DRAFT
REGIONAL OIL AND CHEMICAL MARINE POLLUTION CONTINGENCY PLAN FOR SOUTH ASIA

(As approved by the High Level Meeting
held in Colombo, Sri Lanka, 4 to 6 December 2000)

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1. INTRODUCTION

1.1 Background

1.1.1 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.

1.1.2 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 Asian Co-operative Environmental Programme (SACEP) and governments in the region.

1.1.3 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.

1.1.4 India and Pakistan are the only countries in the region to have ratified the OPRC 1990 Convention. In order to assist the countries to ratify and implement this 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 South Asian Marine Pollution Emergency Action Plan which has not been up-dated since.

1.1.5 The South Asia Co-operative Environment Programme (SACEP) and the IMO have now undertaken a jointly funded project to assist the region in developing a South Asian Regional Oil Spill Contingency Plan. A draft regional oil spill contingency plan and other background documents were reviewed by a meeting of senior officials held in Colombo Sri Lanka 14th to 16th December 1999. The final Plan was then submitted to a "High Level Meeting" which approved it on the 6th December 2000 prior to its formal acceptance by the Government of Bangladesh, India, Maldives, Pakistan and Sri Lanka

Maritime Oil Traffic

1.1.6 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 into or through the Region – about 25 per cent 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.

Existing Response Capability in the Region

1.1.7 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 afield. A Regional Plan is an important first step towards supplementing individual States' response capabilities.

1.2 Purpose and Objectives

1.2.1 The purpose of this 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.

1.2.2 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.

1.2.3 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.

1.2.4 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.

1.2.5 The Parties agree that response operations in case of a marine pollution incident which occurs within the area of responsibility of one of the Parties will be conducted in accordance with provisions of the National Contingency Plan of the Party concerned.

1.3 Scope and Geographical Coverage

1.3.1 This Plan is intended to be a regional agreement between the following countries: Bangladesh, India, Maldives, Pakistan and Sri Lanka.

1.3.2 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.)

1.3.3 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.

1.3.4 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.

1.4 Definitions, Acronyms and Abbreviations

For the purpose of this plan:

1.4.1 ***Oil*** means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.

1.4.2 ***Harmful substance*** means any substance including oil, the escape or discharge of which is liable to create a hazard to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea and adjacent coastal areas.

1.4.3 ***Pollutant*** has the same meaning as harmful substance.

1.4.4 ***Maritime casualty*** means a collision of ships, stranding or incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo.

1.4.5 ***Pollution incident*** means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil or other harmful substance and which poses or may pose a threat to marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.

1.4.6 ***Related interests*** means the interests of a coastal State directly affected or threatened, and included among other things:

a) activities in coastal waters, in ports and estuaries, including fishing activities;

b) the historical and tourist appeal of the area in question, including water sports and recreation;

c) the health of the coastal population; and

d) the preservation of living resources.

1.4.7 The ***Plan*** means the Regional Oil and Chemical Marine Pollution Contingency Plan for the countries of South Asia.

1.4.8 ***Parties*** refers to the following countries or States: Bangladesh, India, Maldives, Pakistan and Sri Lanka.

1.4.9 ***Area of responsibility*** means the coasts, internal waters, territorial waters and EEZ of Bangladesh, India, Maldives, Pakistan and Sri Lanka, as established in accordance with international law.

1.4.10 ***Lead country*** means the Party in whose area of responsibility a maritime casualty has occurred and which has activated the Plan or asked for assistance within the framework of the Plan, or the Party to whom the lead role has been transferred. Lead Country exercises the Operational Command of the Joint Response Operations and designates the Supreme On-Scene Commander (SOSC).

1.4.11 ***Lead Authority*** means the Operational Authority of the Lead Country.

1.4.12 ***Government authority*** means the designated competent government department having the political and governmental responsibility for dealing with accidental marine pollution.

1.4.13 ***Operational Authority*** means the designated competent government department having the operational responsibility for dealing with accidental marine pollution.

1.4.14 ***Joint Response Operations (JROs)*** means counter pollution operations involving two or more of the Parties, including strike teams, equipment and other resources (aircraft, vessels) rendered as assistance by other Parties as well as national resources of the Lead Party.

1.4.15 ***Operational Command*** means overall co-ordination and control. It is exerted by the Operational Authority of the Lead Country, through the ***Supreme On-Scene Commander (SOSC)***.

1.4.16 ***Operational Control*** means direct control over personnel, means and units taking part in the response operations, including giving orders and supplying information necessary for execution of response operations. It is exerted by ***National On-Scene Commanders (NOSC)*** of the Parties taking part in the operations or officers delegated by them.

1.4.17 ***Tactical Command*** means directing and supervising the execution of specific tasks by teams or units on the scene of operations. It is exerted by the leaders of such teams or commanders of units.

1.4.18 ***Supreme On-Scene Commander (SOSC)*** means a designated officer of the Lead Country, having the overall operational command of all Joint Response Operations undertaken within the framework of the Plan.

1.4.19 ***National On-Scene Commander (NOSC)*** means an officer, designated by the Operational Authority, having operational control of all national pollution response resources which might, if so requested, participate in Joint Response Operations. (Note: NOSC is preferably, but not necessarily, the same officer who performs the duty of On-Scene Commander under the National Contingency Plan.)

1.4.20 ***Liaison Officer*** means an officer from the Party participating in the Joint Response Operations, who is integrated in the staff of the SOSC, with a view to providing necessary information on national resources rendered as assistance to the Lead Country and facilitating communications with his/her respective NOSC.

1.4.21 ***Public Relations Officer*** means an officer in charge of informing the public on the course of events and advising the SOSC on public reaction.

1.4.22 ***Emergency Response Centre (ERC)*** means an office, manned 24 hours a day and equipped with appropriate communications equipment, which has been set up, for the purpose of the Plan, by each Party and which will serve as the Operations Room of NOSC or SOSC respectively, whenever the Plan is activated.

1.4.23 ***Joint Emergency Response Centre (JERC)*** means the Response Emergency Centre of the Lead Country.

1.4.24 ***Strike team*** means a group of personnel, sent as assistance from one Party to another in order to take part as an independent unit in response operations. It may include personnel on board vessels, aircraft or other self-contained units or personnel assisting in shore clean-up operations.

1.4.25 ***Operations at sea*** means any measures, including intervention on the source of pollution, aerial monitoring, containment of the pollutant, recovery of the pollutant, application of treatment agents from vessels and aircraft, or any other action taken at open sea (off shore) in order to respond to a pollution incident, restrict the spreading and facilitate the removal of the pollutant and mitigate the consequences of the incident.

1.4.26 ***Operations on shore (shore clean-up operations)*** means any action taken on shore or at sea immediately adjacent to it, in order to recover, remove or destroy the pollutant and reduce its impact or effects.

1.4.27 ***Pollution Report (POLREP)*** means the report by which one party, usually the Lead Country, informs other relevant parties of the situation.

1.4.28 The following are the main Abbreviations used in this document:

- ERC Emergency Response Centre
- IMO International Maritime Organisation
- IOPC FUND International Oil Pollution Compensation Fund
- JERC Joint Emergency Response Centre
- NCP National Contingency Plan
- NOSC National On-Scene Commander
- OPRC International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- POLREP Pollution Report
- RCP Regional Contingency Plan
- SACEP South Asia Co-operative Environment Programme
- SASP South Asia Sease Programme
- SITREP Situation Report
- SOSC Supreme On-Scene Commander
- UTC Universal Time-Co-ordinated
- VHF Very High Frequency

2 POLICY AND RESPONSIBILITY

2.1 Exchange of information

2.1.1 Parties shall keep each other correctly informed at all times on:

a) Competent National Authorities, responsible at government level for the implementation of the Plan and on responsible officers within these Authorities (**Annex 1**);

b) National Operational Authorities, responsible at the operational level for the implementation of the Plan and for exercising Operational Command in case of Joint Response Operations, and on responsible officers within these Authorities (**Annex 1**);

c) national Contact Points responsible for receiving reports of pollution incidents (**Annex 1**);

d) designated national Emergency Response Centres (**Annex 1**);

e) designated National On-Scene Commanders (**Annex 1**);

f) designated competent Customs Officers (**Annex 1**);

g) at least those parts of their respective National Contingency Plan which might be relevant in case of conducting Joint Response Operations cf. para. 3.7 (**Annex 2**);

h) inventories of pollution response equipment and products, as well as other means (such as , for example, vessels and aircraft) available in each country for use in Joint Response Operations (**Annex 3**);

i) directories of experts, trained personnel and strike teams designated by each Party to take part in Joint Response Operations (**Annex 3**).

2.1.2 Information listed above shall be attached to the Plan in **Annexes 1, 2** and **3**

2.1.3 Parties shall inform each other through the Secretariat of any changes in the information listed above as soon as these occur, using routine communication channels and supplying relevant changes to the applicable annexes.

2.1.4 Each Operational Authority is responsible for the accuracy of information pertaining to its Party.

2.1.5 Each Operational Authority shall acknowledge receipt of any changes or modifications regarding the above information and is responsible for updating its copies of the Plan accordingly.

2.1.6 English language shall be used in all communications related to the Plan.

2.2 Designation of National Authorities and points of contact

2.2.1 National Authorities and points of contact shall be designated and updated in **Annex 1**.

2.3 Meetings of National Operational Authorities responsible for the implementation of the Plan

2.3.1 The Operational Authorities, defined in para. 2.2, shall meet regularly, and as a minimum once a year, in order to discuss questions related to the implementation of the Plan, response to actual incidents, organisation of training courses and exercises and other relevant matters.

2.3.2 Regular meetings shall be hosted by each Party successively, following alphabetical order or as otherwise agreed.

2.3.3 The Operational Authority of the host Party shall, in co-operation with the Operational Authorities of the other Parties, prepare the agenda and issue a final report of such annual meeting, or as otherwise agreed.

2.3.4 Secretarial services "Secretariat" will be provided by the Secretariat for the South Asian Seas Programme based in the SACEP Secretariat.

2.4 Joint training and exercises

2.4.1 The Parties shall conduct periodically (preferably once a year) joint training courses and joint exercises. The main objectives of these training courses and exercises shall be to:

a) improve the level of co-operation and co-ordination among operational personnel and in particular strike teams of different Parties;

b) test the command structure of the Plan;

c) test communications between the Parties, including procedures for activating the plan and calling for assistance;

d) test the logistic arrangements and facilitation procedures for joint operations, and to rehearse the procedures for operations by foreign aircraft and ships in national airspace or waters;

e) exercise key officials in the roles they would play in joint operations;

f) achieve satisfactory level of communication among personnel and, in particular, strike teams designated to take part in Joint Response Operations;

g) acquire knowledge in handling equipment, products and other means which might be used in Joint Response Operations; and,

h) enable the personnel from different Parties to gain experience in working together.

2.4.2 The Parties shall successively host such training courses and exercises. The host country shall organise the training course or exercise and provide necessary logistic support; however, the expenses for the participants and means deployed in joint exercises shall be borne by their respective Parties. Scheduling programmes, duration and other relevant details concerning such training and exercises shall be decided at regular annual meetings of the Parties. The Parties may seek assistance from IMO or other sources in the planning and conduct of joint training and exercises.

2.4.3 The Parties may also agree to combine joint training and exercises.

2.5 Revision and Amendment of the Plan

2.5.1 Policy and relations between the Parties

a) If the need arises for changes in the statutory provisions of the Plan concerning, in particular, policy and relations between the Parties, Government Authorities of the Party proposing such changes shall request an Extraordinary Meeting of the Parties. The Extraordinary Meeting might be combined with the regular annual meeting referred to in para. 2.3.

b) Any Party proposing the revision of or amendment to the Plan shall circulate to the other Parties the draft proposal at least six months before the Extraordinary or regular annual meeting of the Parties.

c) All changes concerning the policy and relations between the Parties shall be made by agreement of the competent National Government and Operational Authorities of the Parties.

3 RESPONSE ELEMENTS AND PLANNING

3.1 Assumption of lead role

3.1.1 The lead role in the implementation of the Plan shall be assumed by the Operational Authority of the Party whose area of responsibility has been affected or is likely to be affected by a pollution incident and who has activated the Plan.

3.1.2 The Lead Country shall be responsible for:

a) monitoring of the pollution;

b) assessment of the situation;

c) spill movement forecasting; and

d) initiating and exercising Operational Command over Joint Response Operations.

3.1.3 The lead role shall be transferred from one Party to another only by agreement between the Operational Authorities of the two Parties. This might be when the major part of the pollutant has moved from the area of responsibility of the Party initially affected and who has activated the Plan, to the area of responsibility of another Party, or when the main response activities have moved to such other Party.

3.1.4 When the pollution incident which has occurred in the area of responsibility of one of the Parties directly (imminently) threatens the interests of another Party, the Parties may also agree, in direct contacts between their Operational Authorities, that the threatened Party will assume the lead role.

3.2 National On-scene Commander (NOSC) / Supreme On-scene Commander (SOSC)

3.2.1 For the purpose of the Plan, the Operational Authority of each Party shall nominate an officer who will exercise operational control over all response activities of that Party, including control over personnel (strike teams), equipment and self-contained units (vessels, aircraft). These officers shall be called National On-Scene Commanders (NOSC).

3.2.2 After the activation of the Plan and commencement of the Joint Response Operations, NOSC of the Lead State shall assume the role of the Supreme On-scene Commander (SOSC). The SOSC shall have the overall responsibility for all decisions and actions taken in order to combat the pollution and to mitigate its consequences and for co-ordination of Joint Response Operations. The SOSC, working in liaison with his/her Lead Authority, exerts Operational Command over Joint Response Operations.

3.2.3 The NOSCs of the assisting Parties shall operate under the overall Operational Command of the SOSC, but shall nevertheless retain operational control over personnel, equipment and self-contained units of their respective Parties.

3.2.4 In order to relieve the SOSC of a part of his/her duties concerning operational control of national resources, the Lead Authority may, at the time of the activation of the Plan, designate another officer who will have direct operational control of the national resources taking part in the Joint Response Operations and who will act as the NOSC of the lead country.

3.2.5 In exercising his/her functions, the SOSC shall be assisted by a Support Team (cf. para 3.4).

3.2.6 Relevant information concerning NOSCs is given in **Annex 1**.

3.3 Emergency Response Centres and Joint Emergency Response Centre

3.3.1 For the purpose of this Plan, each Party shall set up an Emergency Response Centre (ERC) manned 24 hours a day, which will be equipped with appropriate communications system and have necessary facilities to be used as the operations room of the Operational Command in case of Joint Response Operations.

3.3.2 If deemed necessary, each Party may decide to establish more than one ERC.

3.3.3 In case of the activation of the Plan, the ERC of the Lead Country shall assume the role of the Joint Emergency Response Centre (JERC). The JERC shall serve as the base of the Supreme On-Scene Commander (SOSC) and the main communications centre for all communications related to the implementation of the Plan.

3.3.4 Alternate sites for JERC, closer to the scene of the incident, may be specified if appropriate at the discretion of the Lead Country.

3.3.5 When the lead role is transferred from one Party to another, the ERC of the Party assuming the lead role shall automatically become JERC.

3.3.6 Relevant information concerning ERC(s) of each Party is given in **Annex 1**.

3.4 Support Teams

3.4.1 With a view to assisting NOSC and SOSC each Party shall set up its national Support Team, composed of the representatives of various relevant public authorities, national services and industry including, in particular, oil and shipping industries.

3.4.2 The role of the Support Teams is advisory, and their functions include:

a) providing assistance to NOSC/SOSC in case of the activation of the Plan;

b) providing advice to NOSC/SOSC concerning, in particular, methods and techniques for combating oil pollution, safety of navigation and salvage, marine biology and fisheries, (radio) communications, public information and compensation for oil pollution damage;

c) providing support and co-ordinating the activities of national public authorities, services and industry which might take part in Joint Response Operations, concerning in particular the provision of personnel, equipment and other resources, logistic support, immigration and customs formalities;

d) monitoring incoming reports and assessing the situation;

e) co-ordinating all reporting on the status of the pollution incident to their respective national Authorities.

3.4.3 After the termination of response operations, the Support Team shall, together with their respective NOSC:

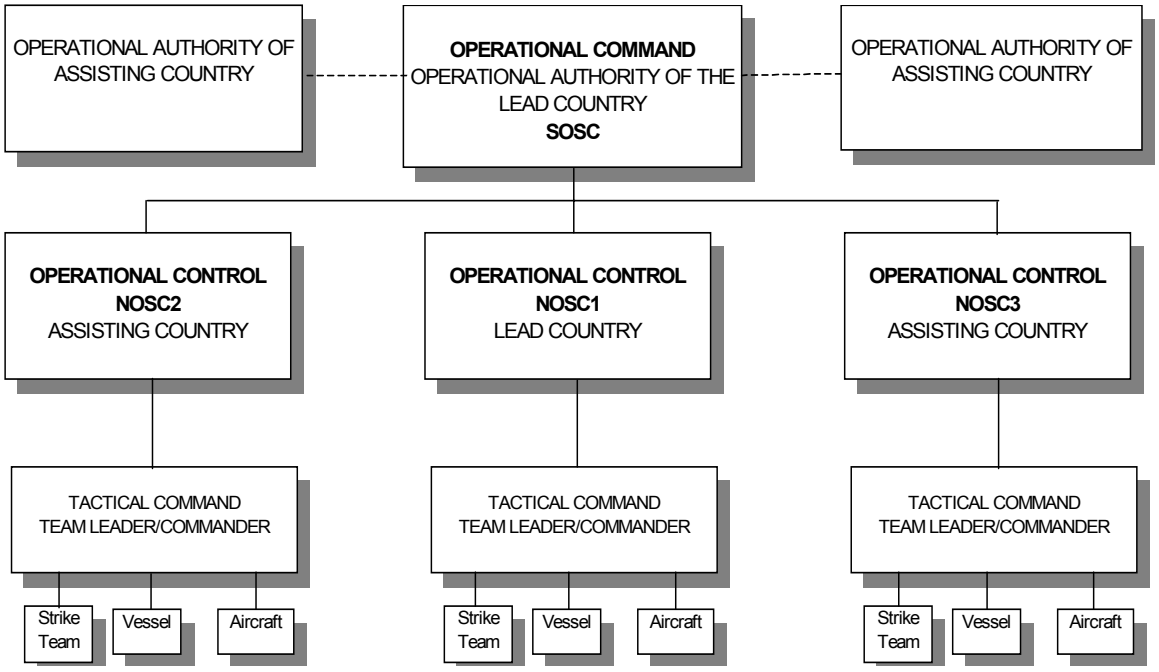
a) review post-incident reports from the NOSC/SOSC on the handling of the pollution incident for the purpose of analysing and introducing recommendations and improvements needed in the Plan and in their respective National Contingency Plans;

b) forward to their respective national Authorities relevant reports and recommendations, including NOSC/SOSC post-incident reports, Support Team debriefing reports and recommendations concerning amendments to the Plan or its Annexes.

3.5 Command Structure

3.5.1 The Command Structure for Joint Response Operations is shown in **Diagram 1**.

Diagram 1 – Command Structure



3.5.2 The Plan distinguishes between:

a) ***Operational Command*** which is overall co-ordination and control of ***Joint Response Operations*** and consists of taking decisions concerning response strategy and defining the tasks of various groups of teams. Following the activation of the Plan, Operational Command over Joint Response Operations is exercised by the Lead Authority through its NOSC who assumes the role of SOSC.

b) ***Operational Control*** which is direct control over personnel, means and units taking part in the response operations, including giving orders to specific groups of teams and units for execution of response operations, in accordance with the strategy and the tasks defined by the Operational Command. Operational Control over national resources is exercised by the NOSCs of the respective Parties. (Operational Control over the resources of the Lead State is exercised by an officer designated to act as NOSC in lieu of the officer who has assumed the role of SOSC.)

c) ***Tactical Command*** which consists of directing and supervising the execution of specific tasks by teams or units on the scene. Tactical Command is exercised by the Leader of each team or the Commander of each unit taking part in the response operations.

3.5.3 Liaison between the Lead Authority and the assisting Party shall be maintained, according to the circumstances and to the type and importance of the assistance rendered, in one of the following ways:

a) by direct e-mail, telex, telefax, telephone or radio contacts between the Lead Authority (SOSC) and Operational Authorities (NOSCs) of the assisting Parties;

b) by a Liaison Officer from the assisting Party who is integrated in the staff of the SOSC. His/her duties shall be to provide necessary information on resources rendered as assistance and to facilitate communication with his/her NOSC, ERC, Strike Teams and self-contained units taking part in the operations;

c) by NOSC of the assisting Party who personally attends at the spill site and participates in Joint Response Operations.

3.6 Communications arrangements

3.6.1 Communications for the implementation of the Plan shall be established by the Parties in accordance with **Annex 4**.

3.6.2 English language shall be used in all communications related to the implementation of the Plan.

3.6.3 Important communications by radio or telephone should be confirmed by fax, telex or e-mail. This is to include the activation of the plan, requests for assistance, offers of assistance, estimated costs of assistance, acceptance of requests, instructions by the command for the movement and deployment of assisting units, tasks assigned to units and termination of operations.

3.7 Response Planning

3.7.1 Response to a pollution incident within the area of responsibility of each Party shall be conducted in accordance with the provisions of the NCP of the lead country under the overall Operational Command of the Lead Authority exercised through the SOSC.

3.7.2 In order to facilitate smooth proceeding of Joint Response Operations, the Parties shall inform each other about relevant parts of their NCPs and, in particular, those parts describing:

a) national response organisation;

b) likely sources of oil spills, vulnerable resources and priorities for protection;

c) resources for responding to accidental pollution, available at the national level;

d) rules concerning the use of dispersants; and

e) logistic support available within the country.

Copies of English translations of these parts of NCPs or, preferably, complete NCPs are attached to the Plan at **Annex 2**.

Maps showing possible sources of pollution, environmentally sensitive areas (see IMO Resolution A885(21) attached as **Appendix 1**), priorities for protection and areas where the use of dispersant is allowed, restricted or forbidden, within the area of responsibility of each Party, are included in the National Contingency Plans (NCPs) at **Annex 2**.

3.7.3 Guidelines concerning the operation of vessels and aircraft of the assisting Parties within the area of responsibility of another Party are given in the national contingency plans at **Annex 2**. (See also 4.2.3.)

3.8 Response strategy

3.8.1 Deciding upon the response strategy to be applied in each particular pollution incident and planning of specific operations shall be the responsibility of SOSC. In taking such decision the SOSC shall follow the outline given below.

a) assessment of the severity of the incident,

b) activation of the National Contingency Plan and notification of other Parties;

c) selection of appropriate response methods;

d) evaluation of available and required response resources;

e) activation of the Plan and request for assistance;

f) implementation of selected response methods, making use of national resources and resources from assisting Parties;

g) re-assessment of the situation and making necessary modifications in response actions;

h) termination of response operations;

i) de-activation of the Plan;

j) returning to the country of origin of personnel, equipment and other means rendered as assistance by the other Parties.

4 RESPONSE OPERATIONS

4.1 Response Phases

4.1.1 For the purpose of the Plan, pollution response operations have been divided into four distinct phases:

Phase I - Notification
Phase II - Evaluation and activation of the Plan
Phase III - Joint response operations at sea
Phase IV - Joint response operations on shore

4.1.2 It is understood that according to circumstances entire phases or parts thereof may take place concurrently with one or more other phases.

Phase I

4.1.3 Notification and verification of information concerning pollution incidents shall be done, at the national level, in accordance with the provisions of the NCP.

4.1.4 When a major pollution incident has occurred, that is one requiring counter-pollution resources to be mobilised, the relevant Operational Authority shall inform the Operational Authorities of the other Parties (cf. para. 2.1 and 5.2) through their National Contact Points immediately after receiving and verifying the incident report, regardless of the need for the activation of the Plan. The relevant Operational Authority in this context is that of the Party in whose area of responsibility the incident has occurred.

4.1.5 Judgement must be used when there has been an incident which may cause pollution but has not yet done so: if the pollution would threaten neighbouring sea areas if it occurred the neighbouring Party should be informed.

Phase II

4.1.6 The Operational Authority of the Party affected by an incident or the Party likely to be affected first, shall assess the pollution and determine the type and level of response required and whether or not to activate the Plan.

4.1.6 Before activating the Plan, the Operational Authority of the Party concerned shall activate its NCP.

4.1.7 The decision to activate the Plan shall be taken by the Operational Authority of the Party affected by the incident or likely to be affected first. After such a decision has been taken, that Operational Authority shall assume the role of the Lead Authority and shall:

a) inform the Operational Authorities of the other Parties, through their designated National Contact Points and in accordance with the procedure described in para. 5.2, that the Plan has been activated, and who has been appointed SOSC;

b) activate its own ERC which shall assume the role of JERC;

c) activate its own Support Team;

d) through the SOSC, with the advice of the Support Team, formulate the strategy to deal with the incident and evaluate the need for assistance from other Parties. SOSC shall initiate phases III and IV of the response respectively;

e) request, on the basis of SOSC requirements and advice, assistance from other Parties.

Phase III

4.1.8 The main objectives of Joint Response Operations at sea are to stop the spillage of the pollutant from the source, to restrict its spreading and movement and to remove as much pollutant as possible from the sea surface before it reaches the shores of one of the Parties.

4.1.9 Joint Response Operations at sea shall be conducted in accordance with the procedures described in the NCP of the lead Party using primarily national resources, which shall be supplemented, as necessary, by the other Parties at the request of the Lead Authority. Units of the assisting Parties shall work under direct Operational Control and Tactical Command of their respective NOSCs and unit commanders or team leaders.

Phase IV

4.1.10 The main objectives of Joint Response Operations on shore are to protect environmentally sensitive coastal areas and other vulnerable resources from the impact of the pollutant and to remove the pollutant which has reached the shore.

4.1.11 This phase includes treatment and final disposal of collected pollutant and contaminated beach material. It may also include the restoration of polluted areas.

4.1.12 Principles outlined under Phase III shall also apply to Phase IV.

4.1.13 In order to increase the effectiveness of Joint Response Operations on shore, JERC may be transferred, at the discretion of the Lead Authority, to adequate alternative premises closer to the site of operations (cf. para. 3.3). In such cases, the Lead Authority shall duly inform Operational Authorities of the assisting Parties.

4.2 Spill Monitoring

4.2.1 For the monitoring of spill movement and behaviour, aerial monitoring is likely to be most effective although any other suitable means (ships, vessels) might also be used if the aircraft are not immediately available.

4.2.2 The monitoring of the spill and its movement and transmission of relevant reports to the other Parties, prior to the activation of the Plan, is the responsibility of the Lead Authority. Following the activation of the Plan this responsibility rests with SOSC, who shall take all necessary measures to ensure regular monitoring of the spill and its movement and behaviour, in order to properly assess the situation and decide on adequate response measures. For that purpose SOSC may request assistance from other Parties.

4.2.3 Following, the specific request of the Lead Authority, aircraft of the assisting Parties may be asked to carry out flights over the specific areas of territory or territorial waters of the Lead Authority which are directly affected by the pollution, for the monitoring of the pollution within the framework of the plan. In its request, the Lead Authority shall precisely define the aim of the mission and the flight plan. Guidelines about air and sea operations, including any reservations which Parties may have, should be set out in their National Contingency Plans annexed to this Plan at **Annex 2**. See also 6.3.2 Overflight Procedures and 6.3.3 Navigation Procedures.

4.2.4 Reporting procedures, which shall be followed for the purpose of the Plan by the crews of monitoring aircraft, are given at **Annex 5**.

4.3 Requests for Assistance within the Framework of the Plan

4.3.1 Following the activation of the Plan, the Party who has activated the Plan may request assistance from the other Parties, in any of the cases described in section 1.3.

4.3.2 Assistance might be requested in the form of:

a) trained response personnel and, in particular, strike teams;

b) specialised pollution combating equipment;

c) pollution treatment products; and

d) other means, including, in particular, self-contained units such as vessels and aircraft, and/or any combination thereof.

4.3.3 A request for assistance shall be formulated in a clear and precise manner, using the standard form defined at **Annex 6**. It shall contain detailed description of the kind of assistance required and the purpose for which personnel, equipment, products and other means will be used.

4.3.4 The Party receiving a request for assistance shall immediately acknowledge receipt.

4.3.5 The Party or Parties receiving a request for assistance shall use their best endeavours to offer it to the requesting Party with the shortest possible delay, while not depleting their national resources beyond a reasonable level of preparedness.

4.3.6 With a view to promptly responding to requests for assistance, Parties shall have a part of their national response equipment, products and other means ready for transportation, on short notice, to the other Parties.

4.4 Use of Dispersants

4.4.1 Each Party shall define its policy regarding the use of dispersants in combating oil pollution and describe it in its NCP. For this purpose the Parties shall follow the IMO publication "Guidelines for the use of dispersants".

4.4.2 Each Party shall inform other Parties in its NCP annexed to this Plan about its policy on the use of dispersants. The information shall include the list of dispersants held by the Party: it will be for other Parties to consider whether any of the dispersants on the list should not be used in their waters. NCPs should identify specific areas or types of areas where the use of dispersants is restricted or prohibited.

4.4.3 In case of JROs, the Parties shall observe the principle of prior authorisation for the use of dispersants. The authorisation can be given only by SOSC or a person designated by him/her.

4.4.4 In the area of responsibility of each particular Party dispersants shall always be used in accordance with the provisions of the NCP of the Party concerned. If a Party has prohibited the use of dispersants in its territorial waters, other Parties participating in JROs shall observe this decision.

4.5 Assistance from Outside the Region

4.5.1 It is open to any party whose coasts, internal waters, territorial waters or EEZ are polluted or threatened by pollution to request assistance from outside the region.

4.5.2 **Annex 7** to this plan sets out information on resources which might be available from outside the Region and their contact points, including those from oil companies and States which might reasonably be called on under Article 7 of the OPRC Convention.

4.6 Termination of Joint Response Operations and Deactivation of the Plan

4.6.1 The SOSC shall terminate the JROs at his discretion, taking into account

a) whether pollution response measures have been completed, so far as the Lead Country is concerned; or

b) whether or not the pollution threatens the interest of the Lead Party or other Parties or;

c) whether or not the benefits of further counter pollution measures would be justified by their cost; or

d) whether the response has reached a point where the Lead Party can complete it without assistance;

unless any of the other Parties wish to continue the operation as the Lead Authority in accordance with the procedures outlined in 3.1.3.

4.6.2 After taking the decision to terminate the JROs, the SOSC shall immediately inform NOSCs of the other Parties and their respective Operational Authorities of such decision and deactivation of the Plan.

4.6.3 Following the deactivation of the Plan, all personnel, equipment, unused products and other means which took part in the JROs shall return or be returned to their respective countries of origin, unless otherwise agreed - for example the Parties concerned may decide that unused treatment products shall remain in the country that requested the assistance.

4.6.4 The Party who requested assistance shall take necessary measures for prompt repatriation of the personnel of the assisting Parties, although co-ordination and preparation of necessary arrangements for their repatriation remains the responsibility of their respective Operational Authorities.

4.6.5 The Party requesting assistance shall be responsible for releasing all equipment rendered as assistance and all unused treatment products so that they can be returned to the country of origin. All equipment used by other Parties shall be returned to its owners clean and, if possible, in working order.

4.6.6 The Party who requested assistance is responsible for facilitating the departure of all units rendered as assistance from its territory, territorial waters or airspace.

4.6.7 The Party who requested assistance shall prepare a report on the effectiveness on the personnel, equipment, products and other means received as assistance. These reports shall be circulated to the other Parties.

5 REPORTING

5.1 Initial Warning System

5.1.1 Any polluting incident presenting a potential threat to another Party shall be reported to that country without delay to the emergency centre as in **Annex 1**. The initial notification shall be followed up as soon as possible with a POLREP.

5.2 Pollution Reporting System

5.2.1 For the exchange of information concerning pollution incidents, the Parties shall use the international pollution reporting system (POLREP) which is described in **Annex 8**.

5.2.2 The Lead Authority shall endeavour to transmit a POLREP, verified by the SOSC, at least once a day.

5.2.3 If pollution combating operations continue at the national level after the deactivation of the Plan, the Party affected by the incident shall continue to inform other Parties on the situation until the final termination of all pollution response operations.

5.2.4 It is the responsibility of the Operational Authority of each Party to ensure that the situation reports are transmitted to all interested parties within their country. It is the responsibility of SOSC to ensure that POLREPS and other regular progress reports are communicated to all the units under the SOSC command.

5.3 Post Incident Reports

5.3.1 Following the termination of pollution response operations the SOSC shall prepare the final report including:

a) description of the pollution incident and development of the situation;

b) description of response measures taken;

c) description of assistance rendered by the other Parties(based on reports by the respective NOSCs);

d) assessment of the complete response operation;

e) assessment of assistance rendered by the other Parties;

f) costs incurred during the response by each Party (in accordance with 6.5);

g) an estimate of environmental and economic damage;

h) description and analysis of problems encountered in responding to the pollution incident;

i) recommendations regarding possible improvement of existing arrangements and, in particular, provisions of the Plan.

5.3.2 Based on that report and their own experience of the incident the other Parties involved shall prepare recommendations concerning amendments and improvements of the Plan, and if necessary, their NCPs (cf. para. 2.5).

5.3.3 Joint response operations shall be reviewed during regular meetings of the Parties.

6 ADMINISTRATION, LOGISTICS AND FUNDING

*Note: This section should be read in conjunction with the IMO Assembly Resolution A.869(20), Guidelines for Facilitation of Response to an Oil Pollution Incident Pursuant to Article 7 and Annex of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, which is attached **as Annex 10** to this Regional Contingency Plan.*

6.1 Logistics

6.1.1 The Lead Authority is responsible for providing all logistic support necessary within its territory for conducting Joint Response Operations.

6.1.2 In particular the Lead Authority shall appoint an officer responsible for receiving the aircraft and ships carrying personnel, equipment, products and other means from the assisting Parties. This officer shall:

a) make arrangements for accommodation and transportation within the country, of all assisting personnel;

b) when equipment and other means are received from the assisting Parties, take necessary measures to provide:

c) unloading and handling facilities as appropriate, including cranes, fork-lifts, and vehicles as necessary; and

d) fuel, lubricants, basic repair, maintenance and cleaning facilities.

6.1.3 The Lead Authority shall ensure assistance to the crews at airports and in ports, as appropriate, and provide security services for ships, aircraft and related equipment, while these are in ports or at airports of the Lead Party.

6.1.4 The security of equipment in storage or being transported in its territory shall be the responsibility of the Lead Party.

6.2 Immigration and customs formalities

6.2.1 In order to facilitate the movement of response personnel and equipment the requesting Party will:

a) make arrangements for the rapid entry of equipment, products and personnel prior to their arrival; and

b) ensure that, should ships and aircraft be provided, ships are granted all necessary authorisations and aircraft cleared to fly in the national air space. A flight plan or a flight notification will be filed and accepted as an authorisation for aircraft to take off, land ashore or at sea outside regular customs airfields.

6.2.2 Each Party shall endeavour to make, at the national level, special arrangements applicable in emergency situations:

a) provisions for rapid granting of entry visas and work permits for personnel; and

b) ensure that customs formalities are facilitated to the maximum extent. Equipment should be admitted on a temporary basis and products should be admitted free of excise and duties.

6.2.3 Details of such arrangements shall be included in the National Contingency Plan of each Party at **Annex 2** to the Plan. This shall set out the information which the assisting Party must provide to the appropriate national Authorities of the requesting Party in order to facilitate implementation of these special arrangements.

6.2.4 Parties who may offer assistance should hold as much as possible of the necessary documentation with their stockpiles of equipment, or with the headquarters of the units which are designated to assist, so that it does not have to be compiled in an emergency.

6.2.5 The Parties shall designate competent Customs Officers, responsible for prompt clearing of customs formalities in cases of activation of the Plan. The Parties shall keep each other permanently informed of such Customs Offices, and this information (name of the office and of the responsible officer, address, e-mail address, telephone, telex and telefax number) shall be included at **Annex 1**.

6.2.6 Prior to sending assistance to the Party who so requests, the Operational Authority of the assisting Party shall establish direct contact with the competent customs office of the requesting Party in order to obtain necessary clearance for entry of equipment, products and other means into the country.

6.3 Overflight procedures (see also 4.2 Spill Monitoring)

6.3.1 Within the framework of the Plan and upon the request of the Lead Party, aircraft of the other Parties might enter and operate in the airspace of the Lead Party only in the areas specified by the Lead Party, for one of the following purposes:

a) monitoring flights;

b) transportation of response personnel, equipment and products;

c) spraying of dispersants or other treatment products;

d) other flights related to pollution response operations.

6.3.2 Each Party shall make, in advance, necessary arrangements concerning rapid granting of permits and clearances for civil aircraft (fixed wing or helicopters) of other Parties, who might be requested to take part in response operations within its airspace. Similar arrangements shall be made for the use of airport facilities by civilian fixed wing aircraft and helicopters engaged in JROs.

6.3.3 Overflight for the above-mentioned purposes, of the national territory or territorial waters of one of the Parties, by military aircraft of the other Parties, shall be decided mutually on a case-by-case basis by the Parties concerned.

6.3.4 Military aircraft of an assisting Party engaged in maritime spill response operation must not enter the airspace of another Party unless specifically requested to do so by the Lead Authority.

6.4 Navigation procedures

6.4.1 Within the framework of the Plan and upon the request of the Lead Party, vessels of the other Parties might enter and operate in the territorial waters of the Lead Party only in the area specified by the Lead Party, for one of the following purposes:

a) salvage operations;

b) pollution response operations, including containment and recovery of spilled products, spraying of dispersants or other treatment products, storage and transportation of recovered pollutant;

c) transportation of response personnel, equipment and products;

d) any other voyage related to pollution response operations.

6.4.2 Each Party shall make in advance necessary arrangements concerning rapid granting of permits and clearances for the navigation of civil vessels (ships, boats specialised anti-pollution vessels) of other Parties, who might be requested to take part in response operations within its internal and territorial waters. Similar arrangements shall be made for the use of port facilities by civilian vessels engaged in JROs.

6.4.3 Navigation for the above-mentioned purposes, in the internal or territorial waters of one of the Parties, by naval vessels of the other Parties, shall be decided mutually on a case-by-case basis by the Parties concerned.

6.4.4 Naval vessels of an assisting Party engaged in maritime spill response operations must not enter the territorial sea or internal waters of another Party unless specifically requested to do so by the Lead Authority.

6.4.5 In all cases the provisions of the International Convention on Facilitation of International Maritime Traffic as amended, shall be observed by the Parties concerned.

6.5 Financial Procedures

In requesting and rendering assistance, the Parties shall observe the following recommendations and principles concerning financial matters related to mutual assistance:

6.5.1 The Parties shall inform each other in advance on the wages of personnel, the rental rates for equipment and other means and the cost of treatment products, which might be rendered as assistance. This information shall be included at **Annex 3** and regularly updated by each Party preferably by the beginning of each year i.e. January.

6.5.2 The Parties shall endeavour to harmonise their rates and discuss all relevant questions during the regular annual meetings of the Operational Authorities (cf. para. 2.3).

6.5.3 The assisting Party shall, immediately following receipt of the request for assistance, submit to the requesting Party an estimate of the costs of assistance.

6.5.4 If assistance is provided the assisting Party will submit an invoice for the cost as soon as possible after the termination of operations to the requesting Party. The invoice shall itemise the costs, which shall be clearly related to the tasks performed and if possible should be verified independently.

6.5.5 The following items shall be included in the invoice:

a) wages of personnel engaged in JROs, calculated on the basis of the price list given at **Annex 3** and the daily work logs approved by the SOSC or another responsible officer of the Lead Party;

b) costs of rental of equipment and means calculated on the basis of the price list given at **Annex 3** and daily work logs approved by the SOSC or another responsible officer of the Lead Party;

c) cost of treatment products used during JROs calculated on the basis of the price list given at **Annex 3** and the daily work logs approved by the SOSC or another responsible officer of the Lead Party;

d) all expenses listed in para. 6.5.12 below; and

e) costs for replacement of equipment damaged beyond repair during the JROs.

6.5.6 Financial records and invoices shall be prepared in accordance with the guidelines provided by IOPC Fund in its "Claims Manual" and attached to the Plan as **Annex 9**.

6.5.7 The requesting Party shall pay to the assisting Party all agreed expenses incurred in rendering such assistance, according to the invoice.

6.5.8 Following the transfer of the lead role, the Party who has assumed the lead role shall bear all expenses related to the assistance rendered by other Parties. It will be important that financial records show the dates on which costs were incurred.

6.5.9 If the Party who requested assistance decides to withdraw the request for whatever reason, it shall nevertheless, pay to the assisting Party all the expenses incurred up to the moment when the request was withdrawn or the personnel and equipment return to their country of origin, as appropriate.

6.5.10 The Parties shall resolve all questions related to financial matters after the termination of joint operations. In cases of dispute the Secretariat will provide for a mutually acceptable resolution procedure.

6.5.11 The provisions of this section shall be considered on a case-by-case basis and shall not prejudice the resolution of any dispute involving third parties which may arise respecting liability and compensation for damages resulting from any pollution incident, wherever it may occur. It shall be for the Lead Party to pursue its own claim for reimbursement of pollution response related costs, submitted to the party liable for pollution incident, its insurers or an international system for compensation of pollution damages, as appropriate. Payment of those rendering assistance must not depend on the success of claims for compensation from third parties.

6.5.12 In case of JROs the requesting Party shall directly cover the following expenses related to the stay in its territory of personnel, equipment and means (including vessels and aircraft) of the assisting Party:

a) board and lodging or daily subsistence allowance as appropriate, of response personnel other than the crews of ships and vessels, unless this was provided by the requesting Party;

b) any port dues for vessels and ships rendered as assistance;

c) any airport dues for aircraft rendered as assistance;

d) fuel, as might be necessary, for all equipment and means including, in particular, vessels and aircraft, engaged in JROs;

e) medical services provided to injured and ill personnel of the assisting Party;

f) costs related to repatriation of any person who died, was injured or taken ill during JROs;

g) maintenance and cleaning costs for any piece of equipment, vessel and aircraft engaged in JROs;

h) repair costs for any piece of equipment, vessel and aircraft, damaged in its territory during and due to the JROs, if such repair needs to be made prior to returning it to its country of origin;

i) costs of communications related to the JROs incurred by the assisting Party in the territory of the Lead Party.

6.5.13 The assisting Party shall directly cover the following expenses:

a) mobilisation of personnel, equipment, products or other means;

b) costs of transport to and from the country where JROs are taking place, of personnel, equipment and products;

c) fuel for vessels and aircraft proceeding to the site of JROs under their own power;

d) costs of communications related to JROs originating from the territory of the assisting Party;

e) medical services rendered, following their return, to any of their own nationals injured or taken ill during JROs;

f) maintenance and repair costs for equipment and means engaged in JROs incurred after their return.

6.6 Medical Insurance and Medical Assistance

6.6.1 Each Party shall take necessary measures to insure against death, illness and injury, its own personnel who might participate in JROs.

6.6.2 The Lead Party shall endeavour to offer the best possible initial medical care and services to any person from another Party who was injured or taken ill during his/her participation in JROs.

6.6.3 The Lead Party shall facilitate repatriation of assisting personnel injured or taken ill during JROs.

6.6.4 The costs of hospitalisation and medical assistance rendered within the lead country to injured or ill personnel of the assisting Party shall be borne by the Lead Party. The Lead Party might decide to claim the reimbursement of all such costs from the party responsible for the pollution incident, its insurer or an international system for compensation of pollution damages as appropriate.

6.6.5 The Parties shall waive the right to make claims against each other for the reimbursement of costs of medical care rendered to persons injured and taken ill during JROs.

6.7 Responsibility for Injury and Damage

6.7.1 If those called upon to assist in the response operations cause, at the site of operations, any damages to third parties, and these damages are related to the response operations, such damages shall be the responsibility of the Party who had requested assistance, except if the damages are caused by the gross negligence of the assisting Party.

6.7.2 The provisions of this paragraph shall apply also in case of joint exercises.

6.8 Documentation of Response Operations and Related Costs

6.8.1 SOSC shall take necessary measures to ensure that detailed records of all actions taken in order to respond to a pollution incident, within the framework of the Plan, are accurately kept. For this purpose, SOSC might include a record keeping officer or financial controller in his/her Support Team.

6.8.2 At least the following records shall be regularly kept:

a) Description of the situation, decisions taken and implemented response measures;

b) Daily work log, giving details of:

c) operations in progress (place, time, purpose);

i) equipment and other means in use (place, time, purpose);

ii) personnel employed (number, time);

iii) response products and other material (e.g. fuel) consumed (quantity, purpose).

d) Records of all expenditures made in relation to pollution response operations.

6.8.3 Following the termination of the response operations, such records shall be made available to the national Authority responsible for the submission of claims for compensation.

7. PUBLIC INFORMATION

7.1 Public Relations Officer (PRO)

7.1.1 After the activation of the Plan, the Lead Authority shall designate a Public Relations Officer (PRO) who shall be seconded to the SOSC's Support Team.

7.1.2 PRO shall be responsible for:

a) maintaining contacts with the press;

b) preparing press releases on behalf of the SOSC and the Lead Authority; and

c) following information released by the press and clarifying possible misunderstandings.

7.2 Press Releases

7.2.1 Press releases shall be prepared and distributed to the press at least once a day during the entire period between the activation and the deactivation of the Plan.

7.2.2 Press releases shall be prepared by the PRO on the basis of accurate facts provided by the SOSC and/or his/her support Team. They shall contain information concerning:

a) pollution incident and development on the situation;

b) injuries of personnel and damages to vessels, equipment, etc.;

c) vessels involved, type of characteristics of the pollutants, etc.;

d) measures taken to combat pollution;

e) progress of response measures.

7.2.3 The following guidelines shall be observed when preparing press releases:

a) prepare titles/headlines;

b) give primarily the most recent and important information;

c) use simple sentences and give only one idea per sentence;

d) avoid quoting estimates, conjectures, and suppositions;

e) avoid giving opinions on environmental or other unquantifiable damages; and

f) draft carefully final wordings.

7.2.4 Maps showing the area of incident, evolution of the spill and sites of response operations should accompany press releases whenever possible.

7.2.5 All press releases shall be vetted and approved by the SOSC before distribution to the press.

7.3 Press Conferences

7.3.1 After the activation of the Plan, the Lead Authority may decide, in consultation with the SOSC, to organise one or more press conferences for briefing the media.

7.3.2 The following persons may take part in such press conferences:

a) SOSC

b) specially designated expert members of the Support Team

c) PRO

d) representative(s) of the Lead Authority

e) representative of the other Parties (e.g. Liaison Officers or NOSCs)

f) representative of ship and cargo owners and/or their insurers.

7.3.3 Written information on main facts concerning the pollution incident and JROs, maps and photographs may be prepared in advance by the PRO and approved by SOSC for use during the press conference.

7.3.4 Guidelines concerning the preparation of press releases (cf. para.7.2) shall also be observed by participants in press conferences.

* * *

Annexes To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia

Annex 1: Directory of Competent National Authorities, Contact Points, Emergency Response Centres, National On-Scene Commanders and Other Relevant Addresses

Annex 2 National Contingency Plans (Or Relevant Parts Thereof)

Annex 3 Directory Of Response Personnel and Inventory of Response Equipment, Products and other means which each Party might offer as assistance in case of the activation of the Plan including information relating to the wages of personnel, the rental rates of equipment and the cost of materials.

Annex 4: Communication System

Annex 5: Guidelines for Reporting Oil Spills (Aerial Monitoring)

Annex 6: Standard Format for Requesting Assistance

Annex 7: Resources which might be made available from outside the Region, and their contact points

Annex 8: Polrep Pollution Reporting System

Annex 9: Claims Manual

Annex 10: IMO Assembly Resolution A.869(20), Guidelines for Facilitation of Response to an Oil Pollution Incident Pursuant to Article 7 and Annex of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990

Appendix 1: Procedures For The Identification Of Particularly Sensitive Sea Areas And The Adoption Of Associated Protective Measures (Extract From Resolution A.885(21))

Annex 1

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

DIRECTORY OF COMPETENT NATIONAL AUTHORITIES, CONTACT POINTS, EMERGENCY RESPONSE CENTRES, NATIONAL ON-SCENE COMMANDERS AND OTHER RELEVANT ADDRESSES

Bangladesh

Competent National Governmental Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent National Operational Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

National Contact Point (operational 24 hrs a day) Responsible for Receiving Reports on Pollution Incidents

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Emergency Response Centre

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

National On-Scene Commander

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent Customs Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

India

Competent National Governmental Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent National Operational Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

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National On-Scene Commander

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent Customs Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Maldives

Competent National Governmental Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent National Operational Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

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Emergency Response Centre

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National On-Scene Commander

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Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent Customs Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Pakistan

Competent National Governmental Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Competent National Operational Authority

Title

Address:

Telephone:

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Telefax:

Working Hours:

National Contact Point (operational 24 hrs a day) Responsible for Receiving Reports on Pollution Incidents

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Emergency Response Centre

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National On-Scene Commander

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Working Hours:

Competent Customs Authority

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Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Sri Lanka

Competent National Governmental Authority

Title

Address:

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Working Hours:

Competent National Operational Authority

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Competent Customs Authority

Title

Address:

Telephone:

E-mail:

Telex:

Telefax:

Working Hours:

Annex 2

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

NATIONAL CONTINGENCY PLANS (OR RELEVANT PARTS THEREOF)

(to be completed at a later stage)

Bangladesh

Pr = preparedness, Re = response	At Sea		On Shore	
	Pr	***Re***	***Pr***	***Re***
Governmental Level				
Central Authorities				
District Authorities				
Local Authorities and Organisations				

SUMMARY DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

TITLE

Prepared:

Became Effective (year):

SCOPE

Geographical Coverage:

Applicable to Pollution By:

Levels of Emergency:

RESPONSIBILITIES

According to administrative division (geographically)

According to administrative hierarchy (decision-making)

RELATION TO OTHER CONTINGENCY PLANS

REPONSE STRATEGY:

USE OF DISPERSANTS (Policy):

SENSITIVE AREAS:

India

Pr = preparedness, Re = response	At Sea		On Shore	
	Pr	***Re***	***Pr***	***Re***
Governmental Level				
Central Authorities				
District Authorities				
Local Authorities and Organisations				

SUMMARY DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

TITLE

Prepared:

Became Effective (year):

SCOPE

Geographical Coverage:

Applicable to Pollution By:

Levels of Emergency:

RESPONSIBILITIES

According to administrative division (geographically)

According to administrative hierarchy (decision-making)

RELATION TO OTHER CONTINGENCY PLANS

REPONSE STRATEGY:

USE OF DISPERSANTS (Policy):

SENSITIVE AREAS:

Maldives

Pr = preparedness, Re = response	At Sea		On Shore	
	Pr	***Re***	***Pr***	***Re***
Governmental Level				
Central Authorities				
District Authorities				
Local Authorities and Organisations				

SUMMARY DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

TITLE

Prepared:

Became Effective (year):

SCOPE

Geographical Coverage:

Applicable to Pollution By:

Levels of Emergency:

RESPONSIBILITIES

According to administrative division (geographically)

According to administrative hierarchy (decision-making)

RELATION TO OTHER CONTINGENCY PLANS

REPONSE STRATEGY:

USE OF DISPERSANTS (Policy):

SENSITIVE AREAS:

Pakistan

Pr = preparedness, Re = response	At Sea		On Shore	
	Pr	***Re***	***Pr***	***Re***
Governmental Level				
Central Authorities				
District Authorities				
Local Authorities and Organisations				

SUMMARY DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

TITLE

Prepared:

Became Effective (year):

SCOPE

Geographical Coverage:

Applicable to Pollution By:

Levels of Emergency:

RESPONSIBILITIES

According to administrative division (geographically)

According to administrative hierarchy (decision-making)

RELATION TO OTHER CONTINGENCY PLANS

REPONSE STRATEGY:

USE OF DISPERSANTS (Policy):

SENSITIVE AREAS:

Sri Lanka

Pr = preparedness, Re = response	At Sea		On Shore	
	Pr	***Re***	***Pr***	***Re***
Governmental Level				
Central Authorities				
District Authorities				
Local Authorities and Organisations				

SUMMARY DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

TITLE

Prepared:

Became Effective (year):

SCOPE

Geographical Coverage:

Applicable to Pollution By:

Levels of Emergency:

RESPONSIBILITIES

According to administrative division (geographically)

According to administrative hierarchy (decision-making)

RELATION TO OTHER CONTINGENCY PLANS

REPONSE STRATEGY:

USE OF DISPERSANTS (Policy):

SENSITIVE AREAS:

Annex 3

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

DIRECTORY OF RESPONSE PERSONNEL AND INVENTORY OF RESPONSE EQUIPMENT AVAILABLE TO OTHER PARTIES

The listing of personnel, equipment or other means of response here does not mean that it can always be made available. Availability depends on the circumstances of the spill, the current employment of the personnel or state of the equipment, and other demands that might be placed on them. The precise details of assistance to be made available in any incident will be a matter for discussion between the requesting party and the assisting party.

***Note**: each Party to the Regional Plan should produce a section of this annex listing the personnel and equipment that it could make available to the other parties on request under the terms of the Plan. The form of the annex shown here does not need to be followed precisely, provided sufficient information is shown to guide the Lead Party to make sensible requests for assistance. The cost information, however, is important: it should be shown here, preferably expressed in $US. Exceptionally the annex could indicate that cost information would be made available on request during an incident. Assistance should neither be requested nor provided unless its cost was agreed by the two Parties concerned beforehand.*

Bangladesh

Type	Quantity	Provider	Location	Cost

Type: the nature of the personnel, equipment, products that might be made available

Quantity: numbers of personnel, vessels, vehicles etc. that might be made available

Provider: the employer of personnel or the owner of equipment (Government, local authority, oil company, shipping company, commercial responder etc.).

Location: where the personnel are based or the equipment is stored.

India

Type	Quantity	Provider	Location	Cost

Type: the nature of the personnel, equipment, products that might be made available

Quantity: numbers of personnel, vessels, vehicles etc. that might be made available

Provider: the employer of personnel or the owner of equipment (Government, local authority, oil company, shipping company, commercial responder etc.).

Location: where the personnel are based or the equipment is stored.

Maldives

Type	Quantity	Provider	Location	Cost

Type: the nature of the personnel, equipment, products that might be made available

Quantity: numbers of personnel, vessels, vehicles etc. that might be made available

Provider: the employer of personnel or the owner of equipment (Government, local authority, oil company, shipping company, commercial responder etc.).

Location: where the personnel are based or the equipment is stored.

Pakistan

Type	Quantity	Provider	Location	Cost

Type: the nature of the personnel, equipment, products that might be made available

Quantity: numbers of personnel, vessels, vehicles etc. that might be made available

Provider: the employer of personnel or the owner of equipment (Government, local authority, oil company, shipping company, commercial responder etc.).

Location: where the personnel are based or the equipment is stored.

Sri Lanka

Type	Quantity	Provider	Location	Cost

Type: the nature of the personnel, equipment, products that might be made available

Quantity: numbers of personnel, vessels, vehicles etc. that might be made available

Provider: the employer of personnel or the owner of equipment (Government, local authority, oil company, shipping company, commercial responder etc.).

Location: where the personnel are based or the equipment is stored.

* * *

Annex 4

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

COMMUNICATIONS

Note: what follows is an outline that the Parties will need to discuss amongst themselves, providing the relevant details.

Section 3.6 of the Regional Oil and Chemical Spill Contingency Plan for South Asia ("the Plan") deals with communications arrangements by reference to this Annex. The Annex sets out the way in which communications will be made among the Parties for:

a) Routine exchange of information when there is no emergency.

b) Exchange of information between the Parties when there is an incident which requires or may require the activation of the Plan.

c) Operational communications during Joint Response Operations including those related to
- Operational Command
- Operational Control
- Tactical Command

ROUTINE EXCHANGE OF INFORMATION

For communications among the Operational Authorities of the Parties and for the exchange of information relevant to the maintenance of the regional system for preparedness and response Parties should use ordinary public switched networks. The use of telefax, telex or e-mail should be given preference, although telephone may be used as necessary.

Exchange of information between the Parties when there is an incident that requires or may require the activation of the Plan

For alerting other Parties, informing them of the activation of the Plan, requesting assistance and for maintaining subsequent contacts the parties should use ordinary public switched networks using the numbers listed in **Annex 1**. All alerts and POLREP messages should be sent in written form using telefax, telex or e-mail. Such messages should be immediately acknowledged by the recipients.

OPERATIONAL COMMUNICATIONS DURING JOINT RESPONSE OPERATIONS OPERATIONAL CONTROL

Normally, Operational Command will be exercised by the Supreme On-Scene Commander (SOSC) from the Joint Emergency Response Centre (JERC). For transmission of his orders the SOSC should use:

a) ***Public Switched Networks*** for shore-shore communications with ERCs and NOSCs of other Parties.

b) ***VHF Radio*** for shore-sea communications with units taking part in the response operations. VHF Channels to be used are listed *(to be completed at a later stage)*.

c) ***Coast Radio Stations on MF frequencies*** should be used when vessels are outside VHF range. MF frequencies to be used are listed *(to be completed at a later stage)*.

d) Some vessels involved may be fitted with ***satellite communications systems***. The Captain or Master of such vessels should advise the JERC if they advise that these systems should be used during joint operations. The national operations centres – which may become Emergency Response Centres – that are fitted with satellite communications equipment are listed *(to be completed at a later stage)*. Vessels with satcoms can also be contacted through the ordinary public switched network.

e) ***Mobile telephone systems***, where these exist with suitable coverage, may be useful for shore-shore or shore-sea communications.

COMMUNICATION PLAN

At an early stage of the incident the SOSC should issue a ***Communication Plan*** listing the methods and frequencies to be used for communications with the JERC.

Operational Control

Communications for conducting response operations between the relevant National On-Scene Commander (NOSC) and the response units and strike teams under his or her command should be as follows:

a) ***Public Switched Networks*** for shore-shore communications with ERCs and NOSCs of other Parties.

b) ***VHF Radio*** for shore-sea or sea-sea communications with and between units taking part in the response operations. Portable VHF sets may be useful here if they are available. VHF Channels to be used are listed *(to be completed at a later stage)*.

c) ***Coast Radio Stations on MF frequencies*** should be used when vessels are outside VHF range. MF frequencies to be used are listed *(to be completed at a later stage)*.

d) ***Mobile telephone systems***, where these exist with suitable coverage, may be useful for shore-shore or shore-sea communications.

e) ***Portable Satellite Communications Systems*** may be used by some responders, including commercial response organisations.

COMMUNICATION PLANS

At an early stage of the incident NOSCs should issue ***Communication Plans*** listing the methods and frequencies to be used for communications with the response units under their control..

TACTICAL COMMAND

Communications at the scene of response operations, concerning the direction and supervision of response activities by the teams and units involved, as well as exchange of information between those response teams and units should be maintained using:

a) ***VHF Radio*** for shore-shore, shore-sea or sea-sea communications with and between units taking part in the response operations. Portable VHF sets may be useful here if they are available. For communications with aircraft see below. VHF Channels to be used are listed *(to be completed at a later stage)*.

b) ***Mobile telephone systems***, where these exist with suitable coverage, may be useful for shore-shore or shore-sea communications.

COMMUNICATIONS WITH AIRCRAFT

Preferably aircraft taking part in oil spill monitoring or dispersant spraying operations should be fitted with Marine Band VHF equipment, or portable equipment should be carried. The equipment should be capable of working on the channels listed under *(to be completed at a later stage)*.

Otherwise vessels and shore stations will not be able to communicate with aircraft unless they have the appropriate HF equipment, or can pass messages through airports or other centres so equipped.

Mobile phones should not generally be used on board aircraft.

Use of Mobile Telephonics with Fax

When other means of transmission of important text messages are not available it is posible that mobile phones could be used, connected to fax machines.

* * *

Annex 5

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

GUIDELINES FOR REPORTING OIL SPILLS (AERIAL MONITORING)

1 INTRODUCTION

Aerial monitoring of oil spills is made either from helicopters or from fixed-wing aircraft. It could be made using sophisticated remote sensing equipment, however, visual aerial observation is often the most convenient means of assessing oil pollution at sea and on shore, which if properly carried out, can give an important indication, sometimes of a decisive nature, concerning:

- the extent of pollution (overall surface totally or partly covered);
- the evolution of pollution and its follow-up;
- the quantity of floating oil;
- the evaluation of the threat;
- the selection of appropriate combating techniques;
- the evaluation of the effectiveness of means used;
- the assessment of damage.

Unfortunately, aerial monitoring is in most cases done by personnel not specifically trained in this activity (pilots, photographers, aerial navigators), which in turn often results in unreliable and inaccurate reports. In order to ensure that the information provided by observers is precise and quantifiable enough to be of use for the authorities responsible for pollution combating, an attempt has been made to prepare a set of basic instructions for observers and to standardise the terminology used in reports.

The objectives of this Annex are to instruct non-specialised observers on:

- what to look for;
- how to locate the pollution;
- how to observe, describe and report the pollution;
- how to prepare the information for further processing.

2 ORGANISATION OF AN AERIAL OBSERVATION MISSION

- The aircraft (either helicopter or fixed-wing) chosen for aerial monitoring of oil spills should have good all round visibility.
- Helicopters are more suitable for missions near the shore, while fixed-wing aircraft provide more speed and longer range for missions over the open sea.
- Safety of the crew and observers must always have priority over all other considerations and therefore multi-engined (at least twin) aircraft should be used for all missions over remote sea areas.
- In order to reduce as much as possible the time spent searching for pollution, a flight plan should be prepared before the flight.
- Observers should be provided with the charts of the area. For more accurate identification of positions and reporting, it is useful to draw a grid on the chart using e.g. grid squares with the sides of 1 Nautical mile each.
- A "ladder search" (illustrated on the following page) across the direction of the wind is considered to be the most efficient method of surveying the area in which the oil might be

found. A systematic search for oil over a large sea area is recommended since forecasting of oil movement is intrinsically not very accurate, and accordingly oil might be found at larger distances or in directions different from those predicted on the basis of calculation.

Movement of oil from A to position B three days later is predicted by combining 100% of the current speed and 3% of the wind speed as shown. The arrows from A represent current, wind and oil movement for one day. A cross-wind ladder search pattern is shown over position B.

Reproduced from "Response to Marine Oil Spills", International Tanker Owners Pollution Federation Ltd., 1987.

- When the visibility is good (in clear weather) a recommended altitude is approximately 500 m, however, in order to obtain better view of the oil, once found, it is necessary to drop to lower altitudes (200 m or less).
- In order to determine the position of oil sightings, the observer should be able to consult aicraft instruments; in particualr when oil is found far from shore and points of reference on the shore.
- In order to enable the undisturbed communication between the observer and the pilot of the aircraft, wearing of headsets is highly recommended.
- Sun glasses (with polarising lenses, if possible) will help detection of oil at sea under certain light conditions.

3 APPEARANCE OF OIL SPILLS

When spilled at sea, oil forms a slick which drifts with the wind and current, and subsequently breaks up into smaller slicks (patches), usually interspersed with the areas of relatively thin sheen, and scatters over areas which, with time, become very large. With a change in wind direction oil already deposited on shores might refloat. After being at sea for some time most crude oils and heavy refined products will form a water-in-oil emulsion (“chocolate mousse”) which increases their volume and viscosity and changes their colour. Oil or emulsion can also become mixed with algae and debris.

Three main groups of oil can be distinguished in accordance with their appearance when floating on the sea surface:

- Light refined products (petrol, gasoil, kerosene) which spread uniformly on big surfaces and undergo strong evaporation and rapid natural dispersion processes, often resulting in their total disappearance in 2 to 3 days. They form thin sheens.
- Heavy refined products (fuel No. 6 and most types of fuel oils used by merchant ships) which are very viscous spread less rapidly and do not disappear naturally. These form dark thicker patches, separated by areas of intermediate and thin sheens. May form emulsions.
- Crude oils whose characteristics and behaviour vary greatly according to their type and origin. Usually these rapidly break into areas of dark, thicker oil interspersed with areas of intermediate and thin sheens. Most crude oils will form emulsions within 24 – 48 hours.
- In general terms, the thick parts of an oil slick have dull (dark) colours, the colour of patches of intermediate thickness is blue or iridescent (rainbow), and the thinnest parts of a slick appear as areas of grey or silvery sheen.

Sheen consists of only small quantities of oil but is the most visible proof of pollution. Frequently, thick patches are discovered in the midst and windward of an area covered by sheen (silver, grey or iridescent).

Thick patches represent big quantities of oil. Generally, black or dark brown at the early stages of pollution, but once emulsified may appear as brown, red, orange or yellow patches.

TABLE 1 gives an indication of relations between the appearance (colour) of an oil slick, approximate thickness of oil and the approximate volume of oil (in cubic metres) the slick contains per unit of surface area (square kilometres).

TABLE 1: APPEARANCE/ THICKNESS/ VOLUME OF OIL ON THE SEA SURFACE.

APPEARANCE/ COLOUR	APPROX. THICKNESS (μm)	APPROX. VOLUME (m^3/km^2)
silvery sheen	0.02-0.05	0
grey sheen	0.1	0.1
iridescent (rainbow) sheen	0.3	0.3
Blue	1.0	1
blue/brown	5.0	5
brown/black	15-25	15-25
dark brown/black	>100	>100
brown/red/orange/yellow mousse	>1 mm	

Reproduced from "Manual on Oil Pollution at Sea: Securing Evidence on Discharges from Ships", Bonn Agreement, 1993.

Note: the volume of oil per square kilometre will depend on the patchiness of the coverage: the figures above assume 100% coverage, which is most unlikely.

4 DESCRIPTION OF POLLUTION

It is recommended to use the same observers throughout the pollution incident, to minimise disparity in reporting. However, if this is not possible, observers should be instructed to use the following terminology when reporting (describing) oil spills:

a) Sheen:

"light sheen" - sea surface covered with faint silvery sheen, barely visible under favourable light conditions;

"sheen" - sea surface covered with consistent silvery and grey sheen, no patches of thick oil;

"heavy sheen" - sea completely covered with grey sheen, occasionally having rainbow colours (iridescent), no patches of thick oil.

b) Patches:

"small patches" - less than 1 m2, hardly visible from higher altitudes, ranging in colour from blue and brown to black;

"medium patches" - 10-100 m2, clearly visible from the air, colours blue, brown or black.

"big patches" - large slicks of 100 m2 and over, clearly visible, colours blue, brown or black.

In order to indicate what percentage of the sea area is covered by oil, the observer should describe the slicks as:

"scattered"	-	if 1 to 2% of the sea is covered;
"not too compact"	-	if up to 5% of the sea is covered;
"compact"	-	if up to 20% of the sea is covered;
"very compact"	-	if over 20% of the sea is covered.

In order to estimate as accurately as possible the percentage area of the sea covered by oil, it is recommended to view vertically down on the sea surface, to time overflying each type of oil (sheen, patch, mousse) at the constant (and recorded) speed of the aircraft, and to calculate the percentages on the basis of these records once the monitoring flight is over.

Big patches should be reported singly. The report should include the colour of the patch and information on (description of) any sheen (iridescence) present around these patches of darker oil. Particular attention should be paid to identifying brownish/red/orange/yellow colours which indicate the presence of chocolate mousse (this is important for the selection of response techniques, since the presence of emulsions may mean that certain types of skimmers or dispersants will be less effective).

If possible, colour or infra-red black and white photographs or slides, or video recording of the slick should complement each report.

5 REMARKS

- Often up to 90% of the oil is concentrated on 10% of the surface covered by a slick, in its downwind end. This phenomenon is more pronounced in cold sea and weather conditions.
- A strong wind, of more than 20 knots, causes formation of separate windrows.
- The absence of iridescence (rainbow colour bands) is almost always an indication of slick weathering and emulsion formation.
- The appearance of a slick can change, depending on the position of the sun in relation to the observer. If there are any doubts, several overflights from different directions should be made in order to verify the initial observation.
- Certain phenomena (shadows of clouds, algae or seaweed under the sea surface, suspended sediments in an estuary) can be mistaken for oil slicks. If there are any doubts, the observer should request additional overflights of the suspicious area.
- During very strong storms (sea 6), even a major pollution can be difficult to notice and it may become visible only once the weather has calmed down (CAUTION: only large multi-engine aircraft could be used for aerial monitoring under such conditions).

6 METEOROLOGICAL CONDITIONS

The influence of meteorological conditions is as decisive for the observation of a spill as it is for its combating. TABLES 2, 3, 4 give standard scales for wind force (Beaufort wind force scale), sea state and nebulosity, respectively, which should be used by observers when reporting meteorological conditions in the surveyed area.

TABLE 2: BEAUFORT WIND FORCE SCALE

DESCRIPTIVE TERM	BEAUFORT NUMBER	LIMITS OF WIND VELOCITY		PROBABLE MEAN HEIGHT OF WAVES *
		in knots	in m/sec	in metres
Calm	0	<1	0-0.2	-
Light air	1	1-3	0.5-1.5	0.1
Light breeze	2	4-6	1.6-3.3	0.2
Gentle breeze	3	7-10	3.4-5.4	0.6
Moderate breeze	4	11-16	5.5-7.9	1.0
Fresh breeze	5	17-21	8-10.7	2.0
Strong breeze	6	22-27	10.8-13.8	3.0
Near gale	7	28-33	13.9-17.1	4.0
Gale	8	34-40	17.2-20.7	5.5
Strong gale	9	41-47	20.8-24.4	7.0
Storm	10	48-55	24.5-28.4	9.0
Violent storm	11	56-63	28.5-32.6	11.5
Hurricane	12	64-+	32.7-+	>14

* This column is only a guide, showing roughly what may be expected in the open sea, far from land.

TABLE 3: SEA STATE

DESCRIPTIVE TERM	SEA STATE	WAVE HEIGHT
Calm (glassy)	0	0
Calm (rippled)	1	0-0.1
Smooth (wavelets)	2	0.1-0.5
Slight	3	0.5-1.25
Moderate	4	1.25-2.5
Rough	5	2.5-4
Very rough	6	4-6
High	7	6-9
Very high	8	9-14
Phenomenal	9	>14

The sea state is completed with SWELL indications:

Height		Length	
Small	0-2 m	Short	0-100 m (Probably different from the wind direction)
Moderate	2-4 m	Medium	100-200 m
High	4 m	Long	200 m

TABLE 4: NEBULOSITY

Part of the sky covered with clouds in oktas from 0 to 8

0: no clouds

8: entirely cloudy

* * *

Annex 6

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

STANDARD FORMAT FOR REQUESTING ASSISTANCE

INTRODUCTION

In order to retain the consistency with the POLREP Pollution Reporting System, which has been agreed for use in accordance with the recommendation of IMO, the format for requesting assistance within the framework of the present Regional Contingency Plan has been based on Part III-POLFAC (Pollution Facilities) of POLREP, aimed at "requesting assistance from Parties and for defining operational matters related to assistance".

Lines 80 to 87 of the original POLFAC message should be completed in accordance with general instructions given in **Annex 8**, while specific questions reflecting the requirements of the Regional Contingency Plan for South Asia should be entered in lines 88 to 98 of the standard POLFAC message.

Description of the complete POLFAC message, which should be used as the standard format for requesting assistance within the framework of the present Regional Contingency Plan is given in the following pages.

It might be recalled that the request for assistance can be transmitted either separately or together with the other parts (POLWARN, POLINF) of the PLOREP message.

When answering a request for assistance, the Parties do not have to adhere to the POLREP format, although it would be desirable that the figures using POLFAC message are also used in response message, for easier reference.

Taken from the standard POLREP format
Part III (POLFAC)

	CONTENTS	REMARKS
80	DATE AND TIME	No. 80 is related to the situation described below
81	REQUEST FOR ASSISTANCE	Type and amount of assistance required in the form of: - specified equipment - specified equipment with trained personnel - complete strike teams - personnel with special expertise with indication of country requested.
82	COST	Requirements for cost information to requesting country of delivered assistance.
83	PRE-ARRANGEMENTS FOR THE DELIVERY OF ASSISTANCE	Information concerning customs clearance, access to territorial waters, etc. in the requesting country.
84	TO WHERE ASSISTANCE SHOULD BE RENDERED AND HOW	Information concerning the delivery of the assistance, e.g. rendezvous at sea with information on frequencies to be used, call sign and name of supreme on-scene commander of the requesting country, or land-based authorities with telephone number, telex number and contact persons.
85	NAMES OF OTHER STATES AND ORGANIZATIONS	Only to be filled in if not covered by figure 81, e.g. if further assistance is later needed by other States.
86	CHANGE OF COMMAND	When substantial part of an oil pollution or serious threat of oil pollution moves or has moved into the zone of another Contracting Party, the country which has exercised the supreme command of the operation may request the other country to take over the supreme command.
87	EXCHANGE OF INFORMATION	When a mutual agreement has been reached between two parties on a change of supreme command, the country transferring the supreme command should give a report on all relevant information pertaining to the country taking over the command.
88-98		SPARE FOR ANY OTHER RELEVANT REQUIREMENTS OR INSTRUCTIONS
99	ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

* * *

Annex 7

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

RESOURCES WHICH MIGHT BE MADE AVAILABLE FROM OUTSIDE THE REGION INCLUDING CONTACT POINTS OIL INDUSTRY INTERNATIONAL TIER 3 RESPONSE CENTRES[1]

[1] The Use of the International Oil Industry Spill Response Resources: Tier 3 Centres. A joint IPIECA/ITOPF briefing paper, April 1999.

These centres have been established and are funded by groups of oil companies. In the "3 Tier" concept of oil spill response Tier 3 arrangements provide for a combined national or international response to a major oil spill. The international centres have been established to avoid duplication of expensive resources which may only be required infrequently. They are consistent with the OPRC Convention which recognises the importance of cooperation between public and private bodies in providing expertise and resources for responding to oil spills.

Although member companies have preferential access, the centres are available to third party users such as governments and tanker owners. There is a charge for their use, except for the PAJ stockpile. The daily rental rates are published by the centres. The PAJ stockpiles are free, but users must repair or replace damaged equipment.

The centres which could respond in the South Asia Region are:

East Asia Response Ltd (EARL),	Singapore
Oil Spill Response Ltd (OSRL),	Southampton, UK
Petroleum Association of Japan, *(to be confirmed)*	Ras Al Khafji, Saudi Arabia; Abu Dhabi; Malaysia; Singapore; Jakarta, Indonesia and 6 bases in Japan]
Australian Marine Oil Spill Centre, (AMOSC)	Geelong, Australia

EARL and OSRL

EARL and OSRL are linked through their "Global Alliance" whereby they have pooled their resources and expertise. In effect a request to either of them will make available the resources of both. Both have comprehensive stockpiles ready for rapid transport by air, but would rely on local transport to the scene.

The effective use of outside resources, such as those of the Tier 3 centres, will depend very much on the planning, organisation, facilitation and command provided by the Lead Country. Only OSRL has sufficient manpower to operate its equipment at the scene of an oil spill. EARL has smaller teams which would, on most occasions, need to be supplemented by outside personnel.

AMOSC (Australian Marine Oil Spill Centre)

Formally, AMOSC's area of operation is bounded by 110 deg E, 0 deg S, 145 deg W, 50 deg S. This therefore excludes the South Asia region countries.

However, if it were a very serious spill, there would be two possible ways of getting AMOSC involved. If the spill was from a major oil company, the AMOSC involvement could be as part of the EARL response, although AMOSC would have to develop a contract arrangement with EARL at the time.

The second method would be as part of a country to country support through AMSA (Australian Maritime Safety Authority), as AMOSC has a standing contract with AMSA. AMSA has a number of MOUs with neighbouring countries. Although none of these are in South Asia it might be worth approaching AMSA if there were a serious spill and further resources were still needed in addition to those made available from sources closer to hand.

For completeness AMOSC is listed here, but South Asia countries need to recognise its limitations.

CONTACT DETAILS

Oil Spill Response Ltd
Lower William Street, Northam
Southampton SO14 5QE
United Kingdom
Tel + 44 23 8033 1551
Fax + 44 23 8033 1972
E-mail: osrl@osrl.co.uk
Web: http://www.oilspillresponse.com

East Asia Response Pte Ltd
2 Jalan Samulun
Singapore 2262
Tel + 65 266 1566
Fax + 65 266 2312
E-mail: admin@earl.com.sg
Web: http://www.earl.com.sg

Australian Marine Oil Spill Centre
PO Box 305
North Shore
Victoria 3214
Australia
Tel +61 3 5272 1555
Duty Officer +61 438 379 328
Fax +61 3 5272 1839
E-mail: amosc@amosc.com.au
Web: http://www.aip.com.au/amosc

Australian Maritime Safety Authority
GPO Box 2181
Canberra
ACT 2601
Australia
Tel +61 6 6230 6811 (Maritime Rescue Coordination Centre)
Fax +61 6230 6868

OTHER RESOURCES

Fairdeal

The Fairdeal Group was inaugurated in 1978 and is based in the United Arab Emirates with offices in Piraeus, Greece and London. The Group offers oil spill response services in the Gulf as well as slops reception and processing facilities, ship management, petroleum trading and transport, floating oil storage facilities, safety equipment services and shipping agency services.

Their inventory of oil spill response equipment includes:

- Oil Spill Recovery Vessels:
  - "DIVA" 184 ft, 15 knots, recovered oil capacity 795 m3
  - "CARETTA" 151 ft, 12 knots, recovered oil capacity… ?
- Vessel Skimmers – 7 in number, 62 ft, each with 50 m of containment boom

- Auxiliary vessels
  - Landing craft "AZITA", 168 ft, deck cargo 600 tonnes, tank capacity 952 tonnes
  - Open Sea Service Boats, four in number ranging from 92 ft to 58 ft
- Storage Vessels:
  - Self-propelled Storage Tankers, five in number, capacities ranging from 44,000 tonnes to 6,000 tonnes
  - Floating Slops Reception Facilities, two in number, capacities 27,000 tonnes and 4,600 tonnes
- Vehicles: all-terrain utility truck, vacuum truck
- Booms, skimmers, dispersant sprays, communication equipment, diesel high pressure hot water set, Yokohama fenders, 30 tonne storage tanks, hoses, floodlights etc.
- Personnel
- Superintendent, on-scene coordinator, supervisors, shift leaders, technicians, operators.

The Group considers that its larger vessels would be able to make a passage to the scene of a spill off the coast of Pakistan or NW India. Other equipment could be airlifted from Fujairah, United Arab Emirates.

Contact Details
Fairdeal Marine Services
P O Box 298, Fujairah, UAE

Tel: Oil Spill Response Hotline + 97150 649 47 00 or + 97150 629 11 38
(Contact person: Abdalla El Suleiman)
Tel + 971 9 222 81 45 (24 hours)
Tel + 971 9 222 84 27/8/9
Fax + 971 9 222 81 47/222 82 06
E-mail: fairport@emirates.net.ae

* * *

Annex 8

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

POLREP POLLUTION REPORTING SYSTEM

Summarized list of POLREP

	Address	From
	Date Time Group	to
	Identification	
	Serial number	
PART I (POLWARN)	1	Date and time
	2	Position
	3	Incident
	4	Out flow
	5	Acknowledge
PART II (POLINF)	40	Date and time
	41	Position
	42	Characteristics of pollution
	43	Source and cause of pollution
	44	Wind direction and speed
	45	Current or tide
	46	Sea state and visibility
	47	Drift of pollution
	48	Forecast
	49	Identity of observer and ships on scene
	50	Action taken
	51	Photographs or samples
	52	Names of other States informed
	53-59	Spare
	60	Acknowledge
	80	Date and time
	81	Request for assistance
	82	Cost
	83	Pre-arrangements for the delivery
	84	Assistance to where and how
	85	Other States requested
	86	Change of command
	87	Exchange of information
	88-98	Spare
	99	Acknowledge

Table 1

CONTENTS	**REMARKS**	
DTG (Day Time Group)	Day and time for drafting of the telex (DTG). Always 6 figures. Can be followed by month indication. The DTG can be used as a reference.	
POLREP Regional Oil and Chemical Spill Contingency Plan for South Asia	This is the identification report.	
	"POL…"	indicates that this is a report on a pollution incident
	"…REP".	indicates that the report might deal with all aspects of pollution (such as oil as well as other harmful substances).
		It can contain up to 3 main parts:
	Part I (POLWARN)	Is an initial notice (a first information or a warning) of a casualty or the presence of oil slicks or harmful substances.
		This part of the report is numbered from 1 to 5.
	Part II (POLINF)	Is a detailed supplementary report to part I. This part of the report is numbered from 40 to 60.
	Part III (POLFAC)	Is for requests for assistance from other Contracting Parties, as well as for operational matters in the assistance situation. This part of the report is numbered from 80 to 99. See **Annex 6**
	ROCSCPSA	It may be helpful to have a word to identify the particular plan referred to.
	Parts I, II and III can be transmitted all together in one report or separately.	
	Furthermore, single figures from each part can be transmitted separately or combined with figures from the two other parts.	
	Figures without additional text shall not appear in the POLREP.	
	When part I is used as a warning of a serious threat, the telex should be headed with the traffic priority word "URGENT".	
	ALL POLREPS containing ACKNOWLEDGE figures (5,60 or 99) should be acknowledged as soon as possible by the competent national authority.	
	POLREPS shall always be terminated by a telex from the reporting State, which indicates that no more operational communication on that particular incident can be expected.	

CONTENTS	REMARKS
B 1/1	Each single report should be possible to identify and the receiving agency should be in a position to check whether all reports of the incident in question have been received. This is done by using a nation-identifier (B, IN, P, M, SL) followed by a stroke system, where the figure before the stroke indicates the incident to which the report refers and the figure following the stroke indicates the actual number of reports which have been originated on the incident in question. POLREP ROCSCPSA B 1/1 this indicates the first report from Bangladesh of the incident in question in the South Asia region. POLREP ROCSCPSA B 1/2 will, in accordance with the described system, then indicate the second report from the same incident. If the pollution caused by the incident splits up into clearly defined patches - in this example two - the wording POLREP ROCSCPSA 1 now splitting into POLREP ROCSCPSA 2 and POLREP ROCSCPSA 3 should be included in the last report on the incident which is identified by figure 1 preceeding the stroke i.e. ROCSCPSA 1/... The first reports on the two patches originating from the incident first reported will then be numbered POLREP ROCSCPSA B2/1 and POLREP ROCSPCSA B3/1 and consecutive numbers after the stroke could then be used.

PART I (POLWARN)

CONTENTS		REMARKS
1	DATE AND TIME	The date of the month as well as the time of the day when the incident took place or, if the cause of the pollution is not known, the time of the observation should be stated with 6 figures. Time should be stated as [GMT/UTC ?] for example 091900[z] (i.e. the 9th of the relevant month at 1900 [GMT]).
2	POSITION	Indicates the main position of the incident in latitude and longitude in degrees and minutes and may, in addition, give the bearing of and the distance from a location known by the receiver.
3	INCIDENT	The nature of the incident should be stated here, such as TANKER GROUNDING, TANKER COLLISION, OIL SLICK, etc.
4	OUTFLOW	The nature of the pollution, such as CRUDE OIL, CHLORINE, DINITROL, PHENOL, etc., as well as the total quantity in tonnes of the outflow and/or the flow rate, as well as the risk of further outflow. If there is no pollution but a pollution threat, the words NOT YET followed by the substance, for example NOT YET FUEL OIL, should be stated.
5	ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

PART II (POLINF)

CONTENTS		REMARKS
40	DATE AND TIME	No.40 relates to the situation described in figures 41 to 60 if it varies from figure 1.
41	POSITION AND/OR EXTENT OF POLLUTION ON/ABOVE/IN THE SEA	Indicates the main position of the pollution in latitude and longitude in degrees and minutes and may in addition give the distance and bearing of some prominent landmark known to the receiver if other than indicated in figure 2. Estimated amount of pollution (e.g. size of polluted areas, number of tonnes of oil spilled if other than indicated in figure 4, or number of containers, drums, etc. lost). Indicates length and width of slick given in nautical miles if not indicated in figure 2.
42	CHARACTERISTICS OF POLLUTION	Gives type of pollution, e.g. type of oil with viscosity and pour point, packaged or bulk chemicals, sewage. For chemicals give proper name or United Nations number if known. For all, give also appearance, e.g. liquid, floating solid, liquid oil, semi-liquid sludge, tarry lumps, weathered oil, discolouration of sea, visible vapour. Any markings on drums, containers, etc. should be given.
43	SOURCE AND CAUSE OF POLLUTION	e.g. from vessel or other undertaking. If from vessel, say whether as a result of a deliberate discharge or casualty. If the latter give brief description. Where possible, give name, type, size, call sign, nationality and port of registration of polluting vessel. If vessel is proceeding on its way, give course, speed and destination.
44	WIND DIRECTION AND SPEED	Indicates wind direction and speed in degrees and m/sec. The direction always indicates from where the wind is blowing.
45	CURRENT DIRECTION AND SPEED AND/OR TIDE	Indicates current direction and speed in degrees and knots and tenths of knots. The direction always indicates the direction in which the current is flowing.
46	SEA STATE AND VIABILITY	Sea state indicated as wave height in metres. Visibility in nautical miles.
47	DRIFT OF POLLUTION	Indicates drift course and speed of pollution in degrees and knots and tenths of knots. In case of air pollution (gas cloud) drift speed is indicated in m/s.
48	FORECAST OF LIKELY EFFECT OF POLLUTION AND ZONE AFFECTED	e.g. arrival on beach with estimated timing. Results of mathematical models.
49	IDENTITY OF OBSERVER/REPORTER IDENTITY OF SHIPS ON SCENE	Indicates who has reported the incident. If a ship, name, home port, flag and call sign must be given. Ships on scene can also be indicated under this item by name, home port, flat and call sign, especially if the polluter cannot be identified and the spill is considered to be of recent origin.
50	ACTION PLAN	Any action taken for the disposal of the pollution.
51	PHOTOGRAPHS OR SAMPLES	Indicates if photographs or samples from the pollution have been taken. Telex number of the sampling authority should be given.

52	NAMES OF OTHER STATES AND ORGANIZATIONS INFORMED	
53-59		SPARE FOR ANY OTHER RELEVANT INFORMATION (e.g. results of sample or photographic analysis, results of inspections of surveyors, statements of ship`s personnel, etc.
60	ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

PART III (POLFAC)
(See Annex 6 – Standard Format for Requesting Assistance)

TABLE 2
POLREP
Example No. 1
Full report (parts I, II &III)

Address	From: DK
	To: FRG and NL
Date Time Group	181100z june
Identification	POLREP BONN AGREEMENT
Serial number	DK1/2 (DK 1/1 for FRG)

1	Date and Time	1	181000Z
2	Position	2	55° 30`N-07°00`E
3	Incident	3	Tanker collision
4	Outflow	4	Crude oil, estimated 3,000 tonnes
41	Position and/or extent of pollution on/above/in the sea	41	The oil is forming a slick 0.5 nautical miles to the south-east. Width up to 0.3 nautical miles.
42	Characteristics of pollution	42	Venezuela crude. Viscozity 3,780 Cs at 37.8°C. Rather viscous.
43	Source and cause of pollution	43	Danish tanker ESSO BALTICA of Copenhagen, 22,000 GRT, call sign xxx in collision with Norwegian bulk carrier AGNEDAL of Stavanger, 30,000 GRT, call sign yyy. Two tanks damaged in ESSO BALTICA. No damage in AGNEDAL.
44	Wind direction and speed	44	270-10 m/s.
45	Current direction and speed and/or tide	45	180-0.3 knots.
46	Sea state and visibility	46	Wave height 2m. 10 nautical miles.
47	Drift of pollution	47	135-0.4 knots.

48	Forecast of likely effect of pollution and zones affected	48	Could reach the island of Sylt, FRG or further south, NL on 23rd of this month.
49	Identify of observer /reporter. Identity of ships on scene	49	AGNEDAL, figure 43 refers.
50	Action taken	50	2 Danish strike teams high mechanical capacity on route to the area.
51	Photographs or samples	51	Oil samples have been taken. Telex 64 471 SOK DK.
52	Names of other States and organizations informed	52	FRG
53	Spare	53	DENGER PLAN is activated.
81	Request for assistance	81	FRG is requested for 2 strike terms with high mechanical pick-up capacity.
82	Cost	82	FRG is requested for an approximate cost rate per day of assistance rendered.
83	Pre-arrangements for the delivery of assistance	83	FRG units will be allowed to enter Danish territorial waters for combating purposes or Danish harbours for logistics informing SOSC beforehand.
84	To where assistance should be rendered and how	84	Rendezvous 57°30`N-07°00`E Report on VHF channels 16 and 67. SOSC, Lieutenant Commander Hansen in GUNNAR SEIDENFADEN, call sign OWAJ.
99	ACKNOWLEDGE	99	ACKNOWLEDGE

POLREP
Example No. 2
Abbreviated report (single figures from part III)

Address		From:	FRG
		To:	DK
Date Time Group		182230z june	
Identification		POLREP BONN AGREEMENT	
Serial number		Your DK1/2 refers	
80	Date and Time	80	182020z
82	Cost	82	Total cost per day will be aprox…
84	To where assistance should be rendered and how	84	ETA FRG units at POLREP BONN AGREEMENT DK 1/2 will be 182100z.

POLREP
Example No. 3
Exercise report

Address		From:	DK
		To:	N
Date Time Group		210940z june	
		URGENT	
Identification		EXERCISE	
		POLREP BONN AGREEMENT	
Serial number		Your DK1/1	
1	Date and Time	1	210830
2	Position	2	57°50`N-10°00`E
3	Incident	3	Tanker collision
4	Outflow	4	Not yet
5	Acknowledge	5	Acknowledge
			EXERCISE EXERCISE EXERCISE

Annex 9

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

CLAIMS MANUAL

(The International Oil Pollution Compensation Fund's Claims Manual for the 1992 Fund should be referred to if a claim is being made on the Fund.)

1 INTRODUCTION

1.1 This Manual is a guide for the filing of claims. Its purpose is to assist claimants by listing the particulars which a claim should contain and by explaining the nature of the supporting documentation which is required. It does not address legal questions but is intended to give information of a practical nature in respect of the presentation of claims. In case of doubt, it is recommended that claimants seek appropriate advice.

2 HOW SHOULD A CLAIM BE PRESENTED ?

2.1 A claim should be made in writing (including telefax or telex). In all cases, a claim should be presented clearly and in sufficient detail so that it is possible to assess the amount of the damage on the basis of the facts and the documentation presented. Each item of a claim must be supported by an invoice or other relevant documentation, such as work sheets or explanatory notes. In the case of clean-up measures, it is essential that the expenses are linked with the actions taken at specified work sites.

2.2 It is essential that comprehensive records are kept detailing all operations and expenditures resulting from the incident. Daily work sheets should be compiled by supervisory personnel to record the operations in progress, the equipment in use, where and how it is being used, the number of personnel employed, how and where they are deployed and the materials consumed. Recording such information is facilitated by using standard work sheets which should be designed to suit the particular circumstances of the spill and the response organisation in the country concerned.

2.3 Major expenditures are often incurred for the use of aircraft, vessels, specialised equipment, heavy machines, truck and personnel. Some of these resources may be government owned and whereas others may be the subject of contractual arrangements. Detailed records should be kept of actual time employed on clean-up and for what purpose. The appointment of a financial controller to the response team may be valuable, to ensure that adequate records are kept and that expenditure is controlled.

2.4 The speed which claims are settled depends largely on how long it takes for claimants to provide the information required. It is in the interest of claimants, therefore, to follow this Manual as closely possible.

3 WHAT PARTICULARS SHOULD A CLAIM CONTAIN?

3.1 General

3.1.1 Each claim should contain the following basic information:

a) The name and address of the claimant or any representative;

b) The identity of the ship involved in the incident;

c) The date, place and specific details of the incident, the type of oil involved;

d) The clean-up measures taken and/or the kind of pollution damage sustained, as well as the places affected;

e) The amount of the claim.

f) The following general criteria apply to claims:

g) Any expense/loss must actually have been incurred;

h) Any expense must relate to measures which are deemed reasonable and justifiable;

i) A claimant's expense/loss or damage is admissible only if and to the extent that it can be considered as caused by contamination;

j) There must be a link of causation between the expense/loss or damage covered by the claim and the contamination caused by the spill;

k) A claimant is entitled to compensation only if he has suffered a quantifiable economic loss;

l) A claimant has to prove the amount of his loss or damage by producing appropriate documents or other evidence.

3.1.2 Pollution incidents may give rise to claims of different types. Examples of types of claims are given below, along with guidance on how each type may be broken down under various headings.

3.2 Costs of Preventive Measures and Clean-up Operations

a) Delineation of the area affected describing the extent of pollution and identifying those areas which were most heavily contaminated. This should be presented in the form of a map or nautical chart, supported by photographs or videotapes.

b) Analytical and/or other evidence linking the oil pollution with the tanker involved in the incident (e.g. chemical analysis of oil samples, relevant wind, tide and current data, observation and plotting of floating oil movements).

c) Summary of events, including a description of the work carried out at sea, in coastal waters and on shore, together with an explanation of why the various working methods were selected.

d) Dates on which work was carried out.

e) Labour costs (number and categories of response personnel, regular or overtime rates of pay, hours or days worked, other costs).

f) Travel, accommodation and living costs for response personnel.

g) Equipment costs (types of equipment used, rate of hire or cost of purchase, quantity used, over what period).

h) Consumable materials (description, quantity, unit cost and where used).

i) In respect of purchased equipment and materials, any remaining value at the end of the operations.

j) In respect of equipment not purchased for the incident in question, the age of the items.

k) Transport costs (number and types of vehicles, vessels or aircraft used, number of hours or days operated, rate of hire or operating cost).

l) Cost of temporary storage (if applicable) and of final disposal of recovered oil and oily material.

3.3 Replacement and Repair Costs

a) Extent of pollution damage to property.

b) Description of items destroyed, damaged or needing replacement, repair or cleaning (e.g. boats, fishing gear, roads, clothing), including their location.

c) Cost of repair work, cleaning or replacement of items.

d) Age of items to be replaced.

e) Cost of restoration after clean-up, such as repair of roads, piers and embankments damaged by the clean-up operations.

3.4 Economic Loss

a) Nature of loss, including proof that the alleged loss resulted directly from the incident.

b) Comparative figures for earnings in previous periods and during the period when economic loss was suffered.

c) Comparison with similar areas outside the area affected by the oil spill.

d) Method of assessment of loss.

3.4.1 Economic losses can include (but are not limited to): loss of income resulting from restriction of fishing activity or from closure of coastal industrial or processing installations, as well as loss of income by resort operators (hoteliers and restaurateurs). However, any saved overheads or other normal expenses not incurred as a result of the incident must be subtracted in the claims calculation.

3.4.2 If a claimant has received any extra income as a result of the incident, this should be indicated. For example, information should be given of any proceeds from the sale of recovered oil. Similarly, allowance should be made in the claims for income earned as a result of the incident, for instance, by fisherman through employment in the clean-up operations.

* * *

Annex 10

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

RESOLUTION A.869(20)
ADOPTED ON 27 NOVEMBER 1997

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to guidelines concerning the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.625(15) concerning the arrangements for the entry and clearance of marine pollution response resources during emergency situations,

BEING AWARE that the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC Convention), 1990, and in particular Article 7 thereof, stipulates, *inter alia*, that each Party to the OPRC Convention shall take the necessary legal or administrative measures to facilitate: the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and the expeditious movement into, through, and out of its territory of such personnel, cargoes, materials and equipment,

BEING AWARE ALSO that the Annex to the OPRC Convention makes provision for the reimbursement of costs of assistance,

BEING AWARE FURTHER that experience in responding to a major oil pollution incident requiring resources outside a country has clearly demonstrated the critical importance of administrative procedures to facilitate rapid provision of assistance and deployment of human resources and equipment,

NOTING the decisions and recommendations made by the Marine Environment Protection Committee at its thirty-eighth session,

1 ADOPTS the Guidelines for Facilitation of Response to an Oil Pollution Incident set out in the Annex to the present resolution;

2 URGES Contracting Parties to the above-mentioned OPRC Convention to implement the Guidelines;

3 URGES ALSO all Member Governments to implement the Guidelines;

4 REQUESTS the Marine Environment Protection Committee to keep the Guidelines under review taking into account experience gained in their use.

GUIDELINES FOR FACILITATION OF RESPONSE TO AN OIL POLLUTION INCIDENT PURSUANT TO ARTICLE 7 AND ANNEX OF THE INTERNATIONAL CONVENTION ON OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION, 1990

1 If a State needs assistance in the event of an oil pollution incident, it may ask for assistance from other States, indicating the scope and type of assistance required. A State to which a request for assistance is directed should promptly decide and inform the requesting State whether it is in a position to render the assistance required and indicate the scope and terms of the assistance that might be rendered.

2 The States concerned should co-operate to facilitate the prompt provision of assistance agreed to under paragraph 1 of these Guidelines, including, where appropriate, action to minimize the consequences and effects of the oil pollution incident, and to provide general assistance. Where States do not have bilateral or multilateral agreements which cover their arrangements for providing mutual assistance, the assistance should be rendered in accordance with the following provisions, unless the States agree otherwise.

3 The requesting State is responsible for overall supervision, control and co-ordination of the response to the incident and of the assistance supplied. Personnel sent by the assisting State are normally in charge of the immediate operational supervision of its personnel and equipment. The personnel involved in the assisting operation should act in accordance with the relevant laws of the requesting State, which should endeavour to inform the assisting State of the relevant laws. The appropriate authorities of the requesting State shall co-operate with the authority designated by the assisting State**.**

4 The requesting State should, to the extent of its capabilities, provide local facilities and services for the proper and effective administration of the assistance, including decontamination activities, and **should** ensure the protection and return of personnel, equipment and materials brought into its territory by, or on behalf of, the assisting State for such a purpose.

5 The requesting State **should** use its best efforts to afford to the assisting State and persons acting on its behalf the privileges, immunities or facilities necessary for the expeditious performance of their assistance function. The requesting State **should** not be required to apply this provision to its own nationals or permanent residents or to afford them the privileges and immunities referred to above.

6 A State **should**, at the request of the requesting or assisting State, endeavour to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting State.

7 The requesting State **should** facilitate the entry into, stay in and departure from its national territory of duly notified personnel and of equipment and property involved in the assistance.

8 With regard to actions resulting directly from the assistance provided, the requesting State should reimburse the assisting State for the loss or any damage to equipment or other property belonging to the assisting State. The requesting State should also reimburse the assisting State for expenses involved in such assistance arising from the death of, or injury to, persons, or the loss or damage to property, incurred by personnel acting on behalf of the assisting State. This would not prevent the requesting State from seeking reimbursement as part of its claim under the appropriate compensation convention.

9 The States concerned should co-operate closely in order to facilitate the settlement of legal proceedings and claims which could result from assistance operations.

10 The affected or requesting State may at any time, after appropriate consultations and by notification, request the termination of assistance received or provided under this Convention. Once such a request has been made, the States concerned should **consult one another with a view to making arrangements for the proper termination for the assistance.**

11 As the assistance should not be delayed for administrative or other reasons, the necessary legislation should be adopted during the preparedness phase, i.e. before the incident which would require assistance. This is particularly relevant to paragraphs 4 to 8 above.

12 Similar facilitation should be implemented by States concerned when personnel or equipment are provided on behalf of a shipowner, a cargo owner or other relevant entities.

13 In some oil pollution incidents, a shipowner, cargo owner or other private entity may be best placed to call upon dedicated equipment, materials and trained operators to assist with the clean-up response. In order to benefit from the availability of such resources and to ensure their rapid deployment, the State requesting or being offered assistance should facilitate the entry, clearance and subsequent return of the persons, materials and equipment provided. Public authorities should, in so far as it is possible, waive customs and excise duties and other taxes on any equipment and materials provided on a temporary basis for the purpose of assisting in the response to an oil pollution incident.

* * *

Appendix 1

(To Draft Regional Oil And Chemical Marine Pollution Contingency Plan For South Asia)

PROCEDURES FOR THE IDENTIFICATION OF PARTICULARLY SENSITIVE SEA AREAS AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES (Extract from Resolution A.885(21))

1 OBJECTIVES

1.1 The purposes of these procedures for the identification of particularly sensitive sea areas (PSSAs) and the adoption of Associated Protective Measures are to:

.1 set forth the practical steps necessary to implement chapter 3 of the Guidelines;

.2 provide guidance to Member Governments in the formulation and submission of applications for identification of PSSAs and adoption of their necessary Associated Protective Measures;

.3 ensure that in that process all interests - those of the coastal State, flag State, and the environmental and shipping communities - are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information regarding the area at risk of damage from international maritime activities and the protective measures to minimize that risk; and

.4 provide for the assessment of such applications by IMO.

1.2 Identification of any PSSA and the adoption of Associated Protective Measures require consideration of three integral components: the particular environmental conditions of the area to be identified, the vulnerability of such area to damage by identified international maritime activities, and the competence of IMO to provide Associated Protective Measures for the area to address those risks from these maritime activities.

2 DEFINITIONS

2.1 *Associated Protective Measure* - an international rule or standard that falls within the purview of IMO and regulates international maritime activities for the protection of the area at risk.

2.2 *Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas (Guidelines)* - the Guidelines adopted by Assembly resolution A.720(17) in 1991, as amended, which are primarily intended to assist IMO and Member Governments in identifying, managing, and protecting sensitive sea areas.

2.3 *Identification of a particularly sensitive sea area* - a determination by IMO that a proposing Member Government, in accordance with the Guidelines, has established a need for Associated Protective Measures for a particular sea area because of the area's recognized ecological, socio-economic, or scientific characteristics and its vulnerability to damage (that is, injury or environmental harm) by identified international maritime activities.

2.4 *International maritime activities* - vessel traffic and other vessel-based operations that are subject to regulation by international rules and standards within the purview of IMO.

2.5 *Member Governments* - those governments which are Contracting Parties to the Convention on the International Maritime Organization.

2.6 *IMO* - the International Maritime Organization (IMO), which is the international body responsible for identifying areas as Particularly Sensitive Sea Areas and adopting the Associated Protective Measures.

2.7 *Particularly Sensitive Sea Area* - an area that needs special protection through action by IMO because of its significance for recognized ecological or socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities.

2.8 *Proposing Member Government* - a Member Government (or Governments) submitting an application for PSSA identification with its Associated Protective Measures to IMO.

3 APPLICATION BY A PROPOSING MEMBER GOVERNMENT FOR IDENTIFICATION OF A PSSA AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES

3.1 An application to IMO for identification of a PSSA and the adoption of Associated Protective Measures, or an amendment thereto, may be submitted only by a Proposing Member Government. Where two or more Governments have a common interest in a particular area, they should formulate a co-ordinated proposal. The proposal should contain integrated measures and procedures for co-operation between the jurisdictions of the Proposing Member Governments.

3.2 The application should first clearly set forth a summary of the objectives of the proposed PSSA identification, the location of the area, the need for protection and the preliminary proposal for Associated Protective Measures. The summary should include the reasons why the proposed Associated Protective Measures are the preferred method for providing protection for the area to be identified as a PSSA.

3.2.1 Each application should then consist of two parts. In the first part, the application should contain a description of the area, the significance of the environmental characteristics of the area at risk of damage from particular international maritime activities, and an assessment of its vulnerability to damage by these activities. In the second part, the application should show how the proposed Associated Protective Measures will protect the area from the identified risks and show that the measures are within the competence of IMO.

3.2.2 Part I - Description, Significance of the area and Vulnerability

.1 *Description* - a detailed description of the location of the proposed area, along with a chart on which the location of area is clearly marked, should be submitted with the application.

.2 *Significance of the area* - the application should state the significance of the area on the basis of recognized ecological, socio-economic, or scientific reasons, and should explicitly refer to the criteria listed in paragraph 3.3.5 of the Guidelines.

.3 *Vulnerability of the Area to Damage by International Maritime Activities* - the application should provide an explanation of the nature and extent of risk that international maritime activities pose to the environment of the proposed area. The application should describe: the particular ongoing or future international maritime activities that are causing or may cause damage to the marine environment of the proposed area and the damage and degree of harm that may result from such activities, either from such activity alone or in combination with other potential threats.

(a) Maritime activities: the application should set forth such information as:

- types of maritime activities in the proposed area;
- the nature and volume of international vessel traffic;

- types of cargo carried by such traffic;
- the prevailing oceanographic and meteorological conditions;
- any evidence that these activities are causing damage and whether damage is of a recurring or cumulative nature;
- any history of groundings, collisions, or spills in the area and any consequences of such incidents; and
- any foreseeable circumstances or scenarios under which significant damage could occur.

(b) Potential harm: After identification of the activities and the risk of damage, the application should state the harm that may be expected to result from such activities. The application should explain the effects of the damage on the environmental characteristics of the proposed area and indicate any potential economic harm that may result from such damage.

3.2.3 Part II - Appropriate Associated Protective Measures and IMO's competence to adopt such measures

.1 The application should propose the Associated Protective Measures which are available through IMO and show how they provide the needed protection from the threats of damage posed by international maritime activities occurring in and around the area.

(a) The application should identify the proposed measures which may include (i) any measure that is already available in an existing instrument; or (ii) any measure that does not yet exist but that should be available as a generally applicable measure and that falls within the competence of IMO; or (iii) any measure proposed for adoption in the territorial sea or pursuant to Article 211(6) of the United Nations Convention on the Law of the Sea that is specifically tailored to particular, localized circumstances of the area proposed to be identified as a PSSA, where existing measures or a generally applicable measure (as described in subparagraph (ii) above) would not adequately address the particularised need of the area at risk. For non-parties to the United Nations Convention on the Law of the Sea, such measures may still be adopted pursuant to customary international law.

(b) These measures may include ships' routeing measures; discharge restrictions; operational criteria; and prohibited activities, and should be specifically tailored to meet the need of the area at risk.

.2 The application should clearly specify the category or categories of ships to which the proposed Associated Protective Measures would apply, consistent with the provisions of the United Nations Convention on the Law of the Sea (including those related to vessels entitled to sovereign immunity) and other pertinent instruments.

.3 The application should include the steps that the proposing Member Government has taken or will take to pursue the adoption of a generally applicable measure or the recognition of the proposed measure by IMO.

.4 The application should indicate the possible impact of any proposed measures on the safety and efficiency of navigation, taking into account the area of the ocean in which the proposed measures are to be implemented. The application should set forth such information as:

- consistency with the General Provisions on Ships' Routeing;
- implications for vessel safety;
- impact on vessel operations; and
- financial implications for shipowners.

3.3 An application for PSSA identification should address all relevant considerations and criteria in the Guidelines and in these procedures, and should include relevant supporting information for each such item.

3.4 The application should contain a summary of steps taken, if any, by the Proposing Member Government to date to protect the proposed area.

3.5 The proposing Member Government should also include in the application the details of action to be taken pursuant to domestic law for the failure of a ship to comply with the requirements of the Associated Protective Measures. Any action taken should be consistent with international law as reflected in the United Nations Convention on the Law of the Sea.

4 CRITERIA FOR ASSESSMENT OF APPLICATIONS FOR IDENTIFICATION OF PSSAs AND THE ADOPTION OF ASSOCIATED PROTECTIVE MEASURES BY IMO

4.1 IMO should consider each application, or amendment thereto, submitted to it by a proposing Member Government on a case by case basis, to determine whether identification of the area as a PSSA and the adoption of Associated Protective Measures are warranted.

4.2 In assessing each proposal, IMO should take into account the criteria which are to be included in each application as set forth above in section 3.3 of the Guidelines. In particular, IMO should consider:

.1 the full range of protective measures available, and determine whether the Associated Protective Measures identified by the proposing Member Government are appropriate to address effectively the assessed risk of damage to the proposed area by identified international maritime activities and to provide the needed protection;

.2 whether such measures might result in potential significant adverse effects by international maritime activities on the environment outside the proposed PSSA area; and

.3 whether the size of the area is limited to that necessary to address the identified need.

4.3 The procedure for considering a PSSA application by IMO is as follows:

.1 the Marine Environment Protection Committee (MEPC) should bear primary responsibility within IMO for considering PSSA applications, and all applications should first be submitted to the MEPC;

.2 the MEPC should initially review the application to determine whether it addresses the provisions of the Guidelines. If it does, the MEPC may approve in principle the identification of the area as a PSSA, and should refer the application, with its Associated Protective Measures, to the appropriate Sub-Committee or Committee (which could be the MEPC itself) that is responsible for addressing the particular Associated Protective Measures proposed for the area. The Sub-Committee may seek the advice of the MEPC on issues pertinent to the application. The MEPC should make no final determination to approve identification until after the Associated Special Protective Measures have been considered and approved by the pertinent Sub-Committee or Committee;

.3 for measures that require approval by the Maritime Safety Committee (MSC), the Sub-Committee should forward its recommendation for approval of the Associated Protective Measures to the MSC or, if the Sub-Committee rejects the measures, it should inform the MEPC and provide the proposing Member Governments with a statement of reasons for its decision. The MSC should consider any such recommendations and, if the measures are to be adopted, it should notify the MEPC of its decision;

.4 if an application is submitted without fully identifying Associated Protective Measures, the MEPC may approve in principle the identification of the area as a PSSA, pending submission of at least one proposed Associated Protective Measure within 2 years of such approval and subsequent adoption of at least one Associated Protective Measure; and

.5 after the approval by the appropriate Sub-Committee or Committee of the Associated Protective Measures, the MEPC may provide final approval of the application for PSSA identification. If the application is rejected, the MEPC should notify the proposing Member Government and provide a statement of reasons for its decision.

4.4 IMO should provide a forum for the review and re-evaluation of any Associated Protective Measure adopted, as necessary, taking into account pertinent comments, reports, and observations on the measures. Member Governments which have ships operating in the area of the identified PSSA are encouraged to bring any concerns over the Associated Protective Measures to IMO so that any necessary adjustments may be made. The Member Governments which originally submitted the application for identification with the Associated Protective Measures should also bring any concerns, or proposals for additional measures or modifications to any Associated Protective Measure, to IMO.

4.5 After adoption of the application for identification of a PSSA and its Associated Protective Measures, IMO should ensure that the effective date of implementation is as soon as possible based on IMO rules and consistent with international law.

4.6 IMO should, in assessing applications for identification of PSSAs and their Associated Protective Measures, take into account the technical and financial resources available to developing Member Governments and those with economies in transition.

5 IMPLEMENTATION OF IDENTIFIED PSSAs AND THEIR ASSOCIATED PROTECTIVE MEASURES

5.1 When a PSSA is finally approved, all Associated Protective Measures should be identified on charts in accordance with the symbols and methods of the International Hydrographic Organization (IHO). Proposing Member Governments may also chart identified PSSAs in accordance with appropriate national symbols; however, if an international symbol is adopted by the IHO the proposing Member Governments should mark PSSAs in accordance with such symbol and other IHO recommended methods.

5.2 Proposing Member Governments should ensure that any Associated Protective Measure is implemented in accordance with international law as reflected in the United Nations Convention on the Law of the Sea and any other applicable instruments.

5.3 Member Governments should take all appropriate steps to ensure that ships flying their flag comply with the Associated Protective Measures adopted to protect the area identified as a PSSA. Those Member Governments which have received information of an alleged violation of an Associated Protective Measure by a ship flying their flag should provide the Government which has reported the offence with the details of any appropriate action taken.

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