

UNITED NATIONS ENVIRONMENT PROGRAMME
NAIROBI

**Convention for Co-operation
in the Protection and Development
of the Marine and Coastal Environment
of the West and Central African Region**

**Protocol concerning Co-operation
in Combating Pollution in Cases
of Emergency**



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NOTE. This document should not be considered as an official United Nations document.

CONTENTS

	<i>Page</i>
Introduction to the Abidjan Convention and its related Protocol . .	1
Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region	5
Protocol concerning Co-operation in Combating Pollution in Cases of Emergency	17
<i>Appendix</i>	

INTRODUCTION TO THE ABIDJAN CONVENTION AND ITS RELATED PROTOCOL

1. In accordance with resolution 2997 (XXVII) of the United Nations General Assembly, UNEP was established “as a focal point for environmental action and co-ordination within the United Nations system”. The Governing Council of UNEP has defined this environmental action as encompassing a comprehensive, transsectorial approach to environmental problems which should deal not only with the consequences but also with the causes of environmental degradation.

2. Among the priority areas in which activities are to be developed, the UNEP Governing Council has designated “Oceans”. In order to deal with the complexity of the environmental problems of the oceans in an integrated way, the Governing Council adopted a regional approach as exemplified by its Regional Seas Programme.¹

3. Although the environmental problems of the oceans are global in scope, a regional approach to solving them was adopted in the Stockholm Action Plan and subsequent Governing Council decisions. This approach focuses on specific problems of high priority to the States of a given region, thereby more readily responding to the needs of the Governments and helping to mobilize more fully their own national resources. It was thought that undertaking activities of common interest to coastal States on a regional basis should, in due time, provide the basis for dealing effectively with the environmental problems of the oceans as a whole.

4. Two elements are fundamental to UNEP’s Regional Seas Programme:

(a) Co-operation among Governments of the regions. Since any specific regional programme is aimed at benefiting the States of that region, Governments are invited to participate from the very beginning in the formulation, acceptance, and policy development of the programme. The programme is based on a regional action plan formally adopted by the Governments of the region and is carried out primarily by the national institutions of those Governments. Periodic intergovernmental meetings are used to review the progress made in implementing the agreed work-plan of the programme and to introduce appropriate adjustments in order to meet the wishes of the Governments;

¹ The objective and strategy of the Regional Seas Programme were adopted at the sixth session of the UNEP Governing Council, see UNEP/GC.6/7, para. 397, approved by GC decision 6/2 of 24 May 1978.

(b) Co-ordination of the technical work through the United Nations system and other competent international and regional intergovernmental organizations. Although the regional programmes are implemented predominantly by Government-nominated institutions, a large number of specialized organizations are called upon to provide assistance to these national institutions. UNEP acts as an overall co-ordinator of the regional programme, although in some cases this role is limited to the initial phase of the activities. Thus the support and experience of the whole United Nations system contribute to the programme.

5. The substantive aspect of any regional programme is outlined in a comprehensive "action plan" which is formally adopted by the Governments before the programme becomes operational. Although the specific activities for any region are dependent upon the needs and priorities of that region, all action plans are structured in a similar way and include the following components:

(a) Assessment component. This concerns assessing and evaluating the causes, magnitude and consequences of environmental problems. The most important activities deal with marine pollution assessment and studies of the coastal and marine activities and social and economic factors that may influence, or may be influenced by, environmental degradation;

(b) Management component. The assessment of the environmental situation is undertaken to provide a basis for assisting national policy makers to manage their natural resources in a more effective and sustainable manner. Therefore, each regional programme includes a wide range of activities in the field of environmental management. Such activities may include co-operative regional projects on coastal area development and management, training in environmental impact assessment, management of coastal lagoons, estuaries and mangrove ecosystems, control of industrial, agricultural and domestic wastes, formulation of contingency plans for dealing with pollution emergencies, and others;

(c) Legal component. A legally binding regional convention, elaborated by specific technical protocols, may provide a legal framework for co-operative regional and national action. The legal commitment of Governments clearly expresses their political will to deal individually and jointly with their common environmental problems;

(d) Institutional component. As the programme is implemented primarily through designated national institutions, assistance and training are provided, where necessary, to allow national institutions to participate fully in the programme. Existing global or regional co-ordinating mechanisms are used as appropriate. However, specific, small regional mechanisms may be created by Governments to ensure the proper implementation of the plans;

(e) Financial component. UNEP, together with United Nations and other organizations, provides "seed money" or catalytic financing in the early stages of regional programmes. However, as a programme develops,

it is expected that the Governments of the region will gradually assume full financial responsibility. Government financing may be provided directly to the national institutions participating in the programme or through a special regional trust fund to which Governments make contributions.

6. It should be borne in mind that all components of a regional programme are interdependent. Assessment activities identify the problems that need priority attention in the region. Legal agreements are negotiated to strengthen co-operation among States in managing the identified problems. They also provide an important tool for national policy makers to implement national control measures. Management activities, aimed at controlling existing environmental problems and preventing the development of new ones, are a means by which States fulfil their treaty obligations. Co-ordinated assessment activities then continue to assist Governments by providing scientific information by which to judge whether the legal agreements and management policies are effective.

7. At present, there are ten regional sea areas where action plans are operative or are under development: the Mediterranean (adopted in February 1975); the Kuwait Action Plan Region (adopted in April 1978); the West and Central African Region (adopted in March 1981); the Wider Caribbean Region (adopted in April 1981); the East Asian Seas Region (adopted in April 1981); the South-East Pacific Region (adopted in November 1981); the Red Sea and Gulf of Aden (adoption expected in early 1982); the South-West Pacific (adoption expected in early 1982); the East African Region (under development, adoption expected in 1983); and the South-West Atlantic (under development, adoption expected in 1983).

8. This publication contains the texts of the two legal agreements that have been adopted for the protection and development of the coastal and marine environment of the West and Central African Region. In considering the agreements, the comprehensive scope of environmental assessment and management activities that are carried out to support and make effective the States' legal commitments should be borne in mind.

9. After four years of preparatory activities, UNEP convened the Conference of Plenipotentiaries on Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region in Abidjan from 16 to 23 March 1981. The Conference adopted an action plan for the West and Central African Region and two legal agreements:

9.1 Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region; and

9.2 Protocol concerning Co-operation in Combating Pollution in Cases of Emergency.

10. As at 1 October 1981, the legal agreements have been signed by twelve coastal States of the region. The Government of the Ivory Coast

has been designated as the Depository for the Convention and Protocol.² UNEP has been designated as the secretariat of the Convention and Protocol.³ A list of Signatory States is presented in the appendix to this document.

11. The Abidjan Convention is a comprehensive, umbrella agreement for the protection and management of the marine and coastal areas. It lists the sources of pollution which require control: pollution from ships, dumping, land-based sources, exploration and exploitation of the sea-bed, and pollution from or through the atmosphere. It also identifies environmental management issues for which co-operative efforts are to be made: coastal erosion, specially protected areas, combating pollution in cases of emergency, and environmental impact assessment. There are also articles on scientific and technological co-operation, and liability and compensation.

12. By ratifying a protocol, States accept more specific obligations to control pollution from a discrete source, or to co-operate on some aspect of environmental management. The West and Central African States felt that the Abidjan Convention was too general to provide sufficient protection on its own; no State may become a contracting party without also becoming a party to at least one of the protocols.

13. This flexible formula responds to the needs of the region. It is clear that despite a shared perception of a common regional problem, the coastal States of West and Central Africa are economically and politically heterogeneous. With a framework Convention and "optional" protocols, States may accept the general legal obligation to co-operate to protect their shared resources and progressively may assume more specific duties as the national economic, social and political climate permits.

14. The adoption of the West and Central African regional legal agreements was facilitated by numerous technical surveys, studies and reviews prepared by UNEP with the co-operation of UN, UNIDO, FAO, UNESCO, IOC, WHO, IMCO and other organizations.

²Article 31, Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

³Article 16, *ibid.*

**CONVENTION FOR CO-OPERATION
IN THE PROTECTION AND DEVELOPMENT
OF THE MARINE AND COASTAL ENVIRONMENT
OF THE WEST AND CENTRAL AFRICAN REGION**

The Contracting Parties,

Conscious of the economic, social and health value of the marine environment and coastal areas of the West and Central African Region,

Fully aware of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations,

Recognizing the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the absence of an integration of an environmental dimension into the development process,

Realizing fully the need for co-operation among the Contracting Parties in order to ensure sustainable, environmentally-sound development through a co-ordinated and comprehensive approach,

Realizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the West and Central African Region,

Noting that existing conventions concerning marine pollution do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the West and Central African Region,

Have agreed as follows:

Article 1

GEOGRAPHICAL COVERAGE

This Convention shall cover the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the West and Central African Region, from Mauritania to Namibia inclusive, which have become Contracting Parties to this Convention under conditions set forth in article 27 and paragraph 1 of article 28 (hereinafter referred to as the Convention area).

Article 2

DEFINITIONS

For the purposes of this Convention:

1. "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, coastal zones, and related inland waters resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing, impairment of quality for use of sea-water and reduction of amenities.
2. "Organization" means the body designated as the secretariat of the Convention and its related protocols according to article 16 of the Convention.

Article 3

GENERAL PROVISIONS

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine and coastal environment of the West and Central African Region, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements shall be deposited with the Organization and, through the Organization, communicated to all Contracting Parties.
2. Nothing in this Convention or related protocols shall be deemed to affect obligations assumed by a Contracting Party under agreements previously concluded.
3. Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any Contracting Party concerning the nature and extent of its maritime jurisdiction.

Article 4

GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures in accordance with the provisions of this Convention and its protocols in force to which they are parties to prevent, reduce, combat and control pollution of the Convention area and to ensure sound environmental management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.
2. In addition to the Protocol concerning co-operation in combating pollution in cases of emergency opened for signature on the same date as this Convention, the Contracting Parties shall co-operate in the formulation and

adoption of other protocols prescribing agreed measures, procedures, and standards to prevent, reduce, combat and control pollution from all sources or promoting environmental management in conformity with the objectives of this Convention.

3. The Contracting Parties shall establish national laws and regulations for the effective discharge of the obligations prescribed in this Convention, and shall endeavour to harmonize their national policies in this regard.

4. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations to establish and adopt recommended practices, procedures and measures to prevent, reduce, combat and control pollution from all sources in conformity with the objectives of this Convention and its related protocols, and to assist each other in fulfilling their obligations under this Convention and its related protocols.

5. In taking measures to prevent, reduce, combat and control pollution of the Convention area or to promote environmental management, the Contracting Parties shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 5

POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures in conformity with international law to prevent, reduce, combat and control pollution in the Convention area caused by normal or accidental discharges from ships, and shall ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of this type of pollution.

Article 6

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution in the Convention area caused by dumping from ships and aircraft, and shall ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of this type of pollution.

Article 7

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution of the Convention area caused by discharges from rivers, estuaries, coastal establishments and outfalls, coastal dumping or emanating from any other sources on their territories.

Article 8

POLLUTION FROM ACTIVITIES RELATING TO EXPLORATION AND EXPLOITATION OF THE SEA-BED

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution resulting from or in connection with activities relating to the exploration and exploitation of the sea-bed and its subsoil subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction.

Article 9

POLLUTION FROM OR THROUGH THE ATMOSPHERE

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution in the Convention area resulting from or transported through the atmosphere.

Article 10

COASTAL EROSION

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control coastal erosion in the Convention area resulting from man's activities, such as land reclamation and coastal engineering.

Article 11

SPECIALLY PROTECTED AREAS

The Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other marine life. To this end, the Contracting Parties shall endeavour to establish protected areas, such as parks and reserves, and to prohibit or control any activity likely to have adverse effects on the species, ecosystems or biological processes in such areas.

Article 12

CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Contracting Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.

2. Any Contracting Party which becomes aware of a pollution emergency in the Convention area should, without delay, notify the Organization and, either through this Organization or directly, any other Contracting Party likely to be affected by such emergency.

Article 13

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the Contracting Parties shall develop technical and other guidelines to assist the planning of their development projects in such a way as to minimize their harmful impact on the Convention area.

2. Each Contracting Party shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, that may cause substantial pollution of, or significant and harmful changes to, the Convention area.

3. The Contracting Parties shall, in consultation with the Organization, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 14

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties shall co-operate, with the assistance of competent international and regional organizations, in the field of scientific research, monitoring and assessment of pollution in the Convention area, and shall exchange data and other scientific information for the purpose of this Convention and its related protocols.

2. In addition, the Contracting Parties shall develop and co-ordinate national research and monitoring programmes concerning all types of pollution in the Convention area and shall establish, in co-operation with competent international and regional organizations, a regional network of national research centres and institutions to ensure compatible results. The Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

3. The Contracting Parties shall co-operate, directly or through competent international or regional organizations, in the development of programmes for technical and other assistance in fields related to marine pollution and sound environmental management of the Convention area.

Article 15

LIABILITY AND COMPENSATION

The Contracting Parties shall co-operate in the formulation and adoption of appropriate rules and procedures for the determination of liability and the payment of adequate and prompt compensation for damage resulting from pollution of the Convention area.

Article 16

INSTITUTIONAL ARRANGEMENTS

1. The Contracting Parties designate the United Nations Environment Programme as the secretariat of the Convention to carry out the following functions:

- (i) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 17 and 18;
- (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 12, and 22;
- (iii) To perform the functions assigned to it by the protocols to this Convention;
- (iv) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its related protocols and annexes thereto;
- (v) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in article 17;
- (vi) To enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

2. Each Contracting Party shall designate an appropriate national authority as responsible for the co-ordination of national efforts for implementing this Convention and its related protocols. The appropriate national authority shall serve as the channel of communication between the Contracting Party and the Organization.

Article 17

MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, supported by at least three other Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and its related protocols and, in particular:

- (i) To consider reports submitted by the Contracting Parties under article 22;
- (ii) To adopt, review and amend as required annexes to this Convention and to its related protocols, in accordance with the provisions of article 20;
- (iii) To make recommendations regarding the adoption of any additional protocols or amendments to this Convention or its related protocols in accordance with the provisions of articles 18 and 19;

- (iv) To establish working groups as required to consider any matters concerning this Convention and its related protocols and annexes;
- (v) To review the state of pollution in the Convention area;
- (vi) To consider and to adopt decisions concerning co-operative activities to be undertaken within the framework of this Convention and its related protocols, including their financial and institutional implications;
- (vii) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its related protocols.

Article 18

ADOPTION OF ADDITIONAL PROTOCOLS

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 2 of article 4.

2. A conference of plenipotentiaries shall be convened for the purpose of adopting additional protocols by the Organization at the request of not less than two thirds of the Contracting Parties.

3. Pending the entry into force of this Convention, the Organization may, after consulting with the signatories to this Convention, convene a conference of plenipotentiaries for the purpose of adopting additional protocols.

Article 19

AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Contracting Party to this Convention may propose amendments to the Convention or to any of the protocols. The texts of any such draft amendments shall be communicated to the Contracting Parties by the Organization six months before their submission to an ordinary meeting of the Contracting Parties for examination.

2. Any amendment shall be adopted by a two-thirds majority of the Contracting Parties and shall enter into force twelve months after its approval.

Article 20

ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any of its protocols shall form an integral part of the Convention or such protocol.

2. Except as may be otherwise provided in any protocol, the procedure foreseen in article 19 shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol.

3 The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article, provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

Article 21

RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 17 and 18 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 22

REPORTS

The Contracting Parties shall transmit to the Organization reports on the measures adopted in the implementation of this Convention and of protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 23

COMPLIANCE CONTROL

The Contracting Parties undertake to co-operate in the development of procedures enabling them to control the application of this Convention and its related protocols.

Article 24

SETTLEMENT OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its related protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall be submitted to arbitration under conditions to be adopted by the Contracting Parties in an annex to this Convention.

Article 25

RELATIONSHIP BETWEEN THE CONVENTION AND ITS RELATED PROTOCOLS

1. No State may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol. No State may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 17, 19 and 20 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 26

SIGNATURE

This Convention and the Protocol on Co-operation in Combating Pollution in Cases of Emergency shall be in Abidjan from 23 March to 22 June 1981 for signature by any coastal or island State, from Mauritania to Namibia inclusive.

Article 27

RATIFICATION, ACCEPTANCE AND APPROVAL

This Convention and any protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Ivory Coast, which will assume the functions of Depositary.

Article 28

ACCESSION

1. As from 23 June 1981, the present Convention and the Protocol concerning Co-operation in Combating Pollution in Cases of Emergency shall be open for accession by the States referred to in article 26.

2. After the entry into force of this Convention and any protocol thereto, any African State not referred to in article 26 may accede to them.

3. This Convention and any protocol thereto shall also remain open after the entry into force for accession by any other State, subject to the prior approval of three quarters of the States referred to in article 26 which have become Contracting Parties.

4. Instruments of accession shall be deposited with the Depositary.

Article 29

ENTRY INTO FORCE

1. This Convention and the first of its protocols shall enter into force on the same date, in accordance with the following paragraph 2.

2. The Convention, and any of its protocols shall enter into force on the sixtieth day following the date of deposit of at least six instruments of ratification, acceptance or approval of, or accession to, such Convention and protocol by the Parties referred to in article 26.

3. Thereafter, this Convention and any protocol thereto shall enter into force with respect to any State referred to in article 26 on the sixtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 30

WITHDRAWAL

1. At any time after five years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect ninety days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 31

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Contracting Parties, any other Party referred to in article 26, and the Organization:

- (i) Of the signature of this Convention and any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 26, 27 and 28;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 29;
- (iii) Of notifications of withdrawal made in accordance with article 30;

- (iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of these amendments in accordance with the provisions of article 19;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 20.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of the Ivory Coast, which shall send certified copies thereof to the Contracting Parties, to the Organization of African Unity, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Abidjan on this twenty-third day of March one thousand nine hundred and eighty-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

Article 1

For the purposes of this Protocol:

1. "Appropriate National Authority" means the authority designated by the Government of a Contracting Party in accordance with paragraph 2 of article 16 of the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, and responsible for:

(a) Combating and otherwise operationally responding to marine emergencies;

(b) Receiving and co-ordinating reports of particular marine emergencies;

(c) Co-ordinating activities relating to marine emergencies in general within its own Government and with other Contracting Parties.

2. "Marine Emergency" means any incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine and coastal environment by oil or other harmful substances and includes, in particular, collisions, strandings and other incidents involving ships, including tankers, petroleum production blow-outs and the presence of oil or other harmful substances arising from the failure of industrial installations.

3. "Marine Emergency Contingency Plan" means a plan, prepared on a national, bilateral or multilateral basis, to deal with pollution and other adverse effects on the marine and coastal environment, or the threat thereof, resulting from accidents or other unforeseen events.

4. "Marine Emergency Response" means any activity intended to prevent, reduce, combat and control pollution by oil or other harmful substances or threat of such pollution resulting from marine emergencies and includes the clean-up of oil slicks and recovery or salvage of packages, freight containers, portable tanks, or road and rail wagons.

5. "Related Interests" means the interests of a Contracting Party directly or indirectly affected or threatened by a marine emergency, such as:

(a) Maritime, coastal, port or estuarine activities, including fisheries activities;

(b) Historic and tourist attractions of the area concerned;

(c) The health and well-being of the inhabitants of the area concerned, including the conservation of living marine resources and wildlife and the protection of marine and coastal parks and reserves.

6. "Convention" means the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

7. "Organization" means the organization referred to in article 16 of the Convention as responsible for the secretariat functions of the Convention.

Article 2

The area to which this Protocol applies (hereinafter referred to as the "Protocol area") shall be the same as the Convention area as defined in article 1 of the Convention.

Article 3

This Protocol shall apply to actual or potential marine emergencies which constitute a substantial pollution danger to the Protocol area and related interests of the Contracting Parties.

Article 4

The Contracting Parties undertake to co-operate in all matters relating to the taking of necessary and effective measures to protect their respective coastlines and related interests from the threat and effects of pollution resulting from marine emergencies.

Article 5

Each Contracting Party shall provide the other Contracting Parties and the Organization with information concerning:

- (a) Its appropriate national authority;
- (b) Its laws, regulations and other legal instruments relating generally to matters referred to in this Protocol, including those concerning the organization and operation of the appropriate national authority, to the extent that this organization and operation relates to matters referred to in this Protocol;
- (c) Its national marine emergency contingency plans.

Article 6

The Contracting Parties shall exchange, either through the Organization or directly, information on research and development programmes, including results concerning ways in which pollution by oil and other harmful substances may be dealt with, and on experiences in combating such pollution.

Article 7

1. Each Contracting Party undertakes to require masters of ships flying its flag and pilots of aircraft registered in its territory, and persons in charge of offshore structures operating under its jurisdiction to report by the most rapid and adequate channels in the circumstances, and in accordance with the annex to this Protocol, to any Contracting Party:

(a) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;

(b) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Contracting Parties.

2. Any Contracting Party receiving a report pursuant to paragraph 1 above shall promptly inform the Organization and, either through the Organization or directly, the appropriate national authority of any Contracting Party likely to be affected by the marine emergency.

Article 8

1. Any Contracting Party requiring assistance for dealing with a marine emergency, including the recovery or salvage of packages, freight containers, portable tanks, or road or rail wagons, may call for assistance from any other Contracting Party. The call for assistance shall be made initially to other Contracting Parties whose coastlines and related interests might be affected by the marine emergency involved. The Contracting Parties to whom a request is made pursuant to this paragraph undertake to use their best endeavours to render the assistance requested.

2. The assistance referred to in paragraph 1 of this article may include:

(a) The provision and reinforcement of personnel, material, and equipment;

(b) The provision and reinforcement of surveillance and monitoring capacity;

(c) The provision of pollution disposal sites; or

(d) The facilitation of the transfer of personnel, equipment and material into, out of, and through the territories of the Contracting Parties.

3. Any Contracting Party requesting assistance pursuant to paragraph 1 of this article shall report the results following from the request to the other Contracting Parties and to the Organization.

4. The Contracting Parties undertake to consider as soon as possible and in accordance with the means available to them the allocation of tasks for responding to marine emergencies within the Protocol area.

5. Each Contracting Party undertakes to inform the other Contracting Parties and the Organization of measures taken in dealing with marine emergencies in cases where those other Contracting Parties are not called upon to provide assistance.

Article 9

1. The Contracting Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, marine emergency contingency plans and means for combating pollution by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

2. The Contracting Parties shall co-operate in developing standing instructions and procedures to be followed by their appropriate national authorities who have responsibility for receiving and transmitting reports of pollution by oil and other harmful substances made pursuant to article 7 of this Protocol. Such co-operation shall be designed to ensure speedy and routine reception, transmission and dissemination of these reports.

Article 10

1. Each Contracting Party shall act in accordance with the following principles in the conduct of marine emergency responses carried out under its authority:

(a) Make an assessment of the nature and extent of the marine emergency and transmit the results of the assessment to any other Contracting Party concerned;

(b) Determine the necessary and appropriate action to be taken with respect to the marine emergency in consultation, where appropriate, with other Contracting Parties;

(c) Make the necessary reports and requests for assistance under articles 7 and 8 of this Protocol; and

(d) Take appropriate and practical measures to prevent, reduce, combat and control the effects of pollution, including surveillance and monitoring of the marine emergency.

2. In carrying out marine emergency responses under this Protocol the Contracting Parties shall:

(a) Act in conformity with the principles of international law and with international conventions having applicability to marine emergency responses; and

(b) Inform the Organization of those marine emergency responses.

Article 11

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 17 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings, as provided in article 17 of the Convention.

2. It shall be the function of the meetings of the Contracting Parties to this Protocol, in particular:

(a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(b) To review and amend as required any annex to this Protocol;

(c) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 12

1. The provisions of the Convention relating to any protocol shall apply with respect to this Protocol.

2. The rules of procedure and financial rules adopted pursuant to article 21 of the Convention shall apply with respect to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Abidjan on this twenty-third day of March one thousand nine hundred and eighty-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX

Guidelines for the Report to be made pursuant to article 7 of the Protocol

1. Each report shall, as far as possible, contain:

(a) The identification of the source of pollution (e.g. identity of the ship), where appropriate;

(b) The geographical position, time and date of the occurrence of the incident or of the observation;

(c) The marine meteorological conditions prevailing in the area;

(d) Where the pollution originates from a ship, relevant details respecting the condition of the ship.

2. Each report shall also contain, whenever possible:

(a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);

(b) A statement or estimate of the quantity, concentration and likely condition of harmful substances discharged or likely to be discharged into the sea;

(c) Where relevant, a description of the packaging and identifying marks; and

(d) The name of the consignor, consignee or producer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance, and whether such substance was or is carried in bulk or contained package form, freight containers, portable tanks, or submarine pipelines.

4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in article 7 of this Protocol shall:

(a) Supplement, as far as possible, the initial report, and as necessary, with information concerning further development; and

(b) Comply as fully as possible with requests from affected Parties for additional information.

APPENDIX

Status as at 30 October 1981 of the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and its related Protocol

<i>States</i>	<i>Convention</i>		<i>Protocol^a</i>	
	<i>Signature</i>	<i>Ratification</i>	<i>Signature</i>	<i>Ratification</i>
Angola	—	—	—	—
Benin	23 Mar. 81	—	23 Mar. 81	—
Cape Verde	—	—	—	—
Congo	23 Mar. 81	—	23 Mar. 81	—
Equatorial Guinea	—	—	—	—
Gabon	23 Mar. 81	—	23 Mar. 81	—
Gambia	13 June 81	—	13 June 81	—
Ghana	23 Mar. 81	—	23 Mar. 81	—
Guinea	23 Mar. 81	—	23 Mar. 81	—
Guinea-Bissau	—	—	—	—
Ivory Coast	23 Mar. 81	—	23 Mar. 81	—
Liberia	23 Mar. 81	—	23 Mar. 81	—
Mauritania	22 June 81	—	22 June 81	—
Namibia	—	—	—	—
Nigeria	23 Mar. 81	—	23 Mar. 81	—
Sao Tome and Principe	—	—	—	—
Senegal	23 Mar. 81	—	23 Mar. 81	—
Sierra Leone	—	—	—	—
Togo	23 Mar. 81	—	23 Mar. 81	—
United Republic of Cameroon	—	—	—	—
Zaire	—	—	—	—

^a Protocol concerning Co-operation in Combating Pollution in Cases of Emergency.