


Agreement on the Regional Contingency Plan

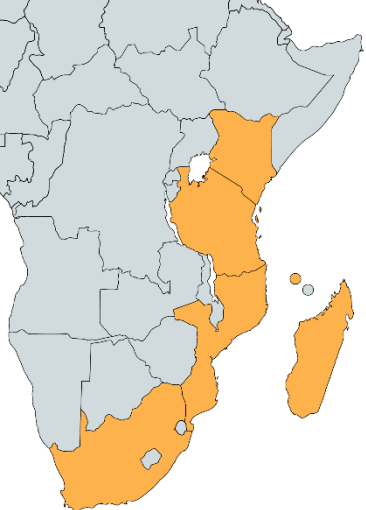


**for Preparedness for and
Response to major Marine
Pollution Incidents in the
Western Indian Ocean**

**Regional Workshop on Cooperation in Preparedness and Response to Marine Spills
March 2020, Zanzibar**

Planning Hierarchy





Regional Contingency Plan Agreement

- Entered into force: November 2011
- Linked to Nairobi Convention and Emergency Protocol
- Provides a strengthened basis for the Regional Contingency Plan
- Emphasizes alignment to the OPRC Convention
- Concise: 10 point statement

Agreement on the Regional Contingency Plan for Preparedness for and Response to major Marine Pollution Incidents in the Western Indian Ocean

*The Government of the Union of the Comoros,
The Government of the French Republic,
The Government of the Republic of Kenya,
The Government of the Republic of Madagascar,
The Government of the Republic of Mauritius,
The Government of the Republic of Mozambique,
The Government of the Republic of Seychelles,
The Government of the Republic of South Africa,
The Government of the United Republic of Tanzania*

hereinafter referred to as Signatories

- **Being Parties** to the international Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (hereinafter referred to as OPRC 90 Convention)
- **Being also Parties** to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region adopted in Nairobi in 1985 (hereinafter referred to as the Nairobi Convention) and to its Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region (hereinafter referred to as the Emergency Protocol);
- **Taking note** of the Memorandum of Understanding for the implementation of the GEF-Western Indian Ocean Marine Highway Development and Marine Contamination Prevention Project, signed in 2006 by Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, South Africa and Tanzania;
- **Recognizing** that the Indian Ocean in general, and its western part in particular, is a major route for transporting oil and that there is a high risk of oil pollution,
- **Noting** the obligations under the OPRC 90 and the Nairobi Conventions to organize and prepare response to major marine pollution incidents, and make permanent efforts at national, sub-regional and regional levels in this regard;
- **Being aware** that in the event of an oil pollution incident, prompt and effective action is essential in order to minimise the damage which may result from such an incident;
- **Bearing in mind** the relevant provisions of OPRC 90 Convention related to the promotion of bilateral or multilateral agreements for preparedness for and response to pollution incidents;
- **Bearing also in mind** other relevant international conventions concerning prevention of pollution from ships and liability and compensation for pollution damage, as referred to in Annex 1;
- **Considering** that regional agreements, specifying in advance operational arrangements, administrative modalities and financial conditions related to cooperation in cases of emergency, are necessary for a prompt and efficient response to marine pollution incidents at regional level;
- **Noting** that the existence of national capabilities for responding to marine pollution incidents, including pollution response equipment and trained personnel, is an indispensable prerequisite for the efficient regional co-operation and mutual assistance;
- **Mindful** of the importance of mutual assistance and international co-operation through the exchange of information on matters such as national contingency plans, available national resources, reports on significant incidents and relevant research and development;
- **Acknowledging** the positive role that a Regional Coordination Centre (hereinafter referred to as RCC) shall play in promoting regional co-operation in preparedness for and response to marine pollution incidents in the Western Indian Ocean region;

be resolved by negotiations amongst the Signatories.

10. The Agreement may be denounced by any Signatory at any time after the expiry of four years from the date on which the Agreement enters into force for that Signatory. Denunciation shall be effected by notification in writing to the Depository (the Government of the Republic of Kenya being the depository of the Nairobi Convention).

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Signatories, at any time, upon

the present Agreement shall

Draft Regional Contingency Plan

- Based on content and format promoted by IMO
- General objective:
“to organize a prompt and effective response to accidental marine pollution affecting or likely to affect the area of responsibility and/or the area of interest of one or more of the countries concerned and to facilitate the co-operation in the field of marine pollution preparedness and response.”

Around 40 pages
plus appendices

REGIONAL CONTINGENCY PLAN
FOR PREPAREDNESS FOR AND RESPONSE TO
MAJOR MARINE POLLUTION INCIDENTS
IN THE WESTERN INDIAN OCEAN

DRAFT ver_3

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4.4	Joint response operations
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- Provide arrangements and procedures for co-operation and joint operations
- Define areas of responsibility
- Establish principles of command and control
- Specify types of assistance which might be provided
- Determine financial conditions and administrative modalities related to co-operative actions

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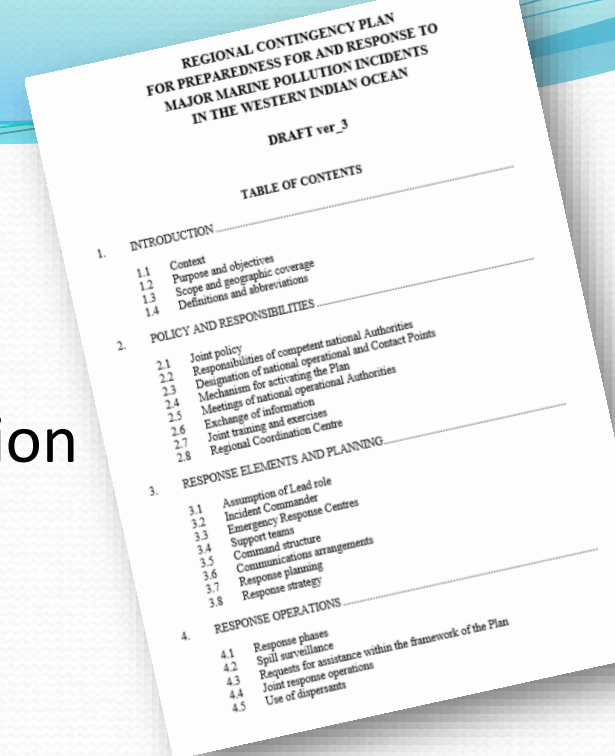
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How it works: overview

- ✓ National response systems remain sovereign and central
- ✓ ROSCP's Pollution Reporting (POLREP) used for alert and notification
 - ✓ 24/7 operational contact points
 - ✓ Allows warning of potential trans-boundary pollution
 - ✓ Facilitates requests and offers of support or assistance
- ✓ Provides means for integration of other countries' assistance into national response i.e. command/control clarity
- ✓ Lowers potential customs or immigration barriers, avoiding delays to response
- ✓ Encourages clarification of financial arrangements
- ✓ Guidance on public information dissemination

 **Based on mutual benefit and best endeavours**



RCP's scope

✓ “... marine incident causes or is likely to cause pollution, which can possibly affect one or more Parties, and is of such magnitude that calling on the other Parties for assistance is justified”

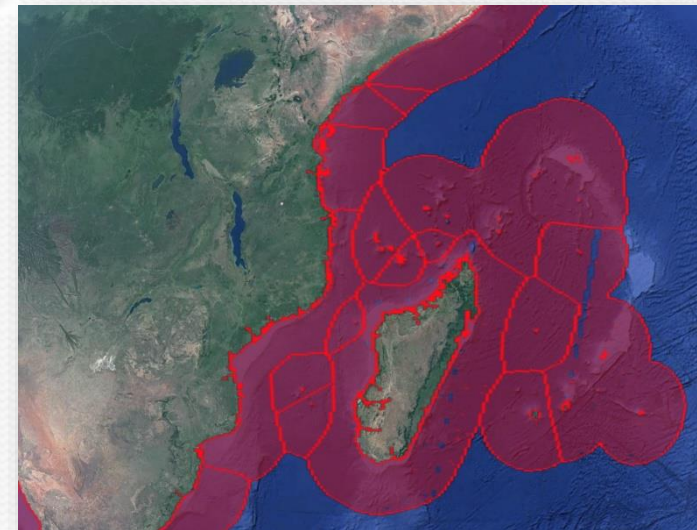


✓ Oil and Hazardous Noxious Substances (HNS)



✓ Coverage comprises “area of responsibility” for each Party

✓ “...its coastal area, internal waters, territorial sea and exclusive economic zones as defined by the Party”



RCP's policy and procedures

- ✓ Designate key authorities
 - ✓ mirrors Article 6 of OPRC Convention
- ✓ Exchange of information
 - ✓ Up-to-date contacts
 - ✓ Relevant sections of national contingency plans
 - ✓ Inventories of available equipment or expertise
- ✓ Joint training and exercises

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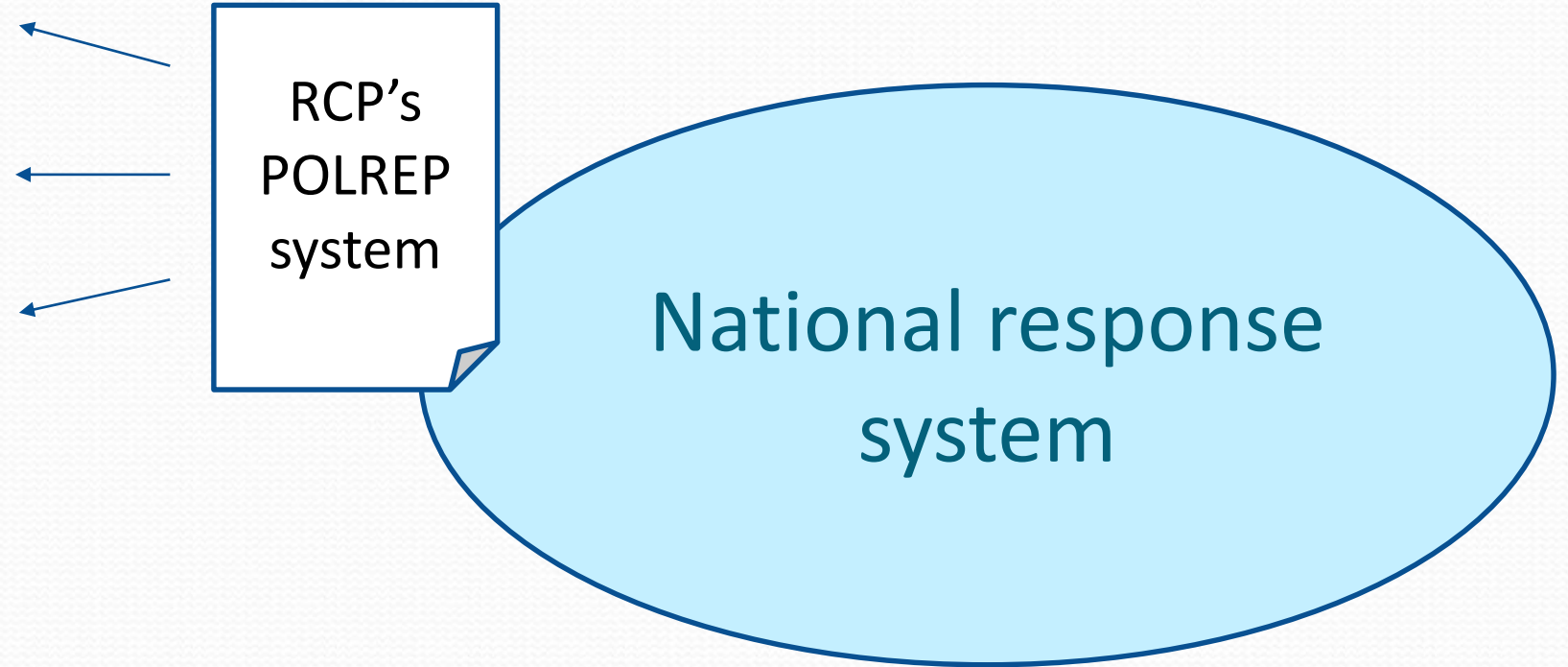
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RCP's command principles

Action A State activates RCP by asking for assistance – becomes 'Lead State'

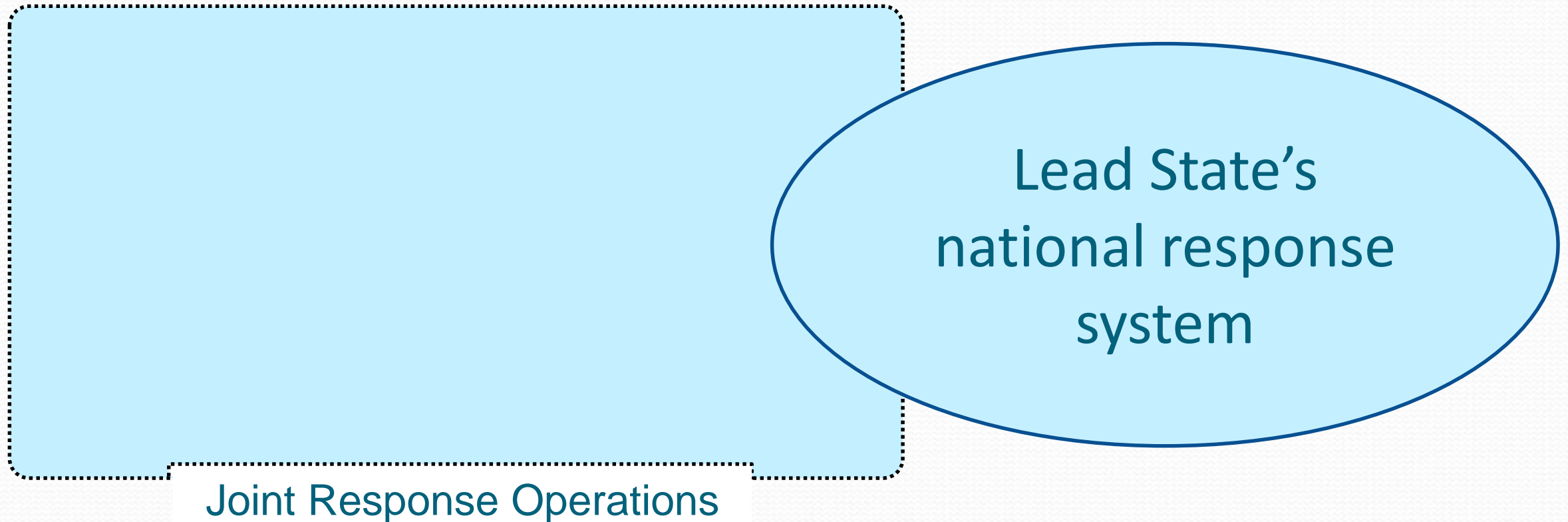
Other Parties
to the RCP



RCP's command principles

Action

Assistance offered by State X and accepted – Joint Response Operations established



RCP's command principles

Action Operational Authority of Lead Authority appoints SIC with overall Command

Operational Command

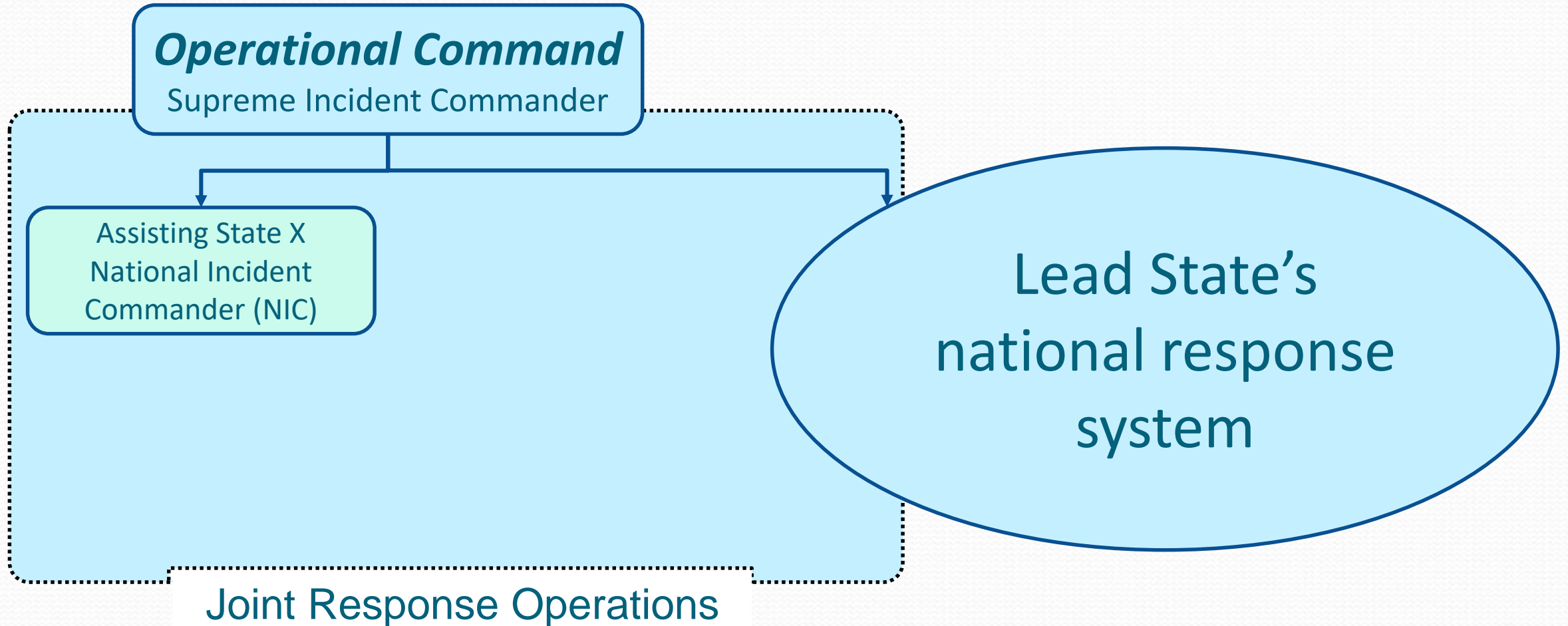
Supreme Incident Commander

Lead State's
national response
system

Joint Response Operations

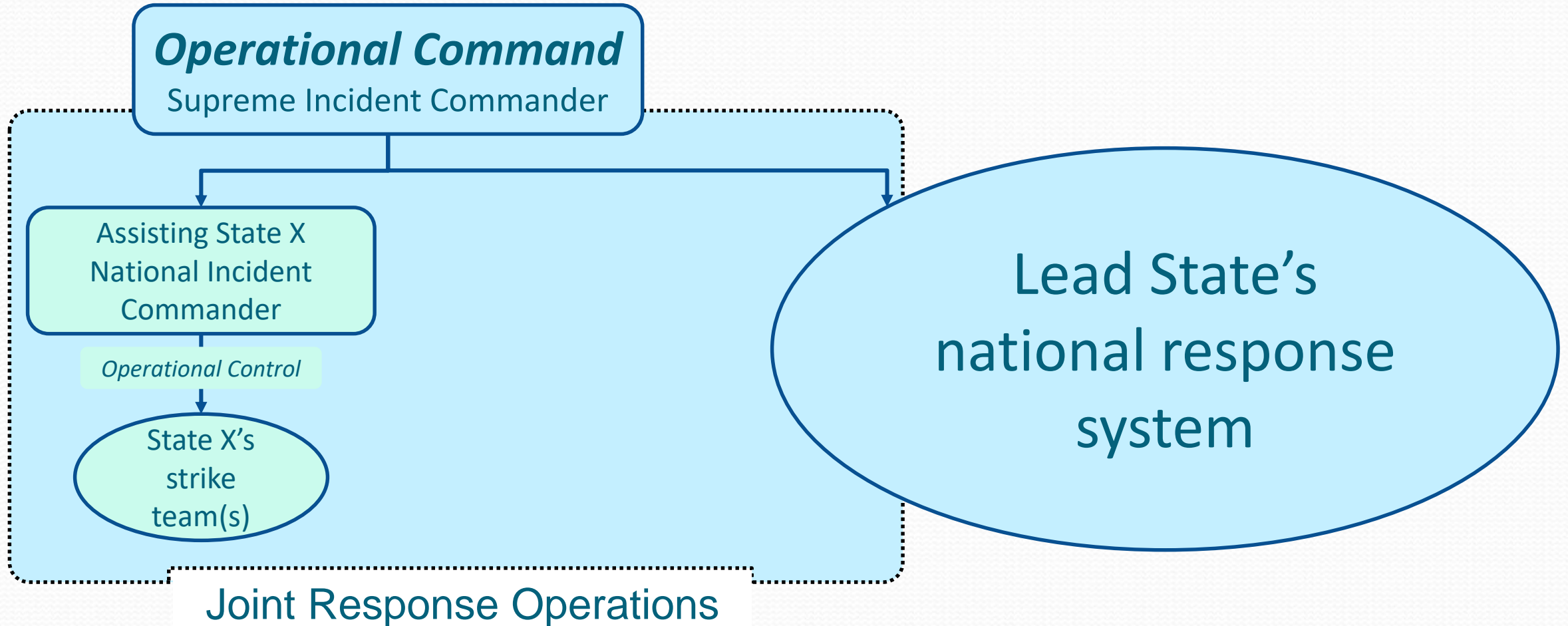
RCP's command principles

Action SIC co-ordinates overall response and issues tasks to assisting State X's NIC



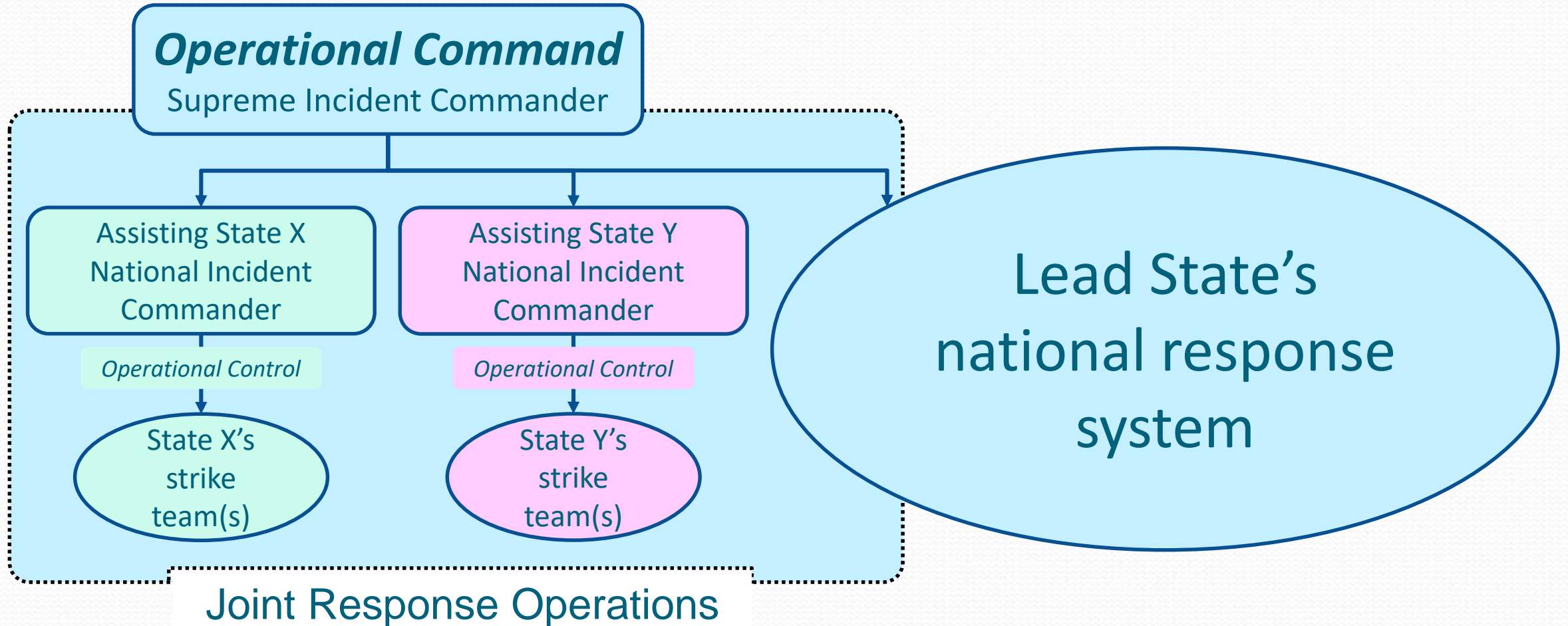
RCP's command principles

Action State X's NIC has Operational Control of that country's response resources (strike teams)



RCP's command principles

Action Additional offer from State Y accepted – same procedure applies



Types of assistance

- ✓ Trained response personnel
e.g. strike teams
- ✓ Specialized pollution combating equipment
e.g. containment booms and recovery devices
- ✓ Pollution treatment products
e.g. dispersants or sorbents
- ✓ Other means, including
e.g. self-contained units such as vessels and aircraft



Financial principles

- Requesting party will reimburse assisting party
- Personnel and equipment hire rates agreed in advance
- Cooperation in submitting claims for compensation
 - Reference IOPC Funds' Claims Manual



Summary

- Agreement on the Regional Plan and the drafted Plan align to the OPRC Convention and the Nairobi Convention's Emergency Protocol
- The structure and content of the draft Plan follows proven approaches from other regions