requests for assistance. In order to facilitate the operational aspects of oil spill monitoring and response, the OPRC Convention encourages parties to conclude bilateral or multilateral agreements for oil pollution preparedness and response.

Bangladesh, India and Pakistan are the only countries in the region to have ratified the OPRC 1990 Convention.

The position on the Conventions is summarised in the following table

	Bangladesh	India	Maldives	Pakistan	Sri Lanka
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	Bangladesh	India	Maldives	Pakistan	Sri Lanka
MARPOL 73/78 ANNEX I/II	18.3.03	24.12.86	20.8.05	22.2.95	24.9.97
INTERVENTION 69	4.2.82	14.9.00		13.4.95	11.7.83
INTERVENTION PROT 73				13.4.95	
CLC 69		30.7.87	14.6.81		11.7.83
CLC PROT 92		15.11.00	20.5.06	2.3.06	22.1.00
FUND 71		8.10.90	14.6.81		11.7.83
FUND PROT 92		21.6.01	20.5.06		22.1.00
SALVAGE 89		18.10.96			
OPRC 90	23.10.04	17.2.98		13.5.95	
OPRC HNS PROT 2000					
HNS 96					
Limitation of Liability for Maritime Claims (LLMC) 76		1.12.02			
LLMC PROT 96					
BWM 2004			22.6.05		

In order to assist the countries to ratify and implement the OPRC 90 Convention, UNEP in 1995 adopted the project **“Development and Implementation of National and Regional Oil Spill Contingency Planning”** as one of the six priority projects in its South Asia Regional Seas Action Plan. Prior to the adoption of this Action Plan, a UNEP/UNDP/IMO mission conducted in 1989 & compiled a Draft South Asian Marine Pollution Emergency Action Plan.

The purpose of the South Asian Regional Oil Spill Contingency Plan is to establish a mechanism for mutual assistance, under which the competent national Authorities of Bangladesh, India, Maldives, Pakistan and Sri Lanka will co-operate in order to co-ordinate and integrate their response to marine pollution incidents either affecting or likely to affect the territorial sea, coasts and related interests of one or more of these countries, or to incidents surpassing the available response capacity of each of these countries alone.

The general objective of the Plan is to organise a prompt and effective response to oil spills affecting or likely to affect the area of responsibility of one or more of the countries concerned and to facilitate their co-operation in the field of oil and chemical pollution preparedness and response.

For this purpose the following specific objectives are defined to:

- a) define areas of responsibility of the parties to the Plan;
- b) determine the extent of co-operation for the implementation of the Plan between the responsible authorities, at the operational level;

- c) specify the type of assistance which might be provided and the conditions under which it will be provided;
- d) divide the responsibilities and to provide for the transfer of responsibility from one State to another;
- e) establish the principles of command and liaison, and to define the corresponding structures;
- f) determine in advance the financial conditions and administrative modalities related to co-operative actions in case of emergency.

In order to achieve these objectives, the following actions referred to in the OPRC Convention are needed to implement the Regional Contingency Plan:

- a) developing national preparedness measures including an appropriate organisation and effective systems for detecting and reporting pollution incidents affecting or likely to affect the area of responsibility of the Parties;
- b) promoting and implementing regional co-operation in oil and chemical pollution contingency Planning, prevention, control and clean-up operations;
- c) establishing a minimum level of pre-positioned response equipment to restrict spreading and to minimise the hazard posed by oil and chemical spills;
- d) developing and implementing a programme of training courses and practical exercises for different levels of personnel involved in oil pollution prevention and combating;
- e) developing procedures to increase regional co-operation.

The Scope and Geographical Coverage of the Plan is intended to be a regional agreement between the following countries: Bangladesh, India, Maldives, Pakistan and Sri Lanka.

It applies to the waters which are under the jurisdiction of the parties for pollution purposes, including the Exclusive Economic Zone (EEZ) or pollution zone, the territorial sea and internal waters. (The response to pollution in inland waterways which cross international boundaries would be a matter for bilateral arrangement between the riparian States.)

The Plan identifies the responsible authorities in each country, prescribes a co-ordinated response structure and establishes a method of operation for a joint response to an incident.

The Plan applies to marine spills of oil and hazardous substances which cause or could cause damage to the environment in countries neighbouring the source of the incident. It may also apply when only one country is affected but the magnitude is such that the incident requires assistance from another country.

The rationale for developing this project was that a draft South Asian Marine Pollution Emergency Action Plan was prepared by the IMO in 1989 based on inputs received from member countries. The plan reflected essentially the threats of oil pollution in the South Asian Seas Region based on information and statistics made available during 1989. The Marine Pollution Emergency Action Plan was not finalised, and it was recognised that there was an urgent need to develop a new regional oil spill contingency plan for the region.

As a first step in developing a South Asian Regional Contingency Plan, an IMO consultant undertook a mission to the region in November 1999 to assess the current status of preparedness and response in the region and to prepare a Draft Regional Oil and Chemical Pollution Contingency Plan for South Asia as well

as an overview report on oil spill preparedness in the five countries. A Meeting of Senior Officials was held in Colombo, Sri Lanka from 14 to 16 December 1999 to consider the Draft South Asian Oil Spill Contingency Plan. Representatives from the five countries Bangladesh, India, Maldives, Pakistan and Sri Lanka attended the meeting. The meeting discussed, commented and amended the draft Regional Contingency Plan. It was subsequently circulated to the five countries for further consideration and comments which were requested to be submitted to the SACEP Secretariat.

The Meeting of Senior Officials also prepared a preliminary draft of a Memorandum of Understanding aiming at establishing the basis for regional co-operation on preparedness and response to accidental marine pollution in the South Asian Region. The preliminary draft of the MOU has also been circulated to the countries for comments.

Pursuant to the decision of the meeting of Senior Officials held in Colombo from 14 to 16 December 1999, IMO jointly with the SACEP Secretariat convened and organised with the financing support of UNEP a High Level meeting to approve the draft Regional Contingency Plan and the draft Memorandum of Understanding for Co-operation on the response to marine oil and chemical spills in the South Asian Region. The High Level Meeting took place in Colombo, Sri Lanka from 4 to 6 December 2000. Its main objective was to finalise the Draft Regional Contingency plan and the Draft Memorandum of Understanding with a view to the South Asian countries representatives approving them at the meeting, prior to their final acceptance and signature by the South Asian Governments at a later date at the 2nd Intergovernmental Ministerial Meeting of the South Asian Seas Programme.

PRESENT STATUS

- a) Initially 4 member states, namely Bangladesh, India, Maldives and Sri Lanka agreed to the signing of the MOU with respect to the implementation of Regional Oil Spill Contingency Plan for South Asia
- b) Subsequently Government of Pakistan too agreed to the signing of the MOU subject to certain amendments
- c) These amendments were made available to the other 4 member state seeking their agreement to these amendments.
- d) The Governments of Bangladesh , Maldives & Sri Lanka have informed that they have no objections to these amendments and the Secretariat is currently awaiting the response from the Governments of India.
- e) Following the concurrence of the Government of India, the Secretariat is proposing the following:
 - i) The Convening of a Plenipotentiaries Meeting for the formal signing of the MOU, prior to which there should be a Meeting of Senior Officials to update the current Regional Oil Spill Contingency Plan. Funding and technical assistance from the International Maritime Organisation has been requested for.
 - ii) The meeting of Senior Officials will also decide initially on a two year work plan to operationalise Contingency Plan

The suggested venue be Sri Lanka and proposed budget is around US \$ 30,000. It is envisaged that IMO will offer technical and partial funding, with the Sri Lanka Government giving the necessary Host Country logistical and financial support.

LONG TERM OBJECTIVE **Setting up of a Regional Activity Centre (RAC) for Oil Spill Contingency Plan**

THE PROPOSED RAC

In order to implement the main objectives of the Regional Contingency Plan within the wider context of South Asia Seas Action Plan there is an urgent need to establish a Regional Activity Centre that would co-ordinate the regional activities in the field of Oil Spill preparedness and Response.

The **main responsibility** of the proposed RAC would entail the planning and assistance in management of contingencies for large oil spills based on national, regional and international cooperation as spelled out in the OPRC Convention. This RAC would thus come under the umbrella of UNEP/SACEP and IMO with links to the relevant Ministries in each participating country.

The overall functions of that Oil Spill Preparedness and Response RAC still to be defined should include:

- Maintenance of an information database;
- Establishment of regional marine emergency contingency plans;
- Supervision and encouragement of the establishment and the running of reception facilities;
- Coordination of the control of ships visiting ports for MARPOL compliance;
- Training and Capacity building programmes;
- Establishment of Reporting and Communication systems;
- Preparation of inventories;
- Liaison with regional and international organisations; and
- Additional functions as found necessary to assist Parties in initiating operations to prevent and combat pollution on national and regional levels and in accordance with National and Regional Oil Spill Contingency Plans

For practical, technical, economical and legal reasons, it is considered advisable that the proposed RAC should not embark upon direct involvement with actual on scene oil spill combating efforts, the running of reception facilities or facilities to store oil spill combating response equipment. These activities should be left with national authorities. In the cases of emergencies an affected country (or countries) should be designated as the lead country (ies) and may call upon assistance from the neighbouring countries, according to the provisions the Regional Contingency Plan and under the OPRC Convention.