

REGIONAL MEETING OF NATIONAL LEGAL AND TECHNICAL EXPERTS ON THE EMERGENCY PROTOCOL TO THE ABIDJAN CONVENTION

REPORT

A INTRODUCTION

1 The UNEP/IMO/IPIECA Meeting on the revision of the emergency Protocol to the Abidjan Convention was held in Yaoundé, Cameroon on 6th November 2009

2 The main objective of the Meeting was to review the draft emergency Protocol which resulted from the meeting held in Accra, Ghana, in August 2007 with the amendments introduced since, including the ones suggested by UNEP.

3 All the countries of the West and Central Africa (WACAF) region plus South Africa had been invited to nominate participants to the Meeting, taking into consideration the objectives of the Meeting.

4 The Meeting was organized back-to-back with the regional Workshop “Oil Spill response: from Planning to Practice” organised under the auspices of IMO and IPIECA within the framework of the Global Initiative for West and Central Africa (GI WACAF)

PARTICIPANTS

5 The Following countries sent representatives to the meeting
Angola, Bénin, Cap Vert, Congo (République démocratique du), Congo (République du), Côte d’Ivoire, Gabon, Gambie, Ghana, Guinée, Guinée-Bissau, Guinée équatoriale, Mauritanie, Namibie, Nigeria, Sao Tome et Principe, Sénégal, Sierra Leone et Togo.

The complete list of participants appear in **Annex 1**

OPENING OF THE MEETING

6 The meeting was chaired by Dr WASSOUNI Amadou, Abidjan Convention focal point for Cameroon, assisted by Mr BA, focal point of Senegal and vice-president of the Bureau of the Contracting Parties to the Abidjan Convention.

7 Mr James CAMARA, Programme Officer, Joint Secretariat for the Abidjan Convention, United Nations Environment Programme (UNEP) welcomed the participants in the name of his organization and introduced the objectives of the meeting as attached at **Annex 2**. He insisted on the fact that the Contracting Parties to the Convention should endeavour to implement the new provisions of the Protocol without waiting for the final adoption of the text and its entry into force.

8 Mr Malamine THIAM, Head, Technical Co-operation Coordination and Major Projects, International Maritime Organization (IMO), welcomed the participants in the name of his organization. He reminded the meeting that the Contracting Parties to the Abidjan Convention had decided during their 5th meeting (COP5) held in Accra in 2000 to revise the

Emergency Protocol to the Abidjan Convention and had identified some of the articles which needed review. He further recalled that it was later agreed that the revision of the Protocol should include an extension to the prevention of pollution by ships. A meeting of national legal and technical experts had taken place in August 2007 in Accra, Ghana, hosted by the Interim Guinea Current Commission established under the Guinea Current Large Marine Ecosystem (GCLME) Project. During the meeting the draft of a new stand alone Protocol was considered and consequently amended. The Meeting finally concluded that for practical reasons, the text should be presented in the format of an amendment to the existing Protocol. A note to that effect was later prepared by IMO as attached at **Annex 3** to this report. A draft resolution for adoption by COP was prepared, which also gave some background information as to the origin of the document. Mr Thiam highlighted that the document didn't change the substance of the text, which resulted from the 2007 meeting but was presented in the format of amendments to the existing Protocol.

9 Mr Thiam suggested that discussions on the Protocol should take place on the general principles as opposed to a detailed discussion article by article. He further suggested that all comments of an editorial nature be passed on directly to the secretariat for their eventual inclusion.

10 Mr BA stressed the importance that the Bureau of Contracting Parties attaches to the meeting. He thanked those who made this meeting possible and he reiterated the appeal by Mr Camara that the implementation of the amended Protocol should be started in anticipation of its formal adoption and entry into force.

11 Dr WASSOUNI welcomed the participants in the name of the host country and thanked the organisers of the meeting.

DISCUSSION OF THE DRAFT

12 Mr Jean-François LEVY, IMO consultant, summarized the changes that the proposed amendments would introduce in the existing Protocol, in particular: the updated definitions; the modification of the title and description of the object to take account of the extension to prevention of pollution from ships; cooperation for maritime traffic surveillance; port reception facilities; places of refuge; the obligation for ships and platforms to have onboard emergency plans and to report pollution incidents or threat thereof; further details on assistance and reimbursement; the establishment of a regional centre; the definition of contact points. A discussion followed this presentation.

13 As regards the format of the draft, one delegate wished that it be presented in a more friendly form. Another one proposed to group the articles in chapters (prevention; response; etc.). The meeting agreed that such proposals would be looked into by the secretariat. It was further mentioned that by the look of it, it will be too complicated and even impossible to have such a clear cut grouping of the articles in chapters.

14 There was a lengthy discussion on the reason to limit the prevention part to ships while the articles on response to an incident deal with pollution or threat thereof whatever the source, platforms included. The representative of IMO underlined that there are international rules for the prevention of pollution by ships but none for platforms. The result of that discussion was an agreement for an additional article to be included in the draft amended

Protocol. A draft text for such an article is attached at **Annex 4** to this report. One delegation further requested the secretariat of the Abidjan Convention to start working on a Protocol dealing with platforms and related matters covered by this additional article.

15 Following a request by several delegates a draft article on the centre was prepared and subsequently accepted by the Meeting as attached at **Annex 5**. It was further agreed that the possibility to establish centres should be introduced in the Convention itself. Some delegates wondered whether it would not be better to refer to “regional centres” in the plural rather than one centre. The meeting agreed that, at this stage, it would be difficult to finance several centres. In addition nothing in the draft prevents from establishing sub-regional centres for certain activities of the regional centre. It was further agreed that a resolution describing the objectives and functions of the centre was necessary. This was later looked into by IMO and the attached text on the Centre, the draft resolution together with a note on both the centre and the resolution were prepared for the consideration of the Parties (**Annex 6** refers). Draft terms of reference and functions for a centre are also attached at **Annex 7**.

16 It was agreed that the reporting system POLREP be proposed as a resolution of Contracting Parties rather than be appended as Annex to the Protocol since the system might need regular updating.

17 The same conclusion was reached as regards a list of the conventions relevant to the Protocol

18 Furthermore it was agreed that paragraph 3.1 b of the draft should read: “to take all necessary measures to eliminate or mitigate the effects of a pollution or threat thereof.”

19 It was agreed that additional definitions of the terms used in the draft should be added, such as “wastes” or “spills”.

20 Some delegates pointed out the difficulty they would have for the coordination of the various ministerial departments concerned with the Protocol. The IMO representative considered that it was a real difficulty but that every effort should be made to overcome it.

21 Referring to paragraph 3 of the General Provisions in the draft revised Protocol and recalling the relationship between the Convention and the Protocol, one delegate expressed concern with regard to the definition of “area” as provided for in the Convention and which refers to “jurisdiction”. The Meeting agreed to request the secretariat of the Convention to replace “jurisdiction” by “sovereignty or jurisdiction” in the text of the Convention.

22 At the end of the discussions on the draft Protocol the IMO representative informed the participants that a number of draft resolutions would need to be prepared for consideration by the Contracting Parties, as a consequence of the above conclusions.

ROADMAP

23 The meeting discussed and agreed on the way forward as reflected in the road map at **Annex 8** to this report. In this respect, countries were urged to do their utmost to respect the agreed deadlines and, if possible, beat them. They were also requested to involve all relevant national stakeholders in the national consultations on the revised Protocol and related documents.

MISCELLANEOUS

24 In reaction to questions put forward by a number of delegates as to the information available worldwide on preparedness and response to marine pollution, it was suggested that delegates consulted the REMPEC and Bonn Agreement websites where they could find interesting information in both English and French at: www.rempec.org and www.bonnagreement.org .

CLOSURE OF THE MEETING

25 The chairman, UNEP and IMO representatives expressed their appreciation of the good spirit of cooperation, which prevailed during the meeting and expressed their satisfaction for a rewarding meeting. They thanked all those who had contributed to make this meeting a success.

ANNEX 1

LIST OF PARTICIPANTS

ANGOLA

Ms. Maria Luisa M. Campos

BENIN

Ms. Rihanath Olga Ichola

Mr. Tairou Boukari

CAMEROUN

Mr. Wassouni

Mr. Augustine Ndum

Samuel Roger Minkeng

CAP VERT

Mr. Nuno Miguel Ribeiro

CONGO (RÉPUBLIQUE du)

Mr. Paul Banga

Mr. Dzaba Bounkou Benjamin

CONGO (RÉPUBLIQUE DÉMOCRATIQUE du)

Mr. Diatulu Nsunda Jacques

Mr. Mwamba Nyembo

CÔTE D'IVOIRE

Mr. Niagne Martin Dibi

Mr. Koffi Sebastien Ouffoue

Ms. Kaba Nassere

GABON

Mr. Louis Leandre E. Tsibah

GAMBIE

Mr. Lamin S. Tamba

GHANA

Mr. Kojo Agbenor-Efunam
Capt. Kwame Deynu

GUINÉE

Mr. Ibrahima N'gaye Camara
Mr. Moudjitaba Sow

GUINÉE-BISSAU

Mr. Octavio Cabral

GUINÉE ÉQUATORIALE

Mr. Pedro Mensuy Asumu
Mr. Simon Osa Adugu

MAURITANIE

Mr. Cheikh Ould Khaled

NAMIBIE

Mr. Lelly-Saima Uukule

NIGERIA

Ms. Catherine Chinyere Nwuba
Akin Awobamise
Dr. Bamidele Ajakaiye

SAO TOME ET PRINCIPE

Eng. Fernando Lima da Trindade
Mr. Manuel F. DE CEITA VAZ DO ROSÁRIO

SÉNÉGAL

Mr. Ba Elimane
Mr. Babacar Ba
Mr. Gomis Diedhou

SIERRA LEONE

Mr. Alhaji Wurroh Jalloh

TOGO

Mr. Kouami Amekoudji Guinhouya

PNUE

Mr. James Kamara

Mr. Robert Wabunoha

OMI

Mr. Stefan Micallef

Mr. Malamine Thiam

Mr. Jean Francois Levy

IPIECA

Mr. Philippe de Susanne

ANNEX 2

OBJECTIVES OF THE MEETING

1. create awareness and a common understanding of the forthcoming emergency protocol activities.
2. provide a framework for building consensus on the proposed emergency protocol.
3. provide a forum for interaction between the legal aspects and technical matters as well as interaction between the different officials/ministries.
4. present and consider the focus of the amendments of the Accra text of the Emergency draft Protocol (2007) and make necessary recommendations.
5. discuss and propose the way forward towards the negotiation, adoption, eventual ratification and implementation of the protocol.

This meeting should take into account the following

1. current status of the Emergency Protocol.
2. general focus of areas of the amendments with a view to improving those areas and making more recommendation, if any.
3. general trends in emergency pollution response measures that can be of benefit to this region and therefore to the protocol.

ANNEX 3

NOTE BY IMO

The meeting held in Accra in August 2007 adopted a draft for the total replacement of the existing Protocol on co-operation in combating pollution in cases of emergency. The following text is presented in the format of a draft amendment to the existing Protocol. The substance is exactly what was adopted in Accra. However a few changes have been introduced to take into account some modifications proposed by the UNEP Secretariat. In particular the new name of the Protocol is adapted to the accession of South Africa to the Convention and Protocol.

RESOLUTION OF THE MEETING OF THE CONTRACTING PARTIES ON THE AMENDMENT TO THE “EMERGENCY PROTOCOL” TO THE ABIDJAN CONVENTION

DRAFT AMENDMENT TO THE PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

The Contracting Parties to the Protocol concerning co-operation in combating pollution in cases of emergency to the Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the West, Central and Southern African Region, adopted at Abidjan on 23 March 1981 as amended,

Considering that the cooperation of all the coastal States of the Area covered by the Convention should be extended to the prevention of pollution from ships

Acknowledging the role of the International Maritime Organization and the importance of cooperating within the framework of this Organization, in particular in promoting the adoption and the development of international rules and standards to prevent, reduce and control pollution of the marine environment from ships,

Recognizing also the importance of cooperation in the Area covered by the Convention in promoting the effective implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships,

Recognizing further the importance of prompt and effective action at the national, sub-regional and regional levels in taking emergency measures to deal with pollution of the marine environment or a threat thereof,

Applying the precautionary principle, the polluter pays principle and the method of environmental impact assessment, and utilizing the best available techniques and the best environmental practices,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, which is in force and to which many coastal States of the Area are Parties,

Taking into account the international conventions dealing in particular with maritime safety, the prevention of pollution from ships, preparedness for and response to pollution incidents, and liability and compensation for pollution damage,

Wishing to further develop mutual assistance and cooperation in preventing and combating pollution,

Have agreed to amend the Protocol as stated in document annexed to this resolution.

ANNEX TO THE RESOLUTION

AMENDMENT TO THE PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

Article 1

A preamble is added as follows:

“The Contracting Parties to the Protocol concerning co-operation in combating pollution in cases of emergency to the Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the West, Central and Southern African Region, adopted at Abidjan on 23 March 1981 as amended,

Desirous of implementing articles 5 and 12 of the Convention relating to cooperation in combating pollution in cases of emergency and in preventing pollution by ships

Considering that the cooperation of all the coastal States of the Area covered by the Convention should be extended to the prevention of pollution from ships

Acknowledging the role of the International Maritime Organization and the importance of cooperating within the framework of this Organization, in particular in promoting the adoption and the development of international rules and standards to prevent, reduce and control pollution of the marine environment from ships,

Recognizing also the importance of cooperation in the Area covered by the Convention in promoting the effective implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships,

Recognizing further the importance of prompt and effective action at the national, sub-regional and regional levels in taking emergency measures to deal with pollution of the marine environment or a threat thereof,

Applying the precautionary principle, the polluter pays principle and the method of environmental impact assessment, and utilizing the best available techniques and the best environmental practices,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, which is in force and to which many coastal States of the Area are Parties,

Taking into account the international conventions dealing in particular with maritime safety, the prevention of pollution from ships, preparedness for and response to pollution incidents, and liability and compensation for pollution damage,

Wishing to further develop mutual assistance and cooperation in preventing and combating pollution.”

Article 2

The title of the Protocol is replaced by “Protocol concerning co-operation in preventing of pollution from ships and, in case of emergency, in combating pollution of the marine and coastal environment of the Western, Central, and Southern African Region

Article 3

Articles 1 to 10 of the Protocol are replaced by the following text:

“Article 1

DEFINITIONS

For the purpose of this Protocol:

(a) “*Convention*” means the Convention for Cooperation in the Protection, **Management** and Development of the Marine and Coastal Environment of the **Western, Central and Southern African Region**, adopted at Abidjan on 23 March 1981 **as amended**,

(b) “*Pollution incident*” means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and/or hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response;

(c) “*Hazardous and noxious substances*” means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

(d) “*Related interests*” means the interests of a coastal State directly affected or threatened and concerning, among others:

(i) maritime activities in coastal areas, in ports or estuaries, including fishing activities;

(ii) the historical and tourist appeal of the area in question, including water sports and recreation;

(iii) the health of the coastal population;

(iv) the cultural, aesthetic, scientific and educational value of the area;

(v) the conservation of biological diversity and the sustainable use of marine and coastal biological resources;

(e) “*International regulations*” means regulations aimed at preventing, reducing and controlling pollution of the marine environment from ships as adopted, at the global level and in conformity with international law, under the aegis of United Nations specialized agencies, and in particular of the International Maritime Organization;

(f) “*Regional Centre*” means the Centre designated by the Contracting Parties to the Convention which carries out the tasks described in this Protocol and any other tasks assigned to it by the meeting of Contracting Parties.

“*Article 2*”

PROTOCOL AREA

The area to which the Protocol applies shall be the Area as defined in Article 1 of the Convention [as amended].

“*Article 3*”

GENERAL PROVISIONS

1. The Parties shall cooperate:

(a) to implement international regulations to prevent, reduce and control pollution of the marine environment from ships; and

(b) to take all necessary measures in cases of pollution incidents.

2. In cooperating, the Parties should take into account as appropriate the participation of local authorities, non-governmental organizations and socio-economic actors.

3. Each Party shall apply this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to apply this Protocol shall be in accordance with international law.

“*Article 4*”

CONTINGENCY PLANS AND OTHER MEANS OF PREVENTING AND COMBATING POLLUTION INCIDENTS

1. The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, contingency plans and other means of preventing and combating pollution incidents. These means shall include, in particular, equipment, ships, aircraft and personnel prepared for operations in cases of emergency. The contingency plan shall also include the provisions to stock and dispose of the wastes resulting from the pollution incident, the enactment, as appropriate, of relevant legislation, the development or strengthening of the capability to respond to a pollution incident as well as the designation of a national authority or authorities responsible for the implementation of this Protocol.
2. The Parties shall also take measures in conformity with international law to prevent the pollution of the Protocol Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag State, port State and coastal State, and their applicable legislation. They shall develop their national capacity as regards the implementation of those international conventions and may cooperate for their effective implementation through bilateral or multilateral agreements.
3. The Parties shall inform the Regional Centre at least every two years of the measures taken for the implementation of this Article. The Regional Centre shall present a report to the Parties on the basis of the information received.

“Article 5

MONITORING

The Parties shall progressively develop and apply, individually and/or through bilateral or multilateral cooperation, monitoring activities covering the Protocol Area in order to prevent, detect and combat pollution, and to ensure compliance with the applicable international regulations.

“Article 6

CO-OPERATION IN RECOVERY OPERATIONS

In case of release or loss overboard of hazardous and noxious substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, the Parties shall cooperate as far as practicable in the salvage of these packages and the recovery of such substances so as to prevent, reduce and control the danger to the marine and coastal environment.

“Article 7

DISSEMINATION AND EXCHANGE OF INFORMATION

1. Each Party undertakes to disseminate to the other Parties information concerning:
 - (a) the competent national organization or authorities responsible for combating pollution of the sea by oil and hazardous and noxious substances;
 - (b) the competent national authorities responsible for receiving reports of pollution of the sea by oil and hazardous and noxious substances and for dealing with matters concerning measures of assistance between Parties;
 - (c) the national authorities entitled to act on behalf of the State in regard to measures of mutual assistance and cooperation between Parties;
 - (d) the national organization or authorities responsible for the implementation of paragraph 2 of Article 4, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78;
 - (e) its regulations and other matters which have a direct bearing on preparedness for and response to pollution of the sea by oil and hazardous and noxious substances;

(f) new ways in which pollution of the sea by oil and hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes.

2. [The Parties which have agreed to exchange information directly shall communicate such information to the Regional Centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Protocol Area which are not Parties to this Protocol.]

3. Parties concluding bilateral or multilateral agreements within the framework of this Protocol shall inform of such agreements, which shall communicate them to the other Parties.

“Article 8

COMMUNICATION OF INFORMATION AND REPORTS CONCERNING POLLUTION INCIDENTS

The Parties undertake to coordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information concerning pollution incidents.

The Parties shall also ensure that the Regional Centre has the necessary means of communication to enable it to participate in this coordinated effort and, in particular, to fulfil the functions assigned to it in paragraph 2 of Article 12.

“Article 9

REPORTING PROCEDURE

1. Each Party shall issue instructions to masters or other persons having charge of ships flying its flag and to the pilots of aircraft registered in its territory to report by the most rapid and adequate channels in the circumstances, following reporting procedures to the extent required by, and in accordance with, the applicable provisions of the relevant international agreements, to the nearest coastal State and to this Party:

(a) all incidents which result or may result in a discharge of oil or hazardous and noxious substances;

(b) the presence, characteristics and extent of spillages of oil or hazardous and noxious substances, including hazardous and noxious substances in packaged form, observed at sea which pose or are likely to pose a threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. Each Party shall take appropriate measures with a view to ensuring that the master of every ship sailing in its territorial waters complies with the obligations under (a) and (b) of paragraph 1 and may request assistance from the Regional Centre in this respect. The Centre shall inform the International Maritime Organization and the Secretariat of the Convention of the measures taken through appropriate channels.

3. Each Party shall also issue instructions to persons having charge of sea ports or handling facilities under its jurisdiction to report to it, in accordance with applicable laws, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

4. Each Party shall issue instructions to persons having charge of offshore units under its jurisdiction to report to it by the most rapid and adequate channels in the circumstances, following reporting procedures it has prescribed, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

5. In paragraphs 1, 3 and 4 of this Article, the term “incident” means an incident meeting the conditions described therein, whether or not it is a pollution incident.

6. The information collected in accordance with paragraphs 1, 3 and 4 shall be communicated to the Regional Centre in the case of a pollution incident.

7. The information collected in accordance with paragraphs 1, 3 and 4 shall be immediately communicated to the other Parties likely to be affected by a pollution incident:

(a) by the Party which has received the information, preferably directly or through the Regional Centre; or

(b) by the Regional Centre.

In case of direct communication between Parties, these shall inform the Regional Centre of the measures taken, and the Centre shall communicate them to the other Parties.

8. The Parties shall use a mutually agreed standard form for the reporting of pollution incidents as required under paragraphs 6 and 7 of this Article.

“Article 10

OPERATIONAL MEASURES

1. Any Party faced with a pollution incident shall:

(a) make the necessary assessments of the nature, extent and possible consequences of the pollution incident or, as the case may be, the type and approximate quantity of oil or hazardous and noxious substances and the direction and speed of drift of the spillage;

(b) take every practicable measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the pollution incident;

(c) immediately inform all Parties likely to be affected by the pollution incident of these assessments and of any action which it has taken or intends to take, and simultaneously provide the same information to the Regional Centre, which shall communicate it to all other Parties;

(d) continue to observe the situation for as long as possible and report thereon in accordance with Article 9.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard:

(a) human lives;

(b) the ship itself; in doing so, damage to the environment in general shall be prevented or minimized.

Any Party which takes such action shall inform the International Maritime Organization and the Secretariat of the Convention either directly or through the Regional Centre.

“Article 10A

EMERGENCY MEASURES ON BOARD SHIPS, ON OFFSHORE INSTALLATIONS AND IN PORTS

1. Each Party shall take the necessary steps to ensure that ships flying its flag have on board a pollution emergency plan as required by, and in accordance with, the relevant international regulations.

2. Each Party shall require masters of ships flying its flag, in case of a pollution incident, to follow the procedures described in the shipboard emergency plan and in particular to provide the proper authorities, at their request, with such detailed information about the ship and its cargo as is relevant to actions taken in pursuance of Article 9, and to cooperate with these authorities.

3. Each Party shall take appropriate measures with a view to ensuring that the master of every ship sailing in its territorial waters complies with the obligation under paragraph 2 and may request assistance from the Regional Centre in this respect. It shall inform the International Maritime Organization and the Secretariat of the Convention of the measures taken.

4. Each Party shall require that authorities or operators in charge of sea ports and handling facilities under its jurisdiction as it deems appropriate have pollution emergency plans or similar arrangements that are coordinated with the national system established in accordance

with Article 4 and approved in accordance with procedures established by the competent national authority.

5. Each Party shall require operators in charge of offshore installations under its jurisdiction to have a contingency plan to combat any pollution incident, which is coordinated with the national system established in accordance with Article 4 and in accordance with the procedures established by the competent national authority.

“Article 10B

ASSISTANCE

1. Any Party requiring assistance to deal with a pollution incident may call for assistance from other Parties, either directly or through the Regional Centre, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of the required specialized personnel, products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the Regional Centre may, with the approval of all the Parties involved, coordinate the activity of the facilities put into operation by these Parties.

3. In accordance with applicable international agreements, each Party shall take the necessary legal and administrative measures to facilitate:

(a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

(b) the expeditious movement into, through and out of its territory of the personnel, cargoes, materials and equipment referred to in subparagraph (a)

4. When the request of assistance is presented directly to other Parties, the requesting Party shall inform the Regional Centre.

“Article 10C

REIMBURSEMENT OF COSTS OF ASSISTANCE

1. Unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective action in dealing with pollution in accordance with paragraph 2.

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

(b) if the action was taken by a Party on its own initiative, that Party shall bear the cost of its action;

(c) the principles laid down in subparagraphs (a) and (b) above shall apply unless the Parties concerned otherwise agree in any individual case.

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

4. The Party requesting assistance and the assisting Party shall, where appropriate, cooperate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the

sums compensated or to reduce the costs which have been calculated in accordance with paragraph 3. It may also request a postponement of the reimbursement of such costs.

5. The provisions of this Article shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of national and international law applicable to one or to the other Party involved in the assistance.

“Article 10D

PORT RECEPTION FACILITIES

1. The Parties shall individually, bilaterally or multilaterally take all necessary steps to ensure that reception facilities meeting the needs of ships are available in their ports and terminals. They shall ensure that these facilities are used efficiently without causing undue delay to ships. The Parties are invited to explore ways and means to charge reasonable costs for the use of these facilities.

2. The Parties shall also ensure the provision of adequate reception facilities for pleasure craft.

3. The Parties shall take all the necessary steps to ensure that reception facilities operate efficiently to limit any impact of their discharges to the marine environment.

4. The Parties shall take the necessary steps to provide ships using their ports with updated information relevant to the obligations arising from MARPOL 73/78 and from their legislation applicable in this field.

“Article 10E

SURVEILLANCE OF NAVIGATION

In conformity with generally accepted international rules and standards, the Parties shall individually, bilaterally or multilaterally take the necessary steps to ensure safety of navigation off their coastline, in particular in environmentally sensitive areas. This would include but not limited to surveillance of navigation and in particular the means to receive information from Automatic Information Systems (AIS).

“Article 10F

RECEPTION OF SHIPS IN DIFFICULTY IN PORTS AND PLACES OF REFUGE

The Parties shall progressively define national, sub-regional or regional strategies concerning reception in places of refuge, including ports, of ships in difficulty presenting a threat to the marine environment. They shall cooperate to this end and inform the Regional Centre of the measures they have adopted.

“Article 10G

SUBREGIONAL AGREEMENTS

The Parties may negotiate, develop and maintain appropriate bilateral or multilateral sub-regional agreements in order to facilitate the implementation of this Protocol, or part of it. Upon request of the interested Parties, the Regional Centre shall assist them, within the framework of its functions, in the process of developing and implementing these sub-regional agreements.”

ANNEX 4

[DRAFT] ARTICLE ON PLATFORMS

Each Contracting Party shall adopt national law or other measures, based on the best available practices, dealing with the prevention of incidents or other emergencies from offshore platforms or other systems related with offshore exploration and exploitation in waters under their sovereignty or jurisdiction.

ANNEX 5

[DRAFT] ARTICLE ON THE CENTRE

A regional centre shall be created to assist Contracting Parties, individually or collectively, in the implementation of this Protocol. The objectives, functions and location of the regional centre shall be determined by the Contracting Parties.

ANNEXES 6 AND 7 ARE SENT SEPARATELY

ANNEX 8

YAOUNDÉ ROADMAP

1. By the end of December **2009**, the secretariat will have prepared and circulated 3rd version of the draft Protocol based on the outcome of Yaoundé meeting.
2. By **28 February 2010** all countries must have submitted their comments and inputs on the draft Protocol to the Secretariat.
3. By **31 March 2010** the Secretariat and IMO should have incorporated all comments, made a 4th version and sent back to all countries (as a final document).
4. At the end of **April 2010**, during COP9 of the Abidjan Convention in Abidjan, hold a meeting on:
 - proposed amendments to the Convention and the Emergency Protocol, and
 - adopt the LBSA Protocol.
5. During COP9 of the Abidjan Convention in **April 2010**, agree, by COP decision, on early implementation of certain provisions of the draft Emergency Protocol and other matters related to pollution report, ratification of relevant international conventions on marine environment protection, and
6. Adoption of the amended Emergency Protocol and Convention.