

**Oiled Wildlife Response:
Structural Planning and Response Boosted by Regional Agreements**

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ABSTRACT

During an oil spill, public attention focuses on animal welfare and care, primarily channelled through powerful media imagery and commentary. In a number of countries, strategic-operational plans are in place enabling a well-coordinated and effective wildlife response carried out by animal welfare organisations in close cooperation with leading Government agencies and the responsible party and if possible the suspected polluter. Case histories continue to demonstrate that pre-spill planning is the best guarantee for a successful wildlife response. This insight is shared by many professionals who frequent international oil spill conferences and by authority officials from countries which have had significant experiences with oiled wildlife.

Coastal countries in Europe work closely together as part of regional agreements in their efforts to develop the right levels of response preparedness. Some of the most productive and effective agreements, e.g. the Helsinki Convention, the Bonn Agreement and the Barcelona Convention have recently started to integrate wildlife response planning in their Contingency Plans. This has already resulted in a significant increase in awareness in many of the 27 coastal European countries (including European Member States, Croatia, Iceland, Norway, Russia and Turkey), and will further improve Europe's preparedness for oiled wildlife treatment. This experience from Europe can help other regions in the world to start looking into the issue and put useful tools and regulations in place for effective oiled wildlife response.

INTRODUCTION

There are various international agreements that aim to increase the capability of coastal states to deal effectively with oil pollution caused by maritime incidents. Globally, the most important is the 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), which entered into force in May 1995 and is coordinated by the International Maritime Organisation (IMO). The Convention covers preparation of oil pollution emergency plans; oil pollution reporting procedures and the actions to be taken on receipt of such a report; the establishment of national and regional systems for preparedness and response; international cooperation in pollution response; research and development; and technical cooperation (ITOPF, 2011).

The actual implementation of the OPRC in many areas of the world takes place via regional agreements as well as at national level. The United Nations Environmental Programme (UNEP) oversees the so called Regional Seas Programme which includes 18 Regional Conventions (13 established under auspices of UNEP and 5 partner programmes) under which coastal countries cooperate in protecting the marine environment and managing natural resources via a regional approach (see UNEP, 2011).

Both the OPRC and the Regional Seas Agreements have demonstrated to be principal instruments to share information, discuss and adopt best practices and operational procedures and develop projects and programmes of action. They significantly assist Contracting Parties

in their aim to achieve an appropriate level of oil spill response preparedness, both at national and regional levels. Regional agreements are also the level at which the oil industry and IMO work together in their so called Global Initiative. In this umbrella programme, projects and activities are organised within the framework of several Regional Seas Agreements to raise awareness, train officers, introduce best practices and assist governments with developing national structure and capability for oil spill preparedness and response (IPIECA, 2011). Although they do not exclude it, none of the mentioned conventions explicitly refer to the response to wildlife that might be needed as part of an oil spill response, despite the fact that such an activity could cause serious organisational, geographical or social challenges.

The images of seabirds, marine mammals or reptiles (turtles) that have washed ashore may evoke a strong reaction in the public and interested organisations and will increase the pressure on politicians or governmental bodies to undertake action. If animals arrive ashore alive, individuals, animal welfare organisations or wildlife agencies may want to make an attempt to rehabilitate them, aiming to set up shoreline collection activities and rehabilitation centres. Scientific institutions, wildlife agencies and conservation groups will be interested in measures that prevent the oiling of sensitive areas (including seabird areas further offshore) where large numbers of vulnerable species are gathering. They will organise shoreline reconnaissance and systematic collection of casualties in order to make an impact assessment and monitor the presence of animals at sea.

If supported and agreed by the local authorities, these wildlife response activities are best integrated into the oil spill response and its planning process. This allows recognition of wildlife priorities at the highest command levels, the coordinated involvement of multiple agencies and organisations and the optimal use of resources. Many aspects of a wildlife response will need study and discussion and therefore oiled wildlife response plans are best developed before an incident occurs, involving all key stakeholders. In the early aftermath of a spill no time is lost because strategies and command structure are already defined, resources (including international expertise and equipment) are identified and possible controversies (e.g. rehabilitation or euthanasia of animals; protection and special treatment of animals of conservation interest) are already solved.

In most coastal countries wildlife response and preparedness is absent, not well developed or not integrated into national oil emergency plans (Sea Alarm, 2011). Relatively few coastal countries are well prepared and have identified resources which can be called upon and mobilised as part of an integrated oil spill response (Gasol, 2009). The 2010 Deepwater Horizon incident has demonstrated that in the US multiple organisations can work effectively together as part of the Unified Command System to respond to wildlife affected, including many species of conservation interest. An oiled wildlife response of a similar scale would cause large and immediate problems in many other countries.

Also in Europe various past spills have highlighted the potential of a large and complicated wildlife response, including e.g. *Braer* (UK 1992), *Amoco Cadiz* (France, 1989), *Sea Empress* (UK, 1996), *Erika* (1999), *Prestige* (Spain, 2002), *Tricolor* (France/Belgium/The Netherlands 2003). Although in the affected countries experiences with wildlife problems had led to integrated wildlife response plans (e.g. UK, France, Belgium), the wildlife issue had never been discussed between countries in an attempt to develop common standards or an international structure for mutual assistance and cooperation. This changed in the second half of the past decade. For a good understanding of this process, the structure and functioning of the three European regional agreements and the relevant EU forums is described in the following sections.

Introduction to the Helsinki Convention and HELCOM RESPONSE

The cooperation on marine protection between the nine countries bordering the Baltic Sea started with the 1974 *Convention on the Protection of the Marine Environment of the Baltic Sea Area* a Convention, which is a “partner programme” in the Regional Seas family (see UNEP, 2010). The current 1992 Convention (which replaced the 1974 Convention) is a framework convention with seven Annexes and governed by the Helsinki Commission (abbreviated as HELCOM). Legally binding Annex VII of the Convention is dealing with the response to pollution incidents, and the work on implementation of this Annex is overseen by HELCOM RESPONSE, one of the five Working Groups that are active under the Helsinki Commission. HELCOM RESPONSE develops regional policies and strategies related to preparedness and response to pollution at sea, which, after subsequent adoption by the annual meetings of the Helsinki Commission, are implemented at national level (HELCOM, 2011). The Convention allows NGOs to become observers, who are invited to propose activities and be active members of the different working groups.

Introduction to the Bonn Agreement and OTSOPA

The Bonn Agreement was the world’s first regional agreement under which countries cooperate in their prevention, preparedness and response to maritime pollution incidents. It was set up two years after the 1967 *Torrey Canyon* incident and aims to facilitate the cooperation between the coastal states of the North East Atlantic. The convention was originally set up between Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden and the United Kingdom and was revised in 1983 when the European Community becoming a Contracting Party. Ireland joined as a contracting party in 2010. . The Bonn Agreement is governed by annual meetings of the Heads of Delegation, where decisions are made and has one working group, on Operational Technical and Scientific Questions concerning counter pollution Activities (OTSOPA), which also meets once a year. The Bonn Agreement has a secretariat that serves the HoD and OTSOPA meetings. NGOs cannot formally become observers, but can be invited to meetings to attend the session in which their topic of interest is discussed. The Bonn Agreement itself is associated with the OSPAR Convention, and as such is a member of the Regional Seas family (Bonn Agreement, 2011; UNEP, 2011).

Introduction to the Barcelona Convention and REMPEC

After the Bonn Agreement and the Helsinki Convention, the Barcelona Convention was the third regional seas convention under which Contracting Parties cooperate in combating marine pollution emergencies and the first under the UNEP Regional Seas Programme. One of the six Protocols of the Convention, which entered into force in 1978, is concerning Co-operation in Combating Pollution of the Mediterranean by Oil and Other Harmful Substances in cases of Emergency. The Regional Oil Combating Centre (ROCC) was established in 1976 in Malta to assist the Mediterranean coastal states in their obligations under the Protocol. In 1987 the mandate of the centre was extended and its name was changed into the Regional Marine pollution Emergency Response Centre for the Mediterranean Sea (REMPEC). The priorities and the program of activities of REMPEC are decided biennially by the contracting parties themselves, taking into consideration the recommendations and proposals made to them by REMPEC’s Focal Points. These are the national authorities designated by their respective governments to be responsible for preparedness, response and mutual assistance in cases of accidental marine pollution. The Centre has developed its activities along four main lines (Micallef, 2002): i) Dissemination of information, ii) Training of personnel, iii) Assistance in the preparation of contingency plans and iv) Facilitation of

cooperation in cases of emergency. With regards to the latter, REMPEC can facilitate the involvement of expertise from organisations with whom REMPEC has a Memorandum of Understanding via the Mediterranean Assistance Unit (REMPEC, 2011). The Convention allows NGOs to become an observer.

Introduction to Relevant European Forums

From 2003-2007 the Directorate General Environment (DG Environment) of the European Commission coordinated the Community Framework for Cooperation in the field of Accidental and Deliberate Marine Pollution. Under this program all European coastal Member States, Norway and Iceland cooperated on activities and common interests with regards to the prevention of, preparedness and response to marine pollution incidents. The main decision making body of this programme was the Management Committee for Marine Pollution (MCMP). The programme had a budget line and funding mechanism out of which every year projects could be financed following a call for proposals procedure. The MCMP was also a platform that could oversee all activities taking place within each of the regional agreements and allow for cross-fertilisation between them. Because of the establishment of EMSA and the reorganisation of tasks within the European Commission, the MCMP ceased to exist and had its last meeting in November 2006. EMSA's Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR) took over all tasks related to shipping pollution incidents from the MCMP; emergency response coordination (Monitoring and Information Centre - MIC) remained a task of DG Environment and has since moved to DG Echo. The loss of a dedicated MCMP budget line also meant loss of centralised European attention for the oiled wildlife issue.

INTEGRATION OF OILED WILDLIFE INTO REGIONAL AGREEMENTS: A HISTORY

Period until 2007

Before the year 2000 oiled wildlife response was not an issue that had the attention of any regional agreement, or the European Commission. Although several countries had experienced wildlife issues as part of oil spill incidents, the response to wildlife was considered a national issue and something that did not need an international approach. But the wildlife responses in the aftermaths of the *Erika*, *Prestige* and *Tricolor* incidents, all which happened within a time span of only 3 years, demonstrated that considerable logistic challenges may be connected with several tens or hundreds of animals arriving ashore for days or even weeks in a row. The experiences of the involved countries, but also the advocacy work by organisations such as Sea Alarm (invited to speak at OTSOPA 2003 and HELCOM RESPONSE 2005) and the International Fund for Animal Welfare enhanced MCMP's recognition that the issue of animal welfare perhaps should be considered as a topic that needed closer attention. Animal welfare appeared as a new priority in the 2004 and 2005 calls for proposals in the dedicated MCMP budget line. In these years it did not attract eligible proposals apart from a small veterinarian study that was financed in 2005. However in 2006 the European Commission agreed to co-finance three coherent projects that aimed to develop guidelines for structuring and planning of the various aspects of an oiled wildlife response, and recommend a way forward at a European level (see table 1). The finalisation of these projects in 2007, with products that were presented to the MCMP, formed the basis for a change in the attitude of European coastal countries towards oiled wildlife response and preparedness. Sea Alarm took on the task to introduce the subject to each of the regional conventions, assisted by NGOs such as WWF. Because of the interested and constructive attitude in most country delegations, "wildlife" quickly became a recurring issue in the annual

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meetings of the technical committees of the conventions after 2007 and progressively became integrated in their working programme and instruments, as will be described in the following sections.

Objective	Partners	Activities	Delivered	Contents
Develop a European oiled wildlife response plan and supportive website	SAF (lead), Cedre, SYKE, ICRAM, IFAW	Workshop (Brest, France).	Workshop report A European Oiled Wildlife Response Plan www.oiledwildlife.eu	A proposed plan to increase Europe's preparedness via national, regional and European activities. The website contains a myriad of information on oiled wildlife response and preparedness.
Develop a guideline for oiled bird rehabilitation	ZooMarine (lead), SAF, IFAW, ICRAM	Workshop (Algarve, Portugal)	Workshop report Guideline to best practice for oiled bird rehabilitation in the aftermath of an oil spill incident	Overview of key aspects of an oiled bird response and best practices.
Develop a guideline for oiled seabird impact assessment	Royal NIOZ (lead), SAF, University A Coruña	Workshop (Galicia, Spain))	Workshop report Guideline to Impact Assessment	Guide to the science of seabird impact assessment, electronically available via www.oiledwildlife.eu

Table: Overview of European co-funded projects and deliveries in 2006-2007

After 2007

The process of integrating the subject of oiled wildlife response into existing working programmes has taken a different route in each of the regional agreements. The differences are very much related to cultural differences between the countries that are contracting party to a regional convention, the political relationships between the countries and the tradition of collaborative work that has been built up as part of the convention. Also important are the differences in the amount of previous experience with the issue of oiled wildlife response between the conventions and between contracting parties within a convention.

Although the first step towards the integration of oiled wildlife response had already been taken at the European level (funding of three European projects under the MCMP, see above) the actual implementation of this new policy field was taken to the regional agreements. The strategic reasoning behind pursuing the results of the European projects via this route was that, if accepted at that level, there would be a strong incentive for governments to take this issue into account at national levels; hopefully eventually leading to integrated response planning for oiled wildlife incidents. At the regional level, Contracting Parties could discuss and work on specific issues, e.g. develop an appropriate integrated system for mutual assistance or the identification and promotion of good practices.

Integration of wildlife aspects into Baltic preparedness

The enhancement of the wildlife issue under HELCOM was carried out by WWF and Sea Alarm starting in 2007, later joined by Estonia. WWF already had observer status in the Convention and was respected for its oil spill response activities in Finland (volunteer training and mobilisation programme for shoreline clean-up), in close cooperation with the Finnish authorities. Estonia took the role of lead country mainly because of its first experience with an oil spill and oiled wildlife response in 2006, where it realised that integrated national planning was needed.

The basis for the start of discussions in HELCOM RESPONSE in 2007 was the clause in the newly adopted Baltic Sea Action Plan that said that wildlife response and shoreline response needed to be integrated into existing response plans. This line had been included following the proposal by Estonia and Poland, also thanks to advocacy by WWF. A discussion raised by Sea Alarm and WWF in HELCOM RESPONSE 9 (2007) on the outcomes of the European projects, led to the decision that HELCOM RESPONSE was the right platform to explore and develop a policy and subsequent tools on wildlife response under the Convention, with support and guidance from Sea Alarm and WWF. It was decided that as a first step an overview of current national arrangements should be made via a questionnaire, including an analysis of priorities for an eventual wildlife response policy under HELCOM. Estonia, WWF and Sea Alarm jointly developed the questionnaire and reported on its results at the 2008 HELCOM RESPONSE meeting. The Contracting Parties then agreed that a new chapter of the HELCOM Response Manual should be developed, for which Estonia, WWF and Sea Alarm took joint responsibility. The discussions that followed between them led to the conclusion that instead of writing a new chapter, the wildlife issue could best be integrated into the existing Manual by relatively small modifications in the existing text and the addition of dedicated paragraph for wildlife in the existing PolRep. All of these proposals were agreed. In addition, the Contracting Parties asked the consortium to develop a HELCOM Recommendation on national oiled wildlife response planning. This Recommendation was discussed in HELCOM RESPONSE 12 (2010) and, after some amendments, agreed by the Ministerial Meeting the same year (HELCOM, 2010, see table 2 for a summary). HELCOM RESPONSE 12 asked the consortium to make a proposal for a working programme on oiled wildlife response and preparedness, which was presented at HELCOM RESPONSE 13 (2010) that same year.

The HELCOM Response Manual, directly referred to in the Helsinki Convention, and a Recommendation can be considered the highest achievable and most forceful policy instruments that can be agreed under the Convention (except changes to the convention itself), and together with a working programme, provide a strong basis for the progressive development of preparedness for oiled wildlife response in this region. One of the tangible results is testing of the wildlife response as part of the international BALEX DELTA exercise to be held in August 2011 in Denmark. BALEX DELTA is one the largest oil spill response exercises worldwide, held annually and involving several nations around the Baltic Sea.

Topic	Summary content
1. WILDLIFE RESPONSE PLANNING	A section that provide a rationale and recommendations for the development of a wildlife response plan
2. AIMS OF A WILDLIFE RESPONSE	Recommends to prevent, minimize and assess impacts on wildlife populations, prevent the continued suffering of individual oiled animals, and ensure the coordinated involvement of responders and volunteers
3. MINIMUM STANDARDS	Recommends to use international standards for <ul style="list-style-type: none"> • Health, safety and environment requirements • Animal welfare requirements • Rehabilitation protocols • Requirements for equipment • Requirements for wildlife impact assessment and post release survival monitoring
4. RESPONSE OPTIONS	This provides a table with a wide range of response options and explains the consequences of selecting them in terms of preparedness requirement. It also provides references to published guidelines on the matter
5. STRATEGY	Recommends the development of different strategies with regards to different oil spill scenarios (seasons, remote areas, geographical complexity, etc)
6. INTEGRATED PLANNING AND COMMAND STRUCTURE	Recommends to integrate the wildlife response plan into existing oil spill response plans, and provides examples for a command structure.
7. TIERED RESPONSE	Provides a model for a 3-tiered response system, including a local response (tier 1), national response (tier 2) and international response (tier 3)
8. THE INVOLVEMENT OF VOLUNTEERS	Distinguishes between different categories of volunteers and recommends strategies how best to involve and coordinate them.
9. FINANCES	Recommends to include wildlife response into existing financial mechanisms for marine pollution emergency response (CLC, IOPC Fund), and refers to the possibilities for submission of a claim for wildlife response
10. REFERENCES	Lists a number of on-line references.

Table 2: Summary of the content of HELCOM Recommendation 31E/6 on integrated wildlife response planning in the Baltic Sea

Integration of wildlife aspects into North Sea/NE Atlantic preparedness

After an initial discussion on oiled wildlife response and preparedness in 2003, Sea Alarm was invited to OTSOPA again in 2008 to present on oiled wildlife response and preparedness, including the results of the European studies. Following this presentation, the Contracting Parties decided to include the reporting on oiled wildlife incidents as part of their standard oil spill response reporting procedure. In 2009 Sea Alarm was invited to the OTSOPA meeting again to report on the recent developments under the Helsinki Convention. Following this the CPs decided to follow a similar trajectory as HELCOM i.e. to make an overview of current oiled wildlife response preparedness of Contracting Parties and to consider inclusion of a wildlife response chapter in the Counter Pollution Manual. Sea Alarm

was asked to assist the Secretariat with this task and to present the results of the questionnaire and a preliminary proposal for the inclusion of oiled wildlife response into the manual at OTSOPA 2010. The meeting invited a more elaborate proposal from the Secretariat and Sea Alarm for its next meeting in 2011. It is therefore expected that OTSOPA will also adopt a system of mutual assistance for wildlife responses, and perhaps develop a number of recommendations for integrated oiled wildlife response planning, similarly to those adopted under HELCOM.

Integration of wildlife aspects into Mediterranean preparedness

Following some preliminary discussions between REMPEC and Sea Alarm, REMPEC prepared a proposal for the biannual Assembly meeting of Contracting Parties in 2009. At this meeting REMPEC was mandated to make arrangements with expert organisations with regards to oiled wildlife response preparedness in the region. Following that decision, REMPEC invited Sea Alarm to develop and agree an MoU which allows Sea Alarm to become part of a Mediterranean Assistance Unit to assist a CP in case of an oiled wildlife emergency. The MoU (expected to be signed in 2011) will also allow Sea Alarm to bring a wildlife response element to national training and exercise events organised by REMPEC in cooperation with a Contracting Party.

CONCLUSIONS

Oiled wildlife response is an integrated aspect of oil spill response that needs appropriate planning and preparedness. The recent processes under the European regional agreements demonstrate that governments in Europe have started to explore and even develop instruments as part of their national and international oil spill preparedness. Considering the cultural differences between countries in Europe and differences in the national organisation of oil spill response preparedness, it is positive that these instruments have been built taking international guidelines into consideration, including those developed by the oil industry (IPIECA, 2004), and those developed in European projects that included consultative processes with input of many European states. Progress under HELCOM has been the most remarkable as within 3 years it has led to a very complete set of instruments and strong guidance for Contracting Parties that wish to develop national wildlife response plans. It seems that also the Bonn Agreement will take similar steps in the next few years. The Barcelona Convention, consisting of a much larger number of Contracting Parties and more fundamental cultural and political differences between them, has taken a pragmatic approach that provides Contracting Parties *ad hoc* access at all times to expert advice and support via REMPEC and the MAU facility.

The approaches taken by the European regional agreements to integrate wildlife into oil spill preparedness and response will be helpful examples to other regions of the world where countries work together in similar settings.

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