



SACEP

SOUTH ASIA CO-OPERATIVE
ENVIRONMENT PROGRAMME



IMO

INTERNATIONAL MARITIME
ORGANIZATION



UNEP

UNITED NATIONS
ENVIRONMENT PROGRAMME

**REPORT OF THE MEETING OF SENIOR OFFICIALS TO
CONSIDER THE DRAFT SOUTH ASIAN
REGIONAL OIL SPILL CONTINGENCY PLAN**

**COLOMBO, SRI LANKA
14 TO 16 DECEMBER 1999**

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INTRODUCTION

1. The Eleventh Session of the Governing Council of the United Nations Environment Programme (UNEP) held in May 1983 by the decision 11/7 designated the South Asian Seas as a region to be included in the UNEP's Regional Seas Programme in close co-operation with the South Asia Co-operative Environment Programme (SACEP) and the Governments of the South Asian region. The Action Plan for the South Asian Regional Seas Programme was formally adopted at a Meeting of Plenipotentiaries of the concerned countries held in New Delhi, on March 24th 1995. The Action Plan, identified the following four priority activities need to be developed for implementation under the Plan:

- (a) Integrated Coastal Zone Management;
- (b) Development and Implementation of National and Regional Oil Spill Contingency Planning;
- (c) Human Resources Development through Strengthening Regional Centres of Excellence; and
- (d) Land Based Sources of Marine Pollution.

2. The First Intergovernmental Meeting of the South Asian Seas Programme was held in Islamabad in March 1999, where it reviewed the progress achieved and adopted a workplan for the implementation of the programme in the subsequent two year period. The Meeting also provided the policy guidance for the procedures to be followed in the implementation of the programme

3. Under the priority area of Development and Implementation of National and Regional Oil Spill Contingency Planning, the following two specific projects were approved for implementation:

- (a) Capacity Building in the Development and Operation of National Oil Spill Contingency Planning - 1999-2000; and
- (b) Updating and Finalising of the South Asian Seas Oil Spill Contingency Plan - 2001-2002.

4. At a Meeting of the Regional Seas Secretariats held in July 1999, SACEP secured funding support from UNEP for the Updating and Finalising of the South Asian Seas Oil Spill Contingency Plan - 2001-2002 project. This funding was pooled together with funding previously secured by the International Maritime Organization (IMO) for this activity to undertake a joint IMO - SACEP project aimed at preparing a South Asian Regional Oil Spill Contingency Plan.

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

6. As a first step in developing a South Asian Regional Contingency Plan, an IMO consultant undertook a mission to the region in November 1999 to assess the current status of preparedness and response in the region and to prepare a Draft Regional Oil and Chemical Pollution Contingency Plan for South Asia as well as an overview report on oil spill preparedness in the five countries. A Meeting of Senior Officials was held in Colombo, Sri Lanka from 14 to 16 December 1999 to consider the Draft South Asian Oil Spill Contingency Plan.

7. The following countries were represented at the meeting: Bangladesh, India, Maldives, Pakistan and Sri Lanka. IMO and SACEP were also represented at the meeting. Representatives from the United States Embassy in Sri Lanka, Coral Reef Degradation in the Indian Ocean Project (CORDIO), Global Coral Reef Monitoring Network (GCRMN), International Petroleum Industry Environmental Conservation Association (IPIECA) and the World Conservation Union (IUCN) attended as observers. The List of Participants is given in **Annex 1**.

8. This report outlines the main deliberations of the Meeting.

1. OPENING OF THE MEETING

1.1 Dr. Ananda Raj Joshi, Director-General of SACEP, in opening the meeting noted that the participation of so many high level officers reflected the importance that the countries are placing on the development of a regional oil spill contingency plan for the South Asia region. He provided information on the South Asian Regional Seas Programme and outlined the background which had lead to the development of this joint IMO and SACEP project on supporting the efforts of the countries in developing a Regional Oil and Chemical Pollution Contingency Plan for South Asia, hereafter referred to as the "Regional Contingency Plan".

1.2 Mr. K. A. S. Gunasekera, Secretary, Ministry of Forestry and Environment, Government of Sri Lanka, in his welcome speech outlined the ecological sensitivity of the South Asian Area and the risk of major oil pollution accidents caused by the passing tanker traffic, ship-to-ship transfer of oil, coastal traffic and the offshore industries. He stressed that, only by developing modern and effective national oil spill contingency plans and by regional co-operation would the South Asian States be able to minimise the risk and the consequences of a major oil spill. He welcomed the support to the region provided by UNEP, IMO and SACEP which had resulted in the development of a draft Regional Contingency Plan.

1.3 Mr. John Østergaard, Senior Marine Pollution Advisor, Marine Environment Division of IMO, speaking on behalf of the Secretary-General of the IMO, noted that, the attendance alone of representatives from the five countries conveyed a message to IMO that the issue of regional oil spill co-operation had the full support of the countries represented at the meeting. He stressed the importance for countries to be prepared for oil spills and recalled Article 7 of the OPRC 1990 Convention, which calls for Parties to the Convention to co-operate in the case of a serious marine oil spill. He indicated that during the preparatory work leading to the meeting, the capabilities of the countries to respond to oil spills had been evaluated and that it was now up to the meeting to identify useful and sustainable ways of working together to ensure that the countries are able to co-operate and assist each other in case of a major oil spill. He stressed the importance of reaching an agreement on the basic principles on co-operation at this meeting and encouraged delegations to bring the outcome of this meeting to the attention of the respective Governments. He further invited delegates to utilise the time period prior to the next meeting for considering outstanding issues at the national level and urged them to come to the follow-up meeting with a clear mandate to finalise the Regional Contingency Plan.

1.4 The representatives from Bangladesh, India, Maldives, Pakistan and Sri Lanka in their opening remarks thanked Mr. Chris Harris, the IMO consultant, for his excellent preparatory work in developing the draft Regional Contingency Plan. The delegates expressed their support for the development of a Regional Contingency Plan for the South Asian region and stressed the need to explore the resources required as well as the financial implications of having in place such a plan.

2. ORGANISATION OF THE MEETING

2.1 In conformity with the Rules of Procedure of SACEP, the following Office Bearers were elected.

Chairman	Sri Lanka
Rapporteur	India

3. ADOPTION OF THE AGENDA

3.1 The Provisional Agenda (IMO-SACEP/1) as adopted by the meeting is attached as **Annex 2**. The meeting noted the information provided in the Annotated Provisional Agenda (IMO-SACEP/1/1), including the draft timetable. The List of Documents for the Meeting is found in **Annex 3**.

4. STATUS OF RATIFICATION OF RELEVANT IMO CONVENTIONS

4.1 The Secretariat, in introducing document IMO-SACEP/4 which provides information on the status of ratification and accession of the five countries to the various IMO Conventions, stressed the importance of those countries who were not yet Parties to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990, the International Convention on Civil Liability for Oil Pollution Damage (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention), to ratify these.

4.2 The Meeting noted the information contained in the document IMO-SACEP/4 and as summarised here:

	Bangladesh	India	Maldives	Pakistan	Sri Lanka
SOLAS 74	✓	✓	✓	✓	✓
MARPOL 73/78		✓		✓	✓
OPRC 1990		✓		✓	
CLC 69		✓	✓		✓
CLC 92		✓			✓
FUND 71		✓	✓		✓
FUND 92					✓
Intervention 69	✓			✓	✓
Intervention 73				✓	
Salvage		✓			

5. REVIEW OF THE NATIONAL OIL SPILL CONTINGENCY PLANS FOR THE SOUTH ASIAN COUNTRIES

5.1 In introducing document IMO-SACEP/5, which provides information on the status of the national oil spill contingency plans for the South Asian countries, the IMO consultant thanked all the persons from the region who had provided information for this document. He stressed the need for countries to have up-to-date national contingency plans as these outline the organisational frameworks in place for responding to oil spills. He further stressed the importance of the competent national authority listed in each national plan for initiating the oil spill response under a regional plan.

The consultant made the following general points on the national contingency plans:

- (a) The main risk of an oil spill is from passing tanker traffic;
- (b) Some of the national contingency plans do not address the issue of shore clean-up by the local authorities;
- (c) There is a general shortage of equipment within the region, India being the only country with a tier 2 response capability; and
- (d) Bangladesh has an extensive inland waterway system used for bulk oil transport and it would be necessary to view whether these should be included in the regional contingency plan.

5.2 The delegate from Bangladesh informed that their national contingency plan developed in 1983, has not been formally approved by the Government and that it is now out of date. He further informed that the competent national authority responsible for oil spill response is the Ministry of Shipping.

5.3 The Indian delegate informed that their national contingency plan is updated regularly, the last update done in 1999. He further informed that the Coast Guard is the competent national authority responsible for oil spill response and that they conduct exercises involving the oil industry at least twice a year, the last one having been conducted in October 1999. The Coast Guard organises training courses which are currently being offered to the Coast Guard staff, however, in future other sectors, including other countries, will be able to obtain training from the Coast Guard. The lessons learnt from these training and exercises are disseminated through a bulletin publication. The delegate further informed that the Coast Guard is planning to open two oil spill response centres, one each on the west and east coasts.

5.4 The delegate from the Maldives informed that they do not have a national contingency plan and that there is a need for such a plan to be developed.

5.5 The delegate from Pakistan informed that their national contingency plan needed to be finalised, which they hoped to do in the near future. In this respect, they would welcome IMO's assistance for finalising their plan. The delegate also informed that the Marine Pollution Control Board had recently been formed. This board has the mandate to consider any matters concerning marine pollution, to advise the Maritime Security Agency, Ports and others on the control and prevention of marine pollution, to take measures for mobilisation of resources and for training, and to allocate funds for combating marine pollution.

5.6 The representative from Sri Lanka informed that their 1995 plan had been revised in 1998, and a new revision was planned. He informed that the competent national authority listed in the plan is the Marine Pollution Prevention Authority (MPPA), which is under the Ministry of Port Development, Rehabilitation and Reconstruction and that the Chairman of MPPA is the person responsible for receiving reports of pollution as well as the person entitled to request or render assistance.

5.7 The IMO consultant outlined the following general points on national contingency plans:

- (a) All the different bodies involved in the oil spill should be included in the plan;
- (b) Distinction should be made between the parties who are active in the response and those who are the primary beneficiaries of the clean-up operations;

- (c) Training should be an important part of the preparedness process;
- (d) The basic principles in the national contingency plans, e.g. policy on use of dispersants, should be included in the regional contingency plan;
- (e) It is important to include the oil industries in the plan as they have equipment stockpiles and resource persons;
- (f) States should consider when ordering new vessels whose primary function is not in oil spill response, to enquire whether specifications could require vessels to be equipped in such a way that should there be a spill they could be used for response purposes; and
- (g) Tier 3 response facilities (such as Oil Spill Response Limited (OSRL) and East Asia Response Limited (EARL)) should be included in contingency plans.

5.8 The IMO Consultant drew delegates' attention to the specific recommendations for each country for action to comply with the OPRC Convention as set out in document IMO-SACEP/5 and reproduced in **Annex 4** to this report.

5.9 The delegate from Sri Lanka pointed out that the ability to provide for oil spill preparedness and response seemed to be constrained throughout the region by the shortage of funds. The meeting recognised that the provision of equipment was needed within the region, which might require funding from sources outside the governments.

5.10 The IMO representative stressed that it might be easier to obtain funding for equipment from donor agencies once the national and regional contingency plans had been finalised. He further emphasised that the plans would need to be maintained and that the funding for this would need to come from the countries themselves.

5.11 The representative from SACEP informed that their organisation was committed to developing the regional contingency plan and informed that the Governments of Sweden and Norway had expressed support for this. The representative from IMO expressed its commitment in assisting the countries in finalising their plan.

6. CONSIDERATION OF THE DRAFT SOUTH ASIA CONTINGENCY PLAN

6.1 Introducing the papers under this Agenda Item (IMO-SACEP/2 and IMO-SACEP/3), the IMO Consultant said that IMO-SACEP/3 was a draft of the proposed Regional Contingency Plan, based on the version left with countries during his visits in November, amended to take into account comments made. IMO-SACEP/2 set out various matters which delegates might want to discuss in relation to the draft Regional Contingency Plan (**Annex 5**).

6.2 The Meeting considered IMO-SACEP/2, which opened by rehearsing the need for a regional contingency plan and its basic principles. Bangladesh agreed with these principles.

6.3 India expressed the view that the countries in the region need to have minimum capabilities to meet national oil spill emergencies.

6.4 The delegate from the Maldives informed the Meeting that they needed a minimum level of equipment to safeguard fisheries and beaches: transboundary movement of oil into their waters from a spill outside their area was of concern.

6.5 Pakistan expressed similar views to India and commented that the clauses on operational control needed close scrutiny. Also, in Pakistan's experience many of the difficulties in dealing with a spill were issues of liability and compensation, which were not addressed here. He said that the draft plan would be discussed with their legal experts and with experts from other ministries.

6.6 Sri Lanka acknowledged their lack of equipment and expertise and welcomed the principles of the draft plan. A Sri Lanka observer pointed out that countries were progressing their national contingency plans at differing speeds and before the Regional Contingency Plan was finalised all the parties should establish suitable national contingency plans.

6.7 The IMO representative indicated that, if requested it could give assistance to Member States in drafting contingency plans and developing national legislation subject to the availability of funding. However, he said that IMO would not be in a position to help with the funding of equipment. He informed that, the International Oil Pollution Compensation (IOPC) Fund also had documents to help countries prepare legislation to implement the CLC and the Fund Conventions.

6.8 The Meeting discussed the idea of raising funds for oil spill preparedness and response by imposing a levy on visiting ships on the basis that they were potential polluters. Experience had shown that such a proposal was likely to be resisted by ship owners or agents. It would be seen as unfair because it would not provide contributions from passing vessels.

6.9 The IMO Consultant distinguished between financing preparedness – a continuing requirement for which states needed to make budgetary provision one way or the other, and financing the response to actual spills, the costs of which could probably be recovered.

6.10 The IMO Consultant suggested and the meeting agreed that for the Regional Contingency Plan to be effective, Parties would need to have enough equipment to make an initial response to a tier 1 or tier 2 spill.

6.11 The Meeting considered the following items under the heading "Matters to be discussed before a plan can be agreed" in IMO-SACEP/3:

Shortage of Equipment

6.12 The delegates were asked whether their countries had plans to provide themselves with more equipment. Sri Lanka said that new legislation would require ports and oil handling facilities to carry out new risk assessments and provide equipment accordingly.

6.13 India said that their future plan is to acquire two dedicated pollution vessels. The Maldives had just acquired some new equipment; Neither the Maldives, Bangladesh nor Pakistan had plans for new equipment because of shortage of funds. It was pointed out that indigenous materials, such as bamboo, jute and straw, could be use as first aid measures in an initial response.

6.14 The IMO consultant put the case for the five countries to review their policies on the use of dispersants, recognising that they were not themselves harmful to marine life, and that they often offered the best response to a spill. India agreed that under certain circumstances use of dispersants was perhaps the best solution.

6.15 The representative from IPIECA, in discussing what the level of equipment required may be, outlined that it was important for the countries to assess the risk from oil spills to take into account the available resources to the country and thereby to identify the possible resources needed for response.

Resources from Outside the Region

6.16 During discussion of the need to look at sources of response effort from outside the region, the observer representing IPIECA explained the services offered by the international Tier 3 response centres. These non-profit-making centres were set up to airlift equipment and trained operators to assist in the response to spills of up to 30,000 tonnes of oil within hours of call out. As the Chief Executive of Oil Spill Response Limited in the UK he had just concluded an agreement with East Asia Response Limited (EARL) in Singapore which in effect meant that a call to one of them would bring assistance from either or both. He stressed that assistance could only be effective if the country already had a plan and a working organization for oil spill response. Their role was to help and not to take over the response. Asked whether Governments, as opposed to oil companies, could be members of these centres the IPIECA representative said that they could not become full members, but that there was provision for ports and oil handling facilities to become associate members, at a lower subscription. He thought the centres should now look at the question of also accepting governments as associate members. Their services were available even to non-members at commercial rates. He offered to make copies of OSRL's standard third party contract available to the SACEP Secretariat.

6.17 Other sources which were discussed were the Petroleum Association of Japan (PAJ), and the Gulf States resources. The meeting noted that PAJ had placed stockpiles along the tanker route from the Persian Gulf to Japan, but none of these were in the South Asia region. IMO offered to approach PAJ on behalf of the South Asia countries.

6.18 Pakistan was closer to the Gulf States and looked on them as a possible source of assistance in their waters, but no formal arrangements had been discussed. The Meeting agreed that the SACEP Secretariat should pursue possible assistance from the Gulf on behalf of the South Asian countries.

6.19 On the same theme the IMO representative pointed out that ratification of the OPRC Convention meant that a state could call for assistance on any other country, which had adopted the Convention.

The Form of the Agreement

6.20 The delegates supported the development of a Memorandum of Understanding for Co-operation on the Response to Marine Oil Spills in the South Asia Seas Region as opposed to a formal treaty which should be based on the expectation that countries would have a minimum level of equipment for emergency response.

6.21 The Meeting considered a first draft Memorandum of Understanding for Co-operation on the Response to Marine Oil Spills in the South Asia Region prepared by the Secretariat.

6.22 The draft Memorandum of Understanding for Co-operation on the Response to Marine Oil Spills in the South Asia Region as amended by the Meeting, hereafter referred to as the MOU, is attached as **Annex 6** to this report.

6.23 The Meeting agreed that the MOU would facilitate participating States considerations, during the intersessional period, of documents which will form the basis for agreement on the Region Contingency Plan.

6.24 The Meeting also considered whether the MOU should place a binding obligation on the parties to render assistance if requested. The Meeting agreed that this would be impracticable. The most the plan could do would be to place a strong moral obligation on parties to use their best endeavours to assist if requested to do so.

Geographical Coverage

6.25 The Meeting having discussed the geographical scope of the plan, agreed that the national plans clearly define the geographical areas of responsibility in terms of the Exclusive Economic Zones (EEZ's), territorial seas and internal waters, and that this definition should be used in the Regional Contingency Plan.

Activating the Plan

6.26 In discussing how and under what conditions the plan should be activated, the delegations agreed that the size of the spill should not be a criteria for determining whether to activate the plan or not for the following main reasons:

- (a) The amount of oil spilled is rarely known at the early stages of an incident;
- (b) The pollution caused and the clean-up response needed would depend on the type of oil, and the particular conditions of the spill; and
- (c) Parties would not be inclined to call for unnecessary assistance, since they would have to bear the costs.

6.27 Support was expressed that the Lead Authority, which is the operational authority of the party whose waters are polluted, should be responsible for activating the plan.

Joint Operations – Organisation and Command

6.28 The Meeting agreed that joint operations should be conducted in accordance with the national contingency plan of the lead party under the command of the Lead Authority through the Supreme-On-Scene Co-ordinator (SOSC); and that units assisting from other countries will be under the direct operational control and tactical command of their respective National On Scene Co-ordinators (NOSC) and Unit Commanders or team leaders.

Logistic Arrangements

6.29 The Meeting noted that assisting countries need to make adequate arrangements for transporting equipment and personnel to the requesting country.

Facilitation

6.30 The Meeting recognised the importance of requesting countries providing berthing or landing, unloading, storage, transport and other facilities within the requesting country in light of 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".

6.31 The Meeting accepted the importance of ensuring that speedy customs clearance for entry of equipment and personnel is obtained and that the responsible customs officers should be included in the national contingency planning meetings, should participate in exercises and training courses and should be nominated in the national contingency plans.

Use of Airspace and Territorial Waters

6.32 All delegates supported the inclusion in the National Contingency Plans of any restrictions that countries may have regarding the use of airspace and territorial waters.

Paying for Assistance

6.33 The Meeting supported that the National Contingency Plan should list the equipment, people and services which could be made available to assist another party, with an indication of their costs. The meeting also agreed that the assisting party should keep careful records of the resources provided and the costs associated with these and that it should use these records to support the invoices provided. In discussing the reimbursement to the assisting party, the meeting agreed that the requesting party should be committed to reimbursing the assisting party independent of the success of the response operation and whether or not the party requesting the assistance receives compensation.

Linking the Regional Plan to the National Contingency Plan

6.34 The Meeting agreed to include the basic minimum information - such as contact details for activating the plan, lists of available equipment and personnel that could be made available with associated costs- as an annex to the plan.

Joint Training and Exercises

6.35 The Meeting agreed that joint training and exercises may be conducted regularly to test the plan. Initially exercises could be conducted as alarm or paper exercises. The meeting noted that India and the Maldives were undertaking regular joint training exercises and recognised the benefits of the proposal from the representative from IPIECA that countries undertaking joint exercises should invite countries not participating in the exercise as observers. Parties would bear their own cost of participation in exercises unless they agree otherwise.

Co-ordinating and Sharing Research

6.36 The Meeting saw the benefit of sharing research results. Before undertaking research countries should first check on existing research and should check with forums available for exchange of information on research and development.

Secretariat

6.37 The Meeting welcomed the offer from the SACEP Secretariat to act as the Secretariat and Focal Point of the Regional Contingency Plan within the budget of the South Asian Seas Trust Fund.

7. PROGRAMME OF ACTION FOR THE DEVELOPMENT AND MAINTENANCE IN THE SOUTH ASIA REGION OF NATIONAL AND REGIONAL SYSTEMS FOR PREPAREDNESS, RESPONSE AND CO-OPERATION IN COMBATING MARINE POLLUTION ACCIDENTS.

7.1 The IMO Consultant introduced the Proposed Draft Programme of Action (IMO-SACEP/6) and emphasised the importance of a National Oil Spill Contingency Plan as the basis for regional co-operation. The ratification of the OPRC 1990 and the Protocols of 1992 to the CLC and Fund conventions was recommended as the most important international conventions to be ratified by all parties as these conventions provide means for assistance and compensation in case of a major oil spill.

7.2 The Meeting agreed to the Proposed Programme of Action as outlined in the document, particularly the proposals for improving the national system for preparedness and response as set in paragraph 2.2.1 of that document and reproduced in **Annex 4** to this report. The meeting noted that the recommended actions for individual countries were set out in IMO-SACEP/5 and also reproduced in **Annex 4** to this report.

7.3 The Delegate of Bangladesh informed on a study on Inland Waterways Risk Assessment and successful implementation of the project which is funded by Japan, and invited IMO to provide technical assistance on oil spill response planning.

7.4 The representative of IMO informed that in principle, technical assistance within the mandate of IMO was available to all the Member States on request. However, due to the shortage of funding there might be some limitations in assistance provided.

7.5 The Meeting recognised the need for training on the national and regional levels and welcomed the information on the IMO OPRC Model Training Courses.

8. OTHER MATTERS

8.1 The Meeting noted the information by IPIECA on the on-going accident involving the tanker ERICA off the west coast of France, in which some 10,000 tonnes of heavy oil were moving towards the coast.

8.2 The Meeting welcomed the short presentation by Mr. P. K. Kotta of SACEP, on the application of information technology and in particular Geographical Information Systems (GIS) in compiling environmental data. Such systems would be valuable in drawing up environmental sensitivity maps for oil spill response.

8.3 The Indian delegate referred to work already being carried out in India using these techniques in particular as regards the preparing of environmental sensitivity maps for ecologically sensitive areas. He informed that in due course India would be prepared to help other countries to develop these techniques.

ACTIONS AGREED BY THE MEETING

The Meeting agreed:

- a) To pursue the immediate actions for improving the national system for preparedness and response as set out in paragraph 2.2.1 of document IMO-SACEP/6, taking into account the recommendations contained in document IMO-SACEP/5, both of which are reproduced in Annex 4 to this report.
- b) That the Parties would consider within their administrations the documents which were considered by this meeting and in particular the draft Regional Contingency Plan (IMO-SACEP/7, Annex 5) and the draft Memorandum of Understanding (IMO-SACEP/7, Annex 6) and would submit their comments to the SACEP Secretariat by 1 April 2000.
- c) In principle that the Parties would return to a meeting, to be arranged no later than the end of September 2000, with the objective of finally agreeing and signing these documents on behalf of their Governments.
- d) That the Parties would be asked to make a statement at the meeting on the status of their National Oil Spill Contingency Plans.
- e) With the offer made by the IPIECA representative to make copies of the Oil Spill Response Limited (OSRL) standard third party contract available to the SACEP Secretariat.
- f) That the IMO Secretariat would approach the Petroleum Association of Japan and the SACEP Secretariat would approach the Gulf States on behalf of the South Asia countries to investigate possible assistance for preparedness and response from PAJ and the Gulf.

9. ADOPTION OF THE REPORT OF THE MEETING

- 9.1 The meeting adopted the report as set out in document IMO-SACEP/7.

10. CLOSURE OF THE MEETING

- 10.1 The meeting closed at 17:30 hrs on 16 December 1999.

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ANNEX 1

LIST OF PARTICIPANTS

I. SOUTH ASIAN STATES

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ANNEX 2

AGENDA:

MEETING OF SENIOR OFFICIALS TO CONSIDER
THE DRAFT SOUTH ASIA REGIONAL CONTINGENCY PLAN

- 1 Opening of meeting.
- 2 Organization of the meeting.
 - 2.1 Election of the officers.
 - 2.2 Organization of work.
- 3 Adoption of the agenda.
- 4 Status of ratification of relevant IMO Conventions.
- 5 Review of the national oil spill contingency plans for the South Asian countries.
- 6 Consideration of the Draft South Asia Contingency Plan.
- 7 Consideration of the arrangements to be concluded for the adoption of the South Asia Contingency Plan by the South Asian countries.
- 8 Programme of action for the development and maintenance in the South Asia region of national and regional systems for preparedness, response and co-operation in combating marine pollution accidents.
- 9 Other matters.
- 10 Adoption of the report of the meeting.
- 11 Closure of the meeting.

* * *

ANNEX 3

LIST OF DOCUMENTS

Working documents

IMO-SACEP/1	Provisional Agenda.
IMO-SACEP/1/1	Annotated Provisional Agenda.
IMO-SACEP/2	Consideration of the Draft South Asian Regional Oil Spill Contingency Plan - Draft text of the Regional Oil and Chemical Pollution Contingency Plan for South Asia.
IMO/SACEP/3	Consideration of the Draft South Asian Regional Oil Spill Contingency Plan - Proposal for Developing a Regional Contingency Plan.
IMO-SACEP/4	Status of Ratification of Relevant IMO Conventions.
IMO-SACEP/5	Review of the National Oil Spill Contingency Plans for the South Asian Countries.
IMO-SACEP/6	Programme of Action for Development and Maintenance in the South Asian Region of National and Regional Systems for Preparedness, Response and Co-operation in Combating Marine Pollution - Proposed Draft Programme of Action.
IMO-SACEP/7	Report of the Meeting

Information documents

IMO-SACEP/INF.1	List of Documents
IMO-SACEP/INF.2	List of Participants

Reference Documents¹

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990

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.

IMO Assembly Resolution A.851(20), General Principles for Ship Reporting Systems and Ship Reporting Requirements, Including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants.

Provisions concerning the Reporting of Incidents involving Harmful Substances under MARPOL 73/78.

IMO/UNEP Guidelines on Oil Spill Dispersant Application

IMO Manual on Oil Pollution, Section II - Contingency Planning

IMO Manual on Oil Pollution, Section III - Salvage

IMO Manual on Oil Pollution, Section IV - Combating Oil Spills

IMO Manual on Oil Pollution, Section V - Administrative Aspects of Oil Pollution Response

IMO Manual on Oil Pollution, Section VI - IMO Guidelines for Sampling and Identification of Oil Spills

The International Oil Pollution Compensation Fund 1992 - Explanatory note prepared by the 1992 Fund Secretariat, November 1999.

The International Oil Pollution Compensation Fund 1992 -Claims Manual (June 1998)

Civil Liability for Oil Pollution Damage – Texts of Conventions on Liability NS Compensation for Oil Pollution Damage - 1992

The International Oil Pollution Compensation Funds Annual Report 1998 (*distribution restricted one copy per South Asian country represented at the meeting*)

The Use of International Oil Industry Spill Response Resources: Tier 3 Centres: a joint IPIECA/ITOPF Briefing Paper. International Petroleum Industry Environmental Conservation Association, The International Tanker Owners Pollution Federation Limited. London 1999.

* * *

¹ Due to limited availability, the reference documents were distributed two copies per South Asian country represented at the meeting, unless otherwise specified.

ANNEX 4

RECOMMENDATIONS FOR ACTION FOR COUNTRIES TO COMPLY WITH THE OPRC AND PROPOSALS FOR IMPROVING THE NATIONAL SYSTEM FOR PREPAREDNESS AND RESPONSE

Part A of this annex contains recommended actions for each of the South Asian countries to comply with the OPRC. These recommendations were drawn up by the IMO Consultant based on his discussions with relevant persons in the region and are contained in document IMO-SACEP/5 which was submitted to the Meeting of Senior Officials.

Part B of this document provides general proposals for improving the national systems for preparedness and response as contained in paragraph 2.2.1 in document IMO-SACEP/6 which were agreed to by the Meeting.

PART A: RECOMMENDATIONS FOR ACTION TO COMPLY WITH THE OPRC (* = PRIORITY)

BANGLADESH:

- a) *Contingency plan to be revised in line with IMO Manual on Contingency Planning¹ and brought up to date. (Amongst other things ensure that procedures are in place so that the person responsible for mobilising the response to a spill can be authorised to spend money on the response without delay.)
- b) *Ratify MARPOL, CLC, Fund and Salvage Conventions.
- c) Legislation to provide for Bangladesh-registered ships, seaports and oil handling facilities to have oil spill emergency plans.
- d) Consider whether the oil industry should have an active role in the response to marine oil spills.
- e) *Review the inventory of equipment to ensure that a response can be mounted to deal with a spill of at least, say, 5,000 tonnes of crude oil off Chittagong, and a spill within Chittagong harbour of at least 500 tonnes of crude. Procure at least enough of this equipment to enable first aid action to be taken and make arrangements for the rest to be provided quickly if an incident occurs.
- f) Make arrangements for the storage, maintenance and deployment of this equipment.
- g) Assess the risk of a spill on the inland waterways in terms of the type of oils carried, the quantity in any vessel, and the environmental sensitivity of the rivers and their banks: consider the provision to be made for dealing with such a spill.
- h) Provide environmental sensitivity maps.
- i) Obtain a computer programme for predicting the movement of oil spills.

- j) *Develop a policy on the use of dispersants, including streamlining the process for approving their use by giving pre-approvals where possible. Subject to that policy, make contingency arrangements to be able to spray dispersants at sea, preferably from the air. Provide a stock of dispersant sufficient to disperse, say, 3,000 tonnes of crude oil.
- k) Identify suitable aircraft for oil spill surveillance and monitoring and arrange for their pilots to be given training in assessing and reporting spills.
- l) *Training - set up a programme to train those who would be involved with an oil spill in the various roles. This will probably need assistance from outside Bangladesh.
- m) Exercises - when training has been carried out develop a programme of exercises to familiarise people with their roles, procedures and the use of equipment.
- n) Intervention - set out clear procedures for the use of the intervention powers by the person in command of operations in an emergency after an accident to a ship.
- o) Salvage - it is desirable that contingency plans say how salvage assistance may be given after a marine accident to prevent or minimise pollution. (Professional salvors may not always see sufficient commercial incentive to do this.)

INDIA:

- a) Confirm Indian law requires ships, offshore operations, ports, oil handling facilities to have oil spill emergency plans.
- b) Consider guidance in the contingency plan to coastal states which might be faced with shoreline clean-up.
- c) Ensure there are contingency plans for the deployment of equipment held by ports and the oil industry in the event of a major spill at sea.
- d) Progress work on compiling environmental sensitivity maps.
- e) Continue to develop oil spill drift models.
- f) *Review the policy on the use of dispersants, including a system of pre-approvals, so that there is no delay in deciding on their use in an incident.
- g) Consider adapting existing remote sensing aircraft for oil spill monitoring and training the crews.
- h) Confirm that Indian ships and aircraft, civil and military, are encouraged to report any oil slick they may see at sea.
- i) *Develop a programme of exercises to ensure the mobilisation procedures in the NOS - DCP are effective, that those involved in spill response understand their roles, and that equipment is in working order and can be deployed by trained operators.

- j) Ratify the Intervention Convention and confirm its application in Indian law. Develop a policy for its use, including delegation of powers to Coast Guard, and incorporate guidance in the NOS - DCP
- k) Develop policy on salvage to prevent or minimise pollution after a marine accident and include guidance in NOS - DCP.
- l) Subject to agreement on a South Asia Regional Oil Spill Contingency Plan, list in the NOS - DCP the equipment which would be made available to assist other parties.

MALDIVES:

- a) *Decide who is in the lead - the 'competent authority' and the organisation needed to respond to a big oil spill
- b) *Draw up a National Oil Spill Contingency Plan based on OPRC and the principles in the IMO Manual on Contingency Planning². Assess the risk of oil spills and obtain equipment to enable a response to be made. (There is a risk of a marine diesel spill of the order of 50 - 100 tonnes. Unless there is high wave energy or it is moving out to open water it would be sensible to boom such a spill to stop it spreading, and to recover as much as possible with one or two skimmers.) There is a small risk of an accident to a passing tanker or large ship producing a spill of 10,000 tonnes or more. It would not be realistic to keep a stockpile of equipment in the Maldives to deal with such a spill, but the contingency plan ought to indicate where such equipment could be obtained if it was needed.)
- c) Formulate a policy on the use of dispersants on the basis of the balance of environmental advantage: the issues in relation to coral are difficult and it will be too late to resolve them once a spill has happened.
- d) *Make arrangements for some oil spill training to be given to key people, and for training in the maintenance and deployment of equipment to be given to those who will have to do so.
- e) Set up an exercise programme to ensure that those involved in spill response understand their roles, and that equipment is in working order and can be deployed by trained operators.
- f) *Ratify the relevant international conventions: MARPOL, CLC '92, Fund '76 and '92, OPRC, Intervention, Salvage.
- g) In relation to intervention, the roles of the Ministry of Transport and Civil Aviation and of the Coast Guard need clarifying: which of them is responsible for dealing with a marine accident?
- h) If a new tug is to be bought for Male consider a specification which provides some salvage capacity and the ability to deploy boom, operate skimmers and perhaps spray dispersant.

² Manual on Oil Pollution: Section II - Contingency Planning: 1995 edition. International Maritime Organization, London, 1995.

PAKISTAN:

- a) Ratify the CLC Convention and protocols, and give serious consideration to ratifying the Fund Convention and protocols, and the Salvage Convention.
- b) *Finalise the National Contingency Plan, on the principles in the OPRC Convention and the IMO manual¹.
- c) Set out guidance on shoreline clean-up, including the role of the provincial authorities, in the NCP or elsewhere.
- d) Explain the roles of the oil and shipping industries in the NCP.
- e) *Review the equipment available against the risk and draw up a list of equipment to deal with spills in harbour of up to 500 tonnes of crude and to deal with spills at sea of 5,000 tonnes of crude.
 - Consider policy on the use of dispersants and the provision of dispersant spraying capability.
 - Provide some means of at-sea oil recovery.
- f) Commission environmental sensitivity maps.
- g) Consider the development of oil spill drift models.
- h) Train the pilots of the MSA aircraft to survey and monitor oil spills
- i) Consider equipping one or both of the MSA aircraft with remote sensing to detect and monitor oil spills.
- j) *Set up a national oil spill training programme, co-ordinating training in MSA and the Port Authorities.
- k) *Set up a national exercise programme.
- l) Finalise procedures for dealing with a marine accident, including guidance on the use of intervention powers.
- m) Assess the salvage capacity of existing port vessels and naval ships: consider whether an opportunity exists to include a salvage capability in the specification of any new tug being bought by the ports.

SRI LANKA:

- a) Review the equipment available in the light of the risk and consider how Sri Lanka would respond to a spill at sea of the order of 5,000 tonnes of crude.
- b) Make provision for the MPPA to have access to funds in the event of a serious pollution incident.
- c) Ratify the OPRC and Salvage Conventions

- d) Commission sensitivity maps.
- e) Consider obtaining a computerised oil spill drift model.
- f) Consider the use of a chartered civilian aircraft for monitoring a spill if military aircraft cannot be provided.
- g) Implement the training programme outlined in the NCP
- h) Initiate a national programme of exercises to familiarise people with their roles, with procedures and with the use of equipment.
- i) Review the support which might be provide to a neighbour in the event of a spill and set that out in the contingency plan. Consider the procedures needed to agree to provide that support in a particular instance.

PART B: PROPOSALS FOR IMPROVING THE NATIONAL SYSTEM FOR PREPAREDNESS AND RESPONSE

The following proposals for improving the national system, for preparedness and response should be considered, taking into account the specific need of each country and the requirement for the development of a regional agreement:

a) *Ratification of relevant IMO Conventions*

- i) endeavour to accede, as soon as possible, to relevant international Conventions concerning accidental marine pollution; and
- ii) take appropriate actions for the adoption of the necessary national legislation concerning preparedness, response and co-operation in case of marine pollution incidents, including legislation to require seaports and oil handling facilities to have oil spill emergency plans.

b) *Risks Assessment (identify the most serious potential risks)*

Evaluation of the risks should be made based on risk analysis and on information available regarding the type and the density of the maritime transport of oil and other hazardous substances (traffic routes- loading and unloading terminals, etc.).

c) *Assessment of the existing response capabilities*

Reference would be made to the resources available in the public sector and the industry.

Resources available:

- i Personnel (experts and advisors, strike teams, manpower, etc.);
- ii Sources of information and database;

- iii Spill combating equipment (booms, skimmers, dispersant and spraying equipment, storage capacities, beach cleaning equipment, etc.);
- iv Specialized vessels and related equipment (oil spill recovery vessels, pumps and power units, etc.);
- v Auxiliary equipment (tugs and supply vessels, tank barges, aircraft for aerial surveillance, vacuum trucks, communications equipment, protective clothing, etc.);
- vi Support equipments, supplies and services (transport: cargo airplane, cargo vessel, lorry, etc.; communication; housing; etc.);
- vii Oil and waste storage/disposal sites; and
- viii Salvage capability.

d) *Indication of possible response strategies*

Considering all aspects of various spill scenarios and examining possible response strategies, taking into account co-operation within the framework of a regional contingency plan according to the magnitude of the spill.

e) *Determination of the additional equipment required (type and quantity)*

On the basis of the assessment of risks and on the possible response strategies, the equipment necessary for a prompt and effective response should be determined according to the magnitude of the spill. Subsequently, on the basis of the assessment of the existing response capabilities, the need for additional equipment should be determined taking into account the equipment already available under the national and regional contingency plans.

f) *Review of existing contingency plans and identify weaknesses*

Assess the current state of the national contingency plan, its link with other contingency plans in particular those established by port authorities and oil industry and identify weaknesses.

* * *

ANNEX 5

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

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5. COMMUNICATIONS AND REPORTING
 - 5.1 Communication System
 - 5.2 Initial Warning System
 - 5.3 Pollution Reporting System
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6. ADMINISTRATION, LOGISTICS AND FUNDING
 - 6.1 Logistics
 - 6.2 Immigration and customs formalities
 - 6.3 Overflight procedures (see also 4.2 Spill Surveillance)

* Note: The passages in the square brackets "[]" are either provisional drafting which is subject to further discussion, or notes reminding parties that further work is necessary - comments invited. Some passages have been added since the Colombo meeting.

- 6.4 Navigation procedures
- 6.5 Financial Procedures
- 6.6 Medical Insurance and Medical Assistance
- 6.7 Responsibility for Injury and Damage
- 6.8 Documentation of Response Operations and Related Costs

7 PUBLIC INFORMATION

- 7.1 Public Relations Officer (PRO)
- 7.2 Press Releases
- 7.3 Press Conferences

- Annex 1: Directory Of Competent National Authorities, Contact Points, Emergency Response Centres, National On-Scene Commanders and Other Relevant Addresses
- Annex 2: Geographical Coverage and Areas of Responsibility
- Annex 3: Maps Showing Possible Sources of Pollution, Environmental Sensitive Areas, Priorities for Protection And The Use Of Dispersants
- Annex 4: Communication System
- Annex 5: 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
- Annex 6: National Contingency Plans (Or Relevant Parts Thereof)
- Annex 7: Guidelines For Reporting Oil Spills (Aerial Surveillance)
- Annex 8: Standard Format for Requesting Assistance
- Annex 9: Polrep Pollution Reporting System
- Annex 10: Claims Manual
- Annex 11: 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

Work Programme

Appendix 1

Guidelines For The Designation Of Special Areas And The Identification Of Particularly Sensitive Sea Areas [Extract From Resolution A720 (17)]

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 surveillance 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 an 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 [was reviewed by a meeting of senior officials held in The final Plan was then submitted to a "High Level Meeting" which adopted it on.....].

Maritime Oil Traffic

1.1.6 South Asia not only imports X% of its X million tonnes annual consumption of oil, most of which comes from the Arabian Gulf, but India, Maldives, Pakistan and Sri Lanka lie close to the main shipping route from the Gulf to the Far East, which carries an annual total of X million tonnes a year of crude oil. 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 With the exception of India the South Asian countries do not have the capability to deal effectively with a spill of more than 50-100 tonnes in harbour or calm waters and have almost no capability to deal with a serious spill at sea. The only way Bangladesh, Maldives, Pakistan and Sri Lanka would be able to respond to a serious spill would be to call on India and other countries to help them. If a spill was beyond India's response capacity assistance would be needed from further afield. A regional plan is an important first step towards supplementing individual states' response capability.

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 or the area of interest 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 are intended to be taken through the implementation of the Regional Contingency Plan:

- a) developing national preparedness measures including an appropriate organization 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 declared response capability in each State] 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 EEZ or pollution zone, the territorial sea and internal waters, [which would include inland waterways connected to the sea and used for the transport of oil or hazardous substances]. A map indicating geographical coverage and areas of responsibility for participating parties is attached as Annex 2.

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 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 Contingency Plan for 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 and territorial waters of Bangladesh, India, Maldives, Pakistan and Sri Lanka, as established in accordance with international law.

1.4.10 **Area of interest** means the sea waters not included in the areas of responsibility, in which the occurrence of a pollution incident affects or is likely to affect the related interests of one or more of the Parties.

1.4.11 **Lead country** means the Party in whose area of responsibility or area of interest 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).

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

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

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

1.4.15 **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.

1.4.16 **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)**.

1.4.17 **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.

1.4.18 **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.

1.4.19 **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.

1.4.20 **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.)

1.4.21 **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.

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

1.4.23 **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.

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

1.4.25 **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.

1.4.26 **Operations at sea** means any measures, including intervention on the source of pollution, aerial surveillance, 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.

1.4.27 **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.

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

1.4.29 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
- 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;
- 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 6);
- 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 5);
- i) directories of experts, trained personnel and strike teams designated by each Party to take part in Joint Response Operations (Annex 5).

2.1.2 Information listed above shall be attached to the Plan in Annexes 1, 5 and 6.

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

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....[to be agreed]

2.4 Joint training and exercises

2.4.1 The Parties shall conduct periodically (at least once a year) joint training courses and joint exercises. [Joint exercises and training need not involve all the parties e.g. in the Bay of Bengal they might involve only Bangladesh and India, in the Arabian Sea only India and Pakistan, in the southern part of the region only India, Sri Lanka and Maldives.] 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; [This might be better left to national exercises.]
- 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.

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

2.5 Revision 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 and by the unanimous decision of all Parties.

2.5.2 If the unanimous decision concerning revision and amendment of the Plan cannot be reached, the Parties agree to observe the original provisions of the Plan.

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 or area of interest have been affected or are 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) surveillance of the pollution;
- b) assessment of the situation;
- c) spill movement forecasting; and
- d) 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 Parties. This might be when the major part of the pollutant has moved from the area of responsibility or area of interest of the Party initially affected and who has activated the Plan, to the area of responsibility or area of interest 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 interest 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 NOSC 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) [capable of being] 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. [If the ERC is not manned 24 hours a day it should be capable of being manned within 1 hour of an alert and a suitable contact point, e.g. a Maritime Rescue Co-ordination Centre shall be available 24 hours a day.]

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.

3.5.2 The Plan distinguishes between:

- a) **Operational Command** which is overall co-ordination and control of **Joint Response Operations** 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 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 email. 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 or area of interest 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 6.]

[Maps showing possible sources of pollution, environmentally sensitive areas (see IMO Resolution A720(17) 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 given at Annex 3.]

3.7.3 Precise guidelines concerning the operation of vessels and aircraft of the assisting Parties within the area of responsibility of another Party are given at Annex 6.

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.

3.8.2 Diagram 1: COMMAND STRUCTURE

3.8.3 Diagram 2: LINES OF COMMUNICATION

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 Regardless of the need for the activation of the Plan, the Operational Authority of the Party in whose area of responsibility or interest a [major³] pollution incident has occurred shall, after receiving and verifying the incident report, immediately inform the Operational Authorities of the other Parties (cf. para. 2.1 and 5.2) through their National Contact Points. [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

4.1.5 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;

³ ["major" means a spill which requires counter-pollution resources to be mobilised]

- 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 also includes treatment and final disposal of collected pollutant and contaminated beach material.

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 Surveillance

4.2.1 For the surveillance of spill movement and behaviour, priority shall be given to aerial surveillance, although any other suitable means (ships, vessels) might also be used if the aircraft are not immediately available.

4.2.2 The surveillance 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 surveillance 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 Parties agree to allow, when necessary, flights over their territory or territorial waters, by aircraft of the other Parties, for the surveillance of spills within the framework of the Plan and following the specific request of the Lead Authority. In its request, the Lead Authority shall precisely define the aim of the mission and the flight plan. Guidelines about air operations, including any reservations which Parties may have, should be set out in their National Contingency Plans annexed to this Plan at Annex 6. See also 6.3.2 Overflight Procedures and 6.3.3 Navigation Procedures.

4.2.4 Information concerning aircraft suitable for spill surveillance (including their technical characteristics and specialised equipment, if available), to which each Party has access, is given in Annex 5 (inventory of equipment).

4.2.5 Airports within the territory of the lead Party, which might be used by surveillance aircraft of an Assisting are listed, with relevant navigational and technical information, at Annex 5.

4.2.6 Reporting procedures, which shall be followed for the purpose of the Plan by the crews of surveillance aircraft, are given at Annex 7.

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 para. 1.2.

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 8. 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 It is the duty of the Party or Parties receiving a request for assistance, 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. [The Parties should agree on a consolidated list of dispersants which could be used generally 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.

4.4.5 If not otherwise decided in direct contacts between the SOSC and NOSCs of the Parties taking part in JROs, the same principles shall apply also in the areas of interest of the Parties.

4.6 Assistance from Outside the Region

4.6.1 In case of a pollution incident of such magnitude and nature, that, in the opinion of the Lead Authority, the joint capabilities and resources of the Parties are not adequate to deal with it, the Lead Party may request additional assistance from outside the region.

4.6.2 In such circumstances and after consultations with the Lead Authority, other Parties may also request, in accordance with their needs, such additional assistance.

4.6.3 If more than one Party requests assistance from other Parties co-ordination of these actions between the Parties shall be made at the level of their Operational Authorities.

4.6.4 [This plan should also include an assessment of resources from outside the region, both from oil companies, and States which might reasonably be called upon under Article 7 of the OPRC Convention.]

4.7 Termination of Joint Response Operations and Deactivation of the Plan

4.7.1 SOSC shall terminate the JROs when:

- a) Pollution response measures have been finalised and the other Parties involved agree that the pollutant does not further threaten their interests, or that the benefits of further counter pollution measures would not be justified by their cost.
- b) pollution response measures have been completed to a point where response capabilities and resources of the lead Party are sufficient for successfully finalising them.
- c) None of the other Parties wishes to continue the operation as the Lead Authority.

4.7.2 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.

4.7.3 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.

4.7.4 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.

4.7.5 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.

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

4.7.7 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 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 9.

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;
- 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 11 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:
 - i unloading and handling facilities as appropriate, including cranes, fork-lifts, and vehicles as necessary; and
 - ii 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.

6.6.2 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 6 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, 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 Surveillance)

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, for one of the following purposes:

- search and rescue;
- surveillance flights;
- transportation of response personnel, equipment and products;
- spraying of dispersants or other treatment products;
- 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 on the case-by-case basis by the Parties concerned.

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, for one of the following purposes:

- a) search and rescue;
- b) salvage operations;
- c) pollution response operations, including containment and recover of spilled products, spraying of dispersants or other treatment products, storage and transportation of recovered pollutant;
- d) transportation of response personnel, equipment and products;
- e) 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 on the case-by-case basis by the Parties concerned.

6.4.4 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 5 and regularly updated by each Party.

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. 2.5).

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 5 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 5 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 5 and the daily work logs approved by the SOSC or another responsible officer of the Lead Party;
- d) all expenses listed in para. 6.2.2 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 10.

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. [arbitration?] [The law which shall apply in case of dispute shall be that of the assisting country i.e. the country incurring the costs.]

6.5.11 The provisions of this paragraph 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 [Alternatively, the Parties may agree that the claims for reimbursement of such expenses shall be submitted directly to the party liable for pollution incident, its insurers or an international system for compensation of pollution damages, by each Party separately.]

6.5.13 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.

6.5.14 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, the 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, even if they are caused by the negligence of the assisting Party.

6.7.2 If assisting units cause any damages to third parties at the time when they are approaching or leaving the site of operations, the responsibility for such damages shall rest with the Authority of the country in whose territory these damages were caused.

6.7.3 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:
 - i) operations in progress (place, time, purpose);
 - ii) equipment and other means in use (place, time, purpose);
 - iii) personnel employed (number, time);
 - iv) response products and other material (e.g. fuel) consumed (quantity, purpose).
- c) 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.

6.8.4 In case that the Parties have agreed that the assisting Party will submit a separate claim for compensation, the Authorities of the Lead Party shall make available to the Authorities of the assisting Parties copies of relevant records.

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) technical data on 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.

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

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ANNEX 6

**DRAFT MEMORANDUM OF UNDERSTANDING (MOU)
FOR CO-ORDINATION ON THE RESPONSE TO MARINE OIL SPILLS IN
THE SOUTH ASIA REGION**

1. **Introduction**

The five countries of the South Asia Seas region, Bangladesh, India, Maldives, Pakistan, and Sri Lanka:

CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular.

RECOGNIZING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities.

MINDFUL OF the importance of precautionary measures and prevention in avoiding oil pollution in the first instance, and the need for strict application of existing international instruments dealing with maritime safety and marine pollution prevention, particularly the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, and also the speedy development of enhanced standards for the design, operation and maintenance of ships carrying oil, and of offshore units.

MINDFUL ALSO THAT, in the event of an oil pollution incident, prompt and effective action is essential in order to minimize the damage which may result from such an incident.

EMPHASIZING the importance of effective preparation for combating oil pollution incidents and the important role which the oil and shipping industries have in this regard.

RECOGNIZING FURTHER the importance of mutual assistance and international co-operation relating to matters including the exchange of information respecting the capabilities of States to respond to oil pollution incidents, the preparation of oil pollution contingency plans, the exchange of reports of incidents of significance which may affect the marine environment or the coastline and related interests of States, and research and development respecting means of combating oil pollution in the marine environment.

TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law.

TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage, including the 1992 Protocols to the 1969 International Convention on Civil Liability for Oil Pollution Damage (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND).

TAKING ACCOUNT FURTHER the Action Plan for the South Asia Regional Seas Programme adopted at a meeting of the concerned parties in New Delhi in March 1995, which agreed, inter alia, on active to develop and implement National and Regional Oil Spill Contingency Plans.

BEING AWARE of the need to promote international co-operation and to enhance existing national, regional and global capabilities concerning oil pollution preparedness and response, taking into account the special needs of the developing countries and particularly small island States.

CONSIDERING THAT these objective may best be achieved by the conclusion of an Memorandum of Understanding.

HAVE AGREED as follows:

- 1.1 This Memorandum of Understanding applies to marine oil spills occurring in the EEZ, territorial seas and internal waters of the Parties. The Parties will also adopt the principles here to cooperate as necessary in response to spills outside this area which are judged to threatened the interests of any of the Parties.
- 1.2 The Parties accept that similar principles should be applied, where appropriate, to incidents of pollution or the risk of pollution form hazardous or noxious substance.
2. **General Provisions**
 - 2.1. The Parties to this Memorandum of Understanding will use their best endeavours to maintain their ability to respond to pollution incidents threatening the marine environment of the South Asia Seas Area. This would involve in carrying out a risk assessment for traffic in their waters and using their ports and oil handling facilities in their waters, and based on that establishing the capability within the country of making a first response to the spills form which they are most at risk.
 - 2.2.
 - a) They agree to develop capability to notify without delay any pollution incidents which affect or are likely to affect the interests of other Parties.
 - b) In the event of a significant pollution incident they would inform other Parties and the Secretariat as soon as possible.
 - 2.3 The Parties agree that subject to their capabilities and the availability of relevant resources, they would co-operate in responding to pollution incidents when the severity of such incidents so justified.
 - 2.4. In addition the Parties would take other measures to co-operate and exchange information with other Parties in order to improve the ability to respond to pollution incidents within the Region.
3. **Contingency Planning**
 - 3.1. Each Party would establish a national system for responding to oil pollution incidents including the designation of a national competent authority and a national contingency plan.
 - 3.2 The Parties would co-operate to draw up and keep up-dated multilateral plans for a joint response to serious pollution incidents.

4. **Response Regions**

- 4.1. This Memorandum of Understanding shall not prejudice any other agreements concluded between Parties concerning the same subject, or any agreements between parties and other states. Neighbouring States shall ensure the harmonization of different agreements. Parties agree to inform other Parties and the Secretariat about such agreements.

5. **Reporting Procedure**

- 5.1. The Parties will require masters or other persons having charge of ships flying their flags to report without delay any event on their ship involving a discharge or probable discharge of oil or other harmful substances.
- 5.2. The Parties will request masters or other persons having charge of ships and pilots of aircraft to report without delay significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.

6. **Emergency Measures on Board Ships**

- 6.1. Parties will request masters of ships flying their flags or, in case of fixed or floating platforms operating under their jurisdiction, the persons having charge of platforms to provide, in case of a pollution incident and on request by the proper authorities, such detailed information about the ship and its cargo or in case of platform its production which is relevant to actions for preventing or responding to pollution of the sea, and to co-operate with these authorities.

7. **Response Measures**

- 7.1. The Parties will when a pollution incident occurs in their waters make the necessary assessments of the situation and take initial response action in order to avoid or minimize subsequent pollution effects.
- 7.2. When such a spillage is drifting or is likely to drift into the waters of another Party, that Party shall without delay be informed of the situation and the actions that have been taken.

8. **Assistance**

- 8.1. According to the provisions of paragraph 2.3 above:
- a) A Party is entitled to call for assistance by other Parties when responding to a pollution incident.
 - b) Parties shall use their best endeavours to provide such assistance.
 - c) Nothing in this Memorandum of Understanding shall inhibit Parties from calling for assistance from outside the Region if they judge that to be necessary.

8.2. Parties shall take necessary legal or administrative measures to facilitate:

- a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
- b) the expeditious movement into, through, and out of its territory of such personnel, cargoes, materials and equipment.

9. **Reimbursement of Cost of Assistance**

9.1. Unless otherwise agreed between Parties, the Parties shall bear the cost assistance referred to in paragraph 8.1.

9.2. a) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the cost of the action of the assisting Party. If the request is cancelled the requesting Party shall bear the costs already incurred or committed by the assisting Party.

b) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.

c) The principles laid down above in sub-paragraphs a) and b) shall apply unless the Parties concerned otherwise agree in any individual case.

9.3. Unless otherwise agreed, the costs of the action taken by a Party at the request of another Party will be fairly calculated and paid according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

9.4. The provisions of this regulation are without prejudice to the rights of Parties to recover from third Parties the cost of actions taken to deal with pollution incidents under other applicable provisions and rules of international law and national or supra-national regulations.

10. **Regular Co-operation**

10.1. Each Party will provide information to the other Parties and the Secretariat about:

a) its organization for dealing with spillages at sea of oil and other harmful substances;

b) its regulations and other matters which have a direct bearing on preparedness and response to pollution at sea by oil and other harmful substances;

c) the competent authority responsible for receiving and dispatching reports of pollution at sea by oil and other harmful substances;

d) the competent authorities for dealing with questions concerning measures for mutual assistance, information and co-operation between the Parties according to this Memorandum of Understanding; and

e) action taken in accordance with Section 7 and 8 of this Memorandum of Understanding.

- 10.2. The Parties will exchange information on relevant research and development programs.
- 10.3. Parties will arrange joint training and exercises on matters covered by this Memorandum of Understanding.
- 10.4. The Parties will co-operate within the international Maritime Organization in matters concerning the implementation and further development of the International Convention on Oil Pollution Preparedness, Response and Co-operation.

11. **South Asia Regional Oil Spill Contingency Plan**

11.1. The Parties agree to apply as far as practicable the terms of the Regional Oil and Chemical Pollution Contingency Plan for South Asia agreed between the Parties
at _____ on _____

(Administrative paragraphs to be drafted)
