

Oil spills in the Western Indian Ocean

National contingency plans fall short

Ernesta Swanepoel



Despite decades of policy work, countries party to the Nairobi Convention still have different capabilities in responding to marine pollution incidents, including equipment and personnel. During a recent oil spill preparedness workshop in Zanzibar, these countries asked for annual communication drills and joint multilateral exercises to ensure regional cooperation. To this end, adopting the draft regional contingency plan for the Western Indian Ocean and establishing a regional coordination centre are crucial.

Key findings

- ▶ The July 2020 grounding of the MV Wakashio off the coast of Mauritius showed that the activation of a national oil spill contingency plan cannot stop the far-reaching impacts of marine pollution incidents.
- ▶ As signatories to international conventions, countries have a legal obligation to organise and prepare their response to major marine pollution incidents and to make efforts at national, subregional and regional levels in this regard.
- ▶ Significant policy work has been undertaken in the Western Indian Ocean region to collectively prepare a response to oil spills and other hazardous pollution incidents, but the draft regional contingency plan has not been adopted yet.
- ▶ During the most recent regional oil spill preparedness workshop in Tanzania, countries asked that the establishment of a regional centre or mechanism for the implementation of regional coordination be finalised as a matter of urgency.
- ▶ Countries also requested annual communication drills and joint multilateral exercises, as well as continuous capacity building. This is crucial to ensure standardised response capabilities.
- ▶ The establishment of a regional centre can contribute to a more coordinated and standardised response by way of regional coordinated training exercises on a regular basis.

Recommendations

- ▶ As the basis for regional cooperation in major marine pollution emergencies, the draft regional contingency plan (a result of the Agreement on the Regional Contingency Plan for Preparedness for and Response to Major Marine Pollution Incidents in the Western Indian Ocean Region) must be adopted. It has been in draft form for more than a decade.
- ▶ Nationally, operational personnel and various parties involved in marine pollution incidents must gain continuous training and experience in handling the relevant equipment and products. Training can take the form of seminars, workshops, tabletop exercises, drills, functional exercises and full-scale exercises.
- ▶ Regionally, annual training exercises and joint multilateral exercises must be held, either in the form of regular on-the-ground training or with simulator training.
- ▶ Funding sources from both national governments and international mechanisms must be identified and mobilised to support regional training and exercise programmes. When countries lack the necessary funding to participate in SEAIGNEP meetings, online meetings should be organised.
- ▶ The establishment of the Regional Coordination Centre must be finalised by the end of 2021 to coordinate regular and standardised training exercises.
- ▶ Strong political will is needed on a national level to ensure funding is available for operational personnel to attend the necessary meetings, workshops and training; to adopt the draft regional contingency plan; and to establish the regional coordination centre.

Introduction

The risk of pollution caused by oil or other hazardous and noxious substances in the Western Indian Ocean (WIO) region is high,¹ often with impacts beyond national jurisdictions. It is thus important to be able to coordinate both a national and a regional response.

In 1994 the bulk carrier MV Apollo Sea sank off Cape Town. It spilled bunker fuel and contaminated beaches and penguins, which called for a large shoreline clean-up operation. In 2000 the MV Treasure sank and spilled 200 tonnes of heavy fuel oil (HFO), with devastating impacts on African penguins.

In 2009 the Turkish bulk carrier Gulser Ana ran aground off Cap St Marie, southern Madagascar, resulting in an oil spill of 500 megaton (MT) of HFO and 39 000 MT of rock phosphate cargo. Financed by the ship owner, international contractors organised a clean-up operation using local workers and specialist equipment from abroad.

National oil spill contingency plans require regular training exercises

The July 2020 grounding of the vessel MV Wakashio, sailing under the Panamanian flag, off the coast of Mauritius, drew attention to countries' preparedness and response arrangements to oil spills and other hazardous marine pollution incidents.

As parties to international conventions, discussed below, countries² have a legal obligation to organise and prepare their response to major marine pollution incidents and to make efforts at national, subregional and regional levels in this regard.

However, the wrecked MV Wakashio and the devastating oil pollution that followed showed that the mere step of activating a national oil spill contingency plan (NOSCP) cannot stop the far-reaching and often devastating impacts of such incidents.

While Mauritius was prepared and took swift preventative actions during the MV Wakashio incident, the country was 'insufficiently equipped' to handle the unprecedented environmental catastrophe that followed. The 'resources and capacity' of the NOSCP were overwhelmed³ and the country

received assistance from France, India, Japan and the International Maritime Organization (IMO).

The MV Wakashio incident raised questions as to whether countries' contingency plans are sufficient, and what makes a country or region sufficiently equipped to respond to marine pollution incidents.

Significant policy work has been undertaken in the WIO region towards a collective preparedness to oil spills and other hazardous pollution incidents.⁴

While a framework of regional and national contingency planning has been created by international project and donor agency programmes, this framework has yet to be finalised by countries.⁵ This is delaying both national buy-in and regional implementation to ensure sufficient response capability.

While 'response' is not always clearly defined, it is understood to mean the capability to respond to an incident with 'suitable equipment, sufficient logistics and competent, trained responders supported by proven, exercised plans'.⁶ These are all indispensable prerequisites for efficient regional cooperation and mutual assistance.

Any differences between countries in terms of the aforesaid imply a difference in national capabilities for responding to marine pollution incidents.

This report analyses the WIO region's environmental collective preparedness and response arrangements to oil spills and other hazardous pollution incidents. It takes a closer look at what is necessary to fully implement the policy work that has been done so far.

Regional cooperation frameworks

Conventions dealing with the prevention of pollution from ships have been adopted under the auspices of the IMO. Regional cooperation and related agreements on responding to marine pollution incidents fall within a wider framework of international legal instruments.⁷

The first such instrument, the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 90) and its accompanying 10 resolutions, was adopted in 1990.⁸ The OPRC 90 provides a framework designed to facilitate international cooperation and mutual assistance in preparing for and responding to major oil pollution incidents.

Signatory states are required to develop national and regional systems for preparedness and response. They are also required to endeavour to conclude bilateral or multilateral agreements on oil pollution preparedness and response.⁹

Explicit reference is made to cooperation through a programme of exercises for oil pollution response organisations and for the training of relevant personnel.¹⁰

Parties also undertook to provide support to those parties that request technical assistance to train personnel, either directly or through the IMO and other international bodies.¹¹ Conference Resolution Seven provides for the development and implementation of national or regional training programmes for oil pollution preparedness and response.¹²

One of the lessons to be learned from the recent incident in Mauritius is that NOSCPs must be revised regularly and must provide for all eventualities

A decade later, in March 2000, the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol 2000) was adopted.

The OPRC-HNS aims to establish national systems for preparedness and response. It also provides a global framework for international cooperation in combating major incidents or threats of marine pollution caused by hazardous and noxious substances.

To this end the following countries have NOSCPs: Comoros (2010), France (Réunion), Kenya (2014, being revised), Madagascar (2009, revised in 2017), Mauritius (2003, being revised), Mozambique (original date unknown, being revised), Seychelles (draft), Somalia (draft), South Africa (pending imminent signature) and Tanzania (2016, being revised).

The sustainability of these plans is important, since they are 'not static and sustaining their usefulness requires the appropriate resources to be maintained in a state of readiness, which involves regular training, including simulations of risk events with all stakeholders and ideally once per year, and adequate resources'.¹³

One of the lessons to be learned from the recent incident in Mauritius is that NOSCPs must be revised regularly and must provide for all eventualities. The oil spill contingency plan of Mauritius, for example, does not include a wildlife response plan,¹⁴ resulting in devastating impacts on marine life.

With up-to-date NOSCPs countries will have more accurate assessments that allow for better planning and sufficient resources and capacity.

Regionally, the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi

THE GROUNDING OF
THE GULSER ANA IN
2009 SPILLED

500

MEGATON OF HFO AND

39 000

MEGATON OF ROCK
PHOSPHATE CARGO
THAT DEVASTATED
SOUTHERN MADAGASCAR

Convention)¹⁵ obligates parties to cooperate to combat pollution in cases of emergency.¹⁶

The Nairobi Convention also calls for the development of contingency plans and notification procedures. In addition, it has adopted the Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region (Emergency Protocol), which entered into force in 1996.

The Emergency Protocol sets out the legal institutional framework for regional cooperation in addressing accidental marine pollution. It provides for the establishment of contingency plans and notification procedures necessary for an effective response within the region, based on mutual support between national systems.

Technical cooperation activities in the WIO region to help parties fulfil their obligations under the Emergency Protocol include the Western Indian Ocean Islands Oil Spill Contingency Planning (OSCP) project (1999–2004)¹⁷ and the Western Indian Ocean Marine Highway Development and the Coastal and Marine Contamination Prevention Project (WIOMH Project, 2007–2012).

In terms of the draft RCP, parties need to conduct joint training courses and/or joint exercises on a periodical basis

Both of these have as key outcomes, building national and regional capacity to respond to oil spills. Specific outputs included the implementation of operational national contingency plans and capacity building through training courses.

One of the most important outputs following this project in terms of regional cooperation is the Agreement on the Regional Contingency Plan for Preparedness for and Response to Major Marine Pollution Incidents in the WIO (Agreement)¹⁸ and its 2010 draft Regional Contingency Plan for Preparedness for and Response to Major Marine Pollution Incidents in the WIO (draft RCP).¹⁹

In accordance with the Agreement, WIO countries must make all efforts to ensure the implementation of the principles and articles of the OPRC 90 Convention, the Nairobi Convention and its Emergency Protocol by developing and aligning with the draft RCP.

While it is still in a draft form, the draft RCP can guide national and regional policies on various key elements²⁰ necessary for mutual regional support. It serves as a basis for regional cooperation in preparedness for and response to major marine pollution emergencies.

In terms of the draft RCP, parties need to conduct joint training courses and/or joint exercises on a periodical basis.²¹

The main objective of these training courses and exercises is to improve the level of cooperation and coordination among operational personnel and, in particular, the strike teams of different parties. The training courses will also serve to test the command structure of the plan and aim to achieve a satisfactory level of communication among personnel.

In addition, the training courses aim to enable personnel from different parties working together during a Joint Response Operation, to gain experience in handling the equipment and products to be used, as well as gain experience in cooperation.

The grounding of the MV Wakashio is a textbook example of an oil spill incident as anticipated in the draft RCP. It could thus have been the first opportunity to test regional cooperation in preparedness for and response to major marine pollution emergencies.

In December 2012 a Regional Cooperation Agreement for Oil Spill Monitoring in the Western Indian Ocean Region was signed between Comoros, Kenya, Madagascar, Mozambique, Mauritius, Seychelles, South Africa and Tanzania.

Insufficient collective regional response capabilities

Emergency response and incident management during any incident requires the timeous mobilisation and deployment of resources. It is expected that frontline responders will have the necessary muscle memory as well as the necessary capacity and equipment acquired through hours of planned scenario-based training and regular drills.

In the case of a hazardous polluting incident, a wide range of issues need to be considered during the complex emergency response stage. These include the nature of the polluting substance, the environmental conditions of the area where the pollution occurred and

any sensitivity of natural resources, and the selection of a particular response and the technology to be used.²²

In addition, various stakeholders with different responsibilities have to work together.

Potential stakeholders may be government agencies and departments, harbour masters, port authorities, local communities, local business, local emergency responders and volunteer organisations, non-governmental organisations (NGOs), and neighbouring facilities and industries. If the various stakeholders are uncertain about their exact responsibilities, coordination will be impossible.

Successful implementation of the oil spill preparedness regime and strengthened regional cooperation in preparedness and response to marine pollution incidents, in particular, can only be accomplished by regular training exercises that include a range of stakeholders. South Africa's draft NOSCP, for instance, makes provision for regular drills and table-top exercises, with full-scale exercises planned for every five years.

In November 2019 South Africa brought together key representatives of government, agencies, NGOs and industry for training on the Incident Management System (IMS) 300 and the third Joint Industry and Government Oil spill response exercise. Support was provided by the IMO and IPIECA (the global oil and gas industry association for environmental and social issues).

Government officials had to receive training on the IMS – a standardised method to manage incidents – before it could be adopted in the NOSCP.

The objectives of the oil spill response exercise were to test an offshore oil spill incident scenario and various elements of the NOSCP before it was adopted. Following the evaluation of the exercise, detailed recommendations were made regarding regular and specific training exercises.²³

The conclusion was that the NOSCP is ready for adoption. It has been sent to the office of the Director General (Department of Transport) for signature.

Members of South Africa's Interim Incident Management Organisation (IMOrg), under the Department of Transport, held a virtual meeting on 12 August 2020. The meeting minutes indicated that two oil boom deployment exercises had been held in Port Elizabeth on 3 and 25 June 2020.

South Africa also has COVID-19 response measures in place should there be a major oil spill incident, with the South African Maritime Safety Authority (SAMSA) to lead the Incident Command function.

Ironically, Mauritius had a national exercise planned for August 2020, three months after the unforeseen incident and five years after the last national exercise. The last regional exercise that Mauritius participated in was in 2009.²⁴

Limited resources is one reason why regional cooperation in the WIO has not progressed

On 3–5 March 2020, a little more than four months before the Mauritius oil spill, the Nairobi Convention and the IMO held a three-day regional workshop in Zanzibar.²⁵ It was attended by national government focal points responsible for oil spill preparedness and response measures in the WIO region to promote the implementation of the OPRC Convention and the OPRC – HNS Protocol.

The primary focus of the workshop was to discuss preparedness and response across the WIO region.²⁶

Countries were also asked to present their views on why enhanced WIO regional cooperation has not progressed and what the particular challenges are within their respective borders.

Seychelles, for instance, indicated that the lack of progress had to do with technical capacity, budget implications and a gap in the regulatory framework. Kenya indicated that 'regional cooperation initiatives are project-based' and that once the project concludes there is no further progress.²⁷

The importance of regular training was echoed in national presentations on the status of countries' oil spill preparedness. Comoros, for instance, indicated that the 'persons currently responsible for oil spill response operations have no training in response techniques.'²⁸

Mauritius indicated that limited resources in terms of funds and human capacity is one reason why regional cooperation in the WIO has not progressed and that there is a need to 'provide necessary funding and human resources'.²⁹

Madagascar called for more regional training drills, while various delegations pointed out budgeting constraints.

Seychelles indicated that responders and other key personnel are ‘well trained and regular exercises are being organised to enhance capacity and to ensure that every personnel [member] is on par with their roles and responsibilities’.³⁰

The workshop concluded with a consolidated set of recommendations and actions proposed by participants to facilitate the effective implementation of the Agreement. While the focus of the workshop was not on training, one of the short-term actions proposed within a one-year time frame was to ‘encourage mutual assistance, harmonization and explore synergies in trainings and national policies relating to marine spill preparedness and response’.³¹

To further ensure effective regional cooperation, participants recommended that mid-term activities (two–five years) should include the establishment of a long-term mechanism for the implementation of regional coordination. In addition, the regional working group/steering committee for the Agreement should develop and agree on a regional implementation plan.

It was recommended that such a plan should include:

- A sustainable financing mechanism
- Finalisation of the draft RCP by the end of November 2021
- Organisation of a tabletop exercise by April 2022 to test the draft RCP
- Annual communication drills, joint multilateral exercises and capacity building

It was also proposed that funding sources to support regional training and exercise programmes be identified and mobilised.³²

One of the main priorities discussed during the workshop was the establishment of the long-called-for Regional Co-ordination Centre

While the Nairobi Convention Secretariat committed to taking the proposed actions forward and examining the resources available, it was noted that other important issues needed to be finalised to ensure regional implementation.

One of the main priorities discussed during the workshop was the establishment of the long-called-for Regional Co-ordination Centre (RCC) for Marine Pollution Preparedness and Response in the WIO, which would then finalise the draft RCP.

In as early as 2003, a ministerial decision of the member countries of the Indian Ocean Commission (IOC) called for the establishment of a Regional Oil Spills Coordination Centre in Madagascar. This centre was established by a Global Environment Fund project, but it is no longer functioning.³³



SEaignep's draft
MASTER PLAN INCLUDES
A NEW SECTION
ON OIL POLLUTION
PREPAREDNESS
AND RESPONSE

While an RCC will fulfil various functions, and while the workshop aimed to seek clarification and agreement on the mandate of such a centre, one function will be to help countries develop their own national capabilities. This includes facilitating information exchange, technical cooperation and training, as well as initiating, designing and assisting in the running of national and regional training courses and exercises.³⁴

One of the major areas of discussion was establishing a funding mechanism for the operation of the RCC. It was agreed during the workshop that a funding mechanism should be established in the next two–five years.

In 2011 SAMSA indicated its willingness to host the RCC, and South Africa's commitment to the establishment of the RCC has been unquestionable. At the time a Host Country Agreement, Terms of Reference, Work Programme and Budget were drafted.

The GI WACAF strengthens the capacity of 22 West, Central and Southern African countries

Agreed recommendations on the establishment of the centre' were signed at the WIOMH Project Steering Committee meeting in December 2011.

SAMSA was of the view that coordination functions would be provided by SAMSA personnel, but countries wished to include their own nationals on the RCC, which changed the nature of the agreement.

Prior to and during the Tanzania workshop it was reconfirmed by all countries that South Africa would still host the RCC. However, for this to be finalised there must be engagement between various departments, including the Department of Environment, Forestry and Fisheries, the Department of Transport, SAMSA and the Department of International Relations and Cooperation.

During the country presentation at the workshop, South Africa indicated that SAMSA could not sign the agreement to establish an RCC with other countries, as it had to be signed by the Department of Transport – the ministry responsible for preventing and combatting pollution from ships.³⁵

South Africa also indicated that interdepartmental meetings between the Department of International

Relations and Cooperation, the Department of Transport and the Department of Environment, Forestry and Fisheries must be held in order to finalise the establishment of the RCC. COVID-19 and lockdown restrictions prevented these meetings from happening in person, which was preferred to online meetings.

Another venue where regional coordination, in particular the sharing of information and coordinated training exercises, can be explored is the Southern and East African and Islands Regional Group for Safety of Navigation and Marine Environment Protection (SEAIGNEP).

SEAIGNEP is a voluntary membership group that operates under an MoA and works in the geographic area of nine of the 10 Nairobi Convention member states.³⁶

One of the functions of this MoA is to encourage and organise cooperation on training, skills development and research, as well as the achievement of the required standards of competence. In 2018 SEAIGNEP members discussed the development of the RCC and the completion of the RCP.

In early January 2020 the SEAIGNEP secretariat (hosted by SAMSA) asked that members finalise the SEAIGNEP 'regional master plan' by 16 March 2020. This has not been done yet. This draft master plan includes a new section on oil pollution preparedness and response.

However, countries often lack the necessary funding to participate in SEAIGNEP meetings, which results in lost momentum and opportunities to share information and drive regional preparedness.

Another possible pathway is the Global Initiative for West, Central and Southern Africa (GI WACAF), launched in 2006. GI WACAF is a collaboration between the IMO and IPIECA to strengthen the capacity of 22 West, Central and Southern African countries³⁷ to be better prepared for marine oil spills, as per their OPRC 90 obligations. All 22 countries have adopted the IMS as a standardised response model.

Conclusion

There is no dispute that there is a robust policy framework in place for collective preparedness and response arrangements to oil spills and other hazardous pollution incidents in the WIO region. However, urgent steps must be taken to ensure that the framework of regional and

national contingency planning is finalised. This means the establishment of the long-called-for RCC and the adoption of the draft RCP.

From the regional workshop it is clear that countries have different preparedness and response capabilities.³⁸ One of the most practical ways to address this is to ensure coordinated training exercises, but this requires both funding and technical expertise.

Once a well-funded and -resourced coordination centre is established, it can provide a combination of training options, including new technology such as simulator training, as well as regular scenario-based training

in the form of regional drills. This will ensure that the harmonisation and synergies in training called for during the Tanzania meeting are met.

Continuous coordination and information sharing is the only way to build and maintain momentum in moving from policy to actual preparedness, and to ensure that countries are capable of assisting one another during a marine pollution incident. Until the RCC is established, countries are encouraged to build on the existing momentum and organise bilateral training exercises and share information on a regular basis.

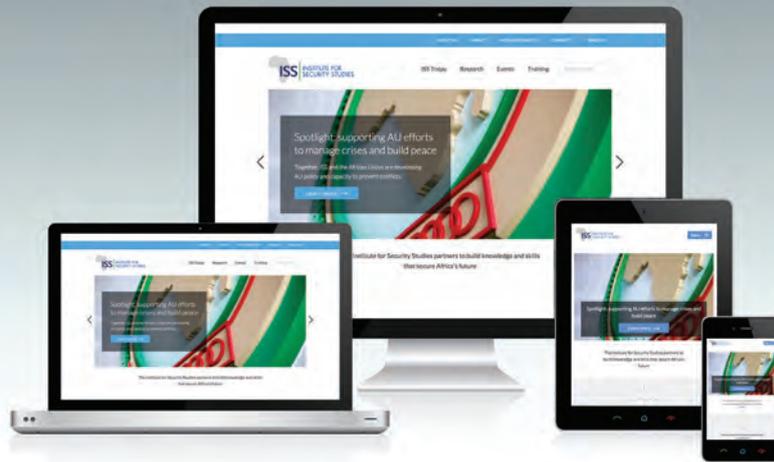
Notes

- 1 The East African coast has some of the busiest international sea trade routes and is a major route for transporting oil – including over 30% of the world’s crude oil supplies.
- 2 For the purpose of this report, ‘countries of the Western Indian Ocean’ refers to contracting parties to the Nairobi Convention and includes Comoros, France (Réunion), Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, South Africa and Tanzania.
- 3 Institute for Security Studies (ISS), Lessons for Africa from devastating Mauritius oil spill, 2020, 3, <https://reliefweb.int/report/mauritius/lessons-africa-devastating-mauritius-oil-spill>.
- 4 The following countries signed these key IMO conventions: International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC); The Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC HNS); 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund); The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker)
Comoros: OPRC, Fund 1992, Bunker. Kenya: OPRC, Fund 1992, Bunker. France (Réunion): OPRC, OPRC HNS, Fund 1992, Bunker. Madagascar: OPRC, OPRC HNS, Fund 1992, Bunker. Mauritius: OPRC, OPRC HNS, Fund 1992, Bunker. Mozambique: OPRC, Fund 1992. Seychelles: OPRC, Fund 1992, Bunker. Somalia did not sign any of the following conventions: OPRC, OPRC HNS, Fund 1992, Bunker. South Africa: OPRC, Fund 1992. Tanzania: OPRC, Fund 1992. Also see United Nations Environment Programme (UNEP), *Nairobi Convention and the International Maritime Organization, regional oil spill preparedness in Eastern Africa and the Western Indian Ocean – background document*, 2020, 6–19.
- 5 UNEP, *Nairobi Convention and the International Maritime Organization, regional oil spill preparedness in Eastern Africa and the Western Indian Ocean – background document*, 2020, 1.
- 6 IPIECA, Contingency planning for oil spills on water: Good practice guidelines for the development of an effective spill response capability, IOGP report 519, 2015, 4.
- 7 Ocean governance is underpinned by the United Nations Convention on the Law of the Sea (UNCLOS), the main international instrument that provides an overarching framework of rights and duties, as well as the obligation and duty to protect and preserve the marine environment within various maritime zones. The particular uses and/or specific regions and subregions of the sea are governed by various shipping conventions adopted under the auspices of the International Maritime Organization (IMO), conventions and action plans adopted by the UNEP and the Regional Seas Programme, as well as various multi-lateral environmental agreements (MEAs) and regional fisheries management organisations (RFMOs).
- 8 Under the OPRC, parties undertake to take all appropriate measures to prepare for and respond to an oil pollution incident. It applies not only to ships but also to ‘offshore units’ and ‘seaports and oil handling facilities’. The OPRC requires ships flying the flag of a contracting state to have on board an oil pollution emergency plan. Similar provisions apply to the operators and authorities of offshore units and seaports and oil handling facilities.
- 9 1990 International Convention on Oil Pollution, Preparedness, Response and Co-operation (OPRC 90), Article 10.
- 10 *Ibid.*, Article 6.
- 11 *Ibid.*, Article 9(1)(a).
- 12 Available at UN Treaties, International Convention on Oil Pollution Preparedness, Response and Cooperation 1990, <https://treaties.un.org/doc/Publication/UNTS/Volume%201891/volume-1891-I-32194-English.pdf>.
- 13 WIOMH Implementation Completion and Results Report, June 2013, 11, <https://www.nairobiconvention.org/clearinghouse/sites/default/files/Regional%20Oil%20Spill%20Preparedness.pdf>

- 14 The issue of a wildlife response plan is being considered during the review of the national oil spill contingency plan. See Regional Workshop on Cooperation in Preparedness and Response to Marine Spills, Mauritius country presentation, 18, <https://onedrive.live.com/?authkey=%21AEJXh4C3yfp%5FK6c&id=532620182C6348CD%212081&cid=532620182C6348CD>
- 15 The Nairobi Convention was adopted in Nairobi on 21 June 1985, entered into force on 30 May 1996 and was amended on 31 March 2010. Contracting parties to the Nairobi Convention are Comoros, France (Réunion), Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, Tanzania and South Africa.
- 16 The Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (2010), Article 12.
- 17 In this project, the Global Environment Fund (GEF) provided financing for the development of national and regional oil spill contingency planning activities in Comoros, Madagascar, Mauritius and Seychelles.
- 18 Entered into between the signatories to the OPRC 90 Convention, the Nairobi Convention and its Emergency Protocol – the governments of Comoros, France, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, South Africa and Tanzania.
- 19 The Regional Contingency Plan is adopted within the framework of the OPRC 90 Convention and the Nairobi Convention and its Emergency Protocol.
- 20 Other elements include: arrangements and procedures for cooperation and joint operations; areas of responsibility; principles of command and control; types of assistance that might be provided; exchange of information (e.g. up-to-date contacts, relevant sections of National Contingency Plans and inventories of available equipment or expertise).
- 21 Regional Contingency Plan for Preparedness for and Response to Major Marine Pollution Incidents in the Western Indian Ocean Draft Ver_3, Section 2.7.
- 22 Deepak R Sharma, A comparative study of implementation of existing measures for oil spill response in Northern Indian Ocean and investigate improvement mechanisms, World Maritime University, 2009, 3.
- 23 Incident Management System IMS 300 Training Report, Cape Town, South Africa, 4–7 November 2019, 28, <https://www.giwacaf.net/en/our/activities/ims-300-training-and-3rd-joint-industry-government-exercise/report>
- 24 See Regional Workshop on Cooperation in Preparedness and Response to Marine Spills, Mauritius country presentation, 21, <https://onedrive.live.com/?authkey=%21AEJXh4C3yfp%5FK6c&id=532620182C6348CD%212081&cid=532620182C6348CD>
- 25 The workshop was held in Zanzibar, Tanzania (3–5 March 2020), hosted by the Ministry of Infrastructure, Communications and Transportation, Zanzibar and the Zanzibar Environmental Management Authority and co-hosted by the Nairobi Convention Secretariat (NCS), International Maritime Organization (IMO), United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), the Global Environment Facility (GEF) and the Indian Ocean Commission (IOC). The workshop was attended by 38 participants from various ministries in the Nairobi Convention contracting parties, except Réunion (France). There was also representation from Uganda and the Benguela Current Commission (BCC), as well as various other international organisations.
- 26 Regional Oil Spill Preparedness in Eastern Africa and the Western Indian Ocean Workshop Report, 3–5 March 2020, 4.
- 27 National Country presentations available at Regional Workshop on Cooperation in Preparedness and Response to Marine Spills, <https://onedrive.live.com/?authkey=%21AEJXh4C3yfp%5FK6c&id=532620182C6348CD%212081&cid=532620182C6348CD>.
- 28 Ibid.
- 29 Ibid.
- 30 Ibid.
- 31 Regional Oil Spill Preparedness in Eastern Africa and the Western Indian Ocean Workshop Report, 3–5 March 2020, 11.
- 32 More recommendations available at Regional Oil Spill Preparedness in Eastern Africa and the Western Indian Ocean Workshop Report, 3–5 March 2020, 11.
- 33 UNEP, Nairobi Convention and the International Maritime Organization, Regional Oil Spill Preparedness in Eastern Africa and the Western Indian Ocean – Background Document, 2020, 9 & 11.
- 34 See *ibid.*, 19 for the functions and objectives of a regional centre.
- 35 Regional Workshop on Cooperation in Preparedness and Response to Marine Spills, <https://onedrive.live.com/?authkey=%21AEJXh4C3yfp%5FK6c&id=532620182C6348CD&id=532620182C6348CD%212089&parId=532620182C6348CD%212081&o=OneUp>.
- 36 Somalia is not included. It extends to the west and incorporates non-maritime countries, including Uganda.
- 37 The countries are Angola, Benin, Cape Verde, Cameroon, Congo, Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gambia, Gabon, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Namibia, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone and Togo.
- 38 See national country presentations available at Regional Workshop on Cooperation in Preparedness and Response to Marine Spills, <https://onedrive.live.com/?authkey=%21AEJXh4C3yfp%5FK6c&id=532620182C6348CD%212081&cid=532620182C6348CD>.

Visit our website for the latest analysis, insight and news

The Institute for Security Studies partners to build knowledge and skills that secure Africa's future



Step 1 Go to www.issafrica.org

Step 2 Go to bottom right of the ISS home page and provide your subscription details

About the author

Ernesta Swanepoel is an admitted South African attorney and holds qualifications in both marine and environmental law [BCom (Law) LLB LLM (Marine and Environmental Law)]. She serves as the focus/priority area co-leader: disaster risk management in the South African chapter of the Indian Ocean Rim Association (IORA) academic group.

About ISS Africa Reports

The Africa Report series analyses human security problems and solutions at the regional and continental level. It also considers the implications and lessons from Africa for global policy. Reports provide insights into African and global policy on conflict trends, conflict prevention, peacebuilding, terrorism, organised crime, peace operations, maritime security, migration, development and governance.

About the ISS

The Institute for Security Studies (ISS) partners to build knowledge and skills that secure Africa's future. The ISS is an African non-profit with offices in South Africa, Kenya, Ethiopia and Senegal. Using its networks and influence, the ISS provides timely and credible policy research, practical training and technical assistance to governments and civil society.

Development partners

This report is funded by the government of Norway. The ISS is also grateful for support from the members of the ISS Partnership Forum: the Hanns Seidel Foundation, the European Union, the Open Society Foundations and the governments of Canada, Denmark, Finland, Ireland, the Netherlands, Norway, Sweden and the USA.

© 2020, Institute for Security Studies

Copyright in the volume as a whole is vested in the Institute for Security Studies and the author, and no part may be reproduced in whole or in part without the express permission, in writing, of both the author and the publishers.

The opinions expressed do not necessarily reflect those of the ISS, its trustees, members of the Advisory Council or donors. Authors contribute to ISS publications in their personal capacity.

Cover image: © IMO/Flickr

